



An
Bord
Pleanála

Inspector's Report

ABP-304118-19

Development	Construction of enlarged retail supermarket unit.
Location	232, North Circular Road, / 85 Grangegorman Upper Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3916/18
Applicant(s)	Lucy Smith
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Rathdown Road and District Residents Association
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	17 th June 2019
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 649 sq m, is located at the junction of the North Circular Road and Grangegorman Upper in Dublin 7. The stated address of the site is 232 North Circular Road / 85 Grangegorman Upper and it is bounded by the North Circular Road to the north, Grangegorman Upper to the east, residential dwellings to the south and the Grangegorman campus and associated SDZ lands to the west.
- 1.2. No. 232 North Circular Road is identified in the Dublin City Development Plan 2016-2022 as a protected structure (RPS Ref. No. 1679). However, the building which stood on site has been removed. The northern part of the site is now vacant and is partially enclosed with a palisade fence, while a warehouse/industrial type building is located on the southern part of the site. A number of cars were parked on the site on the date of my site inspection, with signage indicating that a car sales business is currently operated from the site.

2.0 Proposed Development

- 2.1. The proposed development relates to amendments to an existing planning permission (Reg. Ref. 3280/15), comprising:
 - Removal of 7 No. car parking spaces at ground floor level and replacement with an enlarged retail supermarket unit to include retail floor space, food preparation and sales counter, off-licence and café unit with seating provided in the external plaza for daytime use only. The total proposed gross retail floor area is stated to be 283.5 sq m, an increase from the 136 sq m previously permitted.
 - Retail waste handling and storage provision.
 - Reorganisation of permitted bin stores and bicycle parking at ground level.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission and the following summarised conditions are noted:

- **C3:** €5,605 Luas Cross City s. 49 contribution.
- **C5:** Terms and conditions of permission Reg. Ref. 3280/15 shall be fully complied with, except where modified by this permission.
- **C6(ii):** Applicant shall undertake to implement the measures outlined in the Residential Travel Plan and ensure future residents of the proposed development comply with this strategy.
- **C6(iv):** Cycle parking shall be secure, conveniently located, sheltered and well-lit.

3.2. Planning Officer's Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- The site is identified as a Protected Structure. The building which stood on the site has been removed as it was deemed to be a Dangerous Building.
- No changes are proposed to the height, massing or overall design of the permitted building.
- Planning Authority acknowledges that the building which stood on the site was a protected structure, however it was in a derelict state for many years and collapsed in May 2014. Permission has been granted for the redevelopment of the entire site.
- Planning Authority considers that there is no requirement for Appropriate Assessment.
- The site is well served in terms of access to public transport and therefore the removal of car parking associated with the residential development is appropriate. Dedicated secure cycle storage will be provided.

- Servicing arrangements for the retail unit are acceptable.
- Proposed off-licence element comprises 4.8% of the overall floorspace of the convenience shop and therefore comprises a minor and subsidiary element.
- Development proposal accords with both the Development Plan and proper planning and sustainable development.

3.3. Other Technical Reports

- 3.3.1. **Drainage Division:** No objection, subject to conditions.
- 3.3.2. **Roads and Transportation Division:** No objection, subject to conditions.
- 3.3.3. **Conservation Officer:** Application relates to amendments to a planning permission with no further effect on protected structures.

3.4. Prescribed Bodies

- 3.4.1. **Transport Infrastructure Ireland:** Any grant of permission should include a section 49 levy condition.

3.5. Third Party Observations

- 3.5.1. Two third party observations were made. The issues raised can be summarised as follows:
 - Height of apartment block and loss of light.
 - Excessive provision of off-licences and anti-social behaviour arising.
 - Noise, litter and traffic in a residential area.
 - Conditions required to control signage, advertising and noise.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. 3280/15:** Permission granted for demolition of all buildings on site and: construction of a new building ranging in height from three to five storeys to provide

10 No. apartments above a ground floor cafe/retail space; 7 No. car parking spaces; cycle parking; bin storage and the provision of a new public space in front of the development, facing the North Circular Road.

- 4.1.2. **Reg. Ref. 3351/05:** Permission granted for the reconstruction, alterations and extension of Phoenix House, a protected structure. Proposal included partial demolition of dangerous sections of the existing structure to provide a four storey building with 3 No. retail units, 12 No. apartments and 6 No. off-street car parking spaces.

4.2. **Surrounding Area**

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

4.3. **Other Relevant Cases**

- 4.3.1. **ABP-302911-18:** The Board refused permission for the change of use of supermarket retail floorspace to off-licence (18 sq m) on Z1 zoned lands at a Spar unit at Shanowen Road, Dublin 9.

- 4.3.2. The Board's reason for refusal was as follows:

"The appeal site is located in an area zoned "Z1" in the Dublin City Development Plan 2016-2022, where the objective is "to protect and improve residential amenities". This objective is considered reasonable. Off-licences and part off-licence are not listed as permissible uses or uses that are open for consideration under this zoning objective. Such uses not listed under these categories are deemed in the Development Plan to be not permissible in principle in Z1 zones. The proposed development would, therefore, contravene materially an objective of the Development Plan and would be contrary to the proper planning and sustainable development of the area."

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. The appeal site is zoned Z1, “to protect, provide and improve residential amenities”. I note that ‘shop (local)’ and ‘residential’ are permissible uses, while ‘off-licence’ and ‘part off-licence’ are not listed as being permissible or open for consideration under this zoning objective.

5.1.2. The following Policies are noted:

- **RD5:** To prohibit the further expansion of off-licences or part off-licences unless a compelling case can be made that there is not an over-concentration of such uses in any one area. In this respect, any application for an off-licence/part off-licence should include a map of all such establishments located within a 1km radius of the proposed development. In relation to stand alone off-licences an audit of the existing off-licence floor space provision within 1km and an analysis of the need for the proposal in the locality shall be provided.
- **RD11:** To promote and facilitate the provision of accessible good quality convenience shopping that will engender competition and service all areas of the city, particularly with regard to the inner city.
- **RD20:** To promote and facilitate the provision of accessible good quality convenience shopping with strong choice and competition within the inner city area and to develop areas to ensure that adequate provision is made for the increased population now living in the city; to reduce the numbers travelling to outer suburbs to meet their convenience needs and to attract and retain families with children in the city, as set out in the retail strategy for the Greater Dublin Area.
- **CHC1:** To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

- **CHC2:** To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest
- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- (f) Have regard to ecological considerations for example, protection of species such as bats.

5.1.3. 'Off-licence (Part)' is defined in Appendix 21 of the Development Plan as follows:

"A part off-licence is a building where the main use is the sale of convenience retail goods to members of the public and contains a subsidiary area of the premises which is licensed and used for the display and sale of intoxicating liquor, including wines, beers and spirits, for consumption off the premises."

5.1.4. Section 16.28, entitled 'Off-Licence and Part Off-Licence', states that:

"In considering planning applications for a part off-licence in a shop, the following criteria shall be applied:

- The number and frequency of such facilities within a 1 km radius of the proposed development

- The amenities of properties in the nearby residential areas
- The floor area used for the display of alcohol products is subsidiary to the main use of the shop and that area should be no more than 10% of the total floor area
- The location of the display area of alcohol products shall be in an unobtrusive position, not near the entrance or windows of the shop and preferably to the rear of the premises
- The area for the display of alcohol products shall be detailed on the floor plans and the display of alcohol products shall be limited to this area only
- The area for the display of alcohol products should be secure and monitored.

In the case where a grant of planning permission is considered, the provision will be strictly regulated, and regard shall be given to the need to impose the following conditions:

- Limiting the display area of alcohol products to that area of the shop only as detailed on the plans
- No advertising of the sale of alcohol products on the façade/frontage of the premises
- No display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows.”

5.1.5. Section 16.29, entitled ‘Restaurants’, states that:

“The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised.

In considering applications for restaurants, the following will be taken into consideration:

- The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents
- Traffic considerations

- Waste storage facilities
- The number/frequency of restaurants and other retail services in the area (where a proposal relates to a Category 1 or 2 shopping street as defined in, 'City Centre Retail Core, Principal Shopping Streets' in Chapter 7 and Appendix 3).
- The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses.”

5.1.6. With regard to car parking provision, Dublin City is divided into three zones with different car parking requirements for each. The appeal site is within Zone 1 and Section 16.38 states that “given the high accessibility by public transport to Zone 1 there shall be no minimum requirement for car parking in that zone”.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within or in the immediate vicinity of any sites with a natural heritage designation. The closest such sites are the Royal Canal pNHA which is c. 0.8km to the north and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the North Dublin Bay pNHA, both of which are c. 3.6km to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Rathdown Road and District Residents Association. The issues raised can be summarised as follows:

- While appellant does not have any fundamental objection to the revised development proposal, they strenuously object to the inclusion of an off-licence.
- The further information submitted by the applicant in relation to the number of off-licences is incomplete. There are 15 No. off-licences within 1000m of the site, not 11 No.

- The area is extremely well served by off-licences and another one is neither warranted nor desirable, particularly as the site is in a residential area.
- Off-licences contribute to anti-social behaviour and littering. The Board is asked to omit the off-licence element by condition.
- A condition limiting the evening opening hours of the shop should be appended to any permission to prevent noise nuisance.
- The permitted scheme included seven car parking spaces. The proposal to provide no car parking is not in accordance with the Development Plan.
- There is limited on-street car parking in the area, and the permitted level of car parking should not be reduced.
- Provision should be made for a delivery bay on site. Grangegorman Upper/Orchard Terrace is a very narrow road and the North Circular Road is a major thoroughfare where deliveries would cause serious traffic disruption.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. An observation was received from Transport Infrastructure Ireland and can be summarised as follows:

- Site is within the area set out in the section 49 Luas Cross City (St Stephen's Green to Broombridge Line) Contribution Scheme.
- If the development is not exempt, it is recommended that a s49 levy be included in the schedule of conditions.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. I consider that the key planning issues arising in this appeal are as follows:

- Principle of proposed development.
- Car parking and deliveries.
- Residential amenity.
- Other issues.
- Appropriate assessment.

7.2. Principle of Proposed Development

7.2.1. The appeal site is located in an area zoned 'Z1' in the Dublin City Development Plan 2016-2022, where the objective is "to protect, provide and improve residential amenities". I note that 'shop (local)' and 'residential' are permissible uses under the Z1 zoning objective, while 'off-licence' and 'part off-licence' are not listed as being permissible or open for consideration uses¹. The Development Plan states that such non-listed uses will be deemed not to be permissible uses in principle in certain zones, including in zone Z1.

7.2.2. I consider the proposed enlargement of the retail unit and the inclusion of a café area to be generally acceptable with regard to the Z1 zoning objective and Policies RD11 and RD20, which seek to promote and facilitate the provision of accessible good quality convenience shopping.

7.2.3. With regard to the proposed inclusion of a part off-licence element within the retail unit, I note that Policy RD5 of the Development Plan seeks to prohibit the further expansion of off-licences or part off-licences unless a compelling case can be made that there is not an over-concentration of such uses in any one area and that Section

¹ 'Off-licence' and 'part off-licence' are included as permissible or open for consideration uses under certain other zoning objectives.

16.28 of the Development Plan subsequently sets out various criteria that will be considered in assessing applications for off-licences and part off-licences.

- 7.2.4. While the proposed off-licence element would be limited in extent (12 sq m or c. 4.8% of the total gross retail floorspace) and thus would be ancillary to the main convenience retail use, the Development Plan is clear and unambiguous in distinguishing between 'off licence' use and 'part off-licence' use. It defines a part off-licence as "a building where the main use is the sale of convenience retail goods to members of the public and contains a subsidiary area of the premises which is licensed and used for the display and sale of intoxicating liquor, including wines, beers and spirits, for consumption off the premises". What is proposed in this instance is clearly a 'part off-licence', as defined in the Development Plan.
- 7.2.5. As noted above, the Development Plan deems a 'part off-licence' not to be a permissible use in principle in Z1 zoned areas. Therefore, notwithstanding the limited extent and subsidiary nature of said use, and regardless of the concentration of such uses in the area and the criteria set out in Section 16.28, I consider that the part off-licence would constitute a non-permissible use and thus materially contravene the Z1 zoning objective that applies to the site.
- 7.2.6. By way of precedent, as I noted in Section 4.3 above, the Board recently refused permission for a similar part off-licence (18 sq m) within a convenience retail unit in Dublin 9 (ABP-302911-18 refers) on the basis that it would materially contravene the Z1 zoning objective that was also applicable to that site.
- 7.2.7. Given that I consider the proposed development to be otherwise acceptable in principle, I therefore recommend that the part off-licence element be omitted by way of condition, should the Board be minded to grant permission.

7.3. Car Parking and Deliveries

- 7.3.1. With regard to car parking provision, 7 No. spaces were permitted under Reg. Ref. 3280/15 to serve the 10 No. apartments. The applicant is proposing to omit all 7 No. spaces and to incorporate the resultant area within the retail unit.
- 7.3.2. The appellant contends that the permitted car parking should not be omitted, as there is limited on-street parking in the area, and also contends that provision should be made for an on-site delivery bay.

- 7.3.3. Maximum car parking standards are set out in Table 16.1 of the Development Plan and I note that the appeal site is located within Zone 1 of the Planning Authority's 3 No. car parking provision zones. For Zone 1 this equates to 1 space per 350 sq m GFA for retail and 1 space per dwelling for residential. However, Section 16.38 of the Development Plan states that "given the high accessibility by public transport to Zone 1 there shall be no minimum requirement for car parking in that zone".
- 7.3.4. I note that Section 4.27 of the recent 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018' states that for "urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location". Similarly, the National Planning Framework states at Section 4.5 that "there should ... generally be no car parking requirement for new development in or near the centres of the five cities".
- 7.3.5. In response to the Planning Authority's request for further information, the applicant submitted a 'Residential Travel Plan' and a planning cover letter addressing the issue of car parking provision. The applicant contended that the apartment units are likely to be occupied by students, due to the site's proximity to the Grangegorman campus, and as such are unlikely to require car parking. With regard to the retail unit, the applicant contended that it will be a small convenience unit that will serve the local community only. The applicant noted public transport availability in the vicinity of the site, including Dublin Bus stops, Luas Phibsborough stop, Dublin Bikes station and GoCar services. The applicant also noted that 12 No. secure cycle parking spaces are proposed at ground floor level, and stated that a copy of the Residential Travel Plan will be provided to each occupant of the units. The Planning Authority's Roads and Transportation Division considered the applicant's approach to be acceptable and had no objection to the omission of the car parking spaces, subject to conditions.
- 7.3.6. Having regard to the limited scale of the permitted/proposed development, which essentially comprises 10 No. apartments and a relatively small convenience shop with secure cycle parking facilities, and noting the location of the appeal site in close proximity to a range of high quality public transport options, including bus and Luas routes, and within reasonable walking/cycling distance of City Centre amenities and facilities, I consider the omission of the permitted car parking spaces to be

acceptable both in terms of compliance with the car parking requirements of the Dublin City Development Plan and the broader principles of proper planning and sustainable development as espoused by the Sustainable Urban Housing Guidelines and the National Planning Framework.

- 7.3.7. With regard to servicing of the retail unit, the applicant's intention is somewhat unclear. The applicant states that the operator of the retail unit expects one early morning delivery per day, comprising a standard van. A service entrance is shown on the ground floor plan onto Grangegorman Upper, however there is no loading bay proposed. I note that drawing No. 215_P_B1_01_02 shows a swept path for vehicles turning from Grangegorman Upper to the North Circular Road. This would appear to indicate that the applicant's intention is for delivery vehicles to stop on Grangegorman Upper, however item No. 13 on the legend of the Landscape Masterplan drawing (drawing No. 215_WS_15_00_01) shows the paved public realm area in front of the retail unit, with a note stating "2 No. removable bollards...to retail unit off street delivery area using existing forecourt entry point".
- 7.3.8. While I accept that the level of servicing required in connection with the retail unit is likely to be limited, I would concur with the appellant that delivery vehicles stopping on Grangegorman Upper would have the potential to impede traffic movements on this narrow street. I consider the arrangement shown on the Landscape Masterplan to be preferable, as it would facilitate an off-street loading area, which would revert to pedestrian use when not in use. I note that such an approach would be consistent with guidance set out in Section 4.4.9 of the Design Manual for Urban Roads and Streets.
- 7.3.9. In conclusion, having regard to the limited scale of the convenience retail unit and the low level of servicing likely to be required to operate it, I consider that delivery vehicles can be accommodated as set out in the Landscape Masterplan, without resulting in traffic congestion or impacting on residential amenity. Due to the lack of clarity in the application documentation, I recommend that this issue be clarified by way of condition, should the Board be minded to grant permission.

7.4. Residential Amenity

- 7.4.1. As noted above, the appeal site is zoned 'Z1', residential, and the surrounding area is predominantly in residential use, albeit that the wide and heavily trafficked North Circular Road creates a more urban environment. The Board will also note that the appeal site adjoins the Technological University Dublin Grangegorman campus, with a future entrance to be provided to the campus immediately to the west of the appeal site.
- 7.4.2. The proposed development is limited in scale and I do not consider that the local convenience shop use is likely to result in any significant impacts on residential amenity. However, given the increase in pedestrian footfall that is likely to occur when the adjacent campus entrance is delivered, and noting the proposed provision of outdoor seating on the public realm area, I consider that it would be appropriate to include a condition restricting the hours of operation of the retail unit and its café element in the interest of protecting residential amenity in this Z1 zoned area.

7.5. Other Issues

- 7.5.1. Protected Structure
- 7.5.2. With regard to the protected structure status of the appeal site, I note that the structure in question is no longer extant, with the Planning Officer's report stating that it was demolished as a Dangerous Building. As the proposed development relates to amendments to an existing permission for the redevelopment of the site, I do not consider that any further issues or concerns arise in this regard.
- 7.5.3. Section 49 Development Contribution Scheme
- 7.5.4. The appeal site is located within the area subject to the Luas Cross City (St Stephen's Green to Broombridge Line) Supplementary Development Contribution Scheme, established under Section 49 of the Planning and Development Act 2000, as amended.
- 7.5.5. Condition No. 3 of the Planning Authority's decision requires the payment of a contribution in accordance with this scheme, and TII has made an observation to the Board recommending that a contribution be included, should the Planning Authority's decision be upheld.

7.5.6. Having reviewed the scheme, I consider that the proposed development comes within its terms, and that none of the exemptions set out therein are applicable. I therefore recommend that the Board attach a supplementary contribution, should they be minded to grant permission.

7.5.7. Conditions Attached to Parent Permission

7.5.8. As the proposed development relates to amendments to an extant planning permission (Reg. Ref. 3280/15), which includes conditions relating to, *inter alia*, signage, construction management, surface water and waste management requirements etc. I recommend that a condition be included in any grant of permission requiring the development to be carried out and completed in accordance with the terms and conditions of the permission granted under Reg. Ref. 3280/15, except where specifically amended.

7.6. **Appropriate Assessment**

7.6.1. The appeal site is not located within or in the immediate vicinity of any designated sites. The closest such site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which is c. 3.6km to the east. Having regard to the infill nature and relatively small scale of the proposed development, the location of the site within a serviced urban area, and the distance from the nearest European site, I consider that no Appropriate Assessment issues arise, and that the proposed development would not be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, 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 property in the vicinity, would be acceptable in terms of traffic impact and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of February 2019, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25th day of May 2016 under planning register reference number 3280/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed part off-licence use shall be omitted from the ground floor retail unit.

Reason: In order to ensure compliance with the land use zoning objective that applies to the site.

4. Provision shall be made for a loading area within the site, as indicated on item 13 of the Legend appended to the Landscape Masterplan (drawing No. 215_WS_15_00_01) submitted to the planning authority on the 12th day of February 2019. The loading area shall only be used between the hours of 0700 to 1000 and it shall not be used by heavy goods vehicles at any time. Details of this provision, including swept manoeuvring paths, measures to prevent parking,

bay dimensions etc, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

5. The developer shall implement the measures outlined in the Residential Travel Plan submitted to the planning authority on the 12th day of February 2019.

Reason: In the interest of encouraging the use of sustainable modes of transport.

6. The proposed retail unit and associated café shall not operate outside of the period of 0800 to 2100 hours on any day.

Reason: In the interest of residential amenity.

7. Details of all external shopfronts and signage for the ground floor retail unit shall be the subject of a separate planning application.

Reason: In the interest of visual amenity.

8. 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.

9. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City (St Stephen's Green to Broombridge) Line 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.

Niall Haverty
Senior Planning Inspector

19th June 2019