



An
Bord
Pleanála

Inspector's Report

ABP-308327-20

Development	Construction of 2 Apartment Blocks consisting of 33 No. apartments,
Location	69 & 70 O'Connell Street, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19714
Applicant(s)	E. O'Brien and A. O'Connor
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Colette O' Connell
Observer(s)	None
Date of Site Inspection	5 th of February 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located in the heart of Dungarvan town centre along one of the main streets of the town, O'Connell Street. There are shops, restaurants and public houses along the streetscape at this location which is located at the western end of O'Connell Street.
- 1.2. The subject site is L-shaped with two separate street frontages. The main street frontage is onto O'Connell Street (northern orientation) and this is 24metres wide, and the site is flanked on both sides by three storey buildings (12metres in height).
- 1.3. There is another road frontage to the subject site on to Western Terrace (east) which mainly consists of a two-storey streetscape. The Western Terrace streetscape is 14metres in width and adjoins a public carpark to the south. The streetscape is currently a stone wall with an adjoining two storey building to the north.
- 1.4. The entire subject site is a brownfield site and according to the appeal file, the site was the former Ormonde Hotel site in Dungarvan, which was demolished in 2000 (Waterford County Museum).
- 1.5. There is a public carparking bounding the site to the rear (southern site boundary).

2.0 Proposed Development

- 2.1. The proposed development consists of 2No. apartment blocks on the old Ormonde hotel site.

Block A is five storeys high and includes 22No. apartments addressing O'Connell Street along the southern site boundary.

Block B is four storeys high and includes 11No. apartments with carparking on the ground floor to cater for the entire development and addresses Western Terrace along the eastern site boundary.

3.0 Planning Authority Decision

3.1. Decision

Waterford City and County Co. Co. granted planning permission for the proposed development on the 10th of September 2020 subject to 19No. planning conditions.

All of the conditions were standard apartment form No. 2 which is site specific.

- i) A revised layout providing a vehicular and pedestrian entrance to the site from the Western terrace and detailed elevation drawings
- ii) A site layout for the mission of Block B entirely
- iii) A bicycle storage shed for 38No. bikes
- iv) 16No. carparking spaces, with No.s 21-23 omitted and the area to be integrated into the garden area
- v) The stainless steel railings on the balconies on the front elevation shall be omitted and replaced by a suitable specification such as opaque glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- New residential development is permitted under use under the town centre zoning;
- Block A (22No. Units) will face O Connell Street, and Block B(11No. units) will face Western Terrace.
- The density is high 33No. units on 0.13Ha, which is 253units per hectare. A reduction in the overall scale is recommended.
- The development should be in accordance with *Sustainable Urban Housing: Design Standards for New Apartments (2018)*
- The proposal includes for 70% one-bedroom units and 30% two bedroom apartments; 8 of the apartments in Block A are dual aspect, and 6 in Block B are dual aspect.

- Concern over the visual impact of both blocks, and the design being unsympathetic to the historical streetscape, architectural impact assessment is required.

Further Information was requested (19/11/2019) regarding the above concerns:-

A revised design (07/08/2020) was submitted. The overall height of the apartment block onto O'Connell street has been reduced to four storeys. The fourth floor is setback from the front façade. Block B onto Western Terrace is largely unchanged. The Senior Architect considered Block B should be reduced in scale to a mews type development in order to limit the overshadowing and visual proximity to Block A. Access to Block B appears to be from the carpark which is unacceptable. The access is very long and narrow and inappropriate for a residential development. The uninviting frontage onto Western Terrace is a poor design solution.

The private gardens onto O'Connell Street have been omitted, there are recessed balconies. The balconies at first and second level fronting O'Connell street should be omitted. Social and affordable housing to be in line with Council requirements. Bicycle parking has been provided (30No. spaces). Greater relaxation of carparking requirements should be given due to town centre location.

Block A represents an overall improvement on the original design.

Block B should be refused there are too many design short comings associated with the second Block.

Permission is recommended.

3.2.2. *Other Technical Reports*

Conservation Officer: The proposal should be three storey's only and Block B on Western Terrace is totally out of character with the area.

3.3. *Prescribed Bodies*

Irish Water No objection

3.4. **Third Party Observations**

There were a number of objections to the proposal at planning application stage.

The concerns included:-

- Overall scale and massing
- Impact on the 19th century streetscape
- Loss of retailing on the street
- Apartments are one bedroom units shadow impact statement is inadequate
- Block B balconies and windows will impact on lands to the south
- Anti-social behaviour
- Car park shortfall

4.0 **Planning History**

There is no relevant planning history associated with the subject site only planning histories relating to neighbouring sites.

5.0 **Policy Context**

5.1. **Development Plan**

Dungarvan Town Development Plan 2012-2018

The strategic goals of the Dungarvan Town Development Plan are as follows:

- Consolidating and strengthening the Town by achieving critical mass;
- Facilitating balanced economic development;
- Creating a sustainable and vibrant community and providing an attractive place to live and work;
- Providing for the wellbeing of the residents of Dungarvan Town through social and recreational initiatives;

- Encouraging and facilitating enterprises and employment;
- Ensuring the timely provision of infrastructure in line with residential and economic development;
- Building upon strengths in enterprise, tourism and services; and
- Enhancing and protecting the built and natural environment

Land Use Zone	Total Undeveloped Area	Density of Development	Potential Increase in Housing Units
Residential :			
<i>R1 (Medium density)</i>	38.3ha	20 units/ha	766
<i>R2 (Low density)</i>	13.3ha	10 units/ha	130
<i>R3 (Phased)</i>	96ha	Reserved for Future Development	-
Town Centre	12.99ha	20 units/ha with 50% residential use on site	130
Total			1,026

Table 3.4 Residential & Town Centre Zoning as per the TDP 2012- 2018

Policy H1

To promote the development of sustainable communities by requiring all new residential development to comply with the principles set out in the DoEHLG publication, *Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustainable Communities, 2007*.

Policy H2

To ensure that a mixture of house types and sizes is provided to meet the needs of different categories of households, including the special requirements of elderly persons and persons with disabilities.

Policy H3

To promote and facilitate the use of the full range of the social housing options available, as resources permit, to cater for the elderly, people with disabilities and those seeking affordable housing within developments, as close to their place of origin or preference, as is practicable.

Policy H4

To meet the need for Local Authority housing and assistance as identified in the Housing Strategy, or as may otherwise arise within the Plan period, and to evaluate the suitability of the accommodation available, or other housing options, to meet the needs of the public.

The subject site is zoned **Town Centre** *To provide for an integrated mix of residential, commercial, community and social uses within the town centre.*

Site is located within *Dungarvan Architectural Conservation Area*

Policy BH 1

It is a policy of Dungarvan Town Council to protect the built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration.

5.2 National Policy

'*Project Ireland 2040 - National Planning Framework*' includes Chapter, No. 6, entitled 'People Homes and Communities' and which includes 12 objectives, the following are considered relevant to this proposed development:

National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

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 densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Design Manual for Urban Roads and Streets (DMURS).

Urban Design Manual, A Best Practice Guide, DoEHLG, May 2009

Quality Housing for Sustainable Communities, Best Practice Guidelines, DoEHLG, 2007.

5.3 Natural Heritage Designations

338m south west of Colligan River and tributary of the site

3.84Km south west of Glendine Woods SAC

0.29km south west of Dungarvan Harbour SPA

5km north of Licky Fresh Water Peal Mussel Catchment Area.

5.4 EIA Screening

Having regard to the small scale of the proposed development, the proposed connection to public water and drainage infrastructure and the separation from any environmentally sensitive sites, 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

Colette O'Connell of 4 Davis Street, Dungarvan, has taken this third party appeal against the planning authority's decision to grant planning permission for the proposed development on the following grounds:

- The subject location is one of Dungarvan's principle streets composed of 19th century shops/ dwellings and is visually disruptive of the existing streetscape and its built heritage.
- O'Connell Street is the longest and widest street in the town, and it provides access to Grattan Square. From Grattan Square westwards it is a street of three storey buildings, reducing to two storey at St. Patrick Street junction, and then to single storey at Shandon Street, reflecting the socio-economic condition of the 19th century.
- Dungarvan is a typical market town. The proposed development lies on the southern side of the street within the three-storey element.
- The proposed five-storey block is discordant in its excessive height and disruptive of the existing ridge height, placing an obvious alien structure.

6.2. Further Responses

The appellant made an additional response referring to another third-party observation (Mr. Frost) that was subsequently withdrawn.

In 2003 the Dungarvan Shopping Centre development resulted in a seamless redevelopment and integration of 7-9 O'Connell Street, and is it possible to achieve this with the current proposal.

7.0 Assessment

- 7.1. In September 2019, the applicants applied for planning permission to Waterford City and County Council for two apartment blocks (Block A and Block B) on a town centre site in Dungarvan, Co. Waterford. The subject site is a brownfield vacant site (0.13Ha) along O'Connell Street and was formerly the Ormonde Hotel with road frontage onto a perpendicular street, Western Terrace. The planning authority during the course of the application had the overall scheme revised to include a reduced Block A (reduced from five to four storeys) along O'Connell Street, and in the final decision, the planning authority omitted Block B entirely along Western Terrace. The third-party appeal is against the planning authority's decision to grant planning permission for the proposed development.

I consider the relevant issues of the appeal are as followings:

- Compliance with relevant Planning Policy
- Visual Impact
- Residential Amenities
- Appropriate Assessment

7.2 **Compliance with Planning Policy**

The Dungarvan Town Development Plan 2012-2018 (as extended) is relevant to the current proposal. Under the provisions of the Plan the subject site is zoned for Town Centre uses, and a residential use is permitted in principle under this zoning. The Town Centre zoning objective aims to have an integrated mix of residential, commercial, community and social uses. According to Section 3.4 of the Plan, the population targets for Dungarvan are in line with *Sustainable Residential Development in Urban Areas, 2009* with a view to increasing the number of housing units in the town centre by 130units. The proposed development includes for 33No. apartments on a derelict town centre site creating critical mass and consolidating the urban core. During my inspection, I noted a high level of vacancies within the general vicinity of the subject site along O'Connell Street and I consider the proposal will encourage a vibrant community within the general area.

The subject site is located within Dungarvan Conservation Area, therefore regard must be given to the existing built environment and architectural heritage.

In terms of national policy, *Project Ireland 2040 - National Planning Framework*' is relevant. I consider the following policies to be relevant:

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 densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The proposed development is the regeneration of a vacant urban site and is in line with national planning objectives.

7.3 *Visual Impact*

The third-party appellant has submitted the height of the proposed development is unacceptable within the streetscape, and that the overall design will create an alien structure in a largely nineteenth century urban fabric steeped in history.

The Board should note the planning authority had serious reservations regarding the visual impact of the development on the streetscape, and requested significant design revisions to the scheme. I intend addressing each block separately in terms of visual amenity, as they both address two different streets.

Block A: The original submission indicated a five storey contemporary building with large fenestration and recessed balconies with a total overall height of 15.22metres. The proposed southern (streetscape) elevation was very poor and dull in design terms and would have detracted from the streetscape qualities of the immediate vicinity. The planning authority requested a revised design to have regard to the existing built environment consisting of three storey town houses with pitched roofs. On the 7th of August 2020 a revised Block A design was submitted. The revised design was reduced in height to 12metres, similar in height to the adjoining three storey buildings flanking the site along the streetscape. The legibility of the revised front facade is three storeys with the fourth floor setback from the front building line and a parapet roof is proposed. In addition, the number of recessed balconies has been reduced to two, creating a more complementary architectural statement along O'Connell Street. I consider the applicant could provide different finishes and specification to emphasise the horizontal emphasis of the façade as opposed to a large monolithic appearance, and I would recommend a condition be attached to that affect. The revised design mimics traditional type buildings with 4No. two bay terraced apartment blocks, however the 4No. terraced need to be emphasised through specifications. I welcome the timber entrance with pilasters and the moulded plaster band over the windows at ground floor level, this will ensure a harmonious streetscape.

Block B: In the original submission, Block B was four storeys high, 12.7metres in height, with a large gate on the ground floor providing access to the carpark serving

the entire development off Western Terrace. The revised design submitted on the 7th of August 2020, included an overall height reduction to 11.6metres, a legibility of three storeys with a four storey setback at roof level. There is greater elevational design features in the revised design of the front elevation onto Western Terrace in terms of the parapet roof, first and second floor balconies, and a pedestrian access way to the side entrance to the apartments and a large gate to the carpark. The planning authority was not satisfied with the overall design of Block B along the streetscape and omitted it by condition from the entire development. The planning authority would have preferred a mews type development on the site of Block B, and it was not satisfied with the access to Block B from a narrow passageway along the north of the site, creating a poor design solution and an inactive frontage onto Western Terrace. The Board should note there are no strong architectural features or heritage in the vicinity of the site along Western Terrace. Given the narrow width of the site and the proposed height under 12metres, I do not consider the development will have an overbearing impact on the streetscape. There has to be a two lane access into the carpark serving the site, and because the eastern site boundary on Western Terrace is only 13.8metres in width, the carpark entrance is going to visually dominate the ground floor elevation. Given the openness of the adjoining public carpark site to the immediate south, I consider the proposed building envelop and design to be acceptable.

On balance, the most important vista is the O'Connell street façade because this is a prominent street in Dungarvan and the site is located within the historic core of the town. The overall design of both blocks has been greatly enhanced in the further information revised scheme date stamped the 7th of August 2020. The third party grounds of appeal refers to the proposed five story block, I am uncertain if the appellant reviewed the revised four storey block which is more in keeping with the existing building height and architectural context. I am satisfied the new revised design will fit seamlessly into the existing streetscape. I consider the planning authority has overemphasised the visual impact on the eastern elevation onto Western Terrace. I consider the proposed development represents an improvement to the existing streetscape in terms of creating a modern urban building on a vacant overgrown site. The mews building as suggested by the planning authority would

represent an unsustainable form of residential development and density on a prime urban site.

In respect of the concerns expressed by the planning authority regarding the pedestrian laneway to the north of Block B providing an off-street access to the apartment block, I would accept that this is a poor design solution. I believe the street level will be active with activity from the carpark and communal areas to the rear including the bin storage. Unfortunately, due to the narrow width of the site, and the carpark access, elements of the design has been compromised, but not sufficiently compromised to exclude the entire apartment block from the scheme. The proposed development should reflect the policy objectives of the National Planning Framework to increase densities in urban centres throughout Ireland.

7.4 **Residential Amenities**

I will assess the merits of the revised proposal received on the 7th of August 2020 in terms of residential amenities. The applicant supplied a number of reports with the further information submission, that have been considered in this assessment.

- **Shadow Analysis:** The Board should note that Block A is north facing. There is a communal garden area proposed to the rear of Block A, along the southern site boundary. This is to serve both apartment blocks. Neither façade design or height have an overbearing impact onto the streetscapes. Having regard to the western and southern orientation of the communal garden area, the daylight, sunlight and overshadowing impacts will be slight to none.
- **Bicycle Parking:** There are a total number of 30No. spaces provided within the complex.
- **Carparking spaces –** There are 23No. carparking spaces provided creating a shortfall of 2No. spaces for the complex which can be covered by a financial levy. As this is a town centre development consisting mainly of one-bedroom apartments it is not considered to be a car dependent development, therefore the shortfall is considered to be acceptable. Vehicular access to the carpark off Western Terrace which .

- **Block A** – Contains 10No. one bedroom apartments and 9No. two bedroom apartments. A number of them are dual aspect, and all of the apartments have a private garden/ balcony area mainly on the southern elevation of the building.
- **Block B-** includes 11No. one bedroom apartments, some of which have very limited natural light, and virtually no storage. I would be concerned about the residential amenities of the future occupants and consider the current floor plans to be substandard. In my opinion, the floor plans need to be revised to include two-bedroom apartments only on the first and second floor areas, reducing the number of apartments within Block B to 7No. apartments, with the overall permission for 26No. units on the site in total.
- **Refuse Storage** : a communal refuse storage area is located to the rear of Block A along the eastern site boundary. It is located between both blocks of apartments.

7.5 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the location of the site in a zoned area where public infrastructure is available and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a designated European site.

8.0 Recommendation

- 8.1. I recommend the planning authority decision to grant permission for the proposed development be upheld.

9.0 Reasons and Considerations

Having regard to the land-use zoning objectives for the site, as set out in the Dungarvan Town Development Plan 2012-2018 (as extended), to the nature, scale and design of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out

below, the proposed development would be acceptable in terms of design, height and scale, would provide a suitable level of amenity for future occupants, would not seriously injure the amenities of the area or of property in the vicinity, and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 7th of August 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 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>This grant of permission is for 26No. apartments only within Block A and Block B as follows:</p> <p>(i) Block A shall be in accordance with the submitted floor plans date stamped the 7th of August 2020;</p> <p>(ii) Block B shall be amended to include two bedroom units only on the first and second floors, resulting in 7No. units only within the entire Block B.</p> <p>Reason: in the interests of residential amenity.</p>
3.	<p>(i) Prior to the commencement of the development, the applicant shall submit and agree in writing, detailed specifications of both front elevations, in particular the front elevation of Block A along O’Connell Street shall include a horizontal emphasis.</p>

	<p>(ii) Details of the materials, colours and textures of all the external finishes to the proposed buildings 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>
4.	<p>Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning.</p>
5.	<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>
6.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
7.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
8.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during</p>

	<p>site clearance and construction phases, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interests of the environment and sustainable waste management.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of the proposed construction compound(s), details of intended construction practice for the development, including noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 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>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these</p>

	<p>facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
12.	<p>A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of EV charging points/stations at a later date. Such proposals shall be submitted to and agreed in writing with the planning authority before the making available by the developer for occupation of the residential units in the proposed development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, 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 apartment.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
15.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p>

	<p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<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>
17.	<p>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 of roads, footpaths, watermains, drains, 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 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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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| 18. | <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> |
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Caryn Coogan
Planning Inspector

18th of February 2021