



An  
Bord  
Pleanála

## Inspector's Report PL17.247211

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<b>Development</b>	Demolition of house and construction of 11 houses.
<b>Location</b>	Clonmagadden, Kingscourt Road, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA160649
<b>Applicant(s)</b>	Ronan O'Reilly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	GRANT
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul Duffy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> November 2016
<b>Inspector</b>	Niall Haverty

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.501 ha, is located on the western side of the Kingscourt Road (R162; also referred to as Proudstown Road) at Clonmagadden, c. 1.4km north of Navan town centre, Co. Meath.
- 1.2. The appeal site is almost rectangular, with its long side parallel to the R162. An existing detached single storey dwelling is centrally located within the site, with the remainder of the site undeveloped. It is bounded by the R162 to the east, the rear gardens of a residential development known as Tara Glen to the west, Clonmagadden Road (L34094) to the north and detached single storey housing with mature planting to the south. The currently undeveloped Clonmagadden Strategic Development Zone is located to the east of the appeal site, on the opposite side of the R162.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the demolition of an existing single storey dwelling and the construction of 11 two storey houses with living accommodation at attic level, comprising one six bedroom detached house and ten four bedroom semi-detached houses.
- 2.2. The development also includes an internal service road with two access points onto the R162 public road.
- 2.3. The planning application was accompanied by a tree survey report, civil engineering report, a CCTV sewer survey and various Land Registry documents and associated correspondence.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Meath County Council decided to grant planning permission on 11<sup>th</sup> August 2016.

The following Conditions are relevant to this appeal:

- C15: Alternative surface water attenuation design to be agreed.
- C19: Details of broadband provision to be provided.
- C21: €200 per unit towards cost of monitoring construction.
- C22: Deposit/bond of €74,000.
- C23-C25: s48 Contributions.

### 3.2. Planning Authority Reports

3.2.1. The report of the area planner can be summarised as follows:

- Sub-threshold EIS not warranted as no potential for significant effects on the environment.
- Existing house is not of such architectural merit as to warrant retention.
- Site is located within Phase 1 in the Order of Priority as detailed in Variation 2 of the CDP which gave effect to the Core Strategy.
- Proposed development is consistent with zoning objective and Core Strategy.
- Density of 22 units per hectare is acceptable, having regard to location of site and pattern of development in the vicinity.
- Layout and design is broadly acceptable having regard to the linear nature of the site.

- Public and private open space provision is in accordance with Development Plan standards.
- Road Design Office has no objection to proposed access arrangements.
- Car parking provision is in accordance with CDP requirements.
- Water supply and foul wastewater network will connect to existing services.
- Proposed surface water attenuation tank is not acceptable and concrete tank should be used instead with additional SuDS measures.
- Part V obligation to be met with provision of units on site.
- Trees to south of site are protected under Navan Development Plan. Proposed 10m buffer zone is reasonable.
- Site can be considered to be within Flood Zone C.
- Proposed development will not impact on any Natura 2000 site and Stage 2 Appropriate Assessment is not required.

### 3.3. Other Technical Reports

- **Irish Water:** No objection subject to conditions.
- **Water Services:** Further information sought regarding alternative attenuation tank design, additional SuDS measures and existence of surface water sewer shown on drawings.
- **Road Design Office:** Proposed layout is satisfactory. Additional planting to be provided along R162 to create visible barrier between the two roads.
- **Public Lighting:** No objection subject to conditions.
- **Housing:** Part V requirement to be met by delivery of units on site.

### 3.4. Third Party Observations

3.4.1. One third party observation was made, by the appellant. The issues raised can be summarised as follows:

- Proposed density is too high.
- Proliferation of access points on brow of a hill on a heavily trafficked regional road approaching the junction with a distributor road represents a traffic and pedestrian hazard.
- Negative impact on residential amenity of the existing dwellings to the rear in terms of overlooking, privacy and over dominant appearance of third level attic accommodation.
- Overdevelopment of a very limited site.
- Alterations to development are proposed: reduction from three storey to two storey, reduction in number of units, alternative access arrangements and protection of trees/hedgerows.

## 4.0 Planning History

### 4.1. Subject Site

- **Reg. Ref. NA151017:** Withdrawn planning application for demolition of existing dwelling and construction of 12 houses.
- **Reg. Ref. 01/5314:** Planning permission refused on the southern portion of the site for ten units, comprising five apartments and five duplex units with a maximum height of three storeys. Reasons for refusal included substandard nature of development, its scale and bulk, the impact on residential amenities and traffic hazard.

- **Reg. Ref. 01/5313:** Planning permission refused on the northern portion of the site for 31 apartment units and two retail/commercial units with a maximum height of five storeys. Reasons for refusal included substandard nature of development, its scale and bulk, the impact on residential amenities, traffic hazard and contrary to retail policy.

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2013-2019

- 5.1.1. Navan is one of two settlements in the County designated as a Large Growth Town I in the County Settlement Hierarchy, with Objective SS OBJ 8 being to develop Navan as a primary development centre in Meath, with a planned population of up to 50,000.
- 5.1.2. Section 11.2 of the CDP sets out detailed development management guidelines for residential development.

### 5.2. Navan Development Plan 2009-2015

- 5.2.1. The site is zoned A1 'existing residential' in the Navan Development Plan 2009-2015, which was varied in 2014 to bring it in line with the County Development Plan. The lands to the east, which form the SDZ are zoned A2 'new residential'.
- 5.2.2. The Development Plan states that in A1 zoned areas the Planning Authority will be primarily concerned with the protection of the amenities of established residents. It also states that while infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.

5.2.3. The trees along the southern boundary of the appeal site are identified as individual trees to be preserved.

5.2.4. Relevant residential Policies of the Development Plan include:

- POL 1: To promote a high standard of design and layout.
- POL 3: To ensure new developments incorporate a landscaping plan.
- POL 9: To encourage infill residential development in older parts of the town in a manner which will maintain the character of the area.

5.2.5. Relevant Objectives of the Development Plan include:

- Residential OBJ 1: To develop brownfield sites before greenfield land.
- Residential OBJ 3: To achieve a mix of dwelling size, type and tenure.
- Settlement Strategy OBJ 4: To promote a more compact urban form.

5.2.6. Section 8.1 sets out development management standards for residential development.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A third party appeal was lodged by Paul Duffy, which is stated as being submitted for and on behalf of residents of Tara Glen. The grounds of appeal can be summarised as follows:

- Eight of the proposed houses provide less than the required 75 sq m of private open space, resulting in overdevelopment of this limited site.

- Provision of third floor with restricted garden length has significant negative impact on privacy of existing dwellings to rear.
- Proposed development will be overbearing when viewed from the existing houses to the rear.
- No objection to development of the site in principle, but serious concerns regarding layout, density, access and design of the proposed development.
- Section 11.2.2.2 of CDP sets out separation distances between opposing windows and between adjacent dwellings.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority responded to the appeals as follows:

- Proposed development is consistent with Core Strategy (located within Phase 1 of Order of Priority set out in Variation 2 of CDP) and zoning objective.
- Development is laid out and designed in manner that alleviates concerns regarding protection of existing residential amenity.
- Proposed density of 22 units per hectare is below envisaged density for Navan, but is acceptable having regard to site constraints.
- Private open space provision is in accordance with CDP standards.
- Site is within 50 km/hr speed limit zone and layout with two access points and one-way system is acceptable to Road Design Office.
- No significant difference in levels between existing and proposed houses.
- Board is asked to uphold decision of the Planning Authority.



### 6.3. First Party Response

6.3.1. Michael Hetheron Architectural & Engineering Services submitted a response to the third party appeal on behalf of the applicant, which is summarised as follows:

- Proposed development is consistent with the 12 criteria set out in the Urban Design Manual: A Best Practice Guide (2009) and provisions of the CDP
- Development responds to site context and constraints.
- Density of 22 units per ha is a result of the site restrictions and is supported by the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009.
- Mix of house types fulfils criteria for inclusivity and variety.
- Proposed houses are sympathetic to existing houses in scale, design and finish.
- Proposed development has simple and functional layout with clear boundaries.
- Useable outdoor space is enhanced by green area to east of site.
- Car parking layout provides two spaces per dwelling and additional visitor spaces.
- Separation between adjacent dwellings of 2.6m is less than CDP requirement but is acceptable with reference to the AJ Metric Handbook and other Development Plans for Navan, Dublin City, Fingal etc.

### 6.4. Observations

6.4.1. No submissions/observations are on file from any other party.

## 7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Residential amenity.
- Design and layout.
- Roads and Traffic.
- Other Issues.
- Appropriate Assessment.

### 7.2. Residential Amenity

- 7.2.1. The appellant states that the proposed development will impact on the residential amenity of existing houses on Tara Glen Road through overlooking, loss of privacy and overbearing impact as a result of the rear garden length and provision of three storey accommodation. The applicant has responded by stating that the proposed development meets the requirements of the County Development Plan and the Urban Design Manual.
- 7.2.2. The proposed houses will be aligned almost parallel to the existing houses to the west, although the existing houses step back slightly from south to north along Tara Glen Road. As a result, the CDP requirement of 22m between directly opposing windows is achieved for proposed houses 1 to 4, while the remaining houses 5 – 11 have slightly less than 22m between opposing windows. The shortest separation distance is at house 11, which it appears will be c. 20.6m from the existing house to the west.
- 7.2.3. With regard to the potential for increased overlooking as a result of the bedrooms at attic/second floor level, I note that the windows are located in the plane of the roof, rather than being vertical windows within a dormer projection. I consider that this

arrangement does not give rise to quite as significant a potential for overlooking or loss of privacy, since these windows are set back a further c. 1m from the rear elevation and will offer more restricted views as a result of their sloping nature. One of the two windows at this level serves an en-suite bathroom, and since it is not specified in the drawings, I recommend that a condition be included to ensure that all bathroom windows feature obscure glazing.

- 7.2.4. While the separation distances are marginally less than CDP standards, I consider that they are sufficient in this infill location within an established suburban area to provide a reasonable level of residential amenity to future residents without having an undue adverse impact on the residential amenity of existing properties through overlooking or loss of privacy.
- 7.2.5. With regard to overbearing impacts, the proposed houses are similar in height to the existing houses and there is no significant level change from west to east. Having regard to the established suburban context of the appeal site and the design and layout of the proposed development I do not consider that any significant overbearing impact on any existing residential properties will arise.
- 7.2.6. With regard to overshadowing, I consider that the separation distances between the existing and proposed houses, allied with their height and the location of the proposed houses to the east of the existing houses, will ensure that no significant level of overshadowing is likely to occur.

### 7.3. **Design and Layout**

- 7.3.1. I consider the design and layout of the proposed development to be broadly acceptable. It responds to the linear nature of the site in an appropriate manner and presents a strong coherent building line to the R162, improving the sense of enclosure in this area.

- 7.3.2. The proposed density is 22 units per hectare, which is below the envisaged density of 35 units per hectare for Large Growth Town. However, having regard to the pattern of development in the area and the somewhat constrained nature of the site, with its relatively narrow shape and relationship with existing houses to the west, I consider that the reduced density is appropriate in this instance and consistent with the A1 zoning, which prioritises the protection of existing residential amenity.
- 7.3.3. With regard to the provision of private open space, the CDP requires 75 sq m for four bedroom units, and the appellant contends that eight of the houses will fail to meet this requirement. The Site Layout Plan submitted with the application includes a table indicating that all houses will have more than 75 sq m of private open space. However, having reviewed the drawing, I consider that the private open space for three of the houses (Nos. 1 – 3) will fall marginally below the required figure of 75 sq m. House No. 2 has the lowest provision of private open space, with 73.4 sq m.
- 7.3.4. A similar issue arises in respect of public open space. The Site Layout drawing states that 642 sq m of public open space has been provided and that this equates to 15.3% of the site area of 4201 sq m. However, the stated site area as per the planning application form is 0.501 ha (i.e. 5010 sq m). The required minimum provision of public open space is therefore 751 sq m (i.e. 15%). Furthermore, the stated provision of public open space appears to rely on the narrow grass verges between the internal access road and the R162, since the only usable public open space is the rectangular area at the southern end of the site which I estimate to be an area of c. 373 sq m (i.e. c. 7.5% of site area). Since the density of the proposed development is already relatively low, there is a need to strike an appropriate balance between achieving a sustainable density and providing adequate public open space. Therefore, if the Board is minded to grant permission, I recommend that house 1 be omitted and the resultant area be incorporated within the public open space. A revised detached design for the remaining house 2, that also provides passive surveillance of the enlarged public open space, could be agreed with the

Planning Authority by way of condition. In my opinion this would achieve an appropriate balance between delivering a sustainable residential density and a reasonable quantum of public open space.

- 7.3.5. Due to the private open space provision being at the minimum end of the permissible scale and the separation distance with the houses to the rear being marginally below Development Plan standards in some instances, I recommend that a condition be imposed restricting future use of the exempted development provisions under Class 1 and Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001-2015.
- 7.3.6. With regard to the separation distance between adjacent houses, while the proposed separation of 2.6m is less than the 3.2m required under the CDP, I consider that it is sufficient in this infill setting relatively close to the town centre. In this regard I accept the applicant's argument that the proposed separation distance is greater than that required in many other CDP's within the Greater Dublin Area and I consider that is sufficient for the residents of each house to separately move wheelie bins, gardening equipment etc. without conflict.

#### **7.4. Roads and Traffic**

- 7.4.1. The appellant has expressed concerns in relation to the layout of the development and access arrangements to it. Their earlier observation also raised the issue of sightlines and the proximity of the existing junction to the north.
- 7.4.2. Firstly, with regard to traffic generation, I am satisfied having regard to the scale of the proposed development that it will not generate a significant level of traffic or result in increased traffic congestion in the area. The key issue to be addressed is therefore in relation to the adequacy of the roads and access points associated with the proposed development.

- 7.4.3. The proposed development features two access points from the R162. It is intended that these access points will operate on a one-way basis, with traffic entering the development from the southern access point and exiting from the northern access point.
- 7.4.4. Both the proposed entrance and exit points are c. 11m wide which I consider to be excessive for one-way traffic entering/exiting a small residential development. The corner radii also appear to be excessive and not consistent with the provisions of the Design Manual for Urban Roads and Streets. Access points of the width and corner radii proposed are liable to result in a traffic hazard, as they will allow vehicles to enter/exit the residential development at speed and will result in excessive crossing distances for pedestrians on the public footpath. Therefore, while I consider the proposed one-way system to be acceptable, the width of the access points should be reduced and the corner radii should be made tighter in accordance with DMURS recommendations. A condition requiring the agreement of the Planning Authority can be applied in this respect. Details of road marking and signage to ensure effective and safe operation of the one-way access points should also be agreed with the Planning Authority.
- 7.4.5. With regard to sight distances and the proximity of the existing junction with the Clonmagadden Road, I note that the development is within the 50km/hr zone for Navan and I therefore consider that the visibility splays would be sufficient and in accordance with DMURS recommendations.

## 7.5. **Other Issues**

- 7.5.1. Trees: The trees along the southern boundary of the site are protected under the Navan Development Plan. While there is no proposal to remove or cut back these trees as part of the proposed development, and they will ultimately be incorporated within the public open space, I consider that a suitable Condition should be attached to ensure their protection during the construction stage.

- 7.5.2. Boundary Treatment: No boundary wall is proposed along the site boundary with the public footpath on the R162. Having regard to the location of the site on a relatively busy Regional Road, and the narrow strip of landscaping proposed between the internal access road and the public road, I consider that it would be appropriate in the interests of visual amenity and vehicular and pedestrian safety to define and enclose the development with a low (min. 0.9m high) boundary wall, of a design to be agreed with the Planning Authority.
- 7.5.3. Surface Water: The Planning Authority's Water Services Department was not satisfied with the proposed attenuation tank and requested additional SuDS measures such as permeable paving in driveway areas. A condition requiring surface water management measures to be agreed with the Planning Authority would be appropriate in this instance.
- 7.5.4. Social Housing Provision: The proposed development comes within the provisions of Part V of the Planning and Development Act 2000 (as amended) for the provision of social housing. A standard Condition requiring agreement with the Planning Authority in respect of Part V requirements should be imposed.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which comprises an infill development in a serviced location which is surrounded by existing residential development, is close to Navan town centre and is outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 7.7. Recommendation

- 7.7.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## 8.0 REASONS AND CONSIDERATIONS

- 8.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## 9.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The following changes shall be incorporated into the overall layout.
  - (a) The southernmost house (numbered 1 on Site Layout drawing No. 04, dated June 2016), shall be omitted and the resultant area incorporated into the landscaped public open space. The design of the adjoining house 2 shall be amended to provide a detached unit with an active southern elevation facing the public open space and a minimum of 75 sq m of private open space.



(b) A boundary wall with a minimum height of 0.9 metres and of a design to be agreed with the planning authority shall be erected along the site boundary with the R162 regional road.

(c) The width of the two one-way access points from the proposed development to the R162 and the associated corner radii shall be reduced in accordance with the requirements of the Design Manual for Urban Roads and Streets.

(d) All bathroom windows shall be permanently fitted with obscure glazing.

Details of the above changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

4. 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.

5. 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.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

7. The internal road serving the proposed development including turning bays, parking areas, road markings, signage, footpaths, kerbs, traffic calming measures and footpath dishings shall comply with the detailed standards of the planning authority for such works.

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

8. Public lighting shall be provided in accordance with a scheme to be agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of any house.

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

9. 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 1:250 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs.
- (ii) Details of screen planting.
- (iii) Details of roadside/street planting.

- (iv) Hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) Proposals for the protection of the existing trees on the southern boundary of the site for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established;
- (d) 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.

10. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

11. 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.

12. Prior to the commencement of development precise details of all boundary treatment including boundary treatment between the rear gardens of the proposed units shall be submitted for the written agreement of the planning authority.

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

13. Proposals for an estate/street name, house numbering 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. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

14. 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.

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 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.

16. 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. The contribution shall be paid prior to the 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 the Board 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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Niall Haverty

Planning Inspector

16<sup>th</sup> December 2016