



An
Bord
Pleanála

Inspector's Report ABP-301661-18

Development	Permission for demolition of existing commercial building and construction of an office development
Location	Former FAAC Site, Leopardstown Road and Burton Hall Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1060
Applicant(s)	BHR Development Ltd
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Liam Dowdall
Observer(s)	None
Date of Site Inspection	17 th & 25 th September 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 1.768ha is located at the eastern extremity of the Sandyford Business Estate (formerly Sandyford Industrial Estate) in a position adjacent to the roundabout between the N31 (Leopardstown Road and Brewery Road), the R113 (Leopardstown Road), Burton Hall Road and the access road to the South County Business Park. The N31 (Leopardstown Road) links this roundabout to junction 14 of the M50.
- 1.2. The Sandyford to Cherrywood Luas line passes along the northern boundary of the appeal site between its Sandyford and Central Park stops. This line crosses the aforementioned roundabout by means of a flyover, which is accompanied by a ramp along this boundary. The site is triangular and its remaining southern and western boundaries abut the N31 (Leopardstown Road) and the Burton Hall Road. The site currently accommodates a vacant low rise commercial building (c. 4,600 sqm gross floor area), which was last used by FAAC, a firm involved in the manufacture and supply of automatic doors and gates.
- 1.3. A set of photographs of the site and its environs taken during the course of both site inspections is attached. I also refer to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The planning application submitted to DLRCC on the 6th December 2017 sought permission for the following:
 - Demolition of existing commercial building on site (c. 4600 sqm Gross Floor Area (GFA))
 - Construction of an office development totalling c. 36617 sqm within 3 no. buildings ranging in height from 5 to 6 storeys (with enclosed roof plan). Including ground floor café (c. 172 sqm) at Block 1
 - A total of 346 no. car parking spaces at basement; 188 no. long-stay and 183 no. short stay bicycle spaces and 14 no. motorcycle spaces

- Bin storage areas and shower/changing facilities
- 3 no. substations (total 117.9 sqm)
- Provision of landscaping/open space/circulation routes including a new Pocket Park
- Modifications alongside Burton Hall Road including redesign of the existing site access and provision of an additional left turning lane onto Leopardstown Road
- All associated site development, services provision and landscaping works

2.2. The following **further information** was submitted on 29th March 2018 as summarised:

- **Architecture** - Revised elevational drawings which outline the elevational changes to the 3 buildings in order to establish a different design aesthetic for Block 2 and as a building of notable design. Details of proposed façade materials.
- **Landscaping** – Revised Masterplan that includes hard and soft landscape finishes together with a universal access map.
- **Public Realm** – Revised drawing submitted. Revised relocation of set down area was discussed with DLRCC and ruled out. Details of a raised table to facilitate pedestrians in traversing the basement access ramp submitted.
- **Drainage** – Revised report and associated drawings together with a report on rainwater harvesting.
- **Transport** – Revised drawings indicating gradient of vehicular access ramp. Quality Audit submitted together with the provision of 80 showers (standards for cycle facilities).
- **Other** – Sustainability / Energy Report submitted together with Phasing Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to grant permission subject to 35 conditions. Conditions of note are as follows:

Condition No 2 - *Prior to the commencement of development the applicant shall submit revised drawings for the written agreement of the Planning Authority to show the following changes to Building No. 2:*

- (i) Omission of the ppc aluminium feature located on the roof of building 2*
- (ii) Lengthen the height of the metal frame curtain wall by min. 650mm*
- (iii) Provide a continuous unbroken expressed metal structural facade to the Burton Hall Road & Leopardstown Road/interchange elevations*
- (iv) Introduce more vertical primary structural elements to strengthen the vertical emphasis and omit/ reduce the visual emphasis of the horizontal channel located between the third and fourth floors*
- (v) Both the vertical and horizontal structural elements to be consistent in colour*
- (vi) Incorporate expressed flange and web detailing to primary vertical structural, echoing Reference image figure 7.*

Reason: *In order to emphasise building 2 as a building of notable design and to provide a more vertical emphasis*

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The **Case Planner** in their first report recommended that further information be sought in relation to the design of Building 2, location of showers and compliance with DMURS together with the requirements of Transportation Planning, Drainage Planning, Parks and Landscape Services and the Architects Department (see below). Further information was requested on 8th February 2018.

3.2.3. The **Case Planner** in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.4. Other Technical Reports

3.2.5. **Transportation Planning** – No objection subject to conditions relating to inter alia details for agreement of the proposed alterations to Leopardstown Road / Burton Hall Link Road Junction, Stage 3 Road Safety Audit, cycle parking, provision of electric vehicle charging points, Stage 2 Quality Audit, implementation of Framework Mobility Management Plan, and compliance with a Construction Traffic Management Plan.

3.2.6. **Drainage Planning** - Recommended that the following further information be sought:

- Soil type used in Qbar calculations
- Applicant to justify run-off coefficients for rainwater harvesting, paved areas, podium area and green podium
- Provision of Green Roofs
- Breakdown of volume of surface water storage provided for treatment, interception and attenuation storage
- Verification of the porosity of the cellular storage structure
- Attenuation tanks to located in un-trafficked area
- Details of rainwater harvesting system

3.2.7. **Drainage Planning** in their second report and having considered the further information had no stated objection subject to conditions as set out in their report relating to surface water, green roof desing and rainwater harvesting.

3.2.8. **Parks & Landscape Services** - Recommended that the following further information be sought:

- Revised landscape plan reducing hard surface, removing set down area in order to reduce major vehicular and pedestrian conflict and improve connectivity to the pocket park.

- 3.2.9. **Architects Department** – Their first report notes that Block 2 does not provide a building of notable design and that a different form and location of Block 2 should be reinforced and celebrated further by allowing it a different aesthetic.
- 3.2.10. The **Architects Department** in their second report and having considered the further information submitted had no stated objection subject to a condition seeking amendment to Building 2 in order to emphasise it as a building of notable design and to provide a more vertical emphasis. Condition No 2 refers.
- 3.2.11. **Waste Section** – No objection subject to conditions as set out in the report relating to the provision of a Detailed Construction Waste Management Plan and an Operational Waste Management Plan.

3.3. **Prescribed Bodies**

- 3.3.1. **Transport Infrastructure Ireland (TII)** – Noted in their first report that the proposal is located adjoining the LUAS. Recommended that the following further information be sought:
- Constructions Management Plan
 - Details of works that affect / interface with the LUAS including relevant legal agreements, work permit form the LUAS operator,
 - Demolition and Construction Method Statement
 - Lighting Design
 - Development to ensure there is no adverse impact on LUAS operations and safety.
 - Section 49 LUAS Green Line B1 Cherrywood Extension applies
- 3.3.2. Transport Infrastructure Ireland (TII) in their second report and having considered the further information states that their position remains as set out above.

3.4. **Third Party Observations**

- 3.4.1. There are several observations recorded on the planning file from (1) Woodford Residents Association, (2) Joe Borinski, (3) Padraig & Helena Dillon, (4) South County Property Investment Holdings Ltd, (5) Mark & Rosemary Asple, (6) Joseph &

Muriel O'Hagan, (7) Liam Dowdall, (8) Cllr Ossian Smyth, (9) cycle parking and (10) Breda Reidy.

- 3.4.2. The issues raised relate to the unacceptable abrupt transition in scale, destruction of the privacy and residential amenity of the Woodford Estate, lack of consideration of the views and context of the Woodford Estate, no consideration of light pollution, poor landscaping design, visual impact within Woodford Estate, incomplete shadow impact modelling, negative visual and aesthetic impact, overshadowing of Woodford, light pollution to Woodford, size, scale and height of scheme, proximity to LUAS line, construction impact, traffic impact, impact on the main Leopardstown Junction, car sharing and electric vehicle charging, and low embodied carbon material materials.

4.0 Planning History

- 4.1. There was a previous planning appeal on this site that may be summarised as follows:

PL 06D.241430 (Reg Ref D12A/0403 – DLRCC refused permission for the demolition of industrial building, construction of mixed use development of four buildings for use as motor sales outlet, cafe, offices, retail, car and bike parking, ancillary site works/services at the former FAAC site, Leopardstown Road and Burton Hall Road, Sandyford, Dublin 18. Following a first party appeal the Board refused permission for the following reason:

The site of the proposed development has been identified as a prime site for which clear objectives are specified in the Sandyford Urban Framework Plan. It is considered that the proposed development lacks integration within the wider scheme and provides for extreme differences in height and massing between block A and adjoining buildings, would give rise to an inadequate relationship of built form, would fail to facilitate a coherent streetscape and skyline and an appropriate sense of enclosure along Leopardstown Road, and would constitute a lost opportunity at this location for implementation of the objectives and design principles of the said plan which are considered reasonable. The proposed development would therefore be contrary to proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan for the area is the **Dun Laoghaire Rathdown County Development Plan 2016-2022** and the **Sandyford Urban Framework Plan** which forms part of the Development Plan (SUIP- Appendix 15 of the County Development Plan). The site is zoned “**Zone 3 – Office Based Employment Uses – OE** with a stated objective “*to provide for office and enterprise development*”.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. The third party appeal has been prepared and submitted by Philip O’Reilly Architect on behalf of the appellant Liam Dowdall, No 90 Woodford, Brewery Road, Stillorgan. The issues raised may be summarised as follows:

- 6.3. **Excessive Height** – Building 2 is a 5 storey building over basement car park in a location which has a proposed building height limit of 5 storey height in the SUIP. Having regard to the fall across the site (nominally 4.28m) submitted that *in truth* Building 2 is a 6 storey building facing Burton Hall Road and Woodford in a location which has a proposed building height limit of 5 storey height.

- 6.4. **Overlooking** – The cross section shows the rear facing bedroom windows of No 90 fully exposed and ground floor windows partially exposed to overlooking from the 4th and 3rd stories (red dash lines) of Building 2. For the occupants of No 90 this is exposure of the private rear of the house to public overlooking. Physical features can normally be clearly identifiable at 50 to 55 metres. Such exposure to overlooking, where there was none previously, would be a serious failure in protecting the residential amenity of the property and have an adverse impact in the destruction of its existing residential privacy.

- 6.5. **Overshadowing** – The Study on loss of Sunlight, including Drawing 1 and the over-marked copy of the Dublin Institute of Advanced Studies Table for Sun Position over Dublin, clearly identifies the additional overshadowing which will occur on the rear face of No 90 as a result of the construction of the proposed Building 2. This amounts to a total of 319 hours, during the months of February, March, April and September, October, November. Access to sunlight over these months has a high value in terms of residential amenity. The proposed height of Building 2 will destroy it.
- 6.6. **External Appearance** – A significant reduction in the height of Building 2 (with the lost floor area transferred in whole or part of Buildings 1 and 3) could provide a recognisable, relaxed iconic building at this gateway to Sandyford Business District. It is suggested that a high building of dark glass is very unlikely to provide a building of notable design, and architectural excellence in this location.
- 6.7. **Night Light Pollution** – Unless steps are taken to control night light pollution escaping from the upper storeys of Buildings 1 and 2 of the proposed development, it will trespass on Woodford, disrupting natural darkness in bedrooms, degrading the existing residential amenity, disrupting sleep and wellbeing and possibly being a risk to health.
- 6.8. **Conclusion** – The proposed development provides for no improvement in the residential amenity of Woodford. It will without doubt have a severely negative impact on it due mainly to the excessive height of Building No 2 and its proximity to Woodford.
- 6.9. **Applicant Response**
- 6.9.1. The first party response to the appeal has been prepared and submitted by McGill Planning Ltd on behalf of the applicant and may be summarised as follows:
- **Excessive Height of Building 2** – Building 2 is predominantly within the 5 storey area of the SUFP. Due to the varying site levels and the need to maintain a cohesive circulation strategy throughout the development in accordance with Part M, as well as favourable basement access for cyclists, it was necessary for the architects and engineers to raise the basement (which extends across the entire site) slightly out of the existing ground

towards the Burton Hall Road / Leopardstown Road Junction end which is at the lowest point of the site. This does not create an additional storey to the building as is erroneously claimed by the appellant. This is not a significant height when considered in the context of the overall Sandyford Area governed by the SUFP.

- **Transitional Zonal Areas** – The transition from the residential zoning of Woodford to the office / employment zoning of the appeal site is not abrupt. Further the residential properties have an existing significant boundary.
- **Overlooking** – Given that the distance between residential and office windows will be more than double the normal standard in this instance it is considered that the issue of overlooking will clearly not arise and that there will be no undue impact on the residential amenity of the appellants property or any of the Woodford properties.
- **Overshadowing** – The applicant has commissioned an independent “Shadow / Daylight, VSC, Solar Study” prepared by Integrated Environmental Solution (IES) in order to demonstrate as empirically as possible that the impact on the proposed development will be acceptable. The study demonstrates that all 7 properties within Woodford examined (including the appellants property) will accord with this standard with the proposed office development in place.
- **External Appearance of Building 2** – Reducing the proposed 5 storey Building 2 any further would mean the building will be largely hidden behind the bridge when approaching from the Leopardstown Road or Brewery Road. Reference is made to the rebuttal prepared by the architects Reddy Architecture and Urbanism which charts the comprehensive and iterative design process from pre planning to application.
- **Night Light Pollution** – Public lighting is abundant in the area with stands every 15m along either side of Burton Hall Road directly south of the properties of Woodford and north of the appeal site. The applicant appointed Lighting Experts to prepare a technical response to the appeal. Submitted that when these recommendations are implemented the proposed internal and external lighting design will not adversely affect the surrounding properties.

- **Conclusion** – The permitted development is a reasonable and acceptable proposal and one which accords with the zoning for the site, respects the existing character and amenity of the area, and is consistent with the policies and objectives of the SUFP and the County Development Plan.

6.10. The response was accompanied by the following:

- Response prepared by Reddy Architecture & Urbanism
- Lighting Report prepared by Homan O'Brien Consulting Engineers
- Shadow / Daylight, VSC, Solar Study prepared by IES Consulting Engineers

6.11. **Planning Authority Response**

6.11.1. DLRCC in their response to the appeal states that the issues raised in relation to height, overlooking, overshadowing and external appearance have been addressed in the Planners report. It is considered that the issue in relation to night pollution from Building 1 and 2 is not significant having regard to the use of the building and the distance of the proposed buildings from the adjoining residential properties Woodford.

6.12. **Observations**

6.12.1. There are no observations recorded on the appeal file.

6.13. **Further Responses**

6.13.1. The applicant's response to the appeal was cross circulated to relevant parties. The following response was received as summarised:

6.14. **Philip O'Reilly on behalf of the appellant Liam Dowdall (additional comments)**

6.15. **Land Use Zoning & Transitional Zonal Areas** – The proposed office development facing Woodford, will be built as close as possible to its site boundary, with five stories of office accommodation; and with a series of measures which accentuate and make the building as high as is possible. There is no existing residential development where the houses are closer to the SUFP boundary than at Woodford.

6.16. **Excessive Height of Building 2** – The alternative and external wall modelling for Buildings 1 and 2 are noted. This information clearly confirms that Building 2

presents a 6 storey building to Burton Hall Road and to Woodford residential estate. If the SUFP required a 6 storey building along Burton Hall Road, it would have stated it.

- 6.17. **Transitional Zonal Areas** – In Zoning Map 6 Woodford Zone A and BHR development zone OE do not abut because Burton Hall Road is white on Map 6. Their interface and the enormous difference in utilisation, density, etc creates a classic zonal transitional area irrespective of Burton Hall Road, the LUAS or that it is white on the map.
- 6.18. **Overlooking** – The cross section submitted with the appeal demonstrates the extent of overlooking that will occur over the private residential rear of No 90 Woodford from the proposed development. All of the rear facing windows in upstairs bedrooms are exposed to overlooking from the opposing third floor office windows in Building 2. At a separating distance of 52 to 58 metres human characteristics are recognisable for normal eyesight. The 22 metre standard for opposing facing domestic windows is not at all relevant to this situation.
- 6.19. **Overshadowing** – Noted that the applicant has commissioned a comprehensive overshadowing analysis for the proposed Burton Hall Road development for its impact on Woodford Residential Estate including No 90. Noted that the loss of amenity is clearly identified in the Loss of Sunlight Study.
- 6.20. **External Appearance of Building 2** – Reference to examples of buildings of notable design is to demonstrate that buildings of notable design do not need to be buildings that dominate their surroundings by their height.
- 6.21. **Night Light Pollution** – The appellant welcomes the undertaking of a study, and the setting of specifications, for the design and management of external and internal artificial lighting to minimise night light pollution. However the appellant's primary concern is that Building 2 will inflict night pollution on No 90. Management of control protocols in minimising light, emissions cannot be guaranteed in the long term, with changes in ownership, tenancy etc.
- 6.22. **Conclusion** – The land zoning between the proposed development and the SUFP at Woodford residential estate is a transitional area. It is mandatory that the proposed development protects and / or improves the existing residential amenity of Woodford

and in this case No 90. The proposed scheme will cause damage to the existing residential amenity of No 90 due to:

- The excessive height of Building 2
- Overlooking from Building 2
- Overshadowing from Building 2
- Night light pollution from Buildings 1 and 2

7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted to DLRCC on 6th December 2017 as amended by further information submitted to DLRCC on the 29th March 2018 together with the plans and particulars submitted to the Board on the 19th June 2018.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Scale & Design
- Residential Amenity
- Other Issues

8.0 Principle

8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within the Sandyford Urban Framework Plan which forms part of the Development Plan (SUIFP- Appendix 15 of the County Development Plan refers). The site is zoned “Zone 3 – Office Based Employment Uses (OE) where the stated objective is “*to provide for office and enterprise development*” and where office based industry, offices and tea rooms / café uses are

permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.

- 8.2. The site currently accommodates a vacant low rise commercial building (c. 4,600 sqm gross floor area), which was last used by FAAC, a firm involved in the manufacture and supply of automatic doors and gates. This building, which is proposed to be demolished, is not listed on the record of protected structures and is not located within any designated conservation area. Further the structure does not in my view have any distinctive architectural merits and does not contribute significantly to the area in terms of visual amenity, character, or accommodation type. Accordingly there is objection to the proposed demolition of this building.
- 8.3. Having regard to the zoning objective for the site, I am satisfied that the demolition of the existing commercial building on site and the construction of an office development including a ground floor café is a permissible development and use at this location.

9.0 Traffic Impact

- 9.1. I refer to the Infrastructure Design Report, the Traffic & Transportation Assessment together with the response to the further information request comprising inter alia a Quality Audit, drawings and particulars. Significant road works are proposed in the immediate area of the site to accommodate the scheme. Currently a single “simple” priority controlled vehicular junction is provided on Burton Hall Road Extension. It is proposed that vehicular access to the subject office development will be provided via a priority-controlled junction in the general vicinity of the existing site access junction on Burton Hall Road.
- 9.2. Internally the majority of vehicles entering the development will be directed down a ramp into the basement car park. Other vehicles e.g. deliveries or set down are all accommodated within the development i.e. off the public road at podium level which has a designated shared surface to facilitate normal day to day turning of vehicles. Cyclists using the long term parking spaces enter the basement via their own dedicated entrance from the proposed park or from the Leopardstown / Burton Hall Road Junction. The development will provide 346 car parking spaces including mobility impaired parking bays and cyclist parking at basement level. 14 motorcycle

spaces are also proposed. It is stated that a number of these are provided as electric car charging points. In total the scheme provides a total of 183 short stay bicycle spaces at ground level in proximity to each building and 188 long stay bicycle spaces within the basement. Pedestrians and cyclist will be provided with various site access locations along both Burton Hall Road and Leopardstown Road.

9.3. Externally, in order to provide the new right turn lane into the development, the resultant widening works and management of traffic at this location has necessitated a revised entrance arrangement. The access has been designed to provide separate exit lanes for left and right turning traffic to manage existing traffic. As part of the development it is also proposed to widen Burton Hall Road from the Blackthorn Avenue junction to the Leopardstown Road (N31) junction to facilitate the right hand turn lane into the development. It is submitted that in creating this right turn pocket, additional turning provision is also provided to the two existing entrances on the opposite side of the road. In addition a new left turn slip lane will also be provided on Burton Hall Road at the Burton Hall Road / N31 Leopardstown Road, signalled-controlled junction to manage traffic at this junction.

9.4. As set out above the proposal involves a significant amount of work being done to Burton Hall Link Road and Leopardstown Road / Burton Hall Link Road signalised junction. The works include, in summary:

- Removal / excavation of existing boundary walls / railings, footpaths, kerbs, cycleway, road signs and drainage items.
- Alterations to public lighting, traffic lights and various utilities.
- Moving a bus stop
- Road, footpath, kerb, cycle way and drainage construction
- As requested by DLRCC this work is to be carried out at the applicant's expense.

9.5. DLRCC Transportation Planning have no stated objection to the scheme subject to conditions relating to inter alia details for agreement of the proposed alterations to Leopardstown Road / Burton Hall Link Road Junction, submission of a Stage 3 Road Safety Audit, cycle parking, provision of electric vehicle charging points, submission of a Stage 2 Quality Audit, implementation of the Framework Mobility Management Plan and compliance with a Construction Traffic Management Plan.

- 9.6. Having regard to the information available on file together the policy objectives for the site as set out in the Sandyford Urban Framework Plan, the location of the appeal site together with the layout of the proposed scheme (as amended) I am satisfied that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. While there will be a significant interruption during the demolition and construction phase I am satisfied that this will be short term.
- 9.7. Overall I consider the proposal to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard. Similar to DLRCC it is recommended that should the Board be minded to grant permission that conditions similar to those set out in the notification of decision to grant permission be attached; condition No 11, 12, 13, 14, 16 and 17 of the notification refer.

10.0 Scale & Design

- 10.1. The appellant in their submission raises concern that Building 2 is a 5 storey building over basement car park in a location which has a building height limit of 5 storey in the SUFP.
- 10.2. Under the Sandyford Urban Framework Plan the appeal site is located within the “Sandyford Business Estate”; *an area in the process of transforming from an area of low-density freestanding buildings formed around a road network, to higher density development within a tighter urban grain.* Building heights within the established areas of the Sandyford Business Estate range from between 4/5 and 14 storeys in recently permitted schemes. Policy SUFP 3 Building Height in Sandyford Business District states that *it is Council Policy that building height in Sandyford Business District accords with the height limits indicated on Building Height Map 3.* It is stated that building height refers to the number of storeys within a building including ground level. The SUFP does not prescribe a meter height limit to new buildings. Map 3 specifies a 5 storey building height along Burton Hall Road to the north with a 6 storey building height specified for the remainder of the southern portion of the site.
- 10.3. Buildings 1 is 5 storeys and Building and 3 is 6 storeys. Given the location of these two buildings within the scheme they both adhere to the building height requirements

for their respective portions of the site as set out in Map 3. Building 2, the primary concern in this appeal, is described as a 5 storey building and while this height would be compliant with the 5 storey height restriction along Burton Hall Road, the appellant is concerned that having regard to the nature of the building i.e. 5 storeys over basement together with the fall across the site that Building 2 reads as a 6 storey building.

- 10.4. The applicant submits that due to the varying site levels and the need to maintain a cohesive circulation strategy throughout the development in accordance with Part M, as well as favourable basement access for cyclists, it was necessary for the architects and engineers to raise the basement (which extends across the entire site) slightly out of the existing ground towards the Burton Hall Road / Leopardstown Road Junction end which is at the lowest point of the site.
- 10.5. Having considered the scheme together with my site inspection I agree with the applicant that this approach does not create an additional storey to the building but rather adheres to both the specific and wider requirements of the SUFP while adapting to the topography of the site. It is also noted that the building would appear to partly lie within an area deemed suitable for 6 storeys however the overall height is consistent at 5 storeys and therefore compliant with the requirements of the Framework Plan.
- 10.6. With regard to the height of Building 2 I am satisfied that the applicant has achieved an appropriate balance in terms of adhering to the prescriptive height requirements set out in the SUFP and the topography of site. There is no objection to the height of the scheme proposed.
- 10.7. In addition the appellant also raises specific concerns with regard to the external appearance of Building 2 and specifically that a high building of dark glass is unlikely to provide a building of notable design, and architectural excellence at this location. Objective BH4 states that *buildings at locations identified on Map 3 with a triangle symbol shall be of notable design to mark its prominent location*. Map 3 of the SUFP requires that *a building of notable design* is to be located on the eastern edge of the site; the site of Building 2 in this case.
- 10.8. The appeal site, despite its prominent location at the entrance to Sandyford Business Estate, is visually dominated by the existing LUAS Bridge (site photos refer). In

response to a request for further information to vary the aesthetic across the scheme and to reinforce and celebrate the difference in form and location of Building 2 the design and elevational treatment of all three buildings was revised to draw more contrast between Buildings 1 & 3 compared to Building 2 as follows:

- Building 1 – The glazed curtain wall that faced the internal pocket park was removed. This façade was replaced with a stone clad elevation with punched windows and was continued around to the end façade.
- Building 3 - The glazed curtain wall that faced Leopardstown Road was removed. This façade was replaced with a stone clad elevation with punched windows and was continued around to the end façade.
- Building 2 – Verticality was emphasised by removing the stone base portion which allowed the metal frame curtain wall to continue to the ground thus running the entire height of the face. Consideration was also given to varying frame dimensions, profiles and colours which aims to provide a series of layers and thus depth to the façade. The design of the sculptural element was also revised through the removal of the vertical sections allowing the corner of the building to open up and present greater prominence to the Leopardstown Road and Burton Hall Road corner.

10.9. I agree with the applicant that overall the amended designs of all the buildings present greater contrast in aesthetic appearance when viewed collectively. I further agree with the applicant that the prominent role for a building of notable design envisaged in Policy BH4 of the SUIP would not be achievable at a lower height. Reducing the proposed 5 storey Building 2 any further would mean the building would be largely hidden behind the bridge when approaching from the Leopardstown Road or Brewery Road and therefore at odds with the policy objectives for the site.

10.10. The requirements of Condition No 2(i) and (ii) are noted and the applicant states that they will comply with same. This condition is based on the recommendation of the DLRC Architects Department and relate to the detailing of Building No 2 requiring the omission of the ppc aluminium feature on the roof of building 2; lengthening the height of the metal frame curtain wall by min. 650mm; provision of a continuous unbroken expressed metal structural facade to the Burton Hall Road & Leopardstown Road/interchange elevations; introduction of more vertical primary structural elements; consistency in structural colour and web detailing. I agree with

this approach and recommend that should the Board be minded to grant permission that a similar condition be attached in order to emphasise Building 2 as a building of notable design and to provide a more vertical emphasis.

10.11. As pointed out by the applicant that SUFP presents a detailed plan-led vision for the area and how key sites should be developed in terms of scale, height, massing, density and quality of design with the overall aim of delivering a cohesive, integrated and sustainable business estate. The appeal site is identified as a prime site for which clear objectives are specified in the SUFP for a significant office development. I am satisfied that the height and detailed design of the proposed development (as amended) as proposed accords with the various quantitative and qualitative standards of the SUFP. Accordingly there is no objection to the height and design of the scheme as proposed.

11.0 Residential Amenity

11.1. The appellant (No 90 Woodford) raises concerns that there will be damage to their residential amenity and the adjoining properties at Woodford Estate in terms of overlooking, overshadowing and night pollution. I have noted the detailed reports and submissions on file.

11.2. Woodford is a mature residential estate of two storey suburban houses with gardens front and rear. A row of Cypress Trees extends outside the rear garden walls of No 87 to 94 Woodford between the rear gardens and Burton Hall Road. It stated that they are growing on land which is understood to be the property of the Local Authority but are not maintained by the Local Authority. The trees have a height of nominally 6.50 to 7.00 metres above the public pavement.

11.3. With reference to Zoning Map 6 of the Development Plan it is noted that the “A – Residential” zoning of Woodford does not adjoin the “OE – Office & Enterprise” zoning of the appeal site. The Burton Hall Road is located between the two zonings and is a wide 4 lane road with footpaths and cycle tracks on either side. The Luas line and bridge is also located between the site and Burton Hall Road. It is stated that the Woodford properties are setback c55m from the appeal site. I agree with the applicant that the transition from the residential zoning of Woodford to the office and enterprise zoning of the appeal site is not abrupt. Unlike many urban sites where

there are two contrasting zonings proximate to each, there is a significant boundary and between these two districts comprising paths, roads, edges and landmarks.

- 11.4. As documented the appeal site has the benefit of *Zone 3 – Office Based Employment Uses* zoning under the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan which forms part of the Development Plan (SUFP- Appendix 15 of the County Development Plan). It is therefore evident that the zoning of these appeal lands for office based employment use has been through the rigours of the Development Plan process. I refer to *McGarry v Sligo County Council (1989)* where the Supreme Court described an adopted development plan as “*an environmental contract between the planning authority, the council and the community, embodying a promise by the council that it will regulate private development in a manner consistent with the objectives stated in the plan*”. Therefore, from a planning land use perspective, location and proximity to other established uses I am satisfied that the proposed scheme is acceptable at this location.
- 11.5. I note the appellants concerns that the rear facing bedroom windows of No 90 will be fully exposed and ground floor windows partially exposed to overlooking from the 4th and 3rd stories of Building 2. Having regard to the information available together with my site inspection I agree with the applicant that given that the distance between residential and office windows will be more than double the normal standard in this instance it is considered that the issue of overlooking will clearly not arise and that there will be no undue impact on the residential amenity of the appellants property or any of the Woodford properties.
- 11.6. I note the appellants concerns regarding overshadowing and the loss of 319 sunlight hours, during the months of February, March, April and September, October, November by reason of the height of Building 2. Having regard to the information available I am satisfied that the properties within Woodford will continue to receive above standard daylight in accordance with BRE standards and that there will be no significant loss of daylight to the existing properties at Woodford that would warrant a refusal in this case.
- 11.7. On the matter of night light pollution I note the appellants concerns that unless appropriate steps are taken to control night light pollution escaping from the upper

storeys of Buildings 1 and 2 it will trespass on Woodford, disrupting natural darkness and degrading the existing residential amenity. As is characteristic of many urban areas public lighting is abundant in the area. As pointed out by the applicant there are light stands every 15m along either side of Burton Hall Road directly south of the properties of Woodford and north of the appeal site. The applicant appointed Homan O'Brien Consulting Engineers to prepare a technical response to the appeal summarised as follows:

- A full lighting control system for both landlord and tenant area will be provided.
- The proposed system will utilise time scheduling and PIRs to control lighting in compliance with LEED.
- Tenant office lighting control will be on time schedule and PIR motion detection. The time schedule will automatically turn off all office lighting after hours when no presence is detected within the office ensuring lighting in offices is not left on overnight / after hours when office is empty/
- The landlord areas will have automated lighting control systems, typically the lighting visible from the facades on the upper levels, which would be visible on Buildings 1 and 2 from the residential housing, will be the stair core lighting. Stairs cores will be controlled via PIRs which will only turn on light when presence is detected, lighting will not be left on overnight / after hours.
- The exterior lighting design and luminaire selection will be in compliance with the relevant design guidance documents as follows:
 - a) Cibse Guide to Limiting obtrusive light 2012
 - b) SLL Code of Lighting 2012
 - c) CIE 126-1997 Guidelines for Minimizing Sky Glow
 - d) ILP Guidance Note GN01: Guidance Notes for the Reduction of Obtrusive Light
 - e) The Society of Light and Lighting Factfile No 7

11.8. I am satisfied that with the application of the above lighting methodologies the proposed internal and external lighting design will not adversely affect the surrounding properties. Having regard to the information available it is considered that the issue of night light pollution will clearly not arise and that there will be no

undue impact on the residential amenity of the appellants property or any of the Woodford properties subject to compliance with the Lighting Report prepared by Homan O'Brien Consulting Engineers above. It is recommended that should the Board be minded to grant permission that a condition requiring compliance with same be attached.

- 11.9. I have considered the scheme (as amended) before the Board and I am satisfied that the use, design, scale, form and positioning of the proposed scheme strikes a reasonable balance between the protection of the amenities and privacy of the dwellings at Woodford Estate including the appellants property at No 90 with the specific objectives for the appeal site as set out in the Sandyford Urban Framework Plan and that it will not result in any significant overlooking, over shadowing or night light pollution of these properties subject to conditions as recommended. I therefore consider the proposed scheme to be acceptable

12.0 Other Issues

- 12.1. **Appropriate Assessment** – I have noted the Appropriate Assessment Screening Report (Appendix A, Planning Report) submitted with the application. The appeal site is not in a Natura 2000 site and the nearest such sites are 3.5km from the subject site namely the South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC. There is no evidence of any source/pathway/receptor route(s) between the appeal site and these sites and so I consider that the current proposal would not have a significant effect upon any Natura 2000 sites.
- 12.2. Having regard to the nature and scale of the proposed development, within an established urban area, and its 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.
- 12.3. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising an office development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

12.4. **Development Contributions** - DLRCC has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended). DLRCC attached the following development contribution conditions in its notification of decision to grant permission:

- Condition No 30 – Provision of Roads Public Infrastructure Facilities in the Sandyford Urban Framework Plan Area only as provided for in the DLRCC Development Contribution Scheme adopted on the 14th December 2015
- Condition No 31 – Provision of Community and Parks Public Infrastructure Facilities in the Sandyford Urban Framework Plan Area only as provided for in the DLRCC Development Contribution Scheme adopted on the 14th December 2015
- Condition No 32 – Provision of Surface Water Public Infrastructure as provided for in the DLRCC Development Contribution Scheme adopted on the 14th December 2015
- Condition No 33 – Provision of Roads Public Infrastructure as provided for in the DLRCC Development Contribution Scheme adopted on the 14th December 2015
- Condition No 34 - Provision of Community and Parks Public Infrastructure as provided for in the DLRCC Development Contribution Scheme adopted on the 14th December 2015

12.5. The proposed development does not fall under the exemptions listed in the Scheme. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition, similar to Conditions No 30, 31, 32, 33 and 34 set out in the notification of decision to grant permission requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000 (as amended).

12.6. **Supplementary Development Contributions** – Condition No 29 of the notification of decision to grant permission issued by DLRCC required the payment of a Supplementary Development Contribution in the amount of €1,419,623.19 in respect of the Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1. It is also noted that Transport Infrastructure Ireland (TII) in their report stated that a Section 49 LUAS Green Line B1 Cherrywood Extension applies. The site is located

in close proximity to the LUAS line and within the Section 49 Development Contributions Scheme Area for the B1 Sandyford to Cherrywood area. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 49 Development Contribution in accordance with the Planning and Development Act (as amended).

- 12.7. **Luas Line** – The Sandyford to Cherrywood Luas line passes along the northern boundary of the appeal site between its Sandyford and Central Park stops. It is noted that Transport Infrastructure Ireland (TII) sought further information in relation to demolition and constructions management and methods, details of works that affect / interface with the LUAS, lighting design etc. The Planning Authority addressed these concerns through the application of a condition; Condition No 21 refers. I agree with this approach and recommended that should the Board be minded to grant permission that a similar condition be attached.
- 12.8. **Drainage** – I refer to the Infrastructure Design Report submitted with the application. All new main foul sewers are designed to discharge by gravity to the public sewers. As part of the scheme the existing water main on site will be removed although the existing 6 inch connection will be reused with a new electromagnetic type meter. This will supply a new 100mm diameter ring main for the development which will in turn supply each building separately via its own sub-meter. It is further submitted that the management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of DLRCC. The surface water strategy incorporates attenuation of storm water to limit discharge from the site, although storage facilities and SUDs elements will be designed to allow infiltration or reduction of run-off volumes and rates where possible.
- 12.9. DLRCC Drainage Planning Water Services Reports have no stated objection to the development subject to conditions as set out in their report relating to surface water, green roof desing and rainwater harvesting. I agree with this approach and recommended that should the Board be minded to grant permission that a similar condition be attached.

12.10. **Flooding** – Flood Risk has been assessed in a Site Specific Flood Risk Assessment (SSFRA). A Stage 1 Assessment identification of flood risk for the proposed site was undertaken. The site has not existing flood risk associated with fluvial, pluvial, coastal or groundwater sources of flooding i.e. it is located in Flood Zone C. A Stage 2 Assessment was undertaken which concluded that the proposed development plans including drainage design did not increase flood risk for the surrounding area and that the development was suitably designed against normal flood risk. Mitigation measures have been included within the proposed development to minimise the risk of flooding within the site and to ensure that there is no increase in the risk of flooding elsewhere. It is also submitted that the surface water network, attenuation storage and site levels are designed to accommodate a 100 year-year storm event and includes climate change provision.

12.11. Having regard to the information available on file I am satisfied that the potential impacts of the proposed development in terms of flooding have been established and that the type of development proposed is appropriate for this area. I do not consider that the proposed development would exacerbate the risk of flooding in the area.

13.0 **Recommendation**

13.1. It is recommended that permission be **GRANTED** subject to conditions for the reasons and considerations set out below.

14.0 **Reasons and Considerations**

14.1. Having regard to the provisions of the Sandyford Urban Framework Plan which forms part of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 (SUIFP- Appendix 15 of the County Development Plan) and its zoning for Office Based Employment Uses, to the location of the site in the established Sandyford Business Estate (formerly Sandyford Industrial Estate) and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of

pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 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 day of March 2018 and by the further plans and particulars received by An Bord Pleanála on the 19th day of June, 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. Prior to the commencement of development the applicant shall submit revised drawings for the written agreement of the Planning Authority to show the following changes to Building No. 2:
 - (i) Omission of the ppc aluminium feature located on the roof of Building 2
 - (ii) Lengthen the height of the metal frame curtain wall by min. 650mm
 - (iii) Provide a continuous unbroken expressed metal structural facade to the Burton Hall Road & Leopardstown Road/interchange elevations
 - (iv) Introduce more vertical primary structural elements to strengthen the vertical emphasis and omit/ reduce the visual emphasis of the horizontal channel located between the third and fourth floors
 - (v) Both the vertical and horizontal structural elements to be consistent in colour
 - (vi) Incorporate expressed flange and web detailing to primary vertical

structural

Reason: In the interest of visual amenity and to emphasise Building 2 as a building of notable design and to provide a more vertical emphasis

3. (a) Prior to the commencement of development the applicant shall submit the following details for the written agreement of the Planning Authority:
 - (i) The proposed set down area shall be relocated further north
 - (ii) The detailed design of the hard and soft landscape areas
 - (iii) Boundaries to the pocket park
- (b) Prior to the occupation any office accommodation the proposed pocket park shall be completed and available for public use.

Reason: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority and in the interests of proper planning and sustainable development.

4. (a) Prior to the commencement of development the applicant shall submit the following details for the written agreement of the Planning Authority:
 - (i) Proposed alterations to the traffic lights at Leopardstown Road / Burton Hall Link Road junction
 - (ii) Proposed alterations to the street lighting on Burton Hall Link Road.
 - (iii) Provision of electric vehicle charging points for minimum number of car parking spaces in accordance with Section 8.2.4.12 of the Dun Laoghaire Rathdown County Development Plan (2016-2022).
- (b) All cycle parking facilities and access routes shall be designed and constructed in accordance with Dun Laoghaire Rathdown County Council Cycling Policy July 2017 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'.
- (c) The Applicant shall ensure that prior to undertaking works to be carried out on the public road (including on footpaths) that they shall obtain a Road Opening Licence from the Road Maintenance and the Roads Control Sections.

Reason: In the interest of public safety and the proper planning and sustainable development of the area.

5. a) The Developer shall carry out at their own expense the recommendations and measures as accepted and noted in the submitted Quality Audit (dated March 2018) prepared by DBFL unless otherwise agreed with DLRCC.
- b) A Stage 2 detailed design Quality Audit shall be carried out prior to commencement of construction.
- c) Post construction / prior to occupation a Stage 3 Road Safety Audit and a post completion Quality Audit shall be carried out at the Applicant's expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) and TII (Transport Infrastructure Ireland) standards.
- d) All measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. A feedback report shall also be submitted providing a response to each of the items.

Reason: In the interest of the proper planning and sustainable development of the area.

6. All works carried out on the public road (including on footpaths) shall be at the Applicant's expense to meet the Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements and all to the satisfaction of the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to the commencement of the development or any construction works on site the applicant shall agree in writing the following plans and detailed design of the boundary interface with the Luas Line with Transportation Infrastructure Ireland (TII) and submit the following details of the agreed design for the subsequent agreement of the Planning Authority:

- (i) Construction Management Plan
- (ii) Geotechnical Design Report in accordance with IS EN 1997-1a.
The report shall detail both

- (iii) temporary and permanent works as they affect the raised Luas alignment and be independently certified to category 3 level.
- (iv) Demolition and Construction Method Statement
- (v) Method Statement should identify all interfaces to the Luas alignment and contain a risk assessment for works associated with the interfaces including mitigation measures for unacceptably high risks.
- (vi) The method statement should demonstrate resolution of all issues outlined above when viewed in the context of the existing operational Luas infrastructure.
- (vii) An agreed schedule of settlement and vibration monitoring, covered by legal agreement during the works which must be carried out in accordance with TII's 'Code of Engineering Practice for Works on, near or adjacent the Luas light rail system'.
- (i) Lighting design for the scheme which shall not create glare onto the Luas alignment
- viii. Interfaces with proposed new infrastructure and treatments at ground level.

Reason: In the interest of proper planning and development and to ensure no adverse impact on Luas operations and safety.

- 8. (a) Details of the proposed signage for the café unit shall be submitted for the written agreement of the Planning Authority, prior to the occupation of the unit.
- (b) No advertising sign or structure shall be erected except those, which are exempted development, without prior grant of permission from the Planning Authority.

Reason: In the interest of visual amenity.

- 9. The scheme shall comply with the recommendations set out in the Lighting Report prepared by Homan O'Brien Consulting Engineers and submitted to An Bord Pleanála on the 19th day of June 2018.

Reason: In the interest of residential amenity

- 10. (a) 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.

- (b) Prior to the commencement of construction the applicant shall submit full details of the proposed Green Roof and formal maintenance of same to be agreed in writing with the Planning Authority.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

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

Reason: In the interest of visual amenity

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

13. 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 noise management measures and off-site disposal of construction/demolition waste.

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

14. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

15. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development

Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Mary Crowley

Senior Planning Inspector

22nd November 2018