



An
Bord
Pleanála

Inspector's Report ABP-300512-17

Development

Construction of 3 no. houses, amendments to the layout of Orchard View (previously permitted under ref. ref. F13A/0282) and as amended by F16A/0475 and F17A/0294) is required to facilitate the proposed development.

Location

Lands to the rear of The Beaver, Beaverstown Road, Donabate, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F17A/0535

Applicant(s)

Ben Dunne.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Paul Kelly, John McSharry, Madeline

Roche and Linda Carr.

Observer(s)

None.

Date of Site Inspection

24th April 2018.

Inspector

Karen Kenny

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1.0 Site Location and Description

- 1.1. The site is located on the Beaverstown Road in Donabate, north of the junction of the Beaverstown Road and the Portrane Road.
- 1.2. The appeal site is part of a larger residential property that fronts onto the western edge of the Beaverstown Road. The site has a stated area of 0.2 hectares and comprises a rectangular area of land to the rear of the property and the access route through the adjoining 'Orchard View' housing development to the south. The site is covered in hard standing. There is a temporary fence along the northern and eastern site boundaries. The site is separated from the residential properties to the rear (west) by wooden panel fencing, a hedge and an open drain. A block wall separates the site from the adjoining dwelling to the south and the site is otherwise open along the southern boundary.
- 1.3. The western edge of the Beaverstown Road, at this location, is characterised by detached houses on large plots. The site is bounded by a detached residential property to the north, by two storey semi-detached houses to the west (Hazelwood) and by a recent infill housing scheme to the south 'Orchard View'. It is proposed to access the proposed development, from Beaverstown Road, through the Orchard View development.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 2 no. semi-detached dwellings and 1 no. detached dwelling as follows:
 - The dwellings are two storey in character and have a pitched roof over with a stated ridge height of 9.6 metres. The detached dwelling incorporates accommodation at attic level served by rooflights.
 - Two in curtilage parking spaces are proposed to the front of each dwelling and access to the dwellings is through an existing cul-de-sac in the adjoining 'Orchard View' housing development.

3.0 Planning Authority Decision

3.1. Decision

Grant permission. The following condition is of note:

Condition no. 3: Attic floor space in unit Type D shall not be used for habitable purposes. Roof lights in the rear profile, where provided, shall be designed such that the base of the window is not less than 1.2 metres above floor level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report includes the following considerations:

- Principle of development is acceptable.
- Complies with Development Plan standards in relation to room sizes, storage, separation distances between opposing windows and private open space provision.
- Given the scale and location of the development, the public open space shortfall may be addressed by way of a financial contribution.

3.2.2. Other Technical Reports

Transportation: No objection.

Water Services: No objection.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

A total of 7 no. third party submissions were received and considered by the Planning Authority. The issues raised are similar to those raised in the grounds of appeal, as set out below.

4.0 Planning History

4.1.1. The following planning history pertains to the subject landholding.

P.A. Ref. 17A/0710: Application for demolition of the existing dwelling 'The Beaver' fronting onto Beaverstown Road and for the construction of a dormer dwelling. Permission granted.

4.1.2. The following planning history pertains to the 'Orchard View' development.

P.A. Ref. 17A/0294: Application for modifications to development approved under P.A. Ref. 13A/0282 and P.A. Ref. 16A/047 including an increase in the number of units to 15 no. dwellings. Permission granted.

P.A. Ref. 16A/0475: Application for modifications to internal layout of dwellings approved under P.A. Ref. 13A/0282. Permission granted.

P.A. Ref. 13A/0282: Application for demolition of glasshouses and construction of 13 no. 2 storey dwellings (including attic level accommodation in some dwellings). Permission granted.

4.1.3. The following planning history pertains to a site 'Youngers' to the south of the appeal site.

P.A. Ref. F17A/0588: Application for demolition of dormer dwelling and construction of 3 no. detached three storey dwellings (including attic level accommodation). Permission granted.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan.

- The site is zoned RS 'Residential' with an objective to 'provide for residential development and protect and improve residential amenity'. Residential development is permitted in principle in this zone.

- Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Objective PM44: Encourage and promote the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.
- Chapter 12 sets out Development Management Standards for residential development including design criteria and quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc. Section 12.3 of the Plan sets out design criteria for urban development. Reference is made to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development. It also refers to the Department of Transport's Design Manual for Urban Roads and Streets. Policy objectives PM31 to PM33 promote good urban design practices in accordance with these guidelines.
- Objective DMS39: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Sheet No.7 Donabate / Portrane: The site is within the development boundary of Donabate.
- The site is not included within the area of the Donabate Local Area Plan 2016-2022 and is outside of the area of the Donabate Urban Framework Plan 2010.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from the residents of the dwellings to the west (rear) of the proposed development. The grounds of appeal can be summarised as follows:

- Recent and current applications would result in a total of 21 no. dwellings in an area where there were previously 3 no. dwellings with possibility of further extension. Development needs to be considered holistically and to comply with regulations, policy and guidance.
- Development is at odds with character and height of development in the area including dwellings in the Hazelwood development to the west. This is contrary to Objective DMS 39 of the Development Plan which requires infill development to respect the character of the area.
- Inadequate public open space. The development would rely on public open space in the Orchard View development and would set a poor precedent for insufficient public open space provision. The open space in Orchard View is behind the back wall of approved dwellings, contrary to design standards set out in Objective DMS66 of the Development Plan.
- Flood Risk. Donabate LAP 2016 identified a flood risk on the site.
- Overshadowing and loss of privacy. Condition no. 3 of the notification to grant permission, omitting attic level accommodation, is welcomed. Concern that the roof profile would support future attic accommodation.
- The roof height of dwellings would be up to 1.34 metres higher than the adjoining Hazelwood properties. The roof profile should be similar to that of dwellings in the Hazelwood development.
- Condition no. 17 in relation to the agreement of boundary details prior to the commencement of development, denies the appellant's right to retain their boundary treatment. The western site boundary encroaches onto third party lands, as the centre of the land drain forms the boundary between Hazelwood and the site.

- Removal of hedgerow and ditch is contrary to Objective NH25 of the Development Plan which seeks to protect natural heritage features.
- Boundary wall will be a continuation of the boundary wall of the Orchard View development. This wall is unauthorised as it exceeds 2 metres in height on the Hazelwood side.
- Lack of a turning bay.

6.2. Applicant Response

A response has been received from Downey Planning on behalf of the applicant.

The response can be summarised as follows:

- Development designed to respect the height and massing of residential development in the vicinity including Orchard View, Hazelwood and recently permitted development to the south.
- Development will respect third party boundaries. The boundary with Hazelwood consisted of poor quality vegetation and a damaged timber fence that was absent in places. A secure block wall is proposed that will continue the existing boundary between Orchard View and Hazelwood.
- The ditch referenced in the appeal has not been maintained and has been overgrown and blocked. It is proposed to continue the work done at Orchard View, which was done in consultation and agreement with local residents of Hazelwood, and to provide a new culverted drainage system as detailed in the Waterman Moylan Engineering details.
- It was considered unviable and unrealistic to provide additional public open space within the site given the scale of development and the fact that there is already open space adjoining in the Orchard View development that is 15-20 metres from the proposed houses. The quantum of open space in the Orchard View development is such that it would meet the Development Plan minimum open space requirement of 10% of site area, if the appeal site and the site of the Orchard View development were taken in tandem. The open space within Orchard View is centrally located and will be overlooked by

houses to the east, south and west in accordance with Objective DMS66 of the Development Plan.

- The appeal site is located in Flood Zone C and is suitable for residential development.
- The site boundary was determined based on topographical survey and folio maps. The drainage ditch is within the control of the applicant.
- The boundary wall within Orchard View has the benefit of planning permission under P.A. Ref. F17A/0294, which amended P.A. Ref. F16A/0428 and P.A. Ref. F13A/0282.
- The separation distance between the proposed dwellings and adjoining properties in Hazelwood is in excess of 22 metres and increases to over 24 metres when taken from the upper floor roof windows. The development is unlikely to have an effect on the diffuse skylight enjoyed by dwellings in Hazelwood.
- Rear windows are located at least 22 metres from directly opposing rear windows at first floor level and 24.5 metres from second floor level roof lights. The roof lights are not vertical and do not permit direct views into the rear gardens or windows at Hazelwood. Direct overlooking will not be possible.
- There is no known protected species within the site. The development when completed will have new areas of open space and pathways that can support wildlife.
- The development will be served by the existing 30-meter-long cul-de-sac serving as an access to 4 no. units in Orchard View. It is proposed to extend the cul-de-sac to serve the development. The junction of the cul-de-sac with the access road into the small-scale development will act as a turning head.
- The applicant has the consent from the adjoining landowner to connect to existing and proposed services, on, above and below ground level and to provide pedestrian and vehicular access to his lands through the development known as Orchard View. All proposed works are within the red line boundary of the site and drainage works are in accordance with GSDS standards.

6.3. Planning Authority Response

- The units permitted are broadly similar in design and height to those permitted in the Orchard View development to the west. The Planning Authority has included condition no. 3 which requires that attic floor space is not used for habitable accommodation and that rear roof lights where proposed, are designed so as not to impact on the amenities of dwellings to the north.
- Appropriate rear garden depths are provided and the overall quantum of private open space complies with Development Plan requirements.
- Given the number of units proposed, the location of the site in proximity to Donabate Town Centre and associated amenities and public transport provision, together with the proximity of the site to a large regional park, it is considered that the design and layout of the scheme is satisfactory and would not warrant the provision of onsite Class 1 Open Space. The provision of such public open space is better achieved by way of a financial contribution.
- Issues with respect to boundary treatments, may be achieved by way of condition and to this end Condition no. 17 seeks details of all such measures including intended treatment to the boundary of the site adjacent to the Hazelwood estate.
- In the event that the decision is upheld the PA requests that Conditions no. 18, 19 and 20 are included.

6.4. Observations

None.

6.5. Further Submissions

6.5.1. A further submission has been received from the appellants. Issues included in the further submission relate to issues that were previously raised in the grounds of appeal. New issues raised can be summarised as follows:

- Refute claim that open spaces within the Orchard View development represent 10% of the overall site area (Orchard View and appeal site). The

open area is less than 500 square metres and as such will not be taken in charge by Fingal County Council (DMS62 refers).

- Detail provided in relation to previous flood events in the area.
- Refute claim that Hazlewood does not drain to Orchard View. Dwellings backing onto the existing Orchard View development had their gardens piped into the new culverted drainage system.
- Appellants are advised that the boundary between the appellants property and the site is the Blackthorn hedge along the western boundary. Appellants do not consent to any changes to the boundary and request that the boundary hedge is retained.

7.0 Assessment

7.1.1. I consider that the key issues for consideration in the appeal relate to the following:

- Compliance with Planning Policy
- Impact on Character.
- Impact on Residential Amenity.
- Public Open Space.
- Flood Risk.
- Surface Water Drainage.
- Boundary Treatments.
- Other Issues.

7.2. Compliance with Planning Policy

7.2.1. The proposed development comes forward on land that is zoned for residential development and the proposal for housing is therefore acceptable in principle.

7.2.2. The appellants raise concerns in relation to the extent of infill development in this area and highlight the need for the development to comply with regulations, policy and guidelines. In this regard, I would note that permission has been granted for the redevelopment of a number of sites at this location in recent years, as detailed in

Section 4.0 above. This includes a permission for the removal of glass houses and the construction of 15 no. two storey houses on the adjoining lands to the south of the site (F13A/0282 as amended by F16A/0475 and F17A/0294) and the demolition of a dormer dwelling and the construction of 3 no. three storey houses on a separate site to the south (F17A/0588). The subject application is effectively an extension to the development approved under F13A/0282.

- 7.2.3. The Sustainable Residential Development in Urban Areas Guidelines promote infill development within established urban areas in preference to greenfield development. The guidelines state that "*in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill.*" (Section 5.9 refers). The Fingal Development Plan also promotes the redevelopment of underutilised sites in existing residential areas, subject to the protection of the character and amenities of the area (Objective DMS39 refers).
- 7.2.4. In relation to the principle of infill development, I would note that the subject lands are valuable zoned and serviced lands that are within close proximity to the town centre and rail station in Donabate. The intensified use of these sites for residential development represents a sustainable use of the lands in accordance with national and local policy, as set out above. In terms of compliance with guidelines and standards, the development meets the minimum internal space, private open space and parking standards set out in the Development Plan. Compliance with public open space standards is discussed under a separate heading below.

7.3. **Impact on Character**

- 7.3.1. The grounds of appeal argue that the proposed development is at odds with the character and height of development in the area. There is reference to the height of the dwellings, which exceeds the height of dwellings in the Hazelwood development by c. 1.3 metres. I would note that the proposed dwellings are similar to the design and height of dwellings in the adjoining Orchard View development and to dwellings in the Hazelwood development to the west. The increased roof height is marginal in my opinion. The dwellings are clearly two storey in character and cannot, therefore, be considered to be at odds with the predominantly two storey character of development in the area.

7.4. Impact on Residential Amenity.

- 7.4.1. The appellants have raised concerns in relation to the impact of the proposed development on the amenities of their properties, which adjoin the site to the west, due to overshadowing, loss of daylight and loss of privacy. Concerns are raised in relation to the proximity of first floor windows and the proposed roof lights at attic level to the dwellings in Hazelwood to the west.

In this regard, I would note that the first-floor windows in the rear elevations are set back by over 22 metres from the opposing dwellings to the west, while the separation at attic level increases to 24.5 metres. Objective DMS28 of the Development Plan states the following: *“a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs”*.

The proposed dwellings are two storey with attic level accommodation. I am satisfied that the Development Plan standard in relation to separation distances is met and that no significant overlooking issues arise from the first floor or attic level windows.

- 7.4.2. In terms of overshadowing, I do not consider that the properties located to the west of the site would be affected in any measurable way by the proposal given the level of separation proposed.

7.5. Public Open Space

- 7.5.1. The appellants argue that to permit the development in the absence of dedicated public open space would set a poor precedent for insufficient public open space provision. The applicant in response argues that it was considered unviable to provide additional public open space within the site given the scale of development proposed and the fact that there is already open space in the adjoining Orchard View development at a distance of 15 to 20 metres from the proposed houses. The Planning Authority in response states that given the number of units proposed, the location of the site in proximity to Donabate Town Centre and associated amenities and public transport provision, together with the proximity of the site to a large

regional park, it is considered that the design and layout of the scheme is satisfactory and would not warrant the provision of onsite open space, with provision better achieved through a financial contribution.

7.5.2. Objective DMS57 of the Development Plan requires that a minimum of 10% of a development site is designated for use as public open space and states that the Council has the discretion to accept a financial contribution in lieu of remaining open space. The payment of a financial contribution in lieu of open space provision is provided for within the Fingal Development Contribution Scheme 2016-2020. The applicant's response argues that if the Orchard View site and the appeal site were to be assessed together, 10% of the cumulative site area is provided as open space in accordance with Objective DMS57 of the Development Plan. The appellant's further response argues that this is not the case.

7.5.3. I have calculated the open space provision within the Orchard View development to be c. 618 square metres (P.A. Ref. F17A/294 refers), while I calculate 10% of the cumulative site area to be c. 680 square metres. Having regard to the small infill nature of the development, the level of provision within the adjoining development and its accessibility to the subject dwellings, the availability of open space and amenities within close proximity, and the terms of the Development Plan in respect of offsite provision, I would concur with the view of the Planning Authority and consider that the payment of a contribution is acceptable in this instance.

7.6. **Flood Risk**

7.6.1. The appellants highlight the fact that the Donabate Local Area Plan 2016 indicates that the site is situated within or adjacent to Flood Zone A. In this regard, I would note that Table 3.1 of Flood Risk Management Guidelines (DEHLG and OPW 2009) indicates that residential development is a highly vulnerable development class, while Table 3.2 indicates that such development can only be considered in Flood Zone A or B, which are high and moderate flood risk areas, where it meets the criteria of the Development Management Justification Test detailed in Chapter 5 of the guidelines.

7.6.2. The Report of Waterman Moylan Engineering Consultants submitted in response to the appeal confirms that the flood zones identified in the Donabate LAP show tidal

flooding adjacent to the appeal site. However, the report clarifies that the mapping contained in the LAP is based on the Preliminary Flood Risk Assessment Maps prepared by the OPW in 2011. The more up to date OPW Flood Hazard Maps published in 2016 indicate that the appeal site is located within Flood Zone C which is a low risk area and at a distance from Flood Zones A and B. I am satisfied on the basis of the foregoing that the site is at low risk of flooding and that it would not require a Site Specific Flood Risk Assessment in accordance with the Flood Risk Management Guidelines.

7.7. Water Services and Drainage

- 7.7.1. The appellants argue that the increase in site levels and removal of the sloped runoff from the rear gardens to the west will impact on drainage arrangements. The proposal also raises concerns in relation to the land drain backfill level and the headwall / outlet arrangement from the land drain. The response to the appeal states that the Hazelwood development drains to an onsite gravity surface water sewer and attenuation area and to the public surface water sewer on the Beaverstown Road. The response states that the level of the backfilled ditch is c 0.9 meters below the corresponding Hazelwood garden levels, that the level of the pipe invert level is c. 0.9 metres below the corresponding Hazelwood garden level and that the concerns regarding the ditch stone fill and pipe levels are unfounded.
- 7.7.2. The appellants further response refutes the response stating that residents in the Hazelwood development have had their rear gardens piped into the new Orchard View culverted drain.
- 7.7.3. While a level of natural run off from third party lands to the west of the appeal site may have occurred in the past, there is no requirement to accommodate this within the proposed development. I am satisfied that the details submitted with the application, address surface water drainage within the appeal site to an acceptable standard.

7.8. Other Issues

- 7.8.1. Unauthorised Development

The appellants raise concerns in relation to the planning status of the boundary wall on the adjacent site to the south 'Orchard View' and in relation to the potential for a similar wall to be constructed within the appeal site. The concerns raised are not a matter for the Board and should be addressed to the planning authority.

7.8.2. Natural Heritage

The grounds of appeal raise concerns in relation to the removal of hedgerows and planting on site. On inspection I noted that the site is covered in hard standing and that save an isolated area of hedgerow along the rear site boundary, that there were no significant natural heritage features on the site.

7.8.3. Ownership.

7.8.4. The grounds of appeal argue that the site extends into third party lands. The appeal submission states that the drainage ditch along the western boundary forms the landholding boundary, while the further response states that 'the boundary between our properties (6,7,8 and 9 Hazelwood) and the proposed development is the Blackthorn hedge'. The appellant's state that they do not consent to any changes to the boundary and request that the boundary hedge is retained. I consider that the applicant has demonstrated sufficient legal interest to make the application and in respect of the boundary issue would refer the Board to Section 34(13) of the Planning and Development Act 2000, as amended which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. I would have some concern in relation to the extent of details provided in relation to boundary treatments and in the event that the Board is minded to grant permission, I recommend that condition is attached that requires the applicant to agree boundary details with the Planning Authority prior to the commencement of development.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment, the discharge of foul water arising from the proposed development to treatment facilities and proximity to the nearest European sites, I am satisfied that 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

8.1.1. I recommend that permission be granted, subject to the conditions set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the residential zoning of the site, the infill nature of the development and the pattern of existing 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 amenities of the area or of property in the vicinity and would not conflict with the objectives of the Development Plan. 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 3rd day of November 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 proposed boundary treatments to the west, north and east of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. 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.

4. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The road network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential amenities of property in the vicinity.

10. 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.

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

11. 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.

12. 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 by the local authority of roads, footpaths, watermains, drains, public open space 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 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 referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall that arises based on the standards set out in Objectives DMS57 and Objective DMS57B of the Development Plan and 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.

14. 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.

Karen Kenny
Senior Planning Inspector

30th April 2018