



An  
Bord  
Pleanála

## Inspector's Report ABP-305806-19.

<b>Development</b>	Permission for the demolition of 2 storey dwelling; construction of 21 three and four bedroom houses, comprising 16 semi-detached, 2 storey houses with attic level accommodation and 5 terraced, 2 storey houses; vehicular access from Stocking Lane; car parking; public open space and all associated site works and services.
<b>Location</b>	Garretstown House, Stocking Lane, Rathfarnham, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD19A/0103.
<b>Applicant(s)</b>	Rosemount Properties Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John & Sharon McCarthy & Others.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	06/02/2020 & 19/02/2020.
<b>Inspector</b>	A. Considine.

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## 1.0 Site Location and Description

- 1.1. The subject site is located within the jurisdiction of South County Dublin and is accessed off Stocking Lane, Rathfarnham, Dublin 16. The surrounding area comprises primarily residential development including Airpark to the west, which includes houses and apartments, and Prospect View, Prospect Heights and Prospect Drive to the east of the site which are generally estates with large detached houses. Prospect View lies immediately adjacent to the site. Prospect House, a protected structure lies to the north of the overall landholding. The M50 is located immediately adjacent to the subject site to the south. The site is located approximately 9km to the south of Dublin City, and approximately 3.5km south of Rathfarnham village.
- 1.2. The proposed development site comprises the lands associated with Garretstown House and is almost triangular in its shape. The house to be demolished comprises a detached 2 storey dwelling with an extensive garden area. The boundaries to the site comprise a stone wall to the western (roadside) boundary and the block wall associated with the residential estate Prospect View to the east. The M50 comprises the southern boundary. There is a small area to the immediate north of the site, which is within the ownership of the applicants, but not included as part of this application site.
- 1.3. The existing entrance to Garretstown House fronts onto the R115 and comprises a stone wall with gate piers and gate set back from the road, approximately 60m from the M50 overpass on the R115. The proposed layout will relocate the existing gate to approximately 35m from the M50 overpass. The level of the M50 is significantly below the levels of the proposed development site.
- 1.4. The site has a stated area of 0.638ha and falls from approximately 120mOD in the south eastern area to approximately 111mOD in the north.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the demolition of 2 storey dwelling; construction of 21 three and four bedroom houses, comprising 16 semi-detached, 2 storey houses with attic level accommodation and 5 terraced, 2 storey

houses; vehicular access from Stocking Lane; car parking; public open space and all associated site works and services, all at Garretstown House, Stocking Lane, Rathfarnham, Dublin 16

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Planning Report
- Engineering Services Report
- Acoustic Design Statement
- Solar Analysis
- Part V Proposal

2.3. Following a request for further information, the proposed development was amended in terms of the site layout and an increase in the number of residential units to 24 through the construction of 4 terraces of 6 houses each and the following documents were submitted:

- Design Statement
- Landscape Design Statement
- Updated Acoustic Design Statement
- Surface Water Attenuation and SUDS
- Arboricultural Assessment Report
- Autotrack Analysis
- Ecological Impact Assessment
- Lighting Design Report
- Energy Consumption Sheet

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 23 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes a Screening for Appropriate Assessment.

The initial Planning Report concludes that further information is required in relation to the development in terms of a design statement, revised noise assessment, surface water proposals, landscaping proposals, roads and traffic issues, Ecological Impact Assessment, public lighting proposal, proposals to comply with CDP H11 Objective 2 in relation to energy efficiency and clarification on proposals for the area of land to the north of the site within the applicants ownership, excluded from the development site.

Following the submission of a response to the FI request, the Planning Officer notes the amendments to the development and the final planning report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 23 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

#### 3.2.2. Other Technical Reports

**Housing Department:** A Part V condition should be attached to any grant of permission.

**Water Services:** Further information required in relation to surface water proposals.

Following the submission of a response to the FI request, the Water Services Section advises no objection subject to compliance with conditions.

**Parks & Landscape Services:** The submitted landscape plan is of poor quality with no street tree planting and with limited passive and active recreational opportunities provided for. Issues raised in relation to existing trees, lack of a bat survey, landscaping plan, no demonstration of useable open spaces and issues with non-compliance with SUDs and Green Infrastructure. The development as proposed fails to comply with a number of policies and objectives and it is recommended that permission be refused.

Following the submission of a response to the FI request, the Parks & Landscape Services recommends a number of conditions to be included in any grant of permission.

**Roads Department:** No objection subject to compliance with conditions.

Following the submission of a response to the FI request, the Roads Department recommends a number of conditions to be included in any grant of permission.

**Environmental Health Officer:** No objection subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

**Transport Infrastructure Ireland:** No observations.

**Irish Water:** No objection subject to compliance with conditions.

Following the submission of a response to the FI request, Irish Water advised again no objection to the development subject to compliance with conditions.

### 3.2.4. Elected Members

There were 3 submissions from Elected Members / TDs as follows:

**Cllr. Sarah Holland** submitted an observation with the issues raised summarised as follows:

- Overshadowing of Prospect View is unacceptable
- Contrary to the CDP sections 11.2.7 and 11.3.1
- The buildings are essentially 3 storeys
- Issues raised in relation to the price of the 2 Part V units. Justification required for how a unit costing €200k to build is sold to the council for over €450k.

**Cllr. Deirdre O'Donovan** submitted an observation with the issues raised summarised as follows:

- Existing houses will be adversely affected due to loss of sunlight in their rear gardens.
- 3 storey houses are not in keeping with the character of the area.
- The proposed plans contravene the provisions of the CDP as they relate to separation distances for buildings greater than 2 storeys (11.2.7), buildings on steep or varying topography (H16 Obj 1 & 2), objectives of protecting privacy (H15 Obj 4) and light (7.1 & 7.2 Guidelines on Sustainable Residential Development)

Following the receipt of a response to the FI request, Cllr O'Donovan submitted a further submission to reiterate her original objections to the proposed development.

**John Lahart TD.** requested that his objection to the application be included and asked to be kept informed.

### 3.2.5. **Third Party Submissions**

There are 17 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- Completeness and quality of plans questioned.
- Height of the houses and proximity to existing houses.
- The CDP advises that houses above 2 storeys built adjacent to existing 2 storey houses should be at least 35m
- The development will result in overlooking of private open spaces as well as ground floor rooms of existing houses.



- The development will result in overshadowing of existing houses and existing houses will suffer a significant loss of light, particularly from 5pm.
- Loss of sunlight will result in coldness and damp and completely obliterate the existing amenity of back gardens of existing houses and will impact on the health and quality of life of existing residents.
- The raising of the ground levels will result in units being up to 2.9m above the ground level of existing gardens.
- No provision for drainage and concern raised that the development may result in flooding and waterlogging at existing properties.
- Impact on roads and traffic on Stocking Lane and will not be in keeping with the zoning objective 'to protect and improve' the residential amenity.
- The proposal makes reference to a long-term roads plan for Stocking Lane, which implies that there is improvement planned. The enhancements to pedestrian and cycling facilities have already been made and it is understood that there are no further enhancements proposed.
- There is no proposal to provide quality public transport on Stocking Lane and the area is served by a single bus route which can take up to 90 minutes to reach the city centre.
- Not opposed to appropriate development.
- Potential impacts on the security of existing property.
- Claims made by the applicant that the development will not impact on existing houses are misleading and untrue.
- Potential noise impacts
- Traffic hazards associated with the proposed relocation of the existing entrance closer to the M50 bridge.
- Inadequate visitor car parking proposed.
- Impact on existing trees has not been considered.
- Inadequate amenities in the vicinity to accommodate further development, eg. Schools, GPs, dentist etc

- The application does not address what is planned for the northern portion of the site, excluded from the current proposed development site.

Following the submission of a response to the FI request, a further 10 third party submissions were received with issues raised summarised as follows:

- Concerns raised and highlighted by the PA were not addressed by the applicant, namely overlooking, overshadowing, loss of light and risk of flooding.
- The proposed amended development represents a more significant impact on the existing residential properties.
- Bat survey was carried out over a one-hour period which is inadequate.

## 4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

**PA ref: S99B/0389:** Permission granted to erect a new 2.5m high boundary wall.

## 5.0 Policy and Context

### 5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.2. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

**5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;

- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2.4. Section 5.7 deals with Brownfield lands and notes that where significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.

5.2.5. Section 5.9 deals with Inner suburban / infill sites and notes that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division of dwellings.

### 5.3. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

#### **5.4. Development Plan**

The subject site is located on lands which has the zoning objective RES – to protect and improve residential amenity.

The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

#### **5.5. Natural Heritage Designations**

The site is not located within any designated site. The closest European Site is the Wicklow Mountains SAC (Site Code 002122) and the Wicklow Mountains SPA (Site Code 004040), both located approximately 4km to the south of the site. the Glenasmole Valley SAC (site code 001209) also located approximately 4.5km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

#### **5.6. EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

This is a third-party appeal, with multiple signatories, against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- Revisions to the proposed development has resulted in an increase in house numbers.
- The site layout changes now provide two areas of public open space, the larger one which has virtually no passive surveillance and reflects poor overall layout design.
- The change in layout, rather than responding positively has maximised the negative impact of the development on the amenity of the appellants, particularly reflected in the change in ground levels without justification.
- Section drawings included in the appeal seek to reflect the relationship as proposed between proposed unit no. 24 and no. 36 Prospect View.
- The houses will appear as being 3-4 storeys in height when viewed from a number of houses in Prospect View.
- No details on how the +3m level differential at the northern end of the application site will be dealt with.
- The robustness of the PAs assessment is questioned based on a number of incorrect statements.
- The three terraces relating to housing units nos 7-24 will be visually dominant and obtrusive when viewed from appellants properties.
- Design statement submitted is inadequate.
- Noise impact on future residential amenities would be unacceptable.
- The overall layout and design is poor.
- The development does not provide for adequate car parking and does not provide for bicycle parking.

It is requested that permission be refused for the proposed development.

## 6.2. Applicant Response

The first party submitted a response to the third-party appeal. The submission is summarised as follows:

- The proposal to develop 2-storey dwellings in a back to back arrangement with Prospect View is a reasonable design response that will not unduly impact on the residential and visual amenity of existing dwellings.
- The scheme will provide a mix of unit sizes in an area dominated by 3 and 4 bedroom houses.
- All houses are 2-storey with larger units having a third level of accommodation in the roof space.
- The proposed development is consistent with the National Planning Framework, the Development plan and relevant Section 28 Guidelines.
- The statement that the proposed 2 storey houses will appear as being 3 or 4 storey in height cannot be sustained. They will be marginally higher than those in Prospect View.
- The appeal grounds in relation to overlooking, and the section drawing included which is not to scale, should not be relied upon.
- The proposed development has adhered to and exceeded planning standards in terms of separation distances.
- The objective analysis of the shadow diagrams show that the allegations of overshadowing cannot be sustained.
- Sunlight/daylight criteria have been taken into account as set out in BRE Guidance. All parameters are well within established guidelines.
- The submitted Acoustic Design Statement submitted confirms that good or reasonable noise levels will be achieved within all living / dining rooms with windows open.
- Public open space is provided in two formal play areas of varying sizes. Adjacent houses have been specifically designed to overlook the open space to the south of the site.
- Car parking has been designed in accordance with DMURS.

It is requested that the Board uphold the decision of the Council and grant permission for the proposed development.

### 6.3. **Planning Authority Response**

The Planning Authority responded to the first party appeal advising that issues raised have been dealt with in the planners' report. The Planning Authority confirms its decision to refuse.

### 6.4. **Observations**

None.

## 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the Development
2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
3. Visual & Residential Amenity Issues
4. Roads & Traffic
5. Water Services
6. Other Issues
7. Appropriate Assessment

### 7.1. **Principle of the Development:**

- 7.1.1. The proposed development site is located on lands zoned for residential purposes in the South County Dublin Development Plan 2016-2022 and this zoning objective is 'to protect and improve residential amenity.' The proposed development seeks planning permission for the construction of 21 houses on a site which covers



0.638ha. The Board will note that following a request for further information, the proposed development was amended in terms of the site layout which increased the number of residential units to 24 with the omission of semi-detached units and the construction of 4 terraces of 6 houses each.

7.1.2. Having regard to the above, I am generally satisfied that the principle of the residential development on these lands is acceptable.

## **7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:**

7.2.1. The existing site comprises a residential site with a large detached house on an extensive site. The proposed residential development is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009 guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. In terms of the recommendations of the Guidelines, I have no objection to the proposed density of same in principle.

7.2.2. The development originally proposed a development of 21 houses, with a block of 5 units in a terrace and 8 pairs of semi-detached houses. The subject site has a stated area of 0.638ha which equates to a density of approximately 33 units per hectare. The site layout proposes an area of approximately 819m<sup>2</sup> of public open space in two areas, one small area comprising 164.5m<sup>2</sup> and a second area along the public road area of 654.5m<sup>2</sup>. The Board will note that there were a number of issues arising from the submitted drawings and plans which include the description of the houses proposed, areas of rooms, overall design and layout of the development including inadequate details as to landscaping as well as concerns in relation to noise impacts, associated with the M50 to the south of the site and services. The PA sought further information in relation to a number of details and issues.

7.2.3. Following the submission of a response to the FI request, the development was amended. The revisions to the proposed development are summarised as follows:

- Number of residential units increased from 21 to 24 – all in 4 terraces of 6 houses each.
- Revision to the internal road layout
- Increase in the provision of public open space – including a reduction in the main central area of open space from 654.5m<sup>2</sup> to 492.3m<sup>2</sup>. The second area of open space is relocated to the south east of the site with an area of 669m<sup>2</sup>.
- The introduction to two pedestrian access points, one towards the northern end of the site and one to the southern area, close to the proposed vehicular access to the site.

The revisions to the proposed development provides' for a density of 37.6 units per hectare.

7.2.4. The Board will note that the PA granted planning permission for the amended proposed development. The wider area provides for a variety of house types, including small apartment developments, but is dominated primarily by large semi-detached properties. The proposed development, as amended, would, if permitted, provide for a variety of house sizes ranging from 2 to 4 bedroom properties. In terms of the proposals before the Board, and in the context of the National Guidelines, I am generally satisfied that the principle of the proposed development can be considered acceptable, and that the proposed higher density is reasonable given the location of the site. In this regard, I propose to consider the amended, and permitted proposal the subject of this appeal.

7.2.5. The development comprises a development two storey houses, six of which will have accommodation in the attic space, providing for 4 terraces of six units and a mix of 8 no. 2 bedroom houses, 8 no. 3 bedroom houses and 8 no. 4 bed roomed houses. No single storey houses are proposed, and the unit types are as follows:

<b>Unit type</b>	<b>Number</b>	<b>%</b>
2 bed	8	33.3%
3 bed	8	33.3%
4 bed	8	33.3%

I am satisfied that the proposed mix of house types is acceptable.

7.2.6. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.2 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

- In terms of private open space, the Board will note that proposed development layout, as permitted, provides for rear gardens ranging in depth of between 11m and 12m with each of the houses have private open space in the form of rear gardens. The Board will note that unit no. 1 has a rear garden depth of 10.2m and backs onto the M50. Section 11.3.1 of the South Dublin County Development Plan deals with Residential land uses and (iv) relates to Dwelling Standards while Table 11.20 details Minimum Space Standards for Houses as follows:

<b>Type of Unit</b>	<b>Houses</b>	<b>Private Open Space</b>
Two Bedroom	80 sq.m	55 sq.m
Three Bedroom	92 sq.m	60 sq.m
Four Bedroom or more	110 sq.m	70 sq.m

In terms of the proposed development, all of the proposed units achieve the above minimum space standards in terms of floor area and private open space provision. While I would consider that the private open space provision is adequate, I would recommend that the development be amended to ensure that each house as a rear garden depth of 12m minimum to ensure the quality of that amenity space.

- With regard to public open space, the proposal as permitted, provides for 2 areas of open space to be located throughout the development.

The total area of public open space proposed amounts to 1,161m<sup>2</sup>, equating to approximately 18% of the total site area. The Development Plan requires at least 10% public open space for new residential developments.

- I am generally satisfied that the proposed amount of open space proposed is acceptable. I would also acknowledge the landscaping plan for the site including the proposals to provide for an informal play area and a younger children's play space, for babies, wobblers and toddlers, which will include high quality wooden play equipment, and which would be overlooked by the proposed houses, to the west of the site.
- In addition, the plans propose an area older children's play area, for ages 4-13 approximately, to the south east corner of the site. I have a real concern regarding this area open space, particularly in terms of the lack of potential for passive surveillance as well as the potential for causing nuisance to the adjacent existing property. I note that the proposed units nos. 6 and 7 have been designed to have their front doors facing towards this area of open space, and that the boundary treatment along these elevations are for a 1.2m high sweet chestnut post and pale fencing with steel mesh to play space and gardens. I also note the proposals for perimeter landscaping in this area.
- However, and overall, while I am satisfied that the proposed area of public open space is acceptable in principle, I would not consider that the layout of the site is acceptable in this regard and if permitted, the scheme would not result in an appropriate form of development. Should the Board be minded to grant planning permission in this instance, I consider that the proposed uses associated with the areas of public open space should be reversed.
- The area to the south east corner should be developed as the playground / amenity area for the younger children as it is more likely that these children will only use the space while supervised. The use of the open space to the west of the site offers the potential for passive

surveillance and would better serve the needs of older children. This could be dealt with by way of condition of permission and subject to the submission of a revised site layout to comply with this requirement.

*b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*

- Having regard to the location and nature of the proposed development, and to the zoning afforded to the subject site, the proposed residential use is considered acceptable at this location. I have discussed my concerns in relation to the proposed layout and open space provisions above, and while I have no objections in principle to a residential development on this site, I would not be satisfied that the residential amenities of future residents of the development have been appropriately considered. I would restate that the alterations to the use of the public open spaces would address my concerns in this regard.
- In addition to the above, I have concerns in terms of the proposed site levels identified on the submitted plans. In certain areas of the site, the development proposes the raising of existing site levels by +2m. While I acknowledge the sloping nature of the site, and indeed, the efforts of the designer to step the development to ensure compliance with DMURS for vulnerable road users, I am not satisfied that the development has been appropriately designed to avoid undue adverse impacts on the amenities of existing adjoining residents.
- I am generally satisfied that the development will not have any significant adverse impacts on the amenities of future residents of the development but may on adjoining neighbours. I will address the issue of levels further below in this report.

*c) Good internal space standards of development;*

- While the proposed development does not propose apartments, Section 11.3.1(iv) of the South Dublin County Development Plan provides guidance in terms of Dwelling Standards. I have referred to Table 11.20 above and acknowledge that the size of the proposed

houses adequately accords with the minimum standards cited in the Plan. In addition to Table 11.20, the Plan states that 'in houses and apartments (apartment/duplex units) the floor area of single bedrooms must be a minimum of 7.1 sq. metres; the floor area of a double bedroom must be a minimum of 11.4 sq. metres; and the floor area of the main bedroom should be at least 13 sq. metres'.

All of the bedrooms in the proposed units comply with the above minimum space standard.

d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*

- Given the nature of the proposed development, together with the zoning afforded to the subject site, I am satisfied that the development is considered as being acceptable in principle. I have raised concerns above in terms of the proposed site layout and in particular, the proposed public open space.
- The Board will note the concerns of third parties with regard to the scale of the proposed houses, which they consider to be three storeys in height.
- The existing houses in Prospect View, which lie to the east of the subject site, comprise 2 storey houses with an overall height of approximately 8.35m. The proposed houses range in height from 8.478m to 9.354m.
- While I note the third-party concerns, I am generally satisfied that the height and massing of the houses proposed adequately reflect those of the existing residential developments in the vicinity and can be considered acceptable. I also note that there are only rooms in the attic space of 8 of the units, being the end of terrace units and that the design of these buildings provide that the attic rooms are served by windows to the front of the buildings. The rear elevation of these proposed units are two storey.

- I will address my concerns in terms of the proposed site levels further below in terms of visual and residential amenity issues.
- e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*
  - Not relevant in this instance as there is no protected structure or Architectural Conservation Area within the subject site.
  - The closest protected structure is Prospect House which lies to the north of the subject site.
- f) *Compliance with plot ratio and site coverage standards adopted in development plans.*
  - The South Dublin County Development Plan advises that in general, the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines and that the residential density of new developments should generally be greater than 35 dwellings per hectare, save in exceptional circumstances.
  - The proposed development provides for a density of 37.6 units per hectare. I am satisfied that the proposed development is acceptable in terms of site coverage, plot ratio and density.

7.2.7. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estates and other land uses. The development proposes 24 residential units on zoned lands which are considered edge of town and in the vicinity of existing residential estates. I consider that the principle of the proposed development is acceptable, and I am satisfied that the density proposed is also acceptable. I remain concerned however regarding the proposed layout of the site, and in particular, the location of the proposed open space area identified for older children by reason of the lack of potential for active surveillance which would, if permitted, impact on the residential amenity of future residents. Should the Board be

minded to grant planning permission in this instance, this issued should be addressed as discussed above.

### **7.3. Visual & Residential Amenity Issues**

- 7.3.1. In terms of the potential visual impacts associated with the proposed development, I would consider that in principle the development is acceptable. The layout plans provide for detailed landscaping proposals for the site which include the retention of the existing site boundaries and the planting of over 100 new trees and other plants to improve the biodiversity of the site. I am generally satisfied with the landscaping proposals submitted for the proposed development site subject to the changes to the use of the open space areas proposed.
- 7.3.2. In addition to the above, the Board will note the proposals in terms of the site levels identified on the submitted plans. I have raised my concerns above and in particular, how the site levels proposed will have an impact on the existing residential amenities of adjacent properties. The development proposes the raising of existing site levels by +2m in the northern and central areas of the site. While I acknowledge the sloping nature of the site, I am not satisfied that the development has been appropriately designed to avoid undue adverse impacts on the amenities of existing adjoining residents.
- 7.3.3. The proposed houses are higher than those existing houses to the east of the site and in the event of a grant of permission for the increase in site levels, I suggest that there is potential for both a significant visual impact as well as an impact on the existing residential amenities of the adjacent properties. To give context, the level of the top of the existing front (western) boundary wall is indicated at +112.337, with the ground level within the site and towards the north western corner is indicated on the +111.00 contour. The proposed finished floor level of house no. 24 is indicated at +113.00. In addition to the filling of the site by 2m in the northern area, the central terrace of houses proposed will see the existing levels raised from the +113.00 contour to a finished floor level of 115.310 at proposed unit no. 18.
- 7.3.4. Should the Board be minded to grant planning permission in this instance, I recommend that the finished floor levels of the houses should not be greater than 300mm above the existing site levels and that the existing levels to the south of the



site should be reduced to achieve the appropriate slope on the site, rather than filling the northern area by 2m. This might be dealt with by way of condition of permission and subject to the submission of a full suite of planning documents, including sections. The reduction in the finished floor levels of the proposed houses would serve to prevent any sense of overbearing or overlooking associated with the proposed development and would minimise the visual impacts associated with the proposed development when viewed from Stocking Lane.

- 7.3.5. In addition to the above, I have discussed my concerns in relation to the proposed layout and open space provisions above.
- 7.3.6. In terms of noise impacts associated with the M50 on the new houses, the applicant has submitted an Acoustic Design Statement. The report presents details of the revised noise impact assessment considering changes made to the development following the request for further information. An initial assessment classifies the subject site as having medium to high noise risk, as determined through surveying the baseline noise environment, and the noise environment is dominated by road traffic noise from the M50.
- 7.3.7. Noise modelling was used to predict the potential noise impact on the proposed development which concludes that it will be necessary to provide enhanced acoustic glazing to ensure that when windows are closed, the internal noise environment is good. Externally, the noise levels in the rear gardens for units 1 to 12 are above the recommended guidance levels. The report concludes however, that the proposed development is achieving the lowest practicable levels in these external amenity spaces which is in line with the relevant guidance.
- 7.3.8. In terms of the medium to high risk, the guidelines would suggest that development may be refused on noise grounds unless a good acoustic design process is followed and is demonstrated which confirms that the adverse impacts of noise will be mitigated and minimised. I do however accept that the Professional Guidance on Planning & Noise, a document prepared for Noise Consultants, suggests that development is not precluded from high risk sites, rather, a more considered approach is required to ensure suitable design to mitigate noise.
- 7.3.9. The base noise levels were recorded at a height of 4m with levels at noise monitoring location 1 (adjacent to the southern boundary) ranges from between 67-

70L<sub>Aeq, 16hr</sub> during the daytime and between 61-63 L<sub>Aeq, 8hr</sub>. The report advises that the 4m height is used to represent first floor levels in houses. The Report determines that good or reasonable internal night-time noise levels will not be achieved within most bedrooms with windows open. In terms of daytime noise levels, the Report determines that good or reasonable internal noise levels will be achieved within all living / dining rooms with windows opened. An MHRV system and appropriate acoustic specification windows will be provided to ensure the rooms are adequately ventilated and to achieve good internal noise levels.

7.3.10. In terms of noise impacts on the external amenity areas, the Report notes that the predicted noise levels in the amenity spaces of units 1 to 12 are generally between 55-61dB L<sub>Aeq, 16-hour</sub>. The calculations take account of the existing wall / barrier at 3.5m, and the development does not propose to increase the height of this barrier. Having undertaken site inspections, one at approximately 5pm and another at lunch time, I can confirm that the primary noise source in the vicinity of the site is from the traffic on the M50. In considering the level of amenity for potential future residents of the development, I walked through the existing residential estates adjacent to the site, as well as over the overpass.

7.3.11. I have also considered the details of the proposed development in terms of the construction materials and mitigation measures proposed and overall, I am generally satisfied that the development can be accommodated on the subject site. I refer the Board to the conditions attached to the PAs decision to grant permission as they relate to noise and would advise, in the event of a grant of permission, that similar conditions be attached.

7.3.12. Overall, and subject to the alterations recommended above, particularly in relation to the minimum depth of rear gardens and the reduction in the site levels, I consider that the proposed development would be acceptable in terms of the visual amenities of the wider area and would be acceptable in terms of the residential amenities of adjacent properties and as such, would comply with the zoning objective afforded to the site which seeks 'to protect and / or improve residential amenity'. The development would therefore, be acceptable and in accordance with the proper planning and sustainable development of the area.

## 7.4. Roads & Traffic

7.4.1. Access to the subject site is proposed over the existing road network in the vicinity, and ultimately, off Stocking Lane to the west of the site. The Board will note that the proposed development seeks to relocate the existing entrance further south along the western boundary. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. The Manual seeks to address street design within urban areas and sets out an integrated design approach which requires that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

DMURS also sets out a road user priority hierarchy and details key design principles for roads, including for appropriate road widths, and requires that roads are not up designed above their speed limit.

7.4.2. I would accept that the applicant has sought to design the internal roads of the proposed estate to ensure compliance with DMURS. However, I have a concern in terms of the proposed internal road width of 6m. Given the nominal scale of the development proposed, a 6m internal road seems excessive, while the layout of the site may lend itself to cars having priority over that of pedestrians or cyclists. I do note that the proposed footpaths, at 1.8-2m comply with DMURS. Should the Board be minded to grant permission in this instance, I would recommend a condition be included to provide for internal road widths at a maximum of 5-5.5m.

7.4.3. In terms of pedestrian access, I note that two pedestrian points are identified along the western boundary of the site with access from Stocking Lane. The proposed pedestrian access to the north of the site includes a series of steps and connects with the internal footpath proposed. The southern pedestrian access lies immediately to the south of the proposed new entrance to the site, again connecting directly to the internal footpaths. I note that the Roads Section of South Dublin County Council has not raised any concerns in terms of roads and traffic issues and recommends the inclusion of conditions.

7.4.4. In terms of parking, the Board will note that the proposed development provides for 44 car parking spaces to serve the 24 residential unit development. The plans submitted do not provide for any disabled spaces or EV spaces. Table 11.24 of the South Dublin County Development Plan deals with maximum parking rates for residential development as follows:

<b>Unit type</b>	<b>No of Spaces</b>	<b>No of Units</b>	<b>Parking spaces required</b>
2 bed	1 space	8	8
3 bed	1.5 spaces	8	12
4 bed	2 spaces	8	16
<b>TOTAL</b>			<b>36 parking spaces</b>

7.4.5. Section 11.4.3 of the CDP deals with car parking for electric vehicles and requires that all development shall provide for the charging of battery-operated cars at a rate of up to 10% of the total car parking spaces. The remainder of the parking spaces should be constructed to be capable of accommodating future charging points as required. In terms of the above, and while I am satisfied that the development provides adequate car parking to service the proposed development in accordance with the Development Plan, the layout does not provide for the 10% allocation for EVs. This issue could be dealt with by way of condition

7.4.6. The proposed construction phase of the development has the potential to give rise to some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature. In terms of general roads and traffic issues, and acknowledging the third-party submissions in this regard, I am satisfied, based on the information submitted to date, including reports from the Roads Section of the Council, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents in the area. In addition, I am satisfied that the development, if permitted, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider

area or the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

## **7.5. Water Services**

With regard to water services for the proposed development, the Board will note that both Irish Water and SDCC Water Services section have advised no objection to the proposed development subject to compliance with conditions. Of particular note, the Water Services engineer notes that the proposed stormtech attenuation system is located 0.5m from an adjacent 225mm foul drain when it should be a minimum of 3m from foul drain or any structure. In the event of a grant of planning permission, the applicant shall relocate / redesign stormtech attenuation system such that it is a minimum of 3m from foul drain or any structure. In addition, the Water Services engineer requires that the proposed stormtech system shall have a capacity of 212m<sup>3</sup> attenuation storage as per PMG Consulting Engineers document submitted with the further information response. I have no objections to the proposed development in terms of water services

## **7.6. Other Issues**

### **7.6.1. Development Contribution**

The subject development is liable to pay development contribution. A condition to this effect should be included in any grant of planning permission.

### **7.6.2. Part V**

The subject development is liable to comply with the requirements of Part V of the Planning and Development Act, 2000 as amended. A condition to this effect should be included in any grant of planning permission.

### **7.6.3. Appropriate Assessment**

The site is not located within any designated site. The closest European Site is the Wicklow Mountains SAC (Site Code 002122) and the Wicklow Mountains SPA (Site Code 004040), both located approximately 4km to the south of the site. the Glenasmole Valley SAC (site code 001209) also located approximately 4.5km to the

south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

In support of the proposed development, an Ecological Impact Assessment (EclA) was submitted and notes that the site lies 260m to the west of the Owenadoher River and notes that the site suitability is assessed as very low for bats given the low number of bats detected on site, limited availability of roost sites and limited area of suitable commuting or foraging habitat, restricted to a 0.5ha area of grassland and some marginal areas of woodland. Illumination of the site and adjacent areas decreases the site suitability for bat species.

The EclA concludes that there is no significant risk of negative impact to the local Owenadoher River and the hydrological linked Natura Sites located in Dublin Bay and beyond as a result of the construction or operational phase of the development proposed. The removal of a 19m section of roadside woodland along Stocking Lane to accommodate the proposed relocated entrance to the site will not have a significant impact on the current ecological value of the small area of linear immature broadleaved woodland. The assessment presents a suite of mitigation measures, Chapter 7, and in the event of a grant of planning permission, all mitigation measures presented should be conditioned to be undertaken.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the South Dublin County Development Plan 2016-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of September, 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. The proposed development shall be amended as follows:
  - (a) The site levels in the south eastern area of the proposed development site shall be reduced by 1m such that proposed unit no 7 shall have a finished floor level of +117.35. The finished floor levels of the remaining units shall also be reduced to a maximum of 0.5m above the existing site levels to minimise the amount of filling on the site.
  - (b) The layout of the site shall be amended to ensure that all rear gardens have a minimum of 12m depth.

- (c) The use indicated for the proposed public open spaces shall be reversed, with the area for the younger children to be provided in the south eastern area of the site.
- (d) The attic dormer window in unit no. 7 shall be relocated to face the public open space area to the south.
- (f) Proposals for noise reducing boundary treatments along the southern boundary of the site shall be submitted for the written agreement of the planning authority.
- (g) The internal road shall be a maximum of 5.5m in width.
- (h) A minimum of 10% of the car parking spaces shall provide facilities for charging electric vehicles. All parking spaces shall be provided with the necessary ducting to enable provision for charging facilities for EVs.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity, visual and residential amenity and to ensure appropriate levels of surveillance of public open space.

- 3. The proposed residential units shall be used and occupied as single dwellings and solely for residential purposes. The houses shall not be sub-divided or used for any commercial purposes, including short term lettings, without the benefit of a specific planning permission for such use.

**Reason:** In the interests of clarity and the protection residential amenity.

- 4. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include for protection of trees and hedgerows on and adjacent to the site and shall comply with the requirements of the Planning Authority with regard to a post completion tree survey.



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

The developer shall engage the services of a qualified arborist for the entire construction period and the details of the arboricultural consultant shall be submitted to the planning authority.

**Reason:** In the interest of the protection of trees and landscape features and the implementation of an approved landscape design.

5. The areas of open space shown on the lodged plans shall be reserved for such use and, other than the play areas, shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The play areas shall be developed in accordance with details to be submitted to and agreed in writing with the planning authority prior to commencement of development. All of this work, including the play areas, shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

**Reason:** In the interest of visual amenity.

7. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interests of public health.

8. 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.

Prior to the commencement of any development on the site, the applicant shall relocate / redesign the Stormtech attenuation system such that it is a minimum of 3m from foul drain or any structure. The Stormtech system shall have a capacity of 212m<sup>3</sup> attenuation storage as per PMG Consulting Engineers document submitted to the Planning Authority on the 2<sup>nd</sup> day of September, 2019.

**Reason:** In the interest of public health.

9. Public Lighting for the development shall be designed to safeguard bat species and shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of proper planning and the protection of light sensitive species.

10. The mitigation measures recommended in the submitted Ecological Impact Assessment shall be implement in full and shall be certified as having been implemented by the consulting Ecologist.

**Reason:** In the interests of protecting bats and other species.

11. Proposals for a development/estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

**Reason:** In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that development, when completed, can be taken in charge by the planning authority.

13. Site development and building works shall be carried only out between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of protecting the residential amenities.

14. 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 interests of clarity, orderly development and amenity.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

**Reason:** In the interest of visual and residential amenity, and of sustainable development.

16. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

19. 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.

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A. Considine

Planning Inspector

19<sup>th</sup> February 2020