



An  
Bord  
Pleanála

## Inspector's Report ABP-312848-22

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<b>Development</b>	77 residential units.
<b>Location</b>	Belcamp Hall, Malahide Road, Dublin 17
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F21A-0488.
<b>Applicant(s)</b>	Gerard Gannon Properties.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Breda Doyle.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> April 2023
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is by a local resident against the decision of the planning authority to grant permission for the construction of 77 apartments in two blocks in front of a vacant period building – it is part of Belcamp House, an 18<sup>th</sup> Century house with extensive late Victorian additions. This is part of an overall development of the Belcamp demesne which is partially completed.

The appeal is concurrent with another appeal for further development within the curtilage of the protected structure – **ABP-314169-22**. The ongoing works on the landholding were permitted in appeal PL06F.248052 and subsequent permissions. The decision by the planning authority to grant permission has been appealed by a local resident, for reasons mostly relating to the protected structure.

## 2.0 Site Location and Description

### 2.1. Overall area

Belcamp House, formerly Belcamp Hall, is a prominent period great house designed by James Hoban, the architect of the White House in the US, located on the northern fringes of Dublin, located roughly between the M1/M50 junction and Baldoyle. It is west of the Malahide Road (R107) and north of the N32, which links the two motorways to the Malahide Road. The house and demesne are on relatively flat land, with a gentle decline to the south towards the Mayne River, which formed the southern boundary of the demesne. The house dates from 1785 and was converted to a boarding school for boys in 1893 and extensively altered for this purpose, with a substantive chapel building on the north wing and a large school and dormitory built to the south. The main house is a seven-bay 3-storey over basement red brick house with, it is noted in the NIAH survey, a very fine oval entrance hall. There are ponds crated through impoundments of the Mayne River to the south. The former demesne lands have been largely developed for housing in recent years, with construction on-going.

## 2.2. Appeal site

The appeal site, with a stated area of 0.75 hectares within the larger Belcamp House landholding consists of a secured area (in two sections) to the front of Belcamp House – this area is fenced and flat and has been mostly cleared. The northernmost part of the site is heavily overgrown and inaccessible.

## 3.0 Proposed Development

The proposed development is described in full in the site notice.

In summary, it consists of 77 residential units (apartments) in 2 no. blocks, up to a maximum of 4-stories. It also includes 65 no. car parking spaces and 184 no. bike parking spaces.

The application is on foot of a number of previous planning permissions for the landholding granted by the planning authority and on appeal in **PL06F.248052**. The proposed units are served by the existing new service road to the east – this will run between the proposed units to the site currently under appeal **ABP-314169-22**.

The proposed works are within the curtilage of a protected structure but do not involve direct intervention in the fabric of the protected structures.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority decided to grant permission subject to 26 no. largely standard conditions.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

Two reports on file, one following a request for further information.

- Notes development plan policy and planning history – states that the proposal is consistent with these, but concerns expressed at lack of progress on restoring the protected structures.

- Density of 102 units per hectare (i.e. 77 no. units its on 0.75 hectares) considered to be in line with density guidelines.
- Notes pre-planning discussions with Conservation about the design and its impact on the protected structure – materials and finish are considered acceptable.
- Assesses the internal amenity of the blocks – they are considered generally acceptable but it is considered that it is not in accordance with Objective DMS28 due to overlooking on the southern elevation – this can be achieved by way of further information.
- Notes no objection from Transportation.
- Notes that the site is within the zone of notification for a ringfort – **DU015-022**, and an archaeological impact assessment is required.
- Notes that some of the tree removals have already been permitted under previous permissions. A number of issues are noted with regard to finish and landscaping.
- Notes need to clarify the quantum of open space provided, including play spaces.
- Notes no objection from Irish Water, but states that an opportunity has been lost for the provision of a Green Roof (Objective SW06 of the development plan).
- Part V discussions have taken place, but concerns noted over allocating all social and affordable housing to one block.
- EIAR and AA Assessment included.
- Further information requested.
- Following the submission of further information and revised plans, it was considered that all major issues had been satisfactorily addressed. Noted that a condition should be attached to ensure that the conservation and refurbishment of the protected structure should be progressed to a level that is to the satisfaction of the local authority prior to the occupation of the development.

- Recommendation made to grant permission subject to conditions.

#### 4.2.2. Other Technical Reports

**Water and Drainage:** No objections but seek clarification on a number of issues.

**Transportation:** No objection.

**Parks and Green Infrastructure:** Additional landscaping details required.

**Conservation:** No objection.

**Archaeologist:** Additional information requested.

**Environmental Health:** No objection subject to standard conditions.

#### 4.3. Prescribed Bodies

**Irish Water:** No objection.

#### 4.4. Third Party Observations

One objection received raising concerns on the impact on the protected structure and non-compliance with Objective 5 of the development plan.

### 5.0 Planning History

**F21A/0136:** Permission granted for 40 residential units and café (on appeal with the Board – ABP-312169-22).

**F21A/0488:** Permission granted on foot of F15A/0609; PL06F.248052; F18A/0058;

**F21A0487:** 52 apartments – application withdrawn.

**F21A/0450:** Café structure within the walled garden – application withdrawn.

**F20A/0379:** Permission refused for 85 dwellings on the site – for reasons relating to the access road and the absence of a timeline for the restoration of Belcamp Hall and Chapel.

**F19A/0220** and **F19A/0221** for 77 residential units on the site (none within the protected structure).

**F18A0058:** Permission granted for amendments to previous permissions (reducing the number of dwellings).

**F15A/0609:** Permission granted for the refurbishment of Belcamp Hall and the provision of 263 no. apartments. This was upheld by the Board on appeal (**PL06F.248052**). This decision is considered the ‘parent’ permission for the overall site and set the overall context for development.

## 6.0 Policy Context

The appeal site is within an area zoned RA in the Fingal County Development Plan 2017-2023 and in the 2023-2029 Plan (which came into effect on the 5<sup>th</sup> April 2023) in which the objective is to *‘provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure.’* It is within the curtilage of protected structures associated with Belcamp House and close to a recorded ancient monument (a rath).

### 6.1. Natural Heritage Designations

There are two EU designated habitats within 10 km of the site. The Mayne River to the south drains to Baldoyle Bay, which is an SPA (site code 004016) and an SAC (site code 000199), both around 3km east of Belcamp.

### 6.2. EIAR

The development, by way of its extent and scale does not represent a development for the purposes of Part 10 under Section 5 of the Act or fulfil criteria under Schedule 7 of the 2001 Regulations, and as such does not require EIAR.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- It is argued that it is inappropriate to grant permission until work is fully advanced on the restoration of Belcamp Hall and Chapel.
- It is submitted that it should have been considered as a revision of the previous overall permission (F21A/0450) for the site and not a standalone permission.

- It is argued that permission F15A/1609 has not been adhered to as the applicant has not proceeded with the restoration of the protected structures.
- It is argued that permission would not be in compliance with Objective 5 of the Fingal development Plan and conditions in F15A/0609.

## 7.2. Applicant Response

- The overall history and context of the site is outlined in some detail.
- It is argued in some detail that the proposed development has significant merits with regard to improving the design context of the overall development and the provision of new housing – it is noted that it is fully in line with the zoning objective and national guidelines.
- The applicant disputes that insufficient works have taken place on the protected structure – it is noted that it has been subject to vandalism and the site has been fully secured and there is constant ongoing liaison with Fingal Conservation officers over its restoration.
- It is argued that some delay in the restoration work is justified as economically a number of houses need to be built to fund the works (significant details are provided to back up this argument).
- It is argued that the appellant has misunderstood the purpose of Objective 5 and Condition 2 of the relevant permission – it is argued that the increase in the quantum of development is justified in the overall planning context. It is noted that the planning authority is fully satisfied with the proposed quantum and overall design.
- It is argued with regard to other issues touched on by the appellant that the applicant has been in ongoing liaison with the planning authority over the provision of services to the site and tree felling.

## 7.3. Planning Authority Response

The planning authority requests that the Board uphold its decision to grant permission for the proposed development.



## 8.0 Assessment

Having inspected the site and reviewed the file documents I propose to assess the proposed development under the following general headings:

- Principle of development
- Design and context
- Internal and external amenities
- Cultural heritage
- Traffic and transport
- Drainage and flooding
- Appropriate Assessment
- Other issues

### 8.1. Principle of development

The appeal site is within lands zoned for residential development. There are a number of existing permissions for the overall landholding (the former demesne/grounds of Belcamp House) which have established the principle of residential development on the site most notably PL6F248052 and the site adjoins lands currently under appeal under ABP-314169-22 (40 residential units, a café and creche).

The Fingal County Development Plan 20017-2023 (now superseded) zoned the overall lands as 'RA' *'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'* in the 2017-2023 development plan for Fingal. There is a policy objective to develop an LAP for the area, but one has not been adopted as of this date. At the time of the adoption of the 2017 Plan the lands was largely agricultural or derelict, but they are now substantively developed as a residential neighbourhood – construction was ongoing at the time of my site visit.

A new Development Plan (2023-2029) came into effect on 5<sup>th</sup> April 2023, but I do not consider that it substantially changes the zoning designation or related policies.

In addition to the development plan, I consider that several national and regional policies apply, including (not exclusively):

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Design Standards for New Apartments (March 2018 and updated)
- Urban Development and Building height Guidelines 2018;
- Design Manual for Urban Roads and Streets (2013);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Childcare Facilities: Guidelines for Planning Authorities (2001).

The overall landholding is subject to a number of planning permissions, including one for 263 units decided by the Board on appeal. The proposed development is in line with the overall development of the site and the zoning designation, but the appellant highlights concerns – and these are reflected in comments by the planning authority, that the applicant is seeking to complete development of the landholding without adhering to previous commitments to restore Belcamp House and associated protected structures.

The appellants concerns are entirely understandable and reasonable, and it should be a key planning concern for all permissions on the landholding that the protection and restoration of the structure of Belcamp House is central to the successful completion of the overall development of the former demesne lands. I concur with the view of the planning authority that this can be addressed by way of appropriate conditions ensuring that any units cannot be occupied prior to the satisfactory restoration of Belcamp House.

I conclude that the principle of developing high density housing on this part of the site is broadly in line with the zoning designation and planning history of the landholding, subject to the requirements of relevant policies within the Development Plan and general planning considerations as outlined below.

## 8.2. Design and context

The proposed development consists of two blocks of apartments on relatively flat land between the now completed new residential area to the east and Belcamp House. A service road, 'College Avenue' is to run between the blocks to serve the units part of ABP-314169-22. The River Mayne is to the south. The development is calculated as being of a density of just over 100 units per hectare, which is significantly above the permitted net density of 21.18 units per hectare for Phase 1 of the development, which mostly consists of terraced housing. As such, this overall density would be in line with development plan, regional and national guidelines for such developments on an urban fringe site.

The planning authority had a number of issues with the original design, which were addressed in the further information and revised plans submitted as part of the application. The result is two relatively simple contemporary forms which I consider to be acceptable in the context. The general use of material and form of the apartments follows the design cues of the phase 1 terraces, and while they will block views towards the impressive Belcamp House, I would consider that taking account of all permitted developments in the area it is acceptable in terms of density and layout and choice of materials.

## 8.3. Internal and external amenities

I have examined the layout and design of the individual units and I am satisfied that they are acceptable in terms of internal amenity, daylight and private open space provision. Fingal County Council refers to the BRE daylight guidelines in its development plan. I have examined the plans and I consider that all the proposed apartments meet the minimum requirements for internal amenity for daylight. They are also fully in accordance with the requirements for new apartments set out in the 2018 document 'Sustainable Urban Housing: Design Standards for new Apartments' guidelines with regard to size, aspect, floor to ceiling heights, etc.

The separation distance from the individual blocks from each other, from the protected structure to the west, the proposed additional blocks in **appeal ABP-314169-22** and the newly built phase i to the east ensures that there is no

overlooking, overshadowing, or loss of privacy beyond what would be normal in such a context.

With respect to landscaping and recreation/play areas, the planning report (page 13) noted a number of issues that needed to be clarified within the context of the overall development. These can be addressed by way of condition.

I am satisfied that the proposed development, subject to condition, satisfies all guidelines and standards set out in national and development plan policy objectives and is appropriate having regard to the overall context.

#### 8.4. Cultural heritage

There are two protected structures close to the site. Belcamp House is described in the NIAH as follows:

*Attached seven-bay three-storey over basement red brick former house, c.1785, originally detached. Three-bay full-height central breakfront with rusticated ashlar granite to ground floor. Three-bay full height central bow to rear façade. Now in use as ecclesiastical residence and school. Detached eight-bay subterranean cellar range c.1785 at basement level to west of entrance façade. ROOF: Flat-roofed, originally pitched. Red brick chimneys with clayware pots. Cast-iron rainwater goods. WALLS: Red brick Flemish bond, with rusticated granite ashlar to ground floor central breakfront. Carved granite stringcourse to ground floor. Red brick parapet. OPENINGS: Timber sash windows with granite sills, set in round headed openings to ground floor, with square headed openings above. Timber panelled door with fanlight above. Venetian windows to side elevations. Glazed timber doors to rear. INTERIOR: Very fine oval entrance hall.*

Belcamp House is considered to be of national importance. The adjoining Chapel and Dormitory are of later date, but also considered to be of significant importance, as are structures in the adjoining lands including the gardens and pond. There is also a record of a rath to the north-east of the site.

The appellant notes that in previous applications and appeals the developer has committed to restoring the protected structures, but as yet no works have taken place. The planning authority is satisfied that the works do not impinge upon the

protected structure and that a condition such that no occupancy is permitted until the works to the protected structure are carried out to its satisfaction is appropriate – I concur with this conclusion.

The planning authority noted an error in the Architectural Heritage Impact Assessment whereby it states that there are no recorded ancient monuments in the vicinity – there is a known rath (recorded in the Sites and Monuments Record). As such, a condition was recommended for further archaeological surveys during excavation works is recommended.

I am satisfied that subject to appropriate conditions the proposed development would not have an unacceptable impact on the fabric or context of the protected structures and would not result in damage to any archaeological remains.

#### **8.5. Traffic and Transport**

The site is accessed via a service road linking to the Malahide Road. The area is served by a number of Dublin bus services. The overall impact on traffic has been assessed in previous applications and appeals and in terms of overall quanta for vehicle usage, I consider it to be acceptable. The overall provision of parking and bike parking is in line with development plan standards and the circulation space/parking around the development is generally in line with DMURS.

The planning authority noted that all development should have regard to the South Fingal Transport Study undertaken in association with the NTA and TII. It is noted that while there are no issues with the proposals, the works should be phased in accordance with SFTS recommendations.

#### **8.6. Drainage and flooding**

**Irish Water** did not respond to the application, but it is noted from previous applications and appeals that the site is fully serviced with water and sewerage.

The proposed development is designed (as is the overall scheme for the area) on a SuDs basis, but the planning authority notes that no green roof is proposed – Objective SW06 of the Fingal plan seeks to encourage the use of such roofs.

The site adjoins the River Mayne – this river has been altered over the centuries for drainage and to provide the ornamental ponds for the demesne. A Flood Risk

Assessment was submitted. The site is within Flood Zone C (i.e. less than 0.1% AEP) and so is considered acceptable for flood risk. The proposed development includes for attenuation of run-off so does not alter downstream risks.

### 8.7. **Appropriate Assessment**

There are two EU designated habitats within 10 km of the site. The Mayne drains to Baldoyle Bay, which is an SPA (site code 004016) and an SAC (site code 000199). The Bay is around 2.5 km from the site. There are no other EU designated habitats within 10 km of the site.

The planning authority carried out a screening, which noted the context of the site which has been subject to an overall approved scheme where consideration of the potential effects on European Sites were considered and it was concluded by itself or in combination with other developments in the vicinity, the proposed apartments would not be likely to have a significant effect on the nearby Mayne River and the Baldoyle Bay SAC and SPA.

The two EU designated habitats are both within Baldoyle Bay, a semi-enclosed area of salt water where Portmarnock beach and dunes encloses a section of sea. The SPA qualifying interests are a number of birds, i.e. Brent Goose, Shelduck, Ringed Plover, Golden Plover, Grey Plover, Bar tailed Godwit and 'wetland and waterbirds'. These are species characteristic of mudflats and coastal zones. The conservation objective is to maintain the favourable conservation condition of the habitat for these species.

The SAC more or less overlaps with the SPA. The qualifying interests are listed as mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows and Mediterranean salt meadows.

Having regard to the history of the site, including past screening for AA, and the relatively small scale of the works, in addition to the attenuation between the site and the Natura 2000 sites, I concur with the conclusion of the planning authority. 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, I conclude 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 code 004016 and site code 000199, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

#### **8.8. Other issues**

I do not consider that there are other significant planning issues raised in this appeal.

I note that the site is within Zone C associated with Dublin Airport, and so may require specific acoustic protection within the apartments.

I note that a Part V agreement would be required. The planning report outlines a number of historic issues with the overall development, in particular the developers wish to put all social and affordable housing in one block. The planning authority notes this should be prohibited in future developments in Belcamp, but with regard to this application this considered a legacy issue and as such can be dealt with at a later date.

I also note that the proposed development would be subject to a standard S.48 Development Contribution and would not be subject to any other contributions.

#### **9.0 Recommendation**

I recommend that the Board uphold the decision of the planning authority to grant permission for the following reasons and considerations, subject to the conditions set out below.

## 10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Fingal County Council Development Plan 2017- 2023 and the Fingal County Council Development Plan 2023-2019;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) The Guidelines set out in the Sustainable Urban Housing: Design Standards for new Apartments 2018;
- (e) the nature, scale and design of the proposed development and in particular the relatively modest number of dwellings proposed;
- (f) the availability in the area of a limited range of educational, social, community and transport infrastructure;
- (g) the pattern of existing and permitted development in the area;
- (h) the submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the plans and policies set out in the development plan, the zoning designation, the proximity of protected structures, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the additional drawings submitted on the 23<sup>rd</sup> day of December 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. All restoration works which were permitted under Phase 1 (PL06F.248052) and any subsequent permission requirements should be completed to deliver the conservation and refurbishment of the protected structures on the landholding to the satisfaction of the Planning Authority prior to the occupation of any unit permitted under this permission for development.

**Reason:** In the interest of the proper planning and development of the area and to ensure the preservation of a protected structure.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under appeal reference number PL06F.248052, and any agreements entered into thereunder.

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

4. Each apartment unit shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C associated with Dublin Airport.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. 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.

7. Prior to the occupation of the apartments a naming and apartment numbering scheme shall be submitted to the Council for written agreement prior to the commencement of any works on site.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

9. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.

10. 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 unit.

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

11. 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.

**Reason:** In the interests of visual and residential amenity.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 14. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

- 15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A

management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before [the proposed development] [any of the commercial units] are made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of visual amenity.

16. . Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in

connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Philip Davis  
Planning Inspector

12<sup>th</sup> May 2023