



Development	Construction of 4 no. three-storey dwellings (2 detached and 2 semi-detached) together with car parking and ancillary works.
Location	Lands to the rear of Nos. 22, 24 and 26 Dollymount Avenue and to the west of 25 Castle Vernon.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3464/20.
Applicant	John Roberts.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	(i) Brian Hanney, (ii) Frank Hamill, (iii) Thomas and Aoife Ryan, (iv) Pierre Reynaud.
Observers	(i) Deirdre Heney, (ii) Daniel Bryce.
Date of Site Inspection	21 st September, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP310280-21 relates to a number of third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the construction of four dwellinghouse at Castle Vernon, Clontarf, Dublin 3. The grounds of appeal argue that the proposed development will give rise to adverse impacts on residential amenity and there are also concerns in relation to access and drainage issues.

2.0 Site Location and Description

- 2.1. The appeal site is located to the rear of Nos. 24 and 26 Dollymount Avenue, Clontarf. The site is located approximately 6.5 kilometres north-east of Dublin City Centre. Dollymount Avenue is a relatively long residential road linking Mount Prospect Avenue in the west to the Clontarf Coast Road in the east. It accommodates two-storey semi-detached mid-20th century suburban dwellinghouses along its alignment. On the northern side of the Avenue between Nos. 50 and 52 Dollymount Avenue, a roadway has been provided to provide access to a more recent development comprising of c.25 three-storey semi-detached dwellings to the rear of the houses facing onto Dollymount Avenue. These dwellinghouses face north-eastwards towards institutional lands associated with Manresa Retreat House. An access road serving the dwellings runs along the southern boundary of the institutional lands. Access to Manreas Retreat House is provided via a separate entrance off the Clontarf Road to the east of the site. The subject site is located at the western end of the Castle Vernon development. It comprises an irregularly shaped plot of land located to the rear of Nos. 22 to 26 Dollymount Avenue. The site currently accommodates mature trees associated with the rear gardens of the dwellings. The site is approximately 33 metres to 43 metres in depth and is just over 32 metres in width. At its closest point the rear boundary of the site is c.25 metres from the rear elevation of No. 24 Dollymount Avenue. The separation distances between the site boundary and the adjoining dwellings at Nos. 22 and 26 Dollymount Avenue is somewhat greater than this.

2.2. Access to the site is to be provided off the existing access serving the dwellings located at Castle Vernon. The site has a stated area of just over 0.1 hectares (1,032 square metres).

3.0 Proposed Development

3.1. Planning permission is sought for the construction of 4 no. three-storey dwellinghouses on the subject site. The dwellings are to face north-eastwards towards the institutional lands and the existing access road serving Castle Vernon is to be extended to the front of the dwellinghouses.

3.2. The dwelling houses comprise of two semi-detached dwellings located centrally in the site and these semi-detached dwellings are flanked on either side by a detached dwelling. The detached dwellings (House Nos. 1 and 4) incorporate a footprint which is slightly forward to that of the two central detached dwellings. The dwellings are to accommodate living accommodation at ground floor level, a master bedroom and a den area at first floor and an additional three bedrooms at first floor level. The dwellings rise to a height of between 12.2 metres and 10.977 metres. The buildings extensively incorporate a brick finish on the front elevation with a render finish on the rear and side elevations. The dwellings have a gross floor area of between 170 and 184 square metres.

3.3. Hard landscaping and parking bays are to be provided to the front of the dwellings.

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. Dublin City Council issued notification to grant planning permission for the proposed development subject to 18 conditions.

4.2. Documentation Submitted with the Planning Application

4.2.1. A design report sets out details of the proposal and states that the houses are designed in accordance with the standards set out in the Dublin City Development Plan. Reference is also made to a detailed tree survey which was carried out and

submitted as part of the application. It is considered that the proposed development fully complies with the proper planning and sustainable development of the area.

- 4.2.2. Also submitted with the application was an Outline Construction Management Plan. It sets out details of the proposed project and the site works to be undertaken. It is estimated that the proposal will take in the region of 9 to 12 months to complete. Typical working hours on site will be 0700 to 1800 hours Monday to Friday. Access to the site would be via the shared access with Castle Vernon estate. Details of vibration and noise control are also set out.
- 4.2.3. A Technical Services Report sets out details of the watermain connection, foul drainage and storm drainage. It also includes a flood risk assessment where it is noted that the subject site is located outside Flood Zone A and Flood Zone B and therefore the risk of flooding on site is extremely low. It is noted that it is proposed to provide two car parking spaces per dwelling.
- 4.2.4. An Arboricultural Impact Assessment was also submitted. It includes a tree survey and tree protection plan. It concludes that the impact arising from the proposed development would be low. It is proposed to remove five individual trees out of 11 surveyed. Only two of which are to be removed to facilitate the development. Three are to be removed based on the poor condition and health of the trees, and in the interest of health and safety.
- 4.2.5. A Planning Report prepared by Hughes Consultants was also submitted. It sets out details of planning precedents throughout the city for similar type developments. It details the proposed development and sets out the planning context which informs developments of this nature. Reference is specifically made to:
- The National Planning Framework
 - The National Development Plan
 - The RSES for the Eastern and Midlands Region
 - Sustainable Residential Development Guidelines in Urban Areas
 - The Action Plan for Housing and Homelessness and
 - The Dublin City Development Plan

- 4.2.6. It is noted that the subject site is governed by the zoning objective Z1 where residential development is permissible. Various policies contained in the development plan in respect of housing development and infill development are set out. The report goes on to address issues in relation to overlooking, daylight and overshadowing, car parking and general compliance with the Urban Design Manual. Details of the services supporting the development are also set out. Finally, an appropriate assessment screening was undertaken where it is concluded that the proposed development will not give rise to significant impacts on the integrity of Natura 2000 sites.
- 4.2.7. A report from the Engineering Department Drainage Division stated that there is no objection to this development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.2.8. A large number of letters of objection from third parties, mainly those residing in the vicinity, of the site objecting to the proposed development are on file.
- 4.2.9. A report from the Transport Planning Division expressed a number of concerns in relation to:
- Lack of pedestrian footpaths.
 - Non-compliance with DMURS.
 - Parking layout and functionality.
 - Accessibility and turning for construction and emergency vehicles.
- 4.2.10. It is therefore recommended that further information be submitted in this regard.
- 4.2.11. A report from the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media notes that the location of the proposed development is situated in an area likely to impact on badger populations. Therefore a badger survey should be submitted by way of further information.
- 4.2.12. A report from the Parks Biodiversity and Landscape Services request additional information in respect of a range of biodiversity issues.

4.3. Further Information Request

4.3.1. On the basis of the above the initial planner's report recommended that further information be submitted on the basis of the internal reports referred to.

4.3.2. The applicant submitted further information on the 31st March, 2021. The main salient points contained there are set out below.

- Details of the proposed interface between the existing public road and the site is set out. Further details in relation to the sweep path analysis are indicated in drawings submitted. It is stated that the car parking spaces and turning bay will be part of the "home zone".
- A revised Arboricultural Impact Assessment report was submitted which clearly addresses the proposed methodology to be used before, during and post construction. The report concludes that it is unlikely that the proposed development would have any significant impact on the trees.
- With regard to financial contributions in view of public open space, it is stated that a precedent has been set within the immediate area with the omission of public open space contributions. Reference is made to the grant of planning permission for the Castle Vernon estate.
- An Ecological Impact Assessment has been prepared and is contained on file. It concludes that the site itself is of low ecological value and that the proposal would not result in any significant impacts on ecological receptors.
- A revised Appropriate Assessment Screening Statement was prepared by a person with specific professional ecological expertise (Malone O'Regan Environmental).
- An updated Construction Environmental Management Plan was also revised in the context of the recommendations contained in the Ecological Impact Assessment Report.
- All cumulative and in combination impacts arising from the proposed development have been addressed in the Ecological Impact Assessment. The potential biodiversity impacts to the North Bull Island SAAO have also been

considered and addressed. A separate proposed lighting plan has been prepared and submitted as part of the proposal.

- Revised drawings were also submitted whereby House No. 4 has been moved further to the north to ensure a minimum distance from the southern boundary with No. 22 Dollymount Avenue is 10 metres.
- The first and second floor layouts of the rear elevation of House No. 3 have also been amended to ensure that no direct overlooking of the rear garden of No. 22 Dollymount Avenue takes place.

4.4. Further Assessment by Planning Authority

- 4.4.1. A further report from the Transportation Planning Division states that in the event of planning permission being granted a total of six conditions are requested to be attached. One of the conditions requires that the number of car parking spaces be reduced from 8 to 6.
- 4.4.2. A further planner's report was prepared on foot of the additional information submitted. The additional information was assessed and it is considered that the proposed development has been amended in order to better address the amenities of adjacent dwellings. It is considered that the scale, form and location of the four dwellings are consistent with the appearance of the dwellings already located on Castle Vernon and the proposal is in accordance with policy for the development of backland/mews sites in an integrated and coherent manner. It is considered that the proposed development is consistent with the provisions of the development plan and it is therefore recommended that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. No history files are attached.
- 5.2. The planners report makes reference to a number of planning applications to the rear of No. 52 to 68 Dollymount Avenue where planning permission was granted for 13 three-storey four bedroom dwellings (under Reg. Ref. 3098/17) and a separate

application was granted for the construction of 12 three-storey semi-detached dwellings under Reg. Ref. 3521/12.

6.0 Grounds of Appeal

6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of four separate third party appeals by:

- Pierre Reynaud
- Thomas and Aoife Ryan
- Frank Hamill
- Brian Hanney

6.2. Many of the issues raised in the grounds of appeal are common to all four submissions and for this reason the grounds of appeal are set out under a grouped heading format below.

6.3. Access and Manoeuvrability Issues

- There is insufficient room to the front of the development to allow vehicles to manoeuvre.
- The roadway at the end of Castle Vernon is excessively narrow to cater for emergency vehicles. It is noted that this issue was raised as a concern by Dublin City Council's Transportation Planning Department. The sweep path analysis for construction and emergency vehicles serving the development needs to be carefully considered by the Board in its adjudication of the planning application.
- It is inappropriate that the developer would be reliant on a visitor parking area between House Nos. 24 and 25 Castle Vernon as a turning area. This is a private road and the management company has not given its consent for the use of this road by construction vehicles.
- The sweep path analysis submitted with the application does not demonstrate that there is sufficient turning space for larger vehicles and this will impinge on the landscape area required by the Parks Department as outlined in Dublin City Council's assessment of the application.

- Having regard to the narrow nature of the access road, the manoeuvring of construction vehicles will result in a significant traffic hazard particularly with vehicles having to reverse onto the site.
- The lack of public open space within the existing Castle Vernon development requires children to play on the street to the front of the houses and this it is argued is incompatible with construction vehicles entering, exiting, and turning in the vicinity of the site.
- Insufficient parking has been provided within the site and this will result in an overspill of parking onto the adjoining road.
- Sightlines and forward vision lines are significantly constrained on exiting the site due to the existing boundary wall adjacent to No. 25 Castle Vernon.
- There is no consent for washing construction vehicles on the private access road leading to the site as suggested in the ecological impact report submitted with the application.
- The proposal will result in a significant increase in traffic along the Castle Vernon road.

6.4. Lack of Public Open Space Provision

- There is no provision for public open space provided as part of the development. The nearest public open space available for residents of the development is almost a kilometre away.
- A contribution in lieu should have been levied on the developer for lack of open space provision as per the recommendation of the Parks Department.

6.5. Overlooking and Amenity Issues

- The proposed number of windows to be located on the eastern side of House No. 1 is excessive and will lead to overlooking of the adjoining property at No. 25 Castle Vernon.
- The separation distance between House No. 1 and No. 25 is inadequate and will impact on the setting and context of the existing house at No. 25.
- The size and scale of the proposed development at three storeys in height is excessive and will lead to overlooking. It is noted that if the attic area is

converted within the houses the dwellings could incorporate four storeys. This will have a significant and profound impact on the privacy of No. 20 Dollymount Avenue.

- It is also argued in a separate submission that House No. 4 will overlook adjoining rear gardens of dwellings fronting onto Dollymount Avenue.

6.6. Overdevelopment of the Subject Site

- It is argued that the proposed development is of excessive density and would result in an overdevelopment of the subject site. The plot ratio for the site is higher than that associated with the existing houses on Castle Vernon.

6.7. Boundary Issues

- The appeal submitted by Frank Hamill argues that there are a number of issues which require agreement prior to any commencement of development on site. And it is suggested that permission should not be forthcoming until agreement on these issues are reached, particularly in relation to the common boundaries with adjoining sites. It is suggested that the boundaries are marked in error in the drawings submitted and the application should therefore be considered invalid until these issues are successfully addressed.

6.8. Landscaping

- It is argued that the proposed development could impact on badger setts in the vicinity. Such badger setts have been identified in the Ecological Impact Assessment submitted.
- The removal of approximately 45% of trees on the subject site is unacceptable. The removal of mature and healthy hedging is also deemed to be inappropriate.

6.9. Other Issues

- It is argued that construction works should commence at 8 a.m. and not 7 a.m. in the interest of protecting surrounding residential amenity.
- Further information should be sought in respect of the competencies of the developer to carry out the development.

It is also questioned whether the soakaway/percolation test would be able to deal with increased estimates of rainfall particularly with regard to more frequent torrential downpours that are experienced as a result of climate change.

7.0 Appeal Responses

- 7.1. A response was received on behalf of the applicant by Hughes Planning Consultants. The response is set out below.
- 7.2. It states that many of the issues raised in the various grounds of appeal relate to legal matters which are outside the remit of the planning system. It is nevertheless stated that the applicant has been given full consent to make a planning application and this is demonstrated by the two letters of consent submitted with the application. *Ospak Connect DAC* are currently the owners of the private access road and the management company are not the owners and as such the consent of the management company is not required for a planning application. It is further submitted to An Bord Pleanála that consent would not be required to use the turning head outside the red line boundary. It is appropriate that the proposal would use existing infrastructure available.
- 7.3. With regard to the existing boundary wall between No. 25 Castle Vernon and the subject site, it is contended that this wall does not have planning permission as the extant permission stipulated that it was to be a timber post and wire mesh fence. The removal of this unauthorised wall would satisfy the requirements of the previous development to ensure that an acceptable boundary wall is provided. It is also requested that any civil matters outside the remit of the planning system are set aside so that the development is assessed solely on its planning merits.
- 7.4. It is submitted that the proposed development has the upmost regard for the protection of existing residential amenities. Each of the four units are appropriately designed to respect the amenity of surrounding development. House No. 4 was relocated to the north by approximately 1.55 metres to ensure a 10-meter minimum distance from the southern boundary with No. 22 Dollymount Avenue was adhered to. The rear elevations of the dwellings proposed were amended to ensure that any potential for overlooking was minimised. Windows on the gable end of House No. 1 incorporate obscure glazing and therefore will not give rise to any overlooking. A

separation distance of 3.1 metres is deemed to be sufficient between the gables of House No. 1 and House No. 25. It is noted that the separation distance between existing houses at Castle Vernon is a mere 2 metres.

- 7.5. With regard to a vehicular sweep path analysis, it is considered that the use of the existing turning head is completely in line with the principles of the proper planning and sustainable development of the area. The provision of a separate turning head to serve the proposed four dwellinghouses would be a duplication of infrastructure and would result in haphazard and piecemeal development. It is noted that water supply and drainage arrangements envisaged under the Castle Vernon development, that future connections were envisaged to facilitate future development to the west (i.e. the subject site). It was also noted that the Transportation Planning Department had no concerns in respect of utilising the existing turning head.
- 7.6. In relation to overdevelopment of the site, it is stated that the proposed is appropriately scaled and optimises land use at this location. The proposal sits comfortably within the indicative standards for plot ratio and site coverage contained in the development plan. The proposed infill development also sits comfortably with national policy to increase densities and create more compact development as espoused in various national planning documents relating to residential development.
- 7.7. In relation to public open space, it is argued that a precedent has been set within the immediate area with the omission of public open space at the Castle Vernon development adjacent. It is also noted that no financial contribution was required in the case of this development. Reference is made to other decisions whereby Dublin City Council or An Bord Pleanála did not require a financial contribution. It is noted that the Planning Authority has discretion as to whether or not a financial contribution condition is to be attached, and in this instance it decided not to.
- 7.8. With regard to the removal of trees, it is stated that only two trees are required to be removed to facilitate the proposed development. The other three trees to be removed are based on their poor condition.
- 7.9. It is further submitted that the proposed development will not have any impact on badgers or any species in the vicinity of Castle Vernon. It is noted that the closest

badger sett is c.45 metres away and the roadway will provide an effective barrier to ensure that badger setts do not extend into the area of the proposed site.

7.10. Finally, it is stated that the provision of a home zone/shared surface is fully in accordance with the DMURS Compliance Statement.

8.0 Observations

8.1. Two observations were submitted.

8.2. An observation from Councillor Deirdre Heney sets out the following concerns.

- There is a lack of sufficient space to safely facilitate both pedestrian and vehicular access.
- There is a potentially hazardous situation for access and egress from the proposed development due to the existence of a boundary wall at 25 Castle Vernon.
- There is a lack of public open space in the proposed development.
- The development represents an overdevelopment of the site in question.

8.3. A separate observation was submitted by Daniel Bryce of 24 Castle Vernon.

- This observation expresses concerns in respect of using the existing turning bay between Nos 24 and 25 Castle Vernon on the basis of distance from the site and potential traffic hazard which would arise.
- Concern is also expressed in relation to the lack of car parking to be provided on site which will result in overspill of car parking on the adjoining road. Concerns are expressed that there is no public open space to serve the development.
- The access road serving the site is considered to be too narrow. While it is acknowledged that the introduction of a home zone can work, it is suggested that there is insufficient space at this site to facilitate an appropriate home zone/shared space.

9.0 Planning Policy Provision

9.1. National Planning Framework

9.1.1. One of the key shared goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges and outside our cities and towns meaning:

- A constant process of infrastructure and services catch up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together meaning that there were remarkably high levels of car dependents and that it is difficult to provide good quality transport.
- A gradual process of rundown of the city and town centre.
- Development which takes places in the form of greenfield sprawl, extends the physical footprint of the urban area and works against the creation of attractive liveable high quality urban spaces in which people are increasingly wishing to live, work and invest.

9.1.2. A preferred approach would be the compact development that focuses on reusing previously developed brownfield land building up infill sites which may not have been built on before and reusing and redeveloping existing sites and buildings. National Policy Objective 3B seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway within their existing built-up footprints.

9.1.3. National Policy Objective 13 seeks that in urban areas planning and related standards including in particular building 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.

- 9.1.4. National Policy Objective 35 seeks to increase residential density in settlements, to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

9.2. **Rebuilding Ireland Action Plan for Housing and Homelessness**

- 9.2.1. Pillar 3 of this national strategy seeks to build more homes by increasing the output of private housing to meet demand at affordable prices. In terms of housing supply requirements, it is noted that current completion levels must double in the next four years. It is also noted that there is a significant requirement to expand the build to rent sector which is not being catered for in the current construction levels. There is also a need to increase the level of social housing. The Rebuilding Ireland Policy emphasises the need to supply and build more homes with delivery of housing across the four Dublin Local Authorities.

10.0 **Development Plan Provision**

- 10.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The subject site is zoned Z1 '*to protect, provide and improve residential amenities*'. Residential use is a permissible use under this zoning.
- 10.2. Chapter 5 of the development plan relates to Quality Housing.
- 10.3. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision through active land management and co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.
- 10.4. Policy QH6 seeks to encourage and foster the creation of attractive mixed use, sustainable neighbourhoods which contain a variety of house types, tenures with supporting community facilities, public realm and residential amenities which are socially mixed in order to achieve a socially inclusive city.

- 10.5. Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 10.6. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.

10.7. **Natural Heritage Designations**

The nearest Natura 2000 sites are located approximately 350 metres to the south-east of the subject site. The Natura 2000 sites in question are the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206).

11.0 **EIA Screening Assessment**

- 11.1. On the basis of the information contained on file which I consider to be adequate in order to issue a screening determination it is reasonable to conclude that the provision of four dwellings in an urban area where existing public infrastructure exists to serve the development that there is no likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment therefore is not required.

12.0 **Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have particular regard to the issues raised in the various third party appeals and observations contained on file and the applicant's response to the issues raised in the appeal. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Access, Traffic, Parking and Manoeuvrability Issues
- Impact on Amenity
- Lack of Public Open Space

- Ecological Impacts
- Other Issues

Each of these issues will be dealt with in turn below.

12.1. Principle of Development

12.1.1. A fundamental consideration in adjudicating on the current application is the zoning provisions pertaining to the site, the policies for development in urban areas contained in both the National Planning Framework and the Dublin City Development Plan. The subject site is governed by the Z1 zoning provision “to protect, provide and improve residential amenities”. The provision of additional residential development is wholly compatible with the zoning provision pertaining to the site. It is also clear from national guidelines that there is an increased emphasis on maximising the development potential of sites particularly in relation to housing development within existing urban footprints. A major thrust of the National Planning Framework seeks to provide for more compact development that focuses on using infill sites within existing built up areas. The National Planning Framework seeks to encourage more people, jobs and activity to be located within existing urban areas. It seeks to provide well designed high quality development that can encourage more people to live and work in close proximity. The Framework Plan seeks to deliver at least half of all new homes to be located in the five main cities particularly Dublin. The strategy concludes that “it is clear that we need to build inwards and upwards rather than outwards”. While the provision of four additional houses may be modest in the context of this overall national objective it nevertheless is fully in accordance and complies with the principles set out.

12.1.2. The Dublin City Development Plan likewise seeks to promote residential development and seeks to address the shortfall in housing provision through active land management and developing appropriately zoned lands at key locations including underutilised sites. Policy QH7 seeks to promote residential development at sustainable urban densities throughout the cities in accordance with the core strategy having regard to the higher standards of urban design and architecture and to successfully integrate with the character of the surrounding areas. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites

and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.

12.1.3. Having regard to the zoning provisions for the site and the policy objectives on both a national and local level in relation to developing infill sites at more sustainable densities, I would consider the principle of residential development on the subject site to be acceptable subject to qualitative safeguards. The assessment below will evaluate the proposal in the context of these qualitative safeguards and particularly in respect of the issues raised in the grounds of appeal.

12.2. Access, Traffic, Parking and Manoeuvrability Issues

12.2.1. A major issue raised in the various third party appeals pertains to manoeuvrability issues in and out of the site. Concerns are expressed that the site is of insufficient size to cater for construction vehicles and emergency vehicles during the construction and operational phase. It is also argued that the provision of a turning head between Nos. 24 and 25 Castle Vernon should not be used to facilitate construction vehicles or large operational vehicles attending the site. The grounds of appeal also question whether or not the applicant in this instance has sufficient legal interest to use the turning head on the basis that the road is in private ownership and no permission has been received from the management company of Castle Vernon. It is my considered opinion that the road width serving the proposed infill development is of sufficient width to cater for traffic entering and exiting the site. The shared surface area is the same as the existing roadway serving the existing dwellings fronting onto Castle Vernon. If the road width is deemed to be of a sufficient width to serve the existing dwellings in question, I see no reason why it cannot serve the proposed dwellings. With regard to the turning head, I consider the turning head in question is located in sufficiently close proximity to the subject site to cater for both construction and emergency vehicles. While the appellants in the grounds of appeal argue that the applicant does not have sufficient legal interest to use the turning head, this point is refuted by the applicant. The response to the grounds of appeal make reference to two letters of consent submitted with the planning application and it is stated that the management company in question are not the owners and therefore consent is not required for the planning application to be made. It is also stated that an agreement is in the process of being struck between the owners of the site and the management company. It appears that the

applicant has sufficient legal interest to make a planning application on the site in question and this is not disputed by the third-party appellants. The dispute mainly relates to the use of the roadway and in particular the turning head to enable a more efficient manoeuvring of vehicles onto and off the site particularly during the construction phase. In the case where a legal dispute arises over landownership, wayleaves or rights of use, the Development Management Guidelines for Planning Authorities is clear and unambiguous in stating that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights of way over land. The guidelines note that these are matters ultimately for resolution in the Courts. It is my considered opinion that the Board can rely on Section 34(13) of the Planning and Development Act which states that a person shall not be entitled solely by reason of permission to carry out any development. On this basis I do not consider that the Board are precluded from granting planning permission for the proposed development in the case where a dispute has arisen as to whether or not the turning head in this instance can be used for the purposes of manoeuvring construction or emergency vehicles on or off the site.

12.2.2. With regard to traffic and health and safety implications from such manoeuvres, I do not consider that this in itself constitutes reasonable grounds for refusal. The information submitted with the planning application makes it clear that protocols will be put in place, including the requirement of construction personnel to direct vehicles in and out of the site particularly when reversing. Appropriate protocols in this regard can be the subject of any construction management plan. The construction phase will be short term and temporary in nature and will not give rise to on-going concerns in respect of construction vehicles moving on and off site. Therefore, subject to appropriate measures and protocols being put in place as part of a construction management plan, I have no major concerns that traffic or child safety will be compromised during the course of the construction phase.

12.2.3. I would also agree with the applicant in that the requirement to create an additional turning head within the site in order to cater for larger vehicles either during the construction or operational phase would result in a duplication of road infrastructure which in my opinion is neither necessary or warranted and would reduce the potential of the site to secure additional residential accommodation at more sustainable densities in accordance with national strategy. The turning head

provided between Nos. 24 and 25 is provided to enable vehicles to manoeuvre safely in and out of the existing residential development and therefore should not be used for the purposes of on-street parking.

- 12.2.4. With regard to car parking arrangements, concerns are expressed that the provision of six car parking spaces to cater for four residential dwellings will result in a shortfall in car parking provision and will result in additional on-street car parking along the roadway at Castle Vernon.
- 12.2.5. The Board will be aware that the original planning application sought to provide a total of 8 off-street car parking spaces, 2 per household. However, on foot of a recommendation from the Transportation Planning Division the number of car parking spaces were reduced from 8 to 6. The reduction in car parking was to accord with the car parking standards set out in the development plan which permits a maximum of 1.5 spaces per unit. Limits on the amount of car parking spaces to be provided for various developments are set out in the development plan in order to ensure and encourage more sustainable transportation patterns are achieved in future developments. Having regard to the parking standards contained in the development plan and the need to encourage more sustainable transportation patterns, I consider the reduction of car parking in this instance to be appropriate.
- 12.2.6. With regard to increases in traffic volumes, it is considered that the provision of four additional dwellings together with the reduction in the number of car parking spaces provided will ensure that a negligible impact will arise in terms of increased traffic volumes.
- 12.2.7. Concerns are also expressed in respect of the existing boundary treatment along the common boundary between the subject site and No. 25 Castle Vernon. This boundary comprises of a concrete post fence c.1.8 metres in height. The existing fence extends almost the entire eastern boundary of the site. The grounds of appeal suggest that the existence of a fence in this location significantly reduces sightlines and may in itself pose as a traffic hazard entering and exiting the subject site. The applicant in the response to the grounds of appeal suggest that the fence in question is unauthorised on the basis that it was not constructed in accordance with the plans and particulars submitted with the parent application. Whether or not the subject fence is an unauthorised structure is not a matter for the Board in its deliberation of

the current application. Any such unauthorised development is matter for the Planning Authority and not An Bord Pleanála. However, setting the issue aside, I am satisfied that the existence of the fence in question would not pose a traffic hazard on the basis of restricted sightlines. It is not unusual to have solid boundary fences or walls between dwellings adjacent to car parking spaces along the front boundary of houses. The fact that the proposed development in this instance is relatively modest at four houses and will generate relatively light volumes of traffic to and from the site.

12.2.8. Finally, in relation to this matter it is incumbent upon any resident/visitor of the subject site to exercise due caution in manoeuvring vehicles in and out of car parking spaces so as to ensure that the vehicle does not pose a traffic safety hazard for existing vehicles on the roadway. Therefore, it is not reasonable in my view to refuse planning permission on the basis that sightlines may be somewhat restricted due to the presence of a boundary fence between the subject site at No. 25 Castle Vernon.

12.3. **Impact on Amenity**

12.3.1. A number of third-party appellants express concerns that the proposed development would have an unacceptable impact on surrounding residential amenity. Particular concerns were raised in respect of the impact on No. 25 Castle Vernon and the proposal will have an overbearing impact on surrounding dwellings and will give rise to unacceptable levels of overlooking. I do not consider that the proposed development will in any way have an overbearing impact on adjoining dwellings. In respect of the dwellings fronting onto Dollymount Avenue, it is considered that there is sufficient separation distances between the proposal and these dwellings to ensure that no overbearing impact will take place.

12.3.2. With regard to the potential overbearing impact on the existing dwellings at Castle Vernon, the Board will note the separation distance between No. 25 Castle Vernon and House No. 1 proposed is in excess of 3 metres which is more generous than the separation distance between the pairs of semi-detached houses already constructed on site. The proposed dwelling houses are of a similar size, height and scale to that of the existing houses on Castle Vernon and as such I do not consider that the proposal will in any way impact on the setting and context of the existing houses in

the area. The overall scale and design of the proposed houses are in my view very much compatible with the design of the existing dwellings at Castle Vernon.

- 12.3.3. With regard to the issue of overlooking, there is a very generous separation distance between the houses proposed on the subject site and the rear elevations of the dwelling fronting onto Dollymount Avenue. The separation distance between windows on the rear elevations of the houses in question are in excess of 40 metres which is more than adequate in an existing built-up area and is similar in extent to the separation distances between the recently constructed houses at Castle Vernon and the existing houses on Dollymount Avenue.
- 12.3.4. With regard to the issue of overlooking of adjoining gardens, I consider that there is generally sufficient separation distances between the dwellings in question and the rear boundaries of the site to ensure that overlooking is minimised. Furthermore, I note in respect of the rear garden of No. 20 Dollymount Avenue that dwellinghouse no. 4 has been moved forward within the site which further reduces potential for direct overlooking between the proposed dwelling and the rear garden of No. 20. Also, the only windows located on the western elevation of House No. 4 serve bathrooms. It is considered appropriate that these windows will incorporate obscure glazing and this can be addressed by way of condition.
- 12.3.5. With regard to the issue of overlooking in the case of House No. 25 again the only windows at upper floor levels serve bathroom areas and the drawings submitted indicate that these windows will incorporate obscure glazing. On the basis of the above analysis, I would conclude that the proposed development does not have any adverse impact on surrounding residential amenity by way of overlooking.
- 12.3.6. In terms of overdevelopment of the subject site, the grounds of appeal argue that the proposal represents an excessive level of overdevelopment of this infill site. The site is marginally over 0.1 hectares in size. The provision of four dwellings on the subject site equates to a density of just less than 40 units per hectare. I would reiterate the various policy statements contained in both the National Planning Framework and the City Development Plan both of which seek to develop sites at more appropriate and more sustainable densities. This would in general necessitate the development of newer sites at densities greater than the wider prevailing density in the area. A density of c.40 units per hectare cannot be considered inappropriate within an

existing built up area in proximity to the city centre where public services and infrastructure exist. The Sustainable Residential Development in Rural Areas Guidelines issued by the Department of Environment, Heritage and Local Government (2009) suggest that in outer suburban/greenfield sites within cities and large towns that the greatest efficiency in land usage on such lands will be achieved by providing nett residential densities in the general range of 35 to 50 dwellings per hectare and that such densities should be encouraged generally. The development at densities less than 30 units per hectare should generally be discouraged. The proposed density in this instance sits comfortably with the above guidance.

12.3.7. The proposal incorporates a plot ratio of 0.68 and a site coverage of marginally less than 30%. Again, in terms of development standards the proposed development sits comfortably with the indicative standards set out in the Dublin City Development Plan in respect of site coverage and plot ratio. Plot ratios are between 0.5 and 2 are considered appropriate for Z1 lands where a site coverage is generally permitted indicative plot ratios between 45 to 60%.

12.3.8. Furthermore, perhaps more importantly from a qualitative point of view the dwellings in question incorporate relatively generous rear garden sizes which will provide an acceptable level of amenity and privacy for future occupants.

12.3.9. On the basis of the above therefore I do not accept that the proposed development constitutes an overdevelopment of the subject site.

12.4. Lack of Public Open Space

12.4.1. Concerns are expressed in the number of appeals that the development does not incorporate any communal public open space provision and therefore is contrary to the development plan and the proper planning and sustainable development of the area. The applicant reasonably points out that public open space provision was not provided as part of the larger infill development associated with Nos. 1 to 25 Castle Vernon. On this basis, it is somewhat unreasonable that a smaller ancillary infill development must be the subject of public open space provision whereas the larger development was not obliged to adhere to this requirement. It can be reasonably argued in my view that having regard to the modest size of the subject site that the provision of an area of meaningful open space for the purposes of active recreation cannot be readily achieved on the subject site. Having regard to the infill and

backland nature of the development I consider that the Board, as in the case of the adjoining development could waive the requirement for public open space in this instance. I would reiterate that each of the dwellings have been afforded the provision of usable private open space to the rear of the dwellings which would provide an important amenity area for future occupants. On infill lands such as the current development, it is not in my view necessary nor is it appropriate to slavishly adhere to communal and public open space standards set out in the development plan. Any public open space provision must be balanced against wider strategic needs to increase levels of housing supply and to create more compact forms of development within existing built-up areas in accordance with strategic policy on a national level. The National Planning Framework emphasises that in case of brownfield urban development, planning policies and standards need to be flexible focussing on design-led and performance-based outcomes rather than specifying absolute requirements in all cases. With this in mind, I consider that the Board could adopt a more flexible approach in respect of public open space provision in order to achieve the overarching objective in respect of housing provision at more appropriate densities in accordance with national policy.

12.4.2. With regard to requiring a financial contribution in lieu of open space provision I consider this to be ultimately a matter for the Planning Authority in using its discretion as to whether or not a financial contribution is justified in this instance. The adoption and application of the Development Contribution Scheme is a reserved function under the Planning Acts and therefore a matter for the Planning Authority and not An Bord Pleanála. Should the Board disagree with this conclusion, it might consider applying a financial contribution condition in lieu of public open space provision.

12.5. **Ecological Impacts**

12.5.1. Concerns expressed in the grounds of appeal that the proposal would have an unacceptable impact on the existing ecological environment primarily through the removal of 5 of the 11 mature trees on the subject site and the potential impact which the proposal could have on badger setts in the vicinity. In relation to tree removal, I note the information contained in the arboricultural report submitted with the application indicates that 3 of the trees in question are to be removed based on their poor condition. It is also stated that the majority of trees to be removed are of

low quality. The removal of these trees in my opinion will not have a significant impact on the amenity or biodiversity of the site. The subject site has been the subject of a detailed ecological assessment and the assessment concludes that the site is of low ecological value. The removal of 2 higher quality trees on site is in my view acceptable again having regard to the need to develop the subject site to its maximum potential in accordance with strategic land use policy for urban areas.

12.5.2. With regard to the impact of the proposal on badger setts again the ecological report indicates that there is a known badger sett located c.85 metres to the east of the site with the grounds of Manresa House. It notes that while the site offers opportunities for foraging badgers, it is not considered that the site is of significant value for this species having regard to its small size. It is also noted that the badger sett to the east of the site are separated from the development area by the recently constructed Castle Vernon Road. Given the presence of road between the development and the sett, it is considered highly unlikely that badgers will use the subject site. Based on evidence and conclusions set out in the ecological report therefore, it is not considered that the proposed development would have a significant or material impact on the badger community in the area.

12.6. Other Issues

12.6.1. A number of other issues were raised in respect of the proposed development in the various grounds of appeal and these are briefly assessed below.

12.6.2. Incorrect Demarcation of Site Boundary on the Drawings Submitted

It is argued in one of the grounds of appeal that the site boundary was incorrectly demarcated on the drawings and that lands belonging to the appellant may have been incorporated into the subject site. I would again refer the Board to guidance set out in the Development Management Guidelines for Planning Authorities (June 2007) where I reiterate that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolution to the Courts. I consider therefore that the Board can set aside this issue for the purposes of determining the current application and appeal and any disputes in relation to land ownership can be determined in a Court of law.

12.6.3.

Developer Competencies

12.6.4. The same appeal also questions the competency of the developer to carry out the project through to completion. I have no reason to believe that the development will not be carried out in accordance with the plans and particulars lodged with the application. The Board will be fully aware that it is incumbent upon the applicant in receiving any grant of planning permission that any such development would be carried out fully in accordance with the plans and particulars lodged with the application as amended by any conditions attached by the Planning Authority.

Drainage Issues

12.6.5. With regard to drainage issues and the provisions of soakaways etc. there is no evidence to suggest that the drainage arrangements associated with the proposed development will result in seepage/flooding of adjoining gardens. Dublin City Council's Drainage Division have assessed the proposed development and have not raised any issues in relation to this matter. I am satisfied that the information contained in the technical and services report submitted with the original application demonstrates that water supply and drainage arrangements can be adequately catered for with the proposed development.

Construction Hours

12.6.6. Finally, in relation to working hours, one of the third-party appeals recommends that construction activity would commence at 0800 hours instead of 0700 hours in the interest of protecting residential amenity. Having regard to the proximity of the proposal to surrounding residential development the Board in my opinion could consider altering the construction working hours in order to facilitate the third-party appellant's request.

13.0 Appropriate Assessment

13.1. The application was accompanied by an AA Screening Report. This was submitted by way of additional information. The nearest Natura 2000 sites are the North Dublin Bay SAC (which is located 350 metres to the south-east of the site). The North Bull Island SPA is also located 350 metres to the south-east of the site. Other Natura 2000 sites in the wider area including the South Dublin Bay SAC (Site Code:

000210) and the Baldoyle Bay SAC (Site Code: 000199) as well as the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) are all located a further distance away and are not considered to be in the zone of influence of the proposed development having regard to the separation distances involved. The AA Screening Report submitted concludes that the proposed development either alone or in combination with other projects or land uses will not have any direct or indirect adverse effects on the conservation objectives of any European designated site. On this basis it is considered that a Stage 2 Natura Impact Statement is not required.

- 13.2. For the purposes of completeness, I have undertaken a separate AA Screening exercise which is set out below. The only potential impact that could arise from the proposed development in terms of the source pathway receptor model relates to potential impacts arising from drainage. It is noted that there is no direct hydrological connection between the subject site and the Natura 2000 sites in question. There are no rivers, streams or ditches in the vicinity that could potentially be polluted and act as a conduit between the subject site and the European sites in question. No impact is therefore anticipated during the construction phase. I further note that a construction environmental management plan will be prepared by the appointed contractor and will be submitted to the Planning Authority in advance of works commencing on site. It is not anticipated that any specific mitigation measures will need to be employed in the CEMP in order to protect Natura 2000 sites in the vicinity.
- 13.3. During the operational phase it is proposed that all storm water from roof surfaces will be attenuated and dispersed on site via soakaway which will be designed in accordance with requisite standards. All proposed paving on site will be permeable paving. It is also proposed to install water butts in the rear gardens to allow future occupants the use of rainwater. The development is to avail of existing foul drainage infrastructure which is located along Castle Vernon. All wastewater from the proposed development will be directed to the Ringsend Wastewater Treatment Plant for treatment prior to discharge. The Board will note that the Ringsend Wastewater Treatment Plant has been the subject of a separate AA evaluation where it was concluded that the wastewater treatment plant will not have any adverse impact on Natura 2000 sites in and around Dublin Bay.

13.4. No in combination effects are envisaged as a result of the proposed development. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for appropriate assessment, it is being concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000206 or any other European site in view of the site's conservation objective and an appropriate assessment (and a submission of an NIS) is therefore not required. This determination was based on the modest nature of the proposed development, the distance of the proposed development to the European site and the lack of any meaningful ecological connection between the site and the European sites in question. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

14.0 Conclusions and Recommendation

Arising from my assessment above therefore I recommend that the Board should uphold the decision of Dublin City Council and grant planning permission for the proposed development.

15.0 Reasons and Considerations

Having regard to the Z1 residential zoning objective relating to the site it is considered that the proposed development, subject to conditions set out below, will not seriously injure the residential amenities of the area, would not be prejudicial to public health, and would generally 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.

16.0 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 information submitted on the 31st day of March, 2021, 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. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. 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.

Reason: In the interest of public health.

4. The applicant or developer shall enter into a water/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

5. Proposals for the house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate and street signs, and house numbers shall be provided in accordance with the agreed scheme. No advertising/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement for the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for residential areas.

6. Public lighting shall be provided in accordance with the scheme details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other materials and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that adjoining roadways are kept in a clean and safe condition during construction works and in the interest of orderly development.

8. The secondary/westernmost south-west facing window to the master bedroom to House No. 3 shall be fitted with and permanently retained in fixed obscure glazing. All side facing windows at first and second floor shall be fitted and permanently retained in obscure glazing.

Reason: To protect existing residential amenities.

9. The windows serving bathrooms on the north-west elevation of House No. 4 shall incorporate obscure glazing.

Reason: To prevent overlooking.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise

predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

- (ii) Details of screen planting
 - (iv) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) A timescale for implementation

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.

Reason: In the interest of residential and visual amenity.

11. An arboriculturist shall supervise implementation of the tree protection measures in accordance with documentation submitted. All trees shown to be retained on site and adjacent to the site shall be adequately protected during the period of construction as per BS:5837, such measures to include the protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier and “no dig” measures within the root protection areas. Tree works shall be carried out in accordance with BS:3998.

Reason: In the interest of amenity, ecology and sustainable development.

12. The development shall comply with the following:
- (a) The number of car parking spaces shall be reduced to a maximum of six spaces. Details of the location of the spaces are to be agreed in writing with the planning authority prior to the commencement of development.

- (b) No new boundary wall/fencing or hedging shall extend above a height of 1 metre forward of the front building line of House No. 1 in order to provide unobstructed visibility to pedestrians and vehicles.
- (c) Prior to the commencement of development and on the appointment of a main contractor, a construction management plan shall be submitted to the planning authority for written agreement. The plan shall provide details of intended construction practice for the development including traffic management, hours of working, noise and dust management measures and off-site disposal of construction and demolition waste.

All HGV movements in and out of the site will be accompanied by a banksman and on-site traffic marshals.

- (d) The road layout and junction arrangements throughout the proposal shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- (e) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of orderly development and in the interest of traffic safety.

13. 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.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution of €65,327 (sixty-five thousand three hundred and twenty-seven euro) 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. The application of any indexation required by this condition 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.

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.

15. 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.

Reason: To ensure the satisfactory completion of the development.

Paul Caprani,
Senior Planning Inspector.

13th October, 2021.