



To:	The Board
From:	Planning Inspector – Adrian Ormsby
Re:	Board Direction – BD-014788-23
Date:	12 th of March 2024
Development	99 residential units and all associated works
Location	Clonconane, Old Cratloe Road, Limerick

1.0 Introduction

- 1.1. This report is an addendum to an original report dated the 06th of November 2023, in respect of third party appeals against a Notification of Decision to Grant Permission issued by Limerick City and County Council for 99 residential units and associated works.
- 1.2. My original Inspector's Report recommended a grant of permission subject to conditions including the omission of 12 apartments for non-compliance with the Apartment Guidelines and residential amenity.
- 1.3. At a Board meeting held on the 01st of December 2023 the Board decided to defer consideration of this case and to issue a Section 137 notice to all parties on matters that it proposes to take into account other than those raised by parties to the appeal, as follows:

Regarding the design standards of the proposed apartments in relation to the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities:

- a) The Board noted the provision of six 2-bedroom, 3 person apartments may not be consistent with requirements set out in sections 3.5-3.7 of the Guidelines. Furthermore, the proposed development may not comply with section 3.8 of the same guidelines in terms of 'Safeguarding Higher Standards'.*
- b) The proposed floor to ceiling height for ground floor apartments may not be consistent with SPPR 5 requirements.*
- c) In the absence of an assessment of Daylight Factor or Interior Illuminance in accordance with BRE209, the Board considered some rooms (including internal kitchens and rooms at the eastern elevation in proximity to the development permitted under 22/917) may not receive adequate daylight penetration as per the recommendations set out in BS EN 17037 Daylight in buildings and Appendix C of BRE 209.*
- d) The proposed development may not provide sufficient quantity or quality of communal amenity space and the space proposed may not receive adequate sunlight in accordance with BRE209 given its narrow provision and northern orientation.*

The Board might therefore consider that the design of the proposed apartment block would not accord with the residential development quality standards for apartments in the Limerick Development Plan 2022-2028. Giving due consideration to the residential density requirements for this site, all parties are therefore invited to provide a commentary/response in relation to the considerations outlined above as they relate to the subject appeal.

- 1.4. This request issued on the 11th of December 2023. Each party was given four weeks to respond to include for the provisions of section 251 of the Acts i.e. by 16th of January 2024.
- 1.5. A submission was received from Claire Boylan (party to third party appeal- Mike McLoughlin and others) on the 05th of January 2024.

- 1.6. A submission was received from the Applicants on the 12th of January 2024 and included revised drawings to address the issues raised in the Board's S.137 request.
- 1.7. In the interests of justice, An Bord Pleanála wrote to parties involved on the 15th of January 2024 advising them of the Applicants submission and inviting them to make any submission or observation in relation to the revised proposal by the 5th of February 2024.
- 1.8. No further submissions were received within the time allowed.

2.0 Submission of Claire Boylan 05th of January 2024

2.1. This submission can be summarised as follows-

- It details the proposed development is part of a larger scheme of development (masterplan) for a site at Clonconane, Old Cratloe Road which was subject EIA.
- Six planning applications and their status are detailed-
 - 211800- subject application under appeal
 - 221114- under appeal
 - 22790- granted
 - 22817- granted
 - 22917- granted
 - 22959- under appeal
- The overall Masterplan of 448 no. units on 22.53 ha of land falls under the requirement for EIA as per the Planning and Development Regulations 2018 in category 10 (b) (iv)-
 - Urban Development greater than 2ha in business district, 10 ha in the case of other parts of a built up area and 20 ha elsewhere.
- No EIAR accompanies 211800 (subject application), there was no public participation in the EIA process which was required.
- Any development carried out that would have required EIA would be considered unauthorised development.

3.0 Applicants Submission 12th of January 2024

3.1. This submission can be summarised as follows-

- It invites the Board to review and consider a number of drawings which amend the development proposal to ensure full compliance with the Apartment Guidelines.
- It submits the revised proposal will not materially impact the amenities of third parties and existing neighbouring dwellings.
- While the external appearance of the building has changed the overall height has actually reduced from 24.47m to 23.65m.
- The applicants submit the revised proposal does not substantially alter the development to render it substantially different.
- The Number of apartments units remain at 12 with all six two bed units accommodating 4 persons
- The amendments include-
 - Gross floor area increases from 918.9 sq.m to 1,062 sq.m
 - Communal open space of 94 sq.m
 - Bin area relocated to north site boundary
 - Entrance relocated to southern elevation providing active frontage addressing substantial open space area permitted under 22/917
 - Visitor bicycle parking relocated to southern side
 - Car parking relocated on site, positioned adjoining proposed open space immediately south of apartment block and to northwest of large central area of open space.
 - Relocated parking has resulted in reduction in total open space from 4,421 sq.m to 4,345 sq.m or 15.38% to 15.1% of overall site area.
- All 3 person apartments have been removed and replaced with two bed 4 person apartments ensuring compliance with sections 3.5 -3.7 of the Guidelines

- In terms of section 3.8 and safeguarding higher standards all apartment units are a minimum 10% greater than minimum floor areas. The proposal requires a minimum of 708 sq.m and provides 853.2 sq.m which is 20.4% above the minimum requirement.
- All three floor to ceiling heights have been increased to 2.7m in compliance with SPPR 5.
- The internal configuration of apartments has been revised to address daylight penetration-
 - On the eastern elevation all single bedrooms with a small window have been replaced with a double bedroom and a larger window facing north overlooking the communal open space.
 - A bathroom window faces east
 - While a small window serves the kitchen it is part of an open plan living room and reconfigured to be a shallower depth with greater glazing on the southern elevation.
 - 9 of the 12 apartments are dual aspect comprising 75% of overall block.
 - Apartments 3, 7 and 11 are single aspect with extensive southern aspect and glazing serving the living and kitchen area.
- 94 sq.m of communal amenity space is provided to the northeast of the apartment block with a gated access dedicated toddlers play area in accordance with section 4.13 of the Guidelines.
- The proposed apartment block is in accordance with residential development quality standards and complies with the Apartment Guidelines.

4.0 Policy Context-

4.1. Ministerial Guidelines, Circulars and other Guidance

4.1.1. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2023)¹

4.1.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2004 2004

- These guidelines came into effect on the 05th of January 2024 and after my original Planning Report and the Boards section 137 request to the Parties. The Guidelines replace the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities 2009 (now revoked) which I had regard to for considerations of density.
- Table 3.2 sets out density ranges for Limerick with the following considered applicable to the application site-

City - Suburban/Urban Extension

Suburban areas are the low density car orientated residential areas constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

¹ The Board are advised my original Planning Report refers to the previous 2022 version of these guidelines. This was a simple typing error and the Board will be aware the main changes between the 2023 and 2022 version relate to BTR developments which and do not impact the development proposed.

4.2. **Limerick City and County Development Plan 2022-2028 (LDP)**

- 4.2.1. The site is governed by the policies and provisions contained in the LDP as set out in my original report.

5.0 **Further Assessment**

- 5.1. The Board will note its letter of the 11th of December 2023 makes a section 137 request and invites the parties to submit their submissions or observations “*in relation to the matter(s) raised*”.
- 5.2. The submission of Claire Boylan (a third party appellant) on the 05/01/24 is not related to the matters raised in the Section 137 letter. The submission generally focusses on environmental matters relative to the EIA Directive and I am satisfied these are addressed in my original planning report. For these reasons I do not intend to give any further consideration to this submission.
- 5.3. The Applicant seeks to address the Section 137 letter and I shall consider their response against the issues raised in that letter.
- 5.4. **Paragraph a)-**
- 5.4.1. **Section 3.5-3.7 of the Apartment Guidelines and provision of six 2- bedroom, 3 person apartments (SPPR 3)**
- 5.4.2. The Applicants revised submission provides 12 apartments with six 2-bedroom and six 1-bedroom apartments. The floor area of each of these range from-
- 2 Beds- 81.6 sq.m to 84.6sqm and
 - 1 Beds- 57.8 sq.m to 60.4 sq.m
- 5.4.3. Appendix 1 of the Guidelines details ‘*Required Minimum Floor Areas and Standards*’ and details the Minimum Floor area for two bedroom 4 person apartments to be 73 sq.m and one bedroom 2 person apartments to be 45 sq.m.
- 5.4.4. The revised proposal complies with SPPR 3 and as 2 bedroom 3 person apartments are no longer proposed sections 3.5-3.7 are no longer applicable.
- 5.4.5. **Section 3.8 ‘Safeguarding Higher Standards**

- 5.4.6. This section requires the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant bedroom unit types, by a minimum of 10%
- 5.4.7. In accordance with the example provided in section 3.9 of the Guidelines and using the revised submission and drawings I have calculated the 'Cumulative Min Floor Area' for the proposed units to be- 708 sq.m. The 'Total Required Minimum Floor Area' would be $708+70.8= 778.8$ sq.m. Therefore 70.8 sq.m of additional floor space is required and needs to be allocated to at least the majority of the apartments i.e. at least 7 units.
- 5.4.8. The total proposed apartment floor area is 853.2 sq.m which exceeds the cumulative requirement of 778.8 sq.m. All of the proposed apartments exceed the minimum floor area requirement by 10%.
- 5.4.9. The proposed development therefore safeguards higher standards and complies with the requirements of section 3.8.

5.5. Paragraph b)-

- 5.5.1. Revised drawing PP-12A clearly shows all floor to ceiling heights of 2.7m. This proposal complies with SPPR 5.

5.6. Paragraph c)- Daylight penetration to some rooms (including internal kitchens and rooms at eastern elevation in proximity to development permitted under 22/917)

- 5.6.1. The Applicants have not submitted an assessment of Daylight Factor or Interior Illuminance in accordance with BRE 209 but have made changes to the apartment block footprint and internal layout of each apartment. In terms of SPPR 4 the revised proposal provides 75% dual aspect apartments. In particular, I note Apartments 1, 5 and 9 to the north side of the apartment block have glazing to three elevations including kitchen, living, dining and bedrooms. Windows to the east and west elevation are quite large.
- 5.6.2. Internal kitchen areas in all apartments (save apartments 3, 7 and 11) all now benefit from at least dual aspect glazing. Apartments 3, 7 and 11 are south facing with large, glazed areas and glazed doors to balconies

- 5.6.3. The revised proposal also relocates bedrooms and moves bathrooms in Apartments 2, 6 and 10 to the eastern elevation and facing towards the development permitted under 22/917. Section 2.1.14 of BRE 209 details that bathrooms are a room without special requirement for daylight and in this regard, there are no daylight penetration concerns.
- 5.6.4. In the absence of an assessment of Daylight Factor or Interior Illuminance in accordance with BRE 209 I can not say for certain if the revised proposal complies with the recommendations set out in BS EN 17037 Daylight in buildings and Appendix C of BRE 209.
- 5.6.5. However, I am satisfied the revised proposal complies with SPPR 4, significantly increases daylight provision to areas of concern such as internal kitchens and bedrooms and having particular regard to the larger than required floor area for each apartment would provide significant quality to ensure residents of these apartments would benefit from acceptable residential amenity standards.

5.7. Paragraph d)- Quantity or Quality of Communal Amenity Space including sunlight provision

- 5.7.1. The original application appeared to propose a green area that I estimated to be c. 9m wide by 2m deep giving 18 sq.m in total of communal amenity space to the north side of the apartment block and its depth would be unlikely to receive adequate sunlight.
- 5.7.2. The Apartment Guidelines requires 5 sq.m of space per one bed apartment and 6/7 sq.m per 2 bed apartments. Therefore, there was a requirement for 66-72 sq.m for the 12 original apartments. The revised proposal requires 72 sq.m.
- 5.7.3. The revised proposal now provides 94 sq.m of communal amenity space to the northeast of the apartment block in an 'L-shape' with a dedicated toddlers play area which they detail is in accordance with section 4.13 of the Guidelines.
- 5.7.4. I have scaled the green area identified and estimate this is c. 61 sq.m in area. On this basis it would appear the Applicants include the entrance path to the apartment block the bicycle storage area and what I consider should be defensible space to the bedroom of the ground floor apartment No.2 in their 94 sq.m calculations of proposed communal amenity space.

- 5.7.5. The submission does not provide a sunlight assessment to show this area will achieve at least two hours of sunlight on 21 March. However its size, layout and orientation represent a significant improvement over the original proposal.
- 5.7.6. It appears the revised proposal does not provide adequate communal amenity space in terms of size or quality in accordance with the requirements of the Apartment Guidelines.
- 5.7.7. However, having considered-
- the likely short fall of only c. 11 sq.m of communal amenity space,
 - the extent of-
 - extra floor space proposed to each apartment,
 - dual and triple aspect fenestration,
 - size of glazing provided to each apartment
 - the number of south facing private amenity spaces and
 - the overall quality of public open space provided including the provision of c 119 sq.m of public open space directly to the south of the proposed apartment block and
 - the overall quality of the 12 residential units proposed

in the context of achieving wider planning gains such as comprehensive development of zoned lands and the delivery of residential units during the well documented housing crisis, I consider it appropriate in this context to allow a slight degree of discretion and permit the communal open space as proposed.

5.8. Density

- 5.8.1. The section 137 letter also required the parties to have due regard to residential density requirements of the site. The applicant's original proposal and the revised both provide 12 apartments and therefore there is no proposed change to density as detailed in section 8.5 of my original report i.e. the applicants propose 35 units per ha which was considered compliant with the Limerick Development Plan.
- 5.8.2. Since my original report and as the Board will be aware, the Sustainable Residential Development and Compact Settlements Guidelines (SCSG) have replaced the

SRDUA 2009. Table 3.2 of the SCSG details it is a policy and objective of the Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick. In this regard, the revised proposals remain consistent with these new guidelines and satisfies residential density requirements.

6.0 Recommendation

6.1. I recommend that permission is granted subject to the following conditions-

7.0 Reasons and Considerations (amended)

Having regard to-

- a) the Limerick City and County Development Plan 2022-2028 and the location of the site in an area zoned for 'New Residential' development
- b) the National Planning Framework including National Policy Objectives 1a, 1b, 2a, 3b, 4, 5, 8, 11 and 35
- c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2004
- d) Urban Development and Building Heights Guidelines for Planning Authorities 2018 and in particular Specific Planning Policy Requirement SPPR 4
- e) Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2023)
- f) The Childcare Facilities Guidelines for Planning Authorities June, 2001
- g) the general pattern of development in the area and the nature and scale of the proposed development, and
- h) Article 103 and Schedules 5 and 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development, housing mix and appropriate density for the area, would not seriously injure the residential or visual amenity of the area, would not detract from the character and setting of the area, would be acceptable in terms of traffic and public safety

and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd day of December 2021, as amended by the further plans and particulars submitted on the 09th day of November, 2022 and as amended by the revised plans submitted on the 12th day of January, 2024, 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 mitigation measures set out in the Natura Impact Statement and associated documentation received with the planning application and by way of the submitted Further Information shall be implemented in full, including the provision of a berm along the western boundary of the landholding, except as may otherwise be required in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity and the protection of European Sites and the environment during the construction and operational phases of the development

3. The proposed development shall be amended as follows:
 - a. A boundary treatment providing adequate defensible space of at least 1m from the area of communal amenity space shall be provided to apartment 2.
 - b. A 2-metre high privacy wall shall be constructed along the rear, side and dividing boundary between houses. The wall shall be solid block,

capped and rendered. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.

- c. Screen walls abutting open space or estate roads shall be 2m high, plastered and capped with piers.

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

Reason: In the interest residential amenity.

4. No more than 75 residual units within the Masterplan lands as identified in Drawing No PP-13 submitted to the Planning Authority on the 09th day of November 2022 shall be made available for occupation, until such time as the Creche permitted under planning reference number 22/790 has been completed and is in operation, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of orderly development.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

d) Adhere to the list of active interventions detailed in the Archaeological Management Plan submitted to the Planning Authority on the 09th day of November 2022

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 site and to secure the preservation and protection of any remains that may exist within the site.

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

Reason: In the interest of visual amenity.

7. (a) The internal road and vehicular circulation network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such road works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS). Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. shall comply with all relevant aspects of DMURS.

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

8. (a) All of the parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) No car parking spaces shall be sold, rented or otherwise sub-let or leased.

Reason: in the interest of sustainable transportation.

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

Reason: In the interest of legibility.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water and implementation of Sustainable Urban Drainage measures, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Prior to commencement of development the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The developer shall provide ducting to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. 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. The agreed lighting system shall be fully implemented and operational before any of the residential or commercial units are made available for occupation.

Reason: In the interests of amenity and public safety.

15. The site shall be landscaped in accordance with drawings PP-01(1), PP-15 and the particulars submitted on the 09th day of November 2022. These drawings and particulars shall be amended to make provision for condition 2 of this Order and submitted for the written agreement of the Planning Authority prior to the commencement of any development on site. The agreed landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. 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.

16. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to,

and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation measures detailed in the submitted NIS for the application, in addition to the following:

- a. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b. Location of access points to the site for any construction related activity;
- c. Location of areas for construction site offices and staff facilities;
- d. Details of site security fencing and hoardings;
- e. Details of on-site car parking facilities for site workers during the course of construction;
- f. Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g. Measures to obviate queuing of construction traffic on the adjoining road network;
- h. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j. Details of appropriate mitigation and monitoring measures for noise, dust and vibration, and monitoring of such levels;
- k. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soils and other materials;
- m. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- n. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

19. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the

Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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.

21. 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

22. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Adrian Ormsby
Planning Inspector

12th of March 2024