



An  
Bord  
Pleanála

## Inspector's Report PL29N. 248342

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<b>Development</b>	Build handball centre with community centre and bar/restaurant, and a museum after demolition of turnstiles and ticket collection building
<b>Location</b>	Croke Park, Ardilaun Road and Sackville Avenue, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4073/16
<b>Applicant</b>	Niall Erskine and John Green on behalf of the GAA
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party vs. grant
<b>Appellant</b>	Kim Griffin
<b>Observers</b>	Josephine Kells and others
<b>Date of Site Inspection</b>	21 <sup>st</sup> July 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Site Location and Description

1.1. The site is in the north inner city of Dublin. It has a stated area of 3,454m<sup>2</sup> and consists of two discrete parts. The western part includes St. Andrew's House, a two-storey building containing 8 flats on the western side of Ardilaun Road, and an adjoining piece of the curtilage of Croke Park where turnstiles and a ticket office stand. The other part of the site lies on the southern side of Ardilaun Road and is a piece of the curtilage of Croke Villas, a mid 20<sup>th</sup> century development of flats in 4no. 5-storey buildings. Ardilaun Square is a cul-de-sac immediately to the south of the site. A terrace of 8 houses stands upon it. Their rear boundaries adjoin the curtilage of Croke Park.

## 2.0 Proposed Development

2.1. The proposed development has two elements –

To the north of Ardilaun Road it is proposed to demolish the dwellings at St. Andrew's House, as well as gates and a ticket collection building. A new boundary treatment with gates, railings and a wall would be erected set back in roughly in line with the back of the adjoining houses along Ardilaun Road and Ardilaun Square. A new building would be erected with a gift shop on the ground floor with a dedicated entrance for premium seating in the stadium, and offices on the first floor. The building would have a contemporary design with a partially grassed roof and an external stairway to a terrace at first floor level. The building is referred to as the museum building. Its floor area is stated as 565m<sup>2</sup> and its maximum roof height as 10.14m.

To the south of Ardilaun Road it is proposed to build a handball centre with a stated floor area of 3,307m<sup>2</sup> and a maximum roof height of 14.55m. The building would have a modern form with a flat roof and external walls finished in metal and stone cladding, steel mesh and extensive glazing. The ground floor of the building would have a bar/café, a community centre, changing rooms, plant and offices. The design of this building was amended at further information stage, setting back its northern elevation so that its exterior could be accessed from the existing public road to the west without crossing the land that remains in the ownership of the council, and

changing the materials on the southern elevation to avoid the need for access for maintenance across land outside the application site.

The submitted plans show a reorganised system of streets around the application site, including a widening of Sackville Avenue and a new street by the canal to link Ardilaun Square and Sackville Gardens, along with the demolition of Croke Villas and the erection of new housing in building lines facing the new streets.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission subject to 17 conditions. Condition no. 14 requires the handball centre and its bar/restaurant to close by 11.30pm. Condition no. 8 required works to the public road to be agreed with one of the council's departments. Condition no. 14 required the width of the access route from Croke Park to Ballybough Road to be agreed with the housing department of the council.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Report**

The report on the initial application noted that the site itself is owned by the applicant. The principle set out in the development plan for the Strategic Development and Regeneration Area (SDRA) No. 14, of which the site is a part , allows for additional sports facilities. The submitted proposals for pedestrian movement and emergency access to Croke Park are also in keeping with these principles. The submitted plans show a public area and new housing around the site that have not been authorised and which would be on land outside the applicant's control. The development would rely on the public space for access, and so might be considered premature. The use of the proposed handball facility would raise issues about noise and traffic, particularly at night. The size of the building could overbear any new houses behind it. It recommended that further information be requested regarding the proposed access to the facility over land not owned by the applicant or currently provided as public space; the operating hours of the proposed

bar/restaurant; and the details raised in the report from the Housing Department. The report on the further information noted that the revised handball centre could be accessed from the street without crossing land outside the applicant's control. The issue of the width of the gate from Croke Park and the access to the Ballybough Road had not been resolved between the council and the applicant and can be addressed by condition. The further information is considered satisfactory and it was recommended the permission be granted.

### 3.2.2. Other Technical Reports

Housing Department - A report on the initial application raised concerns with details of the proposed handball centre, including overhangs outside the site on land owned by the council; access to maintain the timber cladding proposed on the south east boundary of the site; the requirement for fire escape over the south east boundary of the site; the absence of a loading bay; the provision for separation from houses if the entranceway from Ballybough Road is 18m wide; and concerning the use of the Sackville avenue entrance on days when matches are not being held.

Roads and Traffic Department – The proposed handball centre and associated urban realm improvement works on Sackville Avenue, along with the council's housing development, would change the way the area works with a new vehicular route from Ardilaun Road to Sackville Gardens which would become the emergency access to Croke Park on match days. The redeveloped Sackville Avenue would be c18m wide and would be a main spectator route for Cusack Stand. This would reduce spectator flows on St James Avenue and Foster Terrace. An indicative layout for the public realm is submitted, but the layout of public streets is outside this process and is subject to the Part 8 procedure. The use of parking to serve the handball site within the curtilage of Croke Park would require the gate from Sackville Avenue to remain open. 20 cycle spaces would be provided. The development is considered acceptable from a road perspective at this location and the department has no objective subject to conditions.

### **3.3. Third Party Observations**

An submission was made to the planning authority by the appellant which objected to the proposed development on grounds similar to those raised in the subsequent appeal. It objected to the dereliction of housing that had occurred in the vicinity that the council should have prevented. The council has an obligation to refurbish the flats at Croke Villas. It questioned whether homes should be demolished to facilitate GAA staff. Croke Park is unduly encroaching on the community at Ballybough. The building works would have a negative impact on local people.

### **4.0 Planning History**

There is an extensive planning history associated with Croke Park. The city council approved a proposal under Part 8 of the planning regulations to demolish the buildings at Croke Villas under Reg. Ref. No. 2946/16, and those at 1-8 St. Andrew's House under Reg. Ref. No. 2914/09.

### **5.0 Policy Context**

#### **5.1. Development Plan**

The Dublin City Development Plan 2016/2022 applies. The part of the site to the rear of Ardilaun Road is zoned under objective Z9 for open space and recreational amenity. The rest of the site is zoned under objective Z14 as part of a Strategic Development and Regeneration Area, No 14 at Croke Villas and Environs. Section 15.1.1.17 of the plan sets out principles for development in the area, which includes high quality residential development and the exploitation of the uses at Croke Park, re-developing Sackville Avenue as a high quality space flanked by new residential units and/or recreational and office use, to explore the potential to extend Sackville Gardens providing surveillance of the canal and the green route. A sketch plan shows mixed uses on the site, with new residential units between it and the canal.

#### **5.2. Natural Heritage Designations**

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows-

- The application was invalid. The site notices should have been printed on yellow paper in accordance with article 19(1)(b) of the planning regulations. They were erected on white paper on the 4<sup>th</sup> November 2016 and then on custard coloured paper, photos of which are attached. So the site notices were not properly displayed during the observation period as required by the planning regulation. A previous application, 4402/16 was invalidated by the council. The newspaper notice was published on the same day as the application was made, in breach of article 17 which requires notices to be given in the period of two weeks before the application is made.
- The carrying out of the development is dependent on the opening of roads that is outside the remit of the applicant, as is acknowledged in the Allen Gooch report submitted with the application and by the council planner. There is no planning application to open roads so the present application is invalid because it depends on the council lodges a section 8 application to itself. Consideration cannot be given to the opening of the two cul-de-sacs without consulting the people living there. This is of the utmost importance given the tremendous impact on their homes. The people of Sackville Gardens have been denied the opportunity to object to an application that states a need to open up the cul-de-sac that their homes are on. Neither the notices erected by the GAA nor those by the council refer to the opening of the cul-de-sac on Sackville Gardens and they are therefore misleading. Neither do they make clear that a social housing site is to be redeveloped by the GAA. It was unacceptable for the council to grant permission for an invalid application with misleading notices. No part 8 application has been made to reopen the cul-de-sac at Sackville Gardens.
- The road maps and report on the application and the information published on the council's website are inaccurate. They refer to Ardilaun Square as Ardilaun Road. The council planner's report refers to Ardilaun Avenue and

this was not corrected. Ardilaun Square and Sackville Gardens are not thoroughfares. There is no plan to replace the homes the council are demolishing to make way for a GAA development. The nameplate for Ardilaun Square has been partially hidden for several years. If it is removed this will have serious ramifications for the legal addresses of its residents. The deeds of mortgage holders would be invalidated.

- Prior meetings between the council and the applicant highlight the problem of the council appearing to be favourable to the GAA. The council is in danger of appearing to have sold off public land to a corporation. The development would result in the commercialisation of the community's facilities with a resultant risk of anti-social behaviour. The once iconic Gaelic sports stadium, steeped in Irish history has moved a long way from its original purpose and size and is now home to open top buses, skyline tours, parties, conferences and corporate events. The community has been grossly exploited by the council in relation to this planning application and proposed site development as the area has been left to fall into dereliction for years. The council issued CPOs in the name of a social housing organisation and then granted the GAA permission to build a handball centre, offices and to change the road into an entrance for the stadium. Croke Villas flats are not currently unoccupied and the block accessed from Ardilaun Square is occupied. The idea that social housing would be built beside handball centre is absurd because of the restrictions on access when Croke Park is in use.
- The proposed opening of Sackville Gardens would involve putting a road through green space along the canal with grass and many trees. This would have a significant effect on ecology and birds. Building works, cement, dust, traffic noise and fumes could have a drastic effect on wildlife and vegetation along the canal. Why was not Natura 2000 site conducted? The cul-de-sac would lose its amenity value. No environmental report on the ecology of this area was prepared. The council also failed to conduct an environmental assessment of the houses on Ardilaun Square which are old houses that predate the current stadium.
- The council's procedures for public observations is not suitable for this area. It was inconsiderate and impractical to expect people to make public

observations and pay a fee. The council's duty of care would require it to put a more 'public friendly' process in place.

- Ardilaun Square is a small and quiet street. Its peace and quiet will be decimated if the development goes ahead. A bar and social club would be on the street. A traditional community centre would be focused on children's activity and would be closed by 9pm. The GAA could change the intended operating hours of the bar/restaurant. The GAA's liaison officer provide a means to communicate problems but does not mean that viable solutions will follow. The comments from the GAA's architect regarding the aesthetics of the proposed approach to Croke Park do not address the incompatibility of this use with residential use.
- The community do not have confidence that the council can enforce the conditions on its decision.

## 6.2. Applicant Response

- The application was not invalid. The applicable regulations were adhered to. The planning authority deemed to colour of the site notice to be acceptable as demonstrated by an email dated 6<sup>th</sup> January 2017. The proposed development does not rely on the opening of any roads. Adequate access would be provided from Sackville Gardens and Ardilaun Road. The opening up an widening of Sackville Gardens provides a processional route into the stadium and would provide an enhanced amenity for the city. It would alleviate the need for spectators to use the streets to the north or south of the processional route. The widened boulevard creates a fitting approach to the stadium that contribute positively towards circulation routes in the immediate area and the environs. The proposed route is fully supported by the fire brigade and the Garda.
- The proposal would not involve changing the name of any road and would not affect anyone's address. The applicant contends that the mapping is accurate. The GAA is proving financial support to the provision of social housing on the site which will form part of a separate application by the council. This would be a positive intervention. The dwellings at Ardilaun



Square are not part of the proposed development and no survey of them is required for the current application. The demolition of those houses was part of a separate Part 8 process.

- Traffic movements have been addressed in the report from Allan Gooch Associates and have been approved by the Roads and Traffic Department of the council, by the fire brigade and the Garda. The area is not designated as a Natura 2000 site. It is not unique in terms of wildlife. No Natura 2000 study was required. While the road is considered a cul-de-sac, there is an emergency access gate from Croke Park on to Ardilaun Road. There are detailed landscaping proposals for the boulevard.
- The applicant has held detailed meetings and consultations with the local community and public representatives, achieving almost unanimous support for the project. The GAA intends to continue such community engagement.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

The observation by Josephine Kells and other can be summarises as follows

- The observers are residents of Ardilaun Road and Ardilaun Square. they object to the development as it would severely affect their quality of life. Ardilaun Square is a cul-de-sac that provides a safe place for their children to play. This will be decimated if permission is approved for Sackville Gardens and Ardilaun Square to be made a thoroughfare. The residents of Sackville Gardens are unaware of this proposal. Their quality of life would be greatly impeded if the application for a bar and restaurant is approved due to increased noise levels inside and outside the premises and increased traffic on Ardilaun Road and Ardilaun Square.

## 7.0 Assessment

7.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Validity of the application
- Process
- Policy
- Impact on amenity
- Traffic and access

### **Validity of the application**

7.2. The site and newspaper notices of the application are dated 4<sup>th</sup> November 2016, which is the day that the application was made to the planning authority. It would be a particularly restrictive interpretation of article 17(1) of the planning regulations to regard a submission of an application on the same day that the notices were published as a breach of the requirement for latter to occur before the former. The colour of the site notice could reasonably be described as yellow, which was proper in order to alert third parties that a new application had been made on the site and to distinguish it the notices of the previous part 8 application that referred to the site, in order to achieve the purpose of article 19(4) of the regulations. The newspaper notice and the site location map required under article 23(2)(b) referred to Ardilaun Road and Sackville Avenue, which are the streetnames as they appear on the relevant Ordnance Survey map. In these circumstances I would advise the board that there was no substantial breach of the planning regulations or prejudice to the opportunity of third parties to comment on the proposed development that would justify a finding that the application is not valid.

### **Process**

7.3. The application shows the proposed development in a different context to that which currently pertains around the site, with the buildings at Croke Villas and St. Andrew's House demolished, Sackville Avenue widened, a new road linking the cul-de-sacs at Sackville Gardens and Ardilaun Square, and new housing fronting the new and

widened streets. Permission has been granted for the demolition of Croke Villas and St. Andrew's House under the part 8 procedure, but not for the other works. As they would be outside the site boundary on land that is not in control of the applicant, they could not be authorised or controlled by any permission granted on foot of this application. The board should therefore consider whether it would be premature to grant permission for the proposed handball centre before the relevant public consultations and procedures have been conducted in relation to the changes to the street layout. However I do not consider that it would be premature or prejudicial to the proper consideration of proposals of other alterations to the surrounding built environment, having regard to the following circumstances. The alterations made at further information stage mean that the handball centre and the rest of the proposed development could be built and operated even if the street layout remained unchanged. The development plan sets out the principles for the development of the area around Croke Villas including the site which provide for a re-arrangement of the streets in the manner shown in the drawings submitted with this application. The extent of the site outside the existing curtilage of Croke Park is determined by the boundaries of the land that has been transferred to the applicant by the city council.

- 7.4. Section 247 envisages that prospective applicants for planning permission would consult with planning authorities. The act also establishes the procedures by which third parties may comment on subsequent applications. The provisions of the act, as determined by the Oireachtas, are not open to review in the course of a planning application or appeal. If third parties are not satisfied with the consideration of the application by a planning authority they may appeal to the board, as has occurred in this case. The board does not consult with applicants in the course of planning applications under section 34 of the planning act. It is therefore concluded that the application before the board is in order, and it may be determined in the normal way by reference to the proper planning and sustainable development of the area.

### **Policy**

- 7.5. The proposed museum and pavilion building, including its gift shop and offices, would be in keeping with the established use of Croke Park and the zoning of that part of the site under objective Z9 for open space and recreational amenity. The uses in the proposed handball centre would be recreational, mainly for sport but also with a function room and an ancillary bar/restaurant. These uses and their scale

would be in keeping with the principles for the redevelopment of this area under objective Z14 and section 15.1.1.17 of the development plan which seeks to exploit the uses at Croke Park with recreational and residential uses. The proposed development would not preclude further residential development on the adjoining land, as the site layout plans submitted with the application illustrate. The principle of the proposed development is therefore acceptable and in accordance with the applicable planning policy.

### **Impact on amenity**

- 7.6. The proposed museum and pavilion building would have a marginal impact on the nature and scape of the activities at Croke Park and would not have significant implications for the amenities of other property in the vicinity. The proposed handball centre would generate a certain amount of movement and activity, including that related to the proposed function room and bar/restaurant. However this would not be at a level that was inappropriate for a site zoned for mixed use, even for one that is in close proximity to residential areas. The handball centre would not unduly overshadow, overbear or overlook existing residential properties. The height and bulk of its southern wall would have an impact on the potential residential development on the adjoining lands to avoid undue overbearing of any new homes. But it would not overshadow them and the matter could be addressed by design without compromising the potential of the adjoining land.
- 7.7. The revised boundary and gates for Croke Park would give rise to a particular concern regarding the piece of land immediately to the north of 8 Ardilaun Square, which would be behind the existing building line but in front of the new gates. It would be further screened by new wall to its north. There is a concern that this space would be subject to very little natural surveillance from the street and would allow access to the side of the adjoining residential property at No. 8. It might therefore be prudent for a condition to be attached to any permission clarifying the applicant's responsibility for the proper supervision and maintenance of this piece of land and to provide a planted strip along its boundary with the curtilage of the adjoining house.
- 7.8. The contemporary form and design of the proposed handball centre would be appropriate to this urban area in close proximity to Croke Park, and would properly

address the streets around it. Those of the proposed museum and pavilion building would maintain the architectural character of the modern structures on the curtilage of Croke Park.

- 7.9. The proposed development would not have any significant impact on wildlife, ecology or natural heritage. Works to the canal bank or the alteration to the status of Sacville Gardens or Ardilaun Square are not proposed under the present application and would not be authorised by any grant of permission made pursuant to it.
- 7.10. Having regard to the foregoing, it is concluded that the proposed development would not seriously injure the character of the area or the amenities of existing residential properties in the vicinity or those of the occupants of potential future residential development.

#### **Traffic and access**

- 7.11. The museum and pavilion building and the handball centre with its function room and bar/restaurant would generate a limited amount of additional vehicular traffic and demand for parking. However this would have only a marginal impact in this urban context, where parking would be need to be controlled whether or not the proposed development was carried out. The revisions made to the handball centre at further information stage would provide it with access for pedestrians and deliveries from the existing public road.
- 7.12. The proposed gates would facilitate revised access arrangements for Croke Park during matches and events whereby patrons of the Cusack Stand would walk from the Ballybough Road along a widened Sackville Avenue, with the reserved access for emergency vehicles on this side of the stadium moved to a putative new road along the canal bank. Such an arrangement would appear rational in that it would reduce footfall along the residential streets of St. James's Avenue and Foster , and it would also reflect the principles set out in section 15.1.1.17 of the development plan. However the revised arrangements would require works outside the site and they could not be implemented on foot of the current application. So, while it would be prudent to have regard to the access proposals when considering the present case, their impact and merits do not fall to be determined in course of this application and appeal.

- 7.13. Having regard to the foregoing, it is considered that the proposed development would be acceptable in terms of traffic safety and convenience, and with regard to its likely impact on car parking.

## 8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning of part of the site under the Dublin City Development Plan 2016-2022 under objective Z9 for open space and recreational amenity and part under objective Z14 as Strategic Development and Regeneration Area No. 14, and the associated principles for the area's development set out in section 15.1.1 17 of the plan, and to the established uses at Croke Park and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience, and that it would therefore be in keeping with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of February 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The authorised museum, gift shop and office shall be used only for

purposes ancillary to the use of the sports stadium at Croke Park and shall not be sold or leased separately to it.

**Reason:** To clarify the scope of this permission in accordance with the zoning of the relevant land

3. The hours of operation of the handball centre, including its bar and restaurant, shall not extend past 2330.

**Reason:** In the interest of residential amenity

4. Full details of all external finishes, including materials, colours and textures shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity

5. Full details of any external signage visible from the public road shall be submitted and agreed in writing with the planning authority prior to the commencement of development

**Reason:** In the interest of visual amenity

6. The development and occupier of the site shall take all practicable measures necessary to maintain the area to the north of the curtilage of the property at No. 8 Ardilaun Square in a reasonable condition at all times and to restrict access to the side boundary of that property including the provision of a planted strip along the boundary. Full details demonstrating compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To protect the residential amenity of the adjoining property.

7. The developer shall comply with the following requirements in respect of noise from the premises:

Construction Phase

a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 - Noise Control on Construction and open sites Part 1. Code of practice for basic information

and procedures for noise control.

b) Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

#### Operational Phase

c) The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all plant is operating, shall not exceed the LA90, when no plant is operating, by 5dB(A) or more.

d) The LAeq level measured over 5 minutes, when measured in a habitable room, garden or open space at a time when an outside area would be expected to be used, if entertainment is taking place at the development, shall show no increase when compared with the representative LAeq (5 minutes) level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

e) The Leq level measured over 5 minutes, in the 50Hz to 160Hz third octave bands inclusive measured in a habitable room, garden or open space at a time when an outside area would be expected to be used with entertainment taking place at the development, shall show no increase when compared with the representative Leq measured over 5 minutes in the 50Hz to 160Hz third octave bands inclusive, measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

f) Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

**Reason:** In order to ensure a satisfactory standard of development, in the



interests of residential amenity.

8. The developer shall comply with the following requirements in relation to extraction and ventilation from the bar/restaurant space:

#### Kitchen Extraction

- a) A suitably qualified and experienced person should undertake the design and installation of the kitchen extraction system
- b) The ventilation system should be designed to incorporate a stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance.
- c) A suitable filtration system must be installed to neutralise cooking odours prior to their discharge.
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice herewith. Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings. The development and associated site works must be in compliance with Appendix One, Schedule D - Code of Practice for noise and air pollution control.

**Reason:** To protect residential amenity

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. It shall also include details of vehicular routes that would avoid high vehicles passing under low railway bridges. Hours of working shall be restricted to 0700 to 1800 Mondays to Fridays, 0800 to 1400 on Saturdays, unless the prior written agreement of the planning authority to works outside these hours has been given.

**Reason:** In the interests of public safety and residential amenity

10. . Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

11. . Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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. Stephen J. O'Sullivan  
Planning Inspector

27<sup>th</sup> July 2017