



An  
Bord  
Pleanála

## Inspector's Report

**ABP-301485-18**

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<b>Development</b>	13no. houses.
<b>Location</b>	Grattan Lodge access road, Hole in the Wall, Dublin 13
<b>Planning Authority</b>	Dublin City Council Nth
<b>Planning Authority Reg. Ref.</b>	3977/17
<b>Applicant(s)</b>	Gannon Homes Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	REFUSE permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Gannon Homes Ltd.
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	25/10/18
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application relates to a site of 0.34ha stated area, located in Clongriffin in the north-eastern fringe of the city c.8.2km from the centre of Dublin, directly south of Priory Hall and the nascent Main Street development west-east between Clongriffin Key District Centre to the west (c.1km) and the Key District Centre at Clongriffin train station to the east (c.1km). The site abuts Grattan Lodge road to the east, which connects to the wider road network at the Hole in the Wall Road to the east only and is not a through road.
- 1.2. The site is approximately square in shape, generally flat and level except for a ditch running west-east through the site. The site does not appear to have previously been subject of development, is vacant and unused and is colonised by weeds. There are extensive similar lands abutting the western site boundary. To the south of the site there is a traditional suburban housing estate of 2-storey semi-detached dwellings which share the southern boundary. To the east, on the opposite side of Grattan Lodge road, and abutting the north of the site there is more recent apartment developments of up to 5-storeys in height.

## 2.0 Proposed Development

### 2.1. Summary description

- The initial application was for 13no. houses and 28no. car parking spaces.

#### 2.1.1. Supporting documentation

In addition to the planning drawings, the following documents were attached to the application:

- *Planning Report* prepared by Cunnane Stratton Reynolds;
- *Engineering Assessment* prepared by Waterman Moylan Consulting Engineers Ltd;
- *Preliminary Construction Management Plan* prepared by Waterman Moylan Consulting Engineers Ltd;

- *Flood Risk Assessment* prepared by Waterman Moylan Consulting Engineers Ltd;
- *Cover Letter* prepared by Wilson Architecture;
- *Validation Letter – Part V* prepared by DCC Housing Development Section.

## 2.2. Further information

The following amendments were introduced in further information submitted 16/02/18:

- Provision of 10no. 4-bed houses and 8no. apartment units (7no. 2-bed and 1no. 1-bed), with the omission of dwellings nos.11-13 inclusive;

### 2.2.1. Further supporting documentation

In addition to revised drawings, the following documents were submitted 16/02/18:

- *Cover Letter* prepared by Wilson Architecture
- *Cover Letter* (concerning engineering design) prepared by Waterman Moylan

And the following was received 05/03/18:

- *Revised site notice* referring to submission of significant further information / revised plans;
- *Revised newspaper notice*
- *Cover Letter* prepared by Wilson Architecture

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1. To **REFUSE** permission for one reason:

*The layout and design of the proposed development does not provide for a sustainable density and a satisfactory transition in scale which protects the residential amenities of existing property as the proximity of the proposed apartment block to the northern boundary would result in significant overshadowing of adjacent property.*

*The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Clongriffin-Belmayne Local Area Plan 2012-2018 and the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.*

3.1.2. The planning authority sought **FURTHER INFORMATION** (28/11/17) on two points pertaining to:

- (i) site density, in terms of bedspaces proposed, suggesting that this may be increased through use of proposed attic space as habitable space for additional bedrooms.
- (ii) concerns regarding satisfactory height transition between Grattan Lodge and Priory Hall; potential amenity issues due to overlooking of proposed rear gardens to dwellings nos.11-13 from the Priory Hall development; and the potential impact on the potential redevelopment of the lands to the west within the LAP due to the positioning of private open space (to nos.11-13) along the boundary.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The **final report** of the Planning Officer (23/03/18) is consistent with the decision of the planning authority and the single reason for refusal.

Points of note in the report – the applicant proposes 12% of the site as public open space, but a contribution may be required in lieu of same and communal open space will be required on site as per s.16.10 of the Plan; the revised scheme is similar to that development proposed under reg.ref.2670/14 where a split decision issued, granting permission for 10no. dwellings and refusal of permission issued for a 4-storey block of 9no. apartments, but a separation distance of 22m from Priory Hall would apply (15.5m proposed) and there are serious concerns regarding overshadowing of same in absence of submission of a daylight/sunlight assessment. The body of the assessment is somewhat ambiguous regarding whether the proposed height is acceptable under the Plan (S.15.1.1.1 SDRA North Fringe, and

S.7.8 Clongriffin-Belmayne LAP) other than the consequential potential shadow impact.

The **initial report** of the Planning Officer (21/11/17) is consistent with the decision of the planning authority to seek further information on two points, the main issues of concern being insufficient density resulting in underdevelopment of the lands, the potential to incorporate proposed attic space as habitable space to increase overall bedspace and to avoid future haphazard dormer extensions, an inadequate height transition across the site between Grattan Lodge and Priory Hall developments, the impact on residential amenity of dwellings nos.11-13 from overlooking of their private open space from Priory Hall, the use of render finish in an area where the surrounding context comprises buildings finished in brick, and how the development addresses the vacant LAP lands (possible main street masterplan lands) to the west.

### 3.2.2. Other Technical Reports

Roads and Traffic Planning–

The final report (21/03/18) raised no objection to the amended proposal subject to 7no. conditions, including 3no.non-standard conditions requiring increase in footpath width to 1.8m, permanent allocation of one parking space per residential unit to be numbered as such, and the provision of footpath along existing access road.

The initial report (14/11/17) raised no objection subject to 6no. conditions including 2no. non-standard conditions.

Drainage Division

The report (17/11/17) raised no objection subject to standard conditions.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

1no. observations was received to the application from Councillor Tom Brabazon (05/03/18), subsequent to receipt of further information. The main points raised included:

- Radically different from the initial proposal.
- Inadequate parking, notwithstanding that it might be compliant with CDP standards, with consequential impacts of parking overspill onto Grattan Lodge estate.
- The road layout is dangerous – the proposed entrance should be relocated up to the boundary wall with the Priory Hall development to ensure safe access and egress to/from the development.
- In addition, a road ramp would need to be installed to slow traffic on approach to the adjacent bend.
- Lift shaft should be hidden from view.
- Apartment block design takes away from the low-level development of the site and is unimaginative.
- Apartment balconies overlook neighbouring development, including existing Grattan Lodge apartments and the proposed dwellings.
- Permission should be refused.

#### 4.0 Relevant Planning History

##### On site –

**Reg.Ref.2670/14:** Split decision by the planning authority to **GRANT** permission for 10no. houses and **REFUSE** permission for a 4-storey block of 9no. apartments for the reason that it would contravene standards in s.17.6.2 of the CDP which limits outer city residential to 13m in height, inclusive of plant.

**PL29N.225299 / Reg.Ref.2052/07:** Permission **GRANTED** by the Board for 6no. 3-storey houses, a 5-storey block of 15.15m, containing 35no. apartments and a basement car park within 54no. car spaces, bicycle spaces and also surface parking and access at the southeast section of the site, subject to compliance with conditions.



## 5.0 Policy Context

### 5.1. Development Plans

#### **Dublin City Development Plan 2016-2022**

Land use zoning objectives: Z14 Strategic Development and Regeneration Areas (SDRAs) - *'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and "Z6" would be the predominant uses.'* [Z6 *'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.'*]

Other objectives: Within boundary of LAP objective pertaining to the site and wider area; within boundary of SDRA1 objective pertaining to the site and wider area.

S.14.8.13 Strategic Development and Regeneration Areas – Zone Z14.

S.15.1.1.1 SDRA 1 North Fringe (Clongriffin-Belmayne) – Fig.20 (key development principles).

S.16.10 Standards for Residential Accommodation

**Clongriffin – Belmayne (North Fringe) LAP 2012-2018** (extend for a further period of five years by Council resolution 01/11/17). Objective UDO7 (height strategy)

### 5.2. Reference documents

*Guidelines for Planning Authorities on Sustainable Residential Development Urban Areas*

*Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities* (DHPLG, 2018)

### 5.3. Natural Heritage Designations

Baldoyle Estuary SAC site code 000199 (c.1.6km to northeast)

Baldoyle Estuary SPA site code 04016 (2.0km to northeast)

North Bull Island SPA site code 004006 (2.4km to southeast)

North Dublin Bay SAC site code 000206 (2.4km to southeast)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first-party appeal submitted by Gannon Homes Ltd c/o Cunnane Stratton Reynolds (23/04/18) may be summarised as follow:

- Requests that the Board consider both schemes submitted over the course of the application - the scheme of 13no. houses; and the revised scheme for 10no. houses and 8no. apartments.
- The Clongriffin-Belmayne LAP 2012-2018 recognises that density will vary due to the type of units, their design, mix and location, which will be taken into account in assessments to ensure a general overall net density of 50uph.
- Higher density is proposed in the CDP 2016-2022 within SDRSs – Policy QH5, QH8.
- The number of units proposed on site was increased from 38.2 to 52.9uph having regard to the Council’s request for further information and the planner’s assessment which raised concern about underdevelopment of the lands and suggested that 3-storey height in the vicinity of Grattan Lodge and 4-storeys towards Priory Hall would be preferable.
- An Bord Pleanála, in its recent decisions, is advocating for higher densities and compact development, discouraging schemes of less than 30uph in accordance with the Guidelines for Sustainable Development in Urban Area.
- The proposed density is compliant with the CDP and the LAP objectives but recognises that this is a transitional zone where abrupt transitions in scale and use are to be avoided. Accordingly, the lower density element is proposed just north of Grattan Lodge 2/3-storey development and the proposed apartment block adjacent to Priory Hall.
- The proposed scheme recognises that this is a transition in scale and is in accordance with the preferred approach as set out in the original Planner’s Report.

- Higher scale development was previously permitted on this site by An Bord Pleanála under PI29N.225299, for 35no. apartments of 15.15m total height.
- Shadow analysis of the proposed scheme, as revised by further information, is attached, which shows minimal impact on adjacent apartments will result.
- The Council's decision, in this respect, is not supported by an objective review of the information or due regard to the site's planning history.
- The proposal is compliant with the land use zoning for the site and is acceptable in terms of the proper planning and sustainable development of the area and the decision of the Council should be overturned.

## 6.2. **Planning Authority Response**

None received.

## 6.3. **Observations**

None received.

## 6.4. **Further Responses**

None received.

## 7.0 **Assessment**

This is a first-party appeal against a decision to refuse permission. Having regard to the reason for refusal and the grounds of appeal, I consider the main issues arising in this case may be addressed under the following headings:

- 7.1 Principle / Policy
- 7.2 Development Standards
- 7.3 Impact on residential amenities
- 7.4 Roads design issues
- 7.4 EIA Screening
- 7.5 AA Screening

## 7.1. Policy / principle

- 7.1.1. The principle of residential development is acceptable on this site which is zoned Z14 (Strategic Development and Regeneration Areas) for a range of uses, with residential use as the predominant use, as allowed for under the Clongriffin – Belmayne LAP 2012-2018 (period extended by 5 years).

## 7.2. Development standards

- 7.2.1. **Height** - The reason for refusal included that the proposed development does not provide for a sustainable density and satisfactory transition in scale.
- 7.2.2. The initial proposed development comprising 13no. houses was revised by further information submission, in response to a FI request concerning insufficient density of bedspaces proposed having regard to the provisions of the Clongriffin-Belmayne LAP 2012-2018. The revised proposals provide a total of 18no. units (10no. 4-bed houses and 8no. apartment units – 7no. 2-bed and 1no. 1-bed), equating to c.53 units per hectare, which is consistent with the guidelines on *Sustainable Residential Development Urban Areas* (2009) for such a site (promoted under s.16.4 Density Standards of the Development Plan) and with the provisions of the Clongriffin-Belmayne LAP (s.7.6 Sustainable Density). The dwellinghouses have at least 7-bedspaces<sup>1</sup> each, and all but one of the apartments have 4-bedspaces, the other has 2-bedspaces. With a total of 104-bedspaces, the proposed development achieves c.305-bedspaces per hectare.
- 7.2.3. Regarding building height, it is an objective (UDO7) of the LAP that, excepting locations identified for special height (key district centres, main boulevard) 4-storey height is permitted, with some flexibility allowed on height equivalent (13m) to achieve design improvements to the façade. The Planning Authority previously refused permission for development in excess of 13m on this site as in contravention of Development Plan standards (previous plan, 2011-2017) under Reg.Ref.2670/14. Under the current Development Plan's building height strategy (s.16.7) the LAP area is identified as a mid-rise location (up to 50m) but with the outer city limited generally to low rise of 16m. The proposed development would be 13.7m to parapet. I

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<sup>1</sup> The attic store has potential for conversion to an additional 2-bedspaces.

consider this consistent with the provisions of the Development Plan and the LAP, although, if considered necessary, there would be scope to reduce by condition the height to 13m as the floor to ceiling heights within the apartment block are generous (3.15m – 3.45m) and well in excess of minimum standards (2.4-2.7m depending on floor level) under the New Apartment Guidelines (2015 and 2018), should the Board decide to grant permission.

- 7.2.4. The proposed 4-storey height at the northern side of the site is similar to the development height at Priory Hall (5-6-storeys but at lower ground level), adjacent the north, and to the development along The Hole in the Wall road adjacent the main entrance road to Grattan Lodge shared with the application site. The apartment block opposite the east of the site is three storeys. I consider the proposed height of the apartment block to be acceptable in principle in this location and that the proposed development, which includes effectively 3-storey houses along the southern side of the site, to provide a reasonable transition in scale between the 2-storey development to the south and the higher development at Priory Hall to the north.

### **7.3. Impact on residential amenities**

- 7.3.1. Overshadowing - The reason for refusal included the impact on residential amenities of existing property to the north from significant overshadowing due to the scale of the proposed development. The applicant submitted a Shadow Analysis Study (prepared by Wilson Architects) showing the predicted shadow impact for the equinoxes and the summer solstice, but not the winter solstice. The shadow impact on the equinoxes is the most relevant to consider and indicates that there would not be a significant adverse impact on the neighbouring apartments to the north. There would be a loss of daylight to the apartments and to the outdoor amenity space to the apartments, but not such as would seriously injure residential amenities.
- 7.3.2. Overlooking - The proposed apartment block would be setback only a little over 4m from the northern boundary and within 13m-15m of the opposing façade to the Priory Hall apartments. The proposed development avoids potential for overlooking / invasion of privacy of opposing windows to the Priory Hall apartments by locating only secondary fenestration (bathrooms) to the north elevation. No material overlooking will result.

7.3.3. Overbearing – The proposed development will be a significant structure in proximity to the existing Priory Hall apartments, but as an isolated 4-storey block of 23.5m length, I do not consider it would seriously injure neighbouring residential amenities by way of excessive visual impact.

#### 7.4. Roads design issues

7.4.1. Parking is proposed in a shared layout with 23no. spaces being less than the maximum of 1.5 spaces per dwelling in parking zone 3. A shared parking layout is generally consistent with DMURS although perpendicular spaces should generally be restricted to one side of the road to provide for a greater sense of enclosure. Given the limited size of the site and the development's compliance with the parking standards, it may be appropriate to provide for additional tree planting along both sides of the proposed access road to create further enclosure of the space in the interest of traffic safety, having regards to the provisions of DMURS. This could be addressed by condition in the event of a grant of permission.

7.4.2. The Council's Roads Division had no objection to the revised layout subject to 7no. conditions, including 3no.non-standard conditions requiring increase in footpath width to 1.8m, permanent allocation of one parking space per residential unit to be numbered as such, and the provision of footpath along existing access road. As DMURS advises that shared parking should not be allocated to individual dwellings to allow for a more efficient turnover of spaces, thereby reducing the need for total number of spaces, the Roads Division condition concerning allocation should not be included in the event of the grant of permission. The provision of a 1.8m wide public footpath to the east of the site, outside the site boundary along the western side of the public road may entail the loss of semi-mature trees. In the event of a grant of permission the applicant should be required to replace any trees lost in providing the footpath with appropriate semi-mature trees.

7.4.3. The initial planner's report raised concern about failure to make provision for access to development lands to the west of the site. Within the context of the development of the LAP lands this is a valid concern. The provision of a permeable road network for active transport modes (walking and cycling), in addition to motorised traffic, is also promoted under DMURS and the provision of linkages to the adjacent lands to the west would help achieve same. The design of the internal road layout (inclusive

of passive mode routes) should therefore make provision for an appropriate level of connectivity to the adjacent lands to the west, in the interest of proper planning and sustainable development.

## **7.5. Other issues**

- 7.5.1. Open space – The first planner’s report suggested that appropriate public open space to Development Plan standards (12%) may not be provided for within the scheme, in addition communal open space, and that a contribution may be required in lieu of same. Section 11 of the Dublin City Development Contribution Scheme 2016-2020 allows that the Council may determine a financial contribution in lieu of all or part of the open space requirement for a proposed development, for example if the site is too small. A condition should be attached in this regard.
- 7.5.2. Drainage issues – There is an existing ditch (maybe in excess of 1m deep) running west-east through the site. The purpose of the ditch is unclear, but often such features have a drainage purpose, although it appeared dry at the time of inspection. The feature does not align with any similar features shown on the current OS maps for the area, nor with any such feature on the historical features of the area. It is not indicated on the site survey or in the Flood Risk Assessment submitted with the application. The FRA reports the residual flood risk to be low for pluvial / surface water flows and extremely low for other flood risks. As the Council’s Drainage Division raised no objections subject to standard type conditions, it is reasonable to assume that the feature is not a drainage ditch and that the removal of same, as part of the overall site development proposals, would not result in drainage or flooding issues on this or neighbouring sites.

## **7.6. EIA Screening**

- 7.6.1. Having regard to the relatively small-scale and nature of the proposed development and the nature of the receiving environment, there is no real likelihood of significant impacts on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

## 7.7. AA Screening

- 7.7.1. Having regard to the scale and nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

## 8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** for the reasons and considerations set out under section 9.0, subject to the conditions set out under section 10.0.

## 9.0 Reasons and Considerations

It is considered that the proposed development would be consistent with the provisions of the *Dublin City Development Plan 2016-2022* including the zoning objective for the site, Z14 Strategic Development and Regeneration Areas (SDRAs) ‘*To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and “Z6” would be the predominant use.*’ It is further considered that the proposed development would be of an appropriate density that would be consistent with provisions for same under *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (DEHLG, 2009), under the City Development Plan and the *Clongriffin-Belmayne Local Area Plan 2012-2018*, as extended, would provide for an appropriate transition in scale between the 2-storey development to the south and 5-storey development to the north, and would not seriously injure the amenities of residential property in the vicinity and is consistent with the proper planning and sustainable development of the area, subject to compliance with the conditions set out in section 10.0.



## 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 drawings and documentation submitted as further information on 16<sup>th</sup> February 2018, 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.
  - (i) The footpaths within the development and / or otherwise provided as part of the scheme, shall be no less than 1.8m in width exclusive of any tree planting, or street lighting poles or similar.
  - (ii) A footpath shall be provided, by the developer, adjacent the western side of the existing road located to the east of the site to tie in with the existing footpath in Grattan Lodge to the south, and the developer shall replace any trees lost in the provision of the footpath with semi-mature broadleaf trees.
  - (iii) A pedestrian crossing shall be provided, by the developer, between the footpath required under (ii) and the existing footpath to the east side of the public road.
  - (iv) The final design and details of the road layout, including the junction with the public road network, footpaths, pedestrian crossings (within or external to the site boundary), car parking areas, and including any hard landscaping areas to be taken in charge by the Council, shall comply with the Design Manual for Urban Roads Streets for the 30kph speed limit, shall be subject to a Road Safety Audit and shall be constructed to the Council's construction standards for such works.
  - (v) The road layout within the site shall make adequate provision for access to the adjacent lands to the west, to the satisfaction of the planning

authority.

- (vi) Full details and drawings shall be submitted for the written agreement of the planning authority and the works shall be carried out at the applicant's own expense and any costs incurred by Dublin City Council, including repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety.

- 3. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

- (b) Water supply and wastewater arrangements shall comply with the requirements of Irish Water.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- 4. (a) The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays - 7.00a.m. to 6.00p.m. Saturday - 8.00a.m. to 2.00p.m. Sundays and Public Holidays - No activity on site.

- (b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

- 5. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets and Traffic Department and the Noise and Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

- 6. 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in lieu of provision of public open space within the development site, 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: To provide or improve public open space or amenities in the area in line with the City's Park Strategy in lieu of onsite provision of public open space in addition to communal open space to Development Plan 2016-2020 standards on this site of restricted size, in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. 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.

10. 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.

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John Desmond  
Senior Planning Inspector

5<sup>th</sup> November 2018