



An
Bord
Pleanála

Inspector's Report ABP-307727-20

Development	Construction of new dwelling within the grounds of Lisieux Hall (Protected Structure)
Location	Lisieux Hall, Murphystown Road, Leopardstown, D18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0994
Applicant(s)	Alannah Smyth
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	An Taisce
Observers	None

Date of Site Inspection

25th November 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of lands with a stated area of 0.2 hectares located to the north of a single-storey cottage and to the east of 'Lisieux Hall' which is a protected structure located in Leopardstown, Co. Dublin. The site forms part of the lands associated with Lisieux Hall and the subject development is located on a tennis court. The site is located within a walled area, with the Murphystown Way road located to the east, Ballyogan Road to the south and Kilgobbin Road to the west. To the north is the Murphystown Road. Access to Lisieux is from the Murphystown Road with a separate access to the south off the Ballyogan Road. A number of pedestrian only accesses were noted along the boundary wall.
- 1.2. The stated site area is 0.2 hectares, but the overall lands associated with Lisieux are much larger. Significant numbers of mature trees are located throughout the site. From the site visit it is apparent that the boundary wall on the eastern side is of a relatively recent construction probably associated with the development of the Murphystown Way Road. To the east of Murphystown Way is the Green Line Luas track with the Glencarin stop some 375 m to the north and The Gallops is circa 415 m to the south east.
- 1.3. The surrounding areas are characterised by a mix of residential development, mostly two-storey houses, and open space associated with this housing. There is an almost triangular shaped area of incidental public open space located to the south east of the south, outside the boundary walls.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The demolition of a small, shed structure with a stated area of 48.8 sq m (confirmed in the further information response).
 - The construction of a single storey detached house located to the east of Lisieux Hall. The proposed unit to have a stated floor area of 316.4 sq m and comprises of three bedrooms.
 - All associated site/ boundary works and landscaping.

- The existing access to the south off the Ballyogan Road is proposed to be used to provide access to the site.

The following documents were submitted in support of the application:

- Planning Statement by BMA Planning
- Design Statement by Des Ewing – Residential Architects
- Arboricultural Report by The Tree File – Consulting Arborists
- Landscape Management and Maintenance Plan by Parkhood, Chartered Landscape Architects
- Architectural Heritage Impact Assessment by ARC Architectural Consultants Limited
- Engineering Planning Report by MUIR Associates Limited – Consulting Engineers

2.2. Further information received by the Planning Authority on the 5th of June 2020, did not result in any revisions to the elevations or floor plans.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission following the receipt of further information. The recommended conditions are generally standard though I note that Condition no. 3 removes exempted development rights under Class 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001 as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission for the proposed development. The Planning Authority Case Officer sought further information in relation to proposed trees to be planted, details and reasons for demolition of an existing structure, provision of a Part V cert, status of proposed car parking,

transportation issues in relation to vehicular access and sightlines, and surface water drainage information.

3.2.2. **Other Technical Reports**

Conservation Division – Architects’ Department: No objection to the proposed development.

Drainage Planning – Municipal Services Department: Further information requested in relation to SUDs/ surface water drainage. On receipt of the further information response, report stated no objection subject to conditions.

Transportation Planning: Further information requested in relation to vehicular access, sightlines and information on noise from the adjacent Luas line. This last point was considered to be onerous and was omitted from the further information request. On receipt of the further information response, report stated no objection subject to conditions.

Housing Department: Recommend that a Part V Condition be included in the event that Planning Permission is to be granted.

3.2.3. **Prescribed Bodies**

Irish Water: No objection subject to recommended conditions.

3.2.4. **Objections**

An Taisce submitted a letter of objection to the proposed development. I note that An Taisce are a statutory consultee.

The following points were made in summary:

- Refer to a previous application under P.A. Ref. D19A/0100 for a similar development on this site and also refer to a number of comments made by the Dun Laoghaire-Rathdown County Council Conservation Officer.
- The design of the house has been revised having regard to the comments made under P.A. Ref. D19A/0100.
- The location/ type of trees proposed would impact on the setting of Lisieux Hall.
- There is an alternative proposal in that the existing outhouses could be used as a dwelling.

- A building is proposed to be demolished and is not described in the public notices.
- There is a proposal for a SHD development to the northern side of Lisieux Hall the subject development is considered to be premature until such time as the SHD application is considered.

On receipt of the further information, An Taisce made a further submission referring to the revised tree planting proposal/ impact on the open nature of the grounds to the south-east and that the house should be considered within the context of Part V due to the proposed development of lands to the north of the site. An Taisce were unable to view detailed drawings or conservation assessment of the stable yard/ outbuildings and were therefore unable to comment on this part of the applicant's response to the further information request.

4.0 Planning History

P.A. Ref. D19A/0100 refers to an April 2019 decision to refuse permission for the construction of a two-storey detached dwelling (414 sq m) within the grounds of Lisieux Hall and all associated landscape and site works. The development comprises a two-storey detached dwelling to the east of the existing Protected Structure, Lisieux Hall (RPS No. 1662), comprising 4 bedrooms and associated landscape and site works. The existing access point from Murphystown Road to the north provides access to the site. The following reason for refusal was issued:

'Having regard to the bulk, scale, height and design of the proposed house in proximity to the Protected Structure Lisieux Hall , the proposed two storey house would diminish the architectural integrity of the Protected Structure and would therefore be contrary to Section 8.2.11.2 (iii) Development in Proximity to a Protected Structure of the Dún Laoghaire Rathdown County Development Plan and Section 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011, DoAHG) and would therefore be contrary to the proper planning and development of the area'.

A note was attached that advised that there were other serious concerns that required addressing and these were included in the Planning Authority Case Officer's report.

P.A. Ref. D16A/0547/ ABP Ref. PL06D.248082 refers to an August 2017 decision to grant permission for a residential development of 69 units, comprising 17 no. houses and 52 no. apartments with all associated site works to the north of Lisieux Hall.

ABP Ref. PL06D.307415 refers to an October 2020 decision to grant permission for 200 no. apartments, creche and associated site works on the lands to the north of Lisieux Hall. The application was made under S.4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 – Strategic Housing Development.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective. The site adjoins lands for which a Local Area Plan will be prepared; this refers to the ‘Ballyogan and Environs Local Area Plan’.
- 5.1.2. ‘6 Year Road Proposal’ is indicated for Murphystown Way and the Kilgobbin Road – Sheet 6.
- 5.1.3. RPS no. 1662 refers to Lisieux Hall (Park Cottage) which is described as a House.
- Note: The Dun Laoghaire-Rathdown County Council A/ Conservation Officer describes this as a mid-19th Century house set within a landscaped garden. The house is located to the southern side of the site with access from the Murphystown Road’ a long driveway provides a link between the house and the public road. Associated outhouses, mature trees and walled garden all add to the character of the site.
- 5.1.4. Chapter 6 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Built Heritage Strategy’. Section 6.1.3.1 ‘Policy AR1: Record of Protected Structures’ includes the following:

‘It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.'

5.1.5. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development' and 8.2.3.4 'Additional Accommodation in Existing Built up Areas'.

8.2.11 'Archaeological and Architectural Heritage' – with particular reference to Section '8.2.11.2 Architectural Heritage – Protected Structures' and the following parts:

'The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 6.1.3)' and

'All development proposals potentially impacting on Protected Structures shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities', (2011).

The refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building’.

Also relevant:

‘(iii) Development in Proximity to a Protected Structure

Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged. Pastiche design should be avoided as it confuses the historical record of the existing building and diminishes its architectural integrity’.

5.2. Guidelines

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

5.3. Natural Heritage Designations

5.3.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An Taisce have appealed the decision of Dun Laoghaire-Rathdown County Council to grant permission for a house on lands to the east of Lisieux Hall, Leopardstown, D18.

Issues raised in the appeal include:

- The development of a house in the curtilage of Lisieux Hall would have a negative impact on the amenity and setting of this protected structure. This was

already identified under D19A/0100 and permission refused for a detached house.

- The application should be considered in the context of the Strategic Housing Development under ABP Ref. 307415-20. These developments have resulted in the piecemeal loss of the character of the protected structure.
- The Planning Authority's Conservation Officer noted concerns over the piecemeal erosion of the setting and amenity of Lisieux Hall.
- The development of the house and planting of screening trees would remove the open nature of the landscape setting to the south-eastern side of Lisieux Hall.
- No photomontages have been provided to show the vista from the main front of the Protected Structure. Those submitted with the 'Landscape Design and Access Statement + Landscape Proposal' are not sufficient as they are limited to only two points.
- Inadequate justification is provided for the development of a new house as opposed to the refurbishment and conversion of existing outhouses/ stables etc. Such refurbishment would be a more appropriate development.

6.2. Applicant's Response to the Appeal

- 6.2.1. The applicants have engaged the services of BMA Planning to prepare a response to the third-party appeal.

The following issues, in summary, were raised:

- Agree that the subject application 'must be considered in conjunction with' the SHD but the subject application is not premature until the SHD is determined. The development was considered in the context of the impact on the protected structure.
- The site context has changed over time and is now located within an urban area adjacent to busy roads and the Luas Green Line.
- The adjacent SHD application is not a matter for this application to be considered.

- The development on the tennis court is considered to be an appropriate location for this development.
- The previous application under D19A/0100 was not appealed but a revised application was submitted instead with a different house design provided.
- Detail is provided on the submitted photomontages.
- Beech trees are proposed to screen the site. There are already beech trees on this site, and it makes sense to provide similar trees here to integrate with the character of the area.
- The existing structures on site are not suitable for reuse- refurbishment. The proposed development is for a family home. The stable yard building are attached to Lisieux Hall and may directly impact on the protected structure.

6.3. **Planning Authority Response**

- 6.3.1. The grounds of appeal do not raise any new matter that would justify a change of attitude by the Planning Authority to the proposed development.

7.0 **Assessment**

- 7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Design/ Impact on the Character of the Area
- Impact on Protected Structure
- Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

- 7.2.1. The site is zoned 'A' and the development of a house is therefore acceptable in terms of the zoning objective that applies. I note the Protected Structure status of

Lisieux Hall and will comment on this further in this report. I do not foresee that the proposed development will have any impact on the 6-Year Road Proposals indicated in the development plan.

7.3. Design, Impact on the Character of the Area

- 7.3.1. From the site visit it was apparent that the development will have little impact on the character of the area as the high boundary wall/ fence and trees will screen most of the unit from public view. The proposed unit at 3.55 m with a flat roof is of a suitably low height as to not impact on the visual amenity of the area and which will not project significantly above the top of the wall/ fence boundary. The proposed house to be finished with a mix of 'local stone' and burnt timber.
- 7.3.2. The permission refused under D19A/0100 was for a two-storey unit with a height of 8.5 m, with a hipped roof. As stated, the proposed house will be a detached unit with a flat roof and a height of 3.55 m. This will be constructed on part of the footprint of an existing tennis court. The proposed development will provide for significant landscaping and the area to the west and north will be finished with a lawn and trees will be used to define the site boundary. An outhouse, a modern lean-to structure, is proposed for demolition to the south west of the house in order to provide for car parking for the proposed house. This car parking area will be connected to the proposed house by a footpath and vehicular access will be through an existing access to the south onto the Ballyogan Road.
- 7.3.3. The proposed house is of a contemporary design and I consider that it is of an appropriate design in this location. The lands to the north of the south are proposed for residential development and include for multi-storey apartment blocks with flat roof. The subject development benefits from a high-quality landscaping scheme and tree planting which results in the house being hidden from view from outside the site curtilage.

7.4. Impact on Protected Structure

- 7.4.1. The primary concern raised in the appeal is the impact on Lisieux Hall, a protected structure. As already noted in this report, the immediate area has undergone significant development in recent times. The submitted Architectural Heritage Impact Assessment includes a number of historical maps (OS maps of 1837, 1866 and 1907-1909) that indicate that the road network consisted only of the Ballyogan Road

to the south and Kilgobbin Road to the west and Murphystown Road to the north. The lands to the east appear to have been in agricultural or amenity use, with no development on this side of the site. Lisieux Hall is only visible from within the site with only the roof level visible from the Kilgobbin Road.

- 7.4.2. The comments of the Dun Laoghaire-Rathdown Count Council A/ Conservation Officer are noted. In summary, it is preferred that no development take place in the vicinity of a protected structure, however it is reported 'that the current design is more sympathetic to the built heritage and topography of the site'. The outhouse to be demolished is not of any architectural importance and I note the comments made as to why the reuse/ refurbishment of existing outhouses is not a suitable alternative to a new build unit. Looking at the existing structures, it would only be possible to provide for open space to the east of these units and which may result in poor residential amenity.
- 7.4.3. From the submitted drawings, photographs and supporting reports, I have no objection to the proposed house and its location on site. The new build house, whilst large, does not dominate the setting/ the protected structure. The new house is of a contemporary design but is of such a design as to ensure the primacy of Lisieux Hall on the site.
- 7.4.4. The proposed unit's location to the south east of Lisieux Hall ensures that the outlook facing east/ north east is retained. This eastern side of the site has undergone significant change over time with the development of the Murphystown Way road, the Luas Line and residential development. The provision of a single-storey house on the footprint of a tennis court will not erode the character or setting of the protected structure. The provision of a two-storey unit here would have a significantly greater impact and I would find it difficult to consider how such a unit could be provided without an adverse impact. The design solution submitted in this application addresses all such concerns and I am satisfied that Lisieux Hall will be suitably protected. I have no objection to the submitted landscaping/ tree planting plan as revised by the further information request.

7.5. Residential Amenity

- 7.5.1. The proposed house will clearly provide for a high standard of residential amenity for those occupying the unit. Room sizes exceed minimum standards providing for

three very large bedrooms with adequate storage provision. Extensive areas of private amenity space are available adjacent to the house. I would expect the lawn area to the west to be used more often than the area to the east which may be impacted upon by overshadowing from the boundary wall and the house itself.

- 7.5.2. The design of the house has been carefully considered with the living rooms and dining areas located to the south western side and the main access is located to the southern side. The single-storey design and setback from the existing house to the south, ensures that there is no loss of privacy to the occupants of this unit. The location and height of the proposed house ensures that there will be no overshadowing leading to a loss of daylight/ sunlight to adjoining sites to the south and Lisieux Hall to the north west.

7.6. Other Issues

- 7.6.1. Further information was requested in relation to a number of aspects of the vehicular access to and from the site. The submitted information adequately addressed all of these issues. Three car parking spaces are indicated to the south west of the house and one of these is for the use of the Lodge house to the south of the site, within which the caretaker of Lisieux Hall lives. I have no objection to the location and layout of the car parking spaces. Traffic movements to and from the site are likely to be very low and I therefore do not foresee any impact on existing traffic in the area.
- 7.6.2. The Drainage Planning – Municipal Services Department have reported no objection to the proposed drainage system subject to condition.
- 7.6.3. The Planning Authority included a condition in their recommendation, to remove exempted development rights under Class 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001. I agree that such a condition is acceptable. It does not prevent the future extension of the house but allows the Planning Authority to ascertain the suitability of any future extension/ alterations to the proposed unit.
- 7.6.4. Unusually for a single house, there is a requirement for a Part V condition due to the significant development on adjoining lands.

7.7. Appropriate Assessment Screening

- 7.7.1. BMA Planning have prepared an Appropriate Assessment Screening, and which is included with the Planning Statement. In summary, the site is not within or adjacent

to any Natura 2000 sites and there are no hydrological connections between the site and any designated sites. The development is not likely to have a significant effect on any Natura 2000 site and Stage 2 – Appropriate Assessment is not required.

- 7.7.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. In addition, it is not foreseen that the proposed development will negatively impact on Lisieux Hall, which is listed on the Record of Protected Structures. 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 on the 18 th of December 2019 and Further Information lodged on the 5 th of June 2020, 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
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	<p>Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the existing or permitted house.</p> <p>Reason: In the interest of the amenities of the area.</p>
3.	<p>The house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The landscaping scheme, as submitted to the Planning Authority on the 5th day of June 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any trees which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

6.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>

10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
12.	<p>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.</p> <p>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.</p>
13.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in</p>

	<p>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.</p> <p>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.</p>
14.	<p>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.</p> <p>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.</p>

Paul O'Brien

Planning Inspector

30th November 2020