



An
Bord
Pleanála

Inspector's Report PL06S.249104

Development	Construction of 13 maisonettes (comprising 26 no. 2 bed units), associated car parking and ancillary site works.
Location	Drury Mills, Crossforge, Swiftbrook, Saggart, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0090
Applicant(s)	Briargate Developments
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Drury Mills Residents
Observer(s)	No observers
Date of Site Inspection	22 nd November 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located to the west of Saggart Village and forms part of a larger landholding that formerly accommodated Swiftbrook Paper Mills. The site is bound to the north by Castle Road, to the south, by lands reserved for the provision of a primary school, to the west by the Millrace residential development and to the east by the Castleforge residential development. An overhead (110k) power line and associated pylons runs to the north west of the site. There are a number of protected structures in the vicinity of the site including the entrance gates, mill wall, chimney, storage building, mill ponds and mill race associated with the former Swiftbrook Mill.
- 1.2. The site is currently partially bound by hoarding and palisade fencing. It is being used as a construction compound.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 13 maisonettes comprising 26 no. 2 bed units. The development is to be constructed in two blocks separated by a communal open area of 670 sq. metres in area. The larger block, located to the west of the site accommodates 18 no. units, whilst the smaller block to the east contains 6 units.
- 2.2. A dedicated car parking area accommodating 25 no. of spaces is located to the west of the site. A further 8 spaces are located to the east of the site. The units are two storey with attic and own door access. Private open space for each unit is provided in the form of terraces and/or balconies.
- 2.3. Access to the site is via an existing estate road previously permitted under Planning Authority Reference S01A/0706. Materials and finishes are similar to the adjacent Drury Mills housing scheme.
- 2.4. The development was modified at Further Information stage to omit a pair of maisonette units and to rotate unit 19 - 20 by 90 degrees to improve the separation distances between first floor windows of the proposed blocks. In addition, architectural screens were proposed to unit 18 to reduce potential overlooking. The development was also modified to provide a dedicated enclosed communal bin storage area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2: applicant to comply with conditions of previous permission covering the wider area under Reg. Ref. SD14A/0028.

Condition 4: The roof profile of the revised units 19-20 would be visually incongruous with the proposed units to the south (21-24). Revised plans to be submitted requiring the roof profile of units 19-20 to be amended to replicate the roof plane and directional pitch of units 21-24. The revised roof shall remove the visually incongruous gap between units 19-20 and units 21-22 to offer visual symmetry across the front and rear elevation of all 6 units.

Condition 5: A footpath/shared surface of at least 2m in width shall be provided on both sides of the access street to the future school site.

Condition 11: No permanent boundary treatment shall be placed adjoining the proposed connection to the school site adjacent to the parking spaces to the west.

3.2. Planning Authority Reports

3.2.1. Planning Reports (12/05/2017 and 26/07/2017)

- The site forms the final phase of the overall Drury Mills development which is approximately 2.14 hectares in area and which will provide 103 units in total. The proposed density of 48 units per hectare, is generally in accordance with national guidance.
- The development will not directly impact on any Protected Structures in the vicinity of the subject site and is considered acceptable.
- The applicant has submitted a masterplan drawing and design statement which details the relationship of the proposed development with the surrounding development and proposed school site. The details submitted are considered acceptable.

3.2.2. Other Technical Reports

Roads Department (05.05.2017 and 18.07.2017): No objection subject to conditions.

Environmental Health Officer (07.04.2017): No objection subject to conditions.

Water Services (17.07.2017): Further information sought with regard to surface water drainage.

3.3. Prescribed Bodies

An Taisce (11.04.2017):

- The application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Council Development Plan, particular care being taken to see that the development is in keeping with the ambience of the Protected Structure.
- There is no private open space for the units and the public open space is very limited.

3.4 Other

Department of Defence (04.04.2017)

- As the development is within close proximity to Baldonnell Aerodrome, it may be subject to noise from military aviation movements operating within the area on a daily basis.

3.5 Third Party Observations

Josephine Carey, 30 Drury Mills, Saggart, Co. Dublin

- Concerns raised regarding the density of the development, housing mix and that the development conflicts with the Council's policy to support adaptable housing layouts.
- The development will have a negative impact on the visual amenities of the area and the height proposed is inappropriate.
- Concerns raised regarding access, traffic volumes and parking.

4.0 Planning History

4.1 The site has an extensive planning history as it forms part of a larger development site that has been constructed over a number of phases. The relevant reference numbers are SD16A/0333; SD07A/0113/ABP Ref. PL06S.223348; SD06A/0631; SD06A/0494/ABP Ref. PL06S.224883; SD13A/0220; SD10A/0200; SD07A/0112; S01A/0706/EP; S01A/0706/ABP Ref. PL06S.130874. The most relevant application is detailed below:

SD14A/0028. This application related to a larger site which encompassed the subject application site. Permission was sought for a development comprising 109 houses with a range of dwelling types. Permission was granted for units 1 to 72. Permission was refused for units 73-109, the area of which in part relates to the current application. The reasons for refusal were as follows:

- 1. Having regard to the objective for reservation of a site for a primary school contained in the South Dublin County Development Plan 2010-2016 and the Saggart Action Plan (2000), it is considered that the development as proposed would not be in accordance with the proper planning and sustainable development of the area as the reserved site shown on the submitted revised drawing PP01H is inadequate for a 16 classroom school as required by the Department of Education and Skills. The proposal would therefore contravene an objective of the South Dublin County Development Plan 2010-2016.*
- 2. The proposed layout does not facilitate removal of a lesser number of units to achieve the required 1.2 ha school site without resulting in a disjointed urban block with exposed gable ends and rear gardens and which would not achieve acceptable standards of urban design as required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Removal of the stated units allows for the submission of a future planning application for residential development which provides a suitable interface with the school site.*

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the South Dublin County Development Plan 2016-2022. The site is zoned RES – To Protect and/or Improve Residential Amenity. The following policies are of particular relevance:

Policy H7: Urban Design in Residential Developments: It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning and Development Act 2000 as amended.

Policy H8: Residential Densities: It is the policy of the Council to promote higher densities at appropriate locations and to ensure that the density of new residential developments appropriate to its location and surrounding context.

Policy H9: Residential Building Heights: It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Policy H10: Mix of Dwelling Types: It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Policy H11 Residential Design and Layout: It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Road and Street Design: It is the policy of the Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Policy H14 Internal Residential Accommodation: It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is

flexible and adaptable to meet the long term needs of a variety of household types and sizes.

Section 11.3.1 of the plan sets out specific qualitative and quantitative guidance regarding dwelling mix, density, public open space, privacy, dual aspect etc. **Table 11.20** sets out minimum space standards for houses. **Section 11.4.1 and 11.4.2** address bicycle and car parking standards.

National Guidance

5.1.2 Relevant national guidance includes Quality Housing for Sustainable Communities – Best Practice Guidelines (2007), Sustainable Residential Development in Urban Areas (2008) and Design Manual for Urban Roads and Streets (2013).

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

Josephine Carey on behalf of the residents of Drury Mills.

- The proposed infill development would ruin the character of Saggart Village. The density of the development at 84 units per hectare is considered inappropriate and the development is contrary to the guidance set out in the Guidelines on Quality Housing for Sustainable Communities (2007).
- A previous development on the site (Planning Authority Reference SD14A/0028) was refused permission and the current proposal should also be refused.
- The proposed development does not promote an appropriate housing mix and does not support adaptable housing layouts that can accommodate the changing needs of occupants.
- The development of an apartment block would negatively impact on the visual amenity and character of the area which primarily comprises two storey

houses. The height of the development is inappropriate and is contrary to section 2.2.3 of the Development Plan regarding building height.

- The development will result in increased volumes of traffic within the estate and does not comply with the Design Manual for Urban Roads and Streets (2013). Existing roads within the estate are 5 metres wide and access by emergency vehicles can be impeded at times.
- The provision of 33 parking spaces to serve 26 residential units is not sufficient.

6.2. Applicant Response

- The Drury Mills Development is part of a larger development including the Crossforge and Mill Race Developments. The provision of a primary school site, its access and overall provision of public open space has been established in previous permissions.
- The proposed development makes efficient use of the remaining land in the estate and proposes an addition to the residential format already provided which is suitable to meet the needs for starter homes and/or the rental sector. The proposed maisonettes will complement the existing provision within the overall estate which when completed, will accommodate 2, 3, 4 and 5 bedroom units.
- The site forms part of a larger land holding and is the final phase of the overall Drury Mills Development which has a site area of 2.14 hectares. The overall density of the completed scheme would be 48 units per hectare. It is considered, when combined with the wider development permitted under Planning Authority Reference SD14A/0028, the development will result in a good dwelling mix.
- The grounds of appeal cite a number of policy statements from the Development Plan and from Government Guidelines which fundamentally govern the approach to the initial structure of new housing areas. The proposed development, however, is a final infill within an existing infrastructural setting and all of these parameters have already been established.

- The development of the Drury Mills scheme is being completed on a phased basis under Planning Authority Reference SD14A/0028. Further amendment applications to this permission have been made including SD16A/0333 for 12 maisonettes. This permitted development is similar in scale and character to that currently proposed.
- The location, extent and access to the school site were addressed under planning application SD14A/0028. Under this permission a number of units were refused in order to allow for the submission of a future planning application that provided a suitable interface with the school site. The subject application responds to the defined school site and provides a suitable interface with it.
- Revised drawings submitted with the appeal response to address condition 4 attached to the grant of permission. A connection between the roof of units 21-24 and the roof layout of units 19-20 is proposed.
- The house types proposed for the subject site in the original application for planning permission under SD14A/0028 had a ridge height of +9metres for a two storey dwelling with converted attic. The height of the development is consistent with the height of these permitted and constructed dwellings and those in the vicinity including those modified under SD16A/0333.
- The development has been designed in accordance with DMURS and promotes permeability. 24 units are proposed and the provision of 36 spaces is adequate. There has been no objection by the Roads Department to the development.

6.3. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

6.4. Observations

- No observations.

6.5. Further Responses

Josephine Carey (24.10.2017):

- Concerns have not been addressed or resolved. The development of 24 units on a site of 0.31 hectares equates to a density of 77 units per hectare which is excessive and contrary to the Development Plan. This phase of development is so changed from the original that it should be judged as a new application.
- Phase 1, 2 and 3 contain a full suite of house types which are unavailable as they are all sold. Phase 4 and 5 comprise 90% maisonettes which is not a wide choice of dwelling size and type. This form of housing does not support adaptable housing layouts.
- 33 car parking spaces for 24 units is inadequate. No additional spaces are provided for visitors. This will lead to overspill parking. There are already parking deficiencies in the estate.
- Apartments will have a negative impact both visually and financially on the existing houses and character of the area. The development of the site should be in a manner that is sympathetic to the already established character of Drury Mills and Crossforge and compliance with the already granted permission.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Density and Housing Mix.
- Height and Visual Impact.
- Access and Parking.
- Appropriate Assessment.

7.2 Principle of Development

- 7.2.1 The subject lands form part of Phase 3 of the development of the Drury Mills residential estate in Saggart. The principle of the development of these lands was established under application reference SD07A/0113. Under this application which related to a larger landholding, granted by An Bord Pleanála in October 2007, a range of dwelling types were proposed including apartments, 2 and 3 bedroom duplex units and 3 and 4 bed houses. The development also provided for a 1 ha site for a future school.
- 7.2.2 Under application reference SD14A/0028 permission was sought on part of the Phase 3 lands for a development comprising 109 units and for the relocation of the school site to the west of the location approved under SD07A/0113. A split decision was issued by the Planning Authority in October 2014. The development was limited to 72 no. units and dwellings 73-109 were omitted by condition. The condition also stated that a revised planning application shall be submitted which indicates a 1.2 ha site to be set aside for the school as well as for any additional dwellings on the remaining lands. The current proposal has been submitted in response to this condition. A site for the primary school is reserved on separate lands to the south of site with pedestrian and vehicular connections provided through the site.
- 7.2.3 Having regard to the planning history of the site, it is evident that the principle of residential development has previously been accepted on the site. The current proposal seeks to provide an appropriate residential development on this remaining land parcel. The subject site is zoned RES. It is considered that the development is in accordance with the zoning objective pertaining to the site and is an appropriate form of infill development.

7.3 Density and Housing Mix

- 7.3.1 As detailed under application SD14A/0028, the area of the site pertaining to this part of the Phase 3 lands was 3.4 hectares. Excluding the school site (c.1.2 ha), it is stated in the application documentation and Planning Authority Planner's Report, that this phase of development has a total site area of 2.14 ha. Having regard to the number of permitted dwellings and that proposed under the current application (24 units), the total number of units in this phase is 101 dwellings which equates to a density of c. 47 units per hectare.

7.3.2 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas recommend minimum densities of between 35 and 50 dwellings per hectare for outer suburban/greenfield sites. It is considered in this context, that the density of development proposed is acceptable and is appropriate for such zoned and serviced lands. It is noted that the appellant's concerns regarding density arise from a density calculation based on the specific site area of the application of 0.31 hectares. However, having regard to the planning history of the site and its general context, it is not considered appropriate to consider the density of the current application in isolation.

7.3.3 With regard to housing mix, concerns have been raised by the appellants regarding the proposed housing mix and the fact that the application seeks permission for a solely maisonette development. Again, it is considered that the application must be considered in the context of the wider development of the Drury Mills scheme and indeed in the context of the earlier phases of development. Under previous applications pertaining to the lands, and in particular application SD07A/0113 and SD14A/0333, a wide range of dwelling types were proposed and have been constructed including apartments, duplex units and conventional 3 and 4 bedroom dwellings. It is considered that the development of maisonette units will add further diversity and choice within the overall scheme and will provide an additional form of tenure.

7.3.4 With regard to housing adaptability and flexibility, it is acknowledged that maisonettes in their own right do not lend themselves easily to adaption. However, they do enhance the overall housing mix within the wider estate and provide the opportunity for people to acquire a starter home and also in the future, opportunities for people to trade down from a larger dwelling. Having regard to these factors, I am satisfied that the housing mix is appropriate and in accordance with the proper planning and sustainable development of the area.

7.4 Height and Visual Impact

7.4.1 Concerns are raised by the appellants regarding the height of the proposed development and how it accords with the general pattern of development in the vicinity. It is noted that under application reference SD14A/0028, the dwellings proposed and constructed had ridge heights that varied from 8.1 to 10 metres.

7.4.2 Under the current proposal, the maximum height of the maisonettes is c 10.6 metres. In this context, it is considered that the development is not excessively high and will assimilate with the existing character of the area.

7.4.3 In terms of potential impacts on residential amenity, the application was revised at further information stage to introduce mitigation measures to minimise any potential impacts to adjacent dwellings. Vertical screens and an opaque window on the gable were introduced to unit 18 to minimise overlooking to the dwellings to the east. Two units were omitted and one of the units rotated to provide better separation distances between the proposed blocks. I am satisfied that the design modifications address issue of overlooking and that the development will achieve an appropriate level of residential amenity. It is also noted that the proposed dwellings comply with all relevant quantitative and qualitative standards set out in the South Dublin County Development Plan for apartment developments.

7.4.4 It is noted that the applicant has submitted revised drawings as part of their appeal response to specifically address the requirements of condition no. 4 of the Notification of Decision to Grant Permission issued by South Dublin County Council on the 26th of July 2017. It is considered that the design modifications proposed to the roof profile of units 19-24 are appropriate and can be addressed by way of condition.

7.5 Access and Parking

7.5.1 Concerns are raised by the appellants regarding the access roads to the development, and the level of parking proposed. As detailed by the applicant, the principle of the surrounding road network has been established under previous permissions pertaining to the site. It is noted from the Planning Authority Planner's Report relating to application SD14A/0028 that the design of the roads, streets and parking layouts was considered in accordance with DMURS and deemed to be acceptable. The current application was revised at Further Information stage to provide appropriate pedestrian linkages to the future school site. The Roads Department of South Dublin County Council has no objection to the development. In this context, I am satisfied that the proposed design and layout of the internal and external road network serving the development is appropriate and designed to a satisfactory standard.

7.5.2 With regard to car parking, the development proposes 36 no. spaces to serve 24 no. 2 bed units. Table 11.24 of the Development Plan sets out car parking standards and notes that a 2-bedroom apartment/duplex should be served by a maximum of 1.25 spaces. This would generate a car parking requirement of 30 spaces thus providing a surplus of 6 no spaces for additional visitor parking. This is considered adequate and in accordance with the Development Plan standards.

7.5.3 Whilst the appellant's concerns regarding overspill parking and emergency vehicle access are noted, these appear to have arisen due to wider issues of parking management within the estate and it is not considered that the development in its own right will exacerbate this issue.

7.6 **Appropriate Assessment**

7.6.1 Having regard to the nature and scale of the proposed development, comprising an infill residential development within an established urban area on zoned and serviced land, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the residential zoning objective and planning history relating to the appeal site and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its density and housing mix, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance 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 29th June 2017 and plans and particulars submitted to An Bord Pleanála on the 11th day of September 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 applicant shall comply with all conditions of the previous permission covering the wider development area (Reg. Ref. SD14A/0028), unless required to do so otherwise by any condition attached to this permission.

Reason: In the interest of clarity.

3. 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.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works. A footpath/shared surface of at least 2m in width shall be provided on both sides of the access street to the future school site.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(iii) Details of roadside/street planting.

(iv) Hard landscaping works, specifying surfacing materials and furniture.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

9. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development

shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

13. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

14. 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 and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development

15. 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.

Erika Casey
Senior Planning Inspector

27th November 2017