



An
Bord
Pleanála

Inspector's Report PL06F.247355

Development	Extensions to existing house, construction of 3 no. houses, alteration to driveways and vehicular entrance and all associated works.
Location	'Ard Aulin', Carrickhill Road Upper, Portmarnock, Co. Dublin. (F16A/0125).
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0125
Applicant(s)	Carrickhill Property Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Pascal and Renata Wynne
Observer(s)	DAA
Date of Site Inspection	01 December 2016
Inspector	Patricia Calleary

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning Authority Reports	4
4.1. Planning Reports.....	4
4.2. Other Technical Reports	5
4.3. Prescribed Bodies.....	5
4.4. Third Party Submission	5
5.0 Planning History.....	6
6.0 Policy Context.....	6
6.1. Fingal Development Plan, 2011-2017	6
7.0 The Appeal	7
8.0 Assessment.....	8
8.1. Introduction	8
8.2. Compliance with Development Plan Policy	9
8.3. Trees and Landscaping.....	9
8.4. Residential Amenity	10
8.5. Visual Amenity	12
8.6. Other	13
8.7. Part V, Social and Affordable Housing	14
9.0 Decision.....	15
10.0 Reasons and Considerations	15
11.0 Conditions	15

1.0 Site Location and Description

1.1. The appeal site, with a stated area of 0.31 ha comprises a single storey dwelling / bungalow, 'Ard Aulin'. The site is accessed off Carrickhill Road in Portmarnock, Co.Dublin. It is irregular in shape and is elevated c.7m above the road and slopes from a contour of 19m on the west to 23m on the east and 26m on the north. The area in the immediate vicinity of the site is characterised by detached houses laid out in a mix of formal and informal arrangements. The rear of the appellants' house, Carrickhill Lodge, abuts the appeal site's southern boundary and a domestic garage abuts a small portion of the site at the north east. The site includes an existing access road which currently serves 2 houses to the north. It is currently screened with mature trees and shrubbery, particularly along the south.

2.0 Proposed Development

- 2.1. The proposed development would comprise the extension and alteration to the existing bungalow on site (House C) including raising the ridge level to add a first floor. It would also comprise the demolition of an existing shed and store to the north of the dwelling and the construction of a new detached garage. In addition, it would include the construction of 2 no. two storey over part basement form detached dwellings with garages (Houses A and B) with a floor area of 210 sq.m. These would be positioned on the western side of the site. The development would also include the construction of a dormer bungalow (House D) and a shed which together would be positioned on the eastern side of the site. It is also proposed to alter the existing vehicular access and driveway. The houses would connect to the public foul sewer. Surface water disposal would be via soakways on site.
- 2.2. In addition to the planning drawings, the application was accompanied by a shadow diagram in respect of House A, an engineering report relating to surface water drainage as well as landscape and tree protection details. A response to the request for additional information included a structural engineering report in relation to site stability, revised drawings, details of water main and drainage, tree survey report, an arboricultural impact assessment report and an inward noise impact assessment report.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to **grant permission** subject to 23 conditions the following of note:

- Condition No.4 – Landscape and replanting scheme;
- Condition No.5 – Submit details of boundary treatment;
- Condition No.8 – Permanent obscure glazing in bathrooms;
- Condition No.17 – Comply with the mitigation measures set out in the Inward Noise Impact Assessment.

4.0 Planning Authority Reports

4.1. Planning Reports

4.1.1. The Planning Officers report can be summarised as follows:

- Site is in an area zoned 'RS' and the proposal corresponds with the zoning objective;
- Site is elevated, however as house B will be set back c.16m from the road, house C set back c.26m and house D set back c.36m, this will reduce the visual impact onto the streetscape;
- House C (existing house) is positioned between 23m and 30m from the existing dwelling to the south. Given the separation distance and the difference in ground levels, no adverse impact on private amenity space would arise in terms of overlooking;
- Roof terrace on House C should be omitted;
- Alterations to House C will not give rise to adverse impacts on residential development to the north east which is located a sufficient distance away;
- House B will not have an undue impact on amenity space associated with House A. Two windows proposed on north elevation of House B will have obscure glazing;

- House D will be positioned over the ridge line of the dwelling on Carrickhill road and there will be no adverse impact in terms of overlooking to the rear of this dwelling or the first floor dormer;
- Dwellings appear to meet requirements of Objective RD07 and OS38 of the current Fingal Development Plan;
- Applicant will be required to demonstrate that internal noise levels are appropriate as development would be located in the Outer Airport Noise Zone;
- Significant trees on site worthy of retention.

4.1.2. Following receipt and consideration of additional information, the Planning officer concluded that the development would not detract significantly from the residential amenity or adversely impact upon the visual amenity of the surrounding area and put forward a recommendation to **grant permission**.

4.2. Other Technical Reports

- Water Services – Recommends conditions;
- Transportation – No objection subject to conditions;
- Parks Planning Section – Recommends conditions;
- Heritage Officer – No response.

4.3. Prescribed Bodies

- Irish Water – No objection;
- DAA – The application site is located within the Outer Airport Noise Zone and Outer Airport Public Safety Zone. Requested a noise impact assessment and appropriate noise mitigation measures.

4.4. Third Party Submission

4.4.1. Third party submissions were received by the Planning Authority during the course of its determination of the proposed development from Pascal Wynne and Renata Wynne as individual submissions on 3rd May 2016. The observers reside at Carrickhill

Lodge which is the house positioned to the south of the appeal site, along Carrickhill road. A subsequent joint submission was received by the Planning Authority from Pascal Wynne and Renata Wynne on 25th August 2016. I have considered the contents of these submissions and I note the concerns raised are also included in the appellants' appeal submission to the Board which I have detailed under Section 7.0 below and considered in my assessment of this appeal.

4.4.2. A submission was also received from Elaine Mullins on 26th April 2016 raising concerns of overlooking from the proposed house 'D' onto her property at 63 Carrickhill Heights and requesting that the screening provided by the mature trees on site which should be retained. I have noted the contents of this submission.

5.0 Planning History

5.1. Appeal site and Vicinity

- **F06A/0903/E1 - Permission for extension of duration** of F06A/0903/PL06F.222660 **granted** (up to 5th November 2017);
- **F09A/0100 – Permission granted** for revisions to a previously approved 3 storey extended dwelling under Ref: F06A/0903;
- **PL06F.222660 / F06A/0903 – Permission granted** for partial demolition of house (Ard Aulin) and extension; new single storey garden shed. New first floor extension to existing house (Rustic Lodge) to rear of site. Construction of 3 storey apartment building over semi-basement, comprising 3 apartments (one per floor) and 3 double garages (at basement level).

6.0 Policy Context

6.1. Fingal Development Plan, 2011-2017

- The site is zoned '**RS**' and the zoning objective for such land is to 'provide for residential development and protect and improve residential amenity';
- The proposed development is located within the Outer Airport Noise Zone and Outer Public Safety Zone and objectives **EE51, EE57 and EE58** apply;

- **OS38** – Private Open space requirement (60 sq.m for a 3-bedroom house and 75 sq.m for a 4-bedroom house or more);
- **OS03** – Require a financial contribution in lieu of open space provision in smaller developments;
- **RD07** – Require new residential units to comply with minimum standards (Table **RD01** and **RD03** are relevant).

6.2. Natural Heritage Designations

- Broadmeadow / Swords Estuary SPA (Site Code 004025) - 1.2 km to north east; Malahide Estuary SAC (Site Code 000205) – 700m to the north east; Baldoyle Bay SPA (Site Code 004016) – 1.2km to the south and Baldoyle Bay SAC (Site Code 000199) – 1.2km to the south.

7.0 The Appeal

7.1. Grounds of Third Party Appeal

7.1.1. An appeal was received from Pascal Wynne and Renata Wynne who occupy the house, known as Carrickhill Lodge, to the front (south) of the appeal site, located along Carrickhill road. The following points are set out in the appeal.

- Concerned with intensification of development as a result of the addition of house D to the rear of appellant's house which would result in overlooking, flood risk and collapse of boundary walls;
- Soil unsuitable for construction;
- Trees have not been maintained and are a hazard due to threat of 'limb drop' and could cause damage to appellant's home;
- Garden of House C overlooks the garden of Carrickhill Lodge by virtue of its height;
- Hedge planting at contour 20m will not address privacy issues from Houses B, C and D;
- Ground levels are not as presented on the drawings. Site is the remnants of a quarry;

- Concerns re: boundary wall potential collapse;
- No reference on the treatment of the lime kiln structure in the grounds of Ard Aulin;
- Scheme would have a negative impact on amenity and privacy of home.

7.2. Applicants response to third party appeal

- There was no response received from the applicant.

7.3. Planning Authority Response

- 7.3.1. The Planning Authority stated that having reviewed the grounds of the third party appeal, they remain of the view that, subject to conditions, the proposed development would not detract from the visual or residential amenity of the area and the proposal is considered to be in accordance with the proper planning and sustainable development of the area.

7.4. Observations

- 7.4.1. An observation was received from Dublin Airport Authority (DAA) in which it is stated that the proposed development is located within the Outer Airport Noise Zone and the Outer Public Safety Zone and makes reference to Objectives EE51, EE57 and EE58. Noting Condition No.17 attached to the decision to grant permission, requests that the noise mitigation measures outlined in the submitted Noise Impact Assessment report would be required by way of condition in any grant of permission. The DAA also requests that the Board would have regard to the government guidelines on development within the outer public safety zones.

8.0 Assessment

8.1. Introduction

- 8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. The following assessment covers my considerations on the key planning issues and encapsulates my *de novo* consideration of the application. I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Development Plan Policy
- Trees and Landscaping
- Residential Amenity
- Visual Amenity
- Other (Appropriate Assessment, Structural Stability, Public Open Space, Noise and Lime Kiln)
- Part V

I consider each of the above issues in the following sections of my assessment below.

8.2. Compliance with Development Plan Policy

- 8.2.1. The site is located within an area which is zoned as '*RS - provide for residential development and protect and improve residential amenity*'. I am satisfied that the proposed development for a residential development within this residential zoning category is acceptable in principle. Based on a review of the plans, the proposed dwellings appear to meet the requirements of Objective RD07 (compliance with minimum standards), Table RD01, RD03 (room sizes) and OS38 (private open space) of the current Fingal Development Plan 2011-2017. Notwithstanding the suitable zoning objective, my assessment also considers trees and landscaping, residential and visual impacts and other relevant planning issues raised in the grounds of the appeal.

8.3. Trees and Landscaping

- 8.3.1. The amenity value of the existing mature trees on site is noted. The initial landscape masterplan submitted with the application indicated that the majority of the trees would be retained save as to facilitate the remodelling of the existing vehicular access. Other drawings of the proposed development submitted with the application also show the existing trees proposed to be retained. In response to a request for further information however, the arboricultural impact assessment and a tree survey report, together with supporting drawings received by the Planning Authority suggest otherwise. The arboricultural report recommends that all 42 trees within the site

should be removed. While reference is also made to replacement tree planting in the report and having reviewed the information on file, I have found that the landscape plan or other drawings submitted with the application have not been updated to reflect this intention.

8.3.2. Fingal County Council Parks Planning Section notes that the majority of the existing trees are not the most appropriate in proximity to houses because of limb drop and request that the applicant be required to provide a detailed landscape plan clearly indicating a replanting programme to compensate for the loss of trees.

8.3.3. I consider the loss of the native trees would be regrettable but not one which warrants a recommendation to refuse permission in this instance, particularly noting the views of the Planning Parks Section referenced above. I recommend that a revised landscape plan, including a record of trees which can be retained, together with details of replanting proposals to compensate for the loss of trees which are necessary to be removed should be required to be agreed with the Planning Authority by way of a compliance condition, in the event of a grant of permission.

8.4. **Residential Amenity**

8.4.1. The main points raised in the appeal relate to impact on adjoining residential amenity as a result of intensification of development on the site. I have considered this issue directly below in respect of each of the houses.

8.4.2. **House C** – Alterations to the existing house on site include raising the ridge height by c.1.8m, adding a first floor extension, demolish a porch and add a new porch, alter the fenestration arrangement and internal changes. A roof terrace was originally proposed over the existing single storey projection but following a request for additional information by the Planning Authority, this element was removed. The extended dwelling would have an overall floor area of c. 240 sq.m. The existing garage would be demolished and a replacement garage constructed on site. Given the existing separation distance and the difference in levels between the house and the neighbouring / appellants' house along Carrickhill road, together with appropriate landscape screening, no overlooking issues would arise. Neither would the house give rise to overlooking onto the proposed House D or its amenity space having regard to its positioning and adequate separation distance. As there are no windows

shown on the west elevation of the proposed first floor, no overlooking would arise onto House A or its private amenity space. The shadow study on file indicates that the amenity space of House A which would be enclosed on all three sides would not be unduly overshadowed by House C.

8.4.3. I am very mindful that while the initial landscape masterplan (Dwg 100 Rev D) shows the entire row of trees along the dividing boundary to the south to be retained and protected, the subsequent arboricultural impact assessment received by the Planning Authority at additional information stage recommends that all 42 trees within the site should be removed. The removal of all of the trees on site has the potential to decrease the residential amenity currently enjoyed by Carrickhill Lodge but not significantly in my view, having regard to the scope for replanting (which can be regulated by way of a condition), the separation distance between both houses and the difference in levels where the line of sight at eye level from House C would lie above the ridgeline of Carrickhill Lodge to its south.

8.4.4. **House A** would be positioned to the northern part of the site and **House B** would be sited to the southern portion, both on the western side of the site. Both detached dwellings would be 3 storey in scale incorporating a basement accommodation to make use of the topography on the site. House B would be positioned c. 1m lower than House A. Given the separation distance of 12m between House A and B and that House B is on a lower ground level, no overlooking issues would arise. I have taken into account that two windows at second floor level on the northern elevation of House B which overlook the amenity space of House A would be fitted with opal glass. I recommend that this is strengthened by way of a planning condition in the event that a grant of permission. The south elevation of House B would be c. 10.6m from the boundary between it and the existing dwelling on the site along Carrickhill Road (Carrickhill Lodge) and no adverse overlooking would arise onto this existing neighbouring site having regard also to the large differences in levels.

8.4.5. **House D** is proposed to be sited to the south east of the existing dwelling (House C) and would comprise a detached dormer dwelling. Its site is positioned well elevated (c.7m) vertically over Carrickhill Road and c.16m from the existing dividing boundary

with the neighbouring appellants property. The site section submitted with the application shows that the line of sight from the garden of House D would be above the ridgeline of the existing dwelling on its site to the south positioned along Carrickhill Road and I am satisfied that no adverse impact in terms of overlooking onto this house or its garden would arise. I have some concerns that the existing trees along the southern boundary would be removed to serve the development as recommended in the arboricultural impact assessment submitted as part of the Additional Information. I have dealt with the matter of existing and proposed landscaping under Section 8.3 above. I also note that a new screening hedge was included on the initial proposed site layout plan. On balance, subject to a requirement to submit a detailed landscape plan to include appropriate screening and replanting to compensate for loss of trees on site, I consider that no adverse impact on existing residential amenities would arise as a result of introducing House D. I also consider that House D would not give rise to any adverse residential amenity impacts on House C or adjoining properties to the east and north east having regard to the distance and orientation proposed and the topography of the site. Due to House D's orientation and position, I am equally satisfied that no overshadowing would result on either the property along Carrickhill road or the existing and proposed properties on site and to the east and north.

- 8.4.6. Having regard to the foregoing and subject to the attachment of appropriate conditions including requiring landscape and replanting proposals to be agreed with the Planning Authority, I consider that the development would not cause adverse impact on current residential amenities enjoyed by property in the vicinity and I recommend that permission should not be refused on this basis.

8.5. **Visual Amenity**

The general area is residential in nature characterised by a variety of house types. The proposed houses would be well set back from the public road. Materials would comprise a mix of render and stone which are considered appropriate in the context of the character of the area and I recommend that the specific details of materials be agreed with the Planning Authority by way of attachment of a compliance condition.

As stated earlier in my assessment (Section 8.3 – Trees and Landscaping), I consider that a detailed landscape plan is required by way of a compliance condition and that it should include replanting proposals.

Overall, given the surrounding residential context, I consider that the development would not adversely impact upon the visual amenity or the established residential character of the area.

8.6. Other

8.6.1. Appropriate Assessment

Having regard to the modest nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location together with its separation from the nearest European sites, i.e. Broadmeadow / Swords Estuary SPA (Site Code 004025) - 1.2 km to north east, Malahide Estuary SAC (Site Code 000205) – 700m to the north east, Baldoyle Bay SPA (Site Code 004016) – 1.2km to the south and Baldoyle Bay SAC (Site Code 000199) – 1.2km to the south, no appropriate assessment issues arise and it is not considered 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.

8.6.2. Structural Stability

Following a request by the Planning Authority for additional information, the applicant submitted a report from Aidan Egan Engineers which states that as the proposed development takes account of the existing topography of the site, it would not negatively affect the current stability or loading of retaining walls or boundaries with adjacent properties. As pointed out in the planning authority's assessment, the site currently benefits from a separate permission under PL06F.222660 (extended until 5th November 2017) whereby a compliance condition is attached requiring details of boundary treatment around the site and along common boundaries be submitted. I concur with the Planning Authority that it would be reasonable to attach this type of condition to any grant of permission for the proposed development.

8.6.3. Public Open Space

The Parks Planning Section note that a financial contribution should be paid in lieu of open space in accordance with Objective OS03 of the Fingal Development Plan 2011-2017 and I recommend this should be secured by way of the standard development contribution condition.

8.6.4. Noise

An Inward Noise Impact Assessment report was received by the Planning Authority. It includes a series of mitigation measures which when implemented would ensure the predicted internal noise levels would fall within the recommended limits and would not result in an adverse impact on the amenity of the future occupiers of the proposed development. I recommend that a planning condition should attach to ensure the stated noise mitigation measures are carried out.

8.6.5. Lime Kiln

Reference is made by the appellants to a lime kiln on site. It would appear that there is a historic lime kiln located to the north but outside of the site boundary. It was not raised as an issue by the Planning Authority and given its location away from any proposed building works, I do not consider the Board need to pursue this matter further.

8.7. **Part V, Social and Affordable Housing**

I consider that an agreement under Part V of the Planning Act 2000, as amended, is required unless an exemption certificate has been granted and I recommend that a condition to this effect should attach in the event of a grant of permission.

9.0 Decision

- 9.1. I recommend that **permission** should be **granted** based on the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the residential zoning objective, 'RS- to provide for residential development and protect and improve residential amenity', in the current Fingal Development Plan 2011-2017 for the subject site, to the pattern of development in the vicinity of the site, to the nature and scale of the development and to the planning history context, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure residential amenities of the area or property in the vicinity and would not detract significantly from the visual amenity of the surrounding environment, would comply with the residential development standards set out in the Development Plan and would be acceptable in terms of traffic and pedestrian safety. 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 as amended by the further plans and particulars submitted on the 11th day of August 2016, 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 site shall be landscaped in accordance with a landscaping scheme which shall be submitted to the planning authority for agreement prior to the commencement of the development. This scheme shall include:
- (a) a plan to scale of not less than 1/500 showing-
 - (i) Existing trees, hedgerows, shrubs, specifying any which are proposed for retention as features of the site landscaping;
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period;
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species;
 - (iv) Details and location of screen planting along the overall site boundary with particular emphasis to the south and eastern boundaries, which shall not include *cupressocyparis x leylandii*;
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment post construction;
 - (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants or trees which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 the protection of visual, residential and environmental amenities.

3. Prior to the commencement of the development, the developer shall submit drawings indicating details of all existing and proposed fencing/walling along the perimeter of the site and along common boundaries, including proposed dividing boundaries for the written agreement of the Planning Authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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 and to ensure a proper standard of development.

5. 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.

6. 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 interest of public safety and residential amenity.

7. All bathroom / en-suite windows of Houses A, B, C and D and also the landing at second floor level of House Type B shall be fitted and permanently maintained with obscure glass. The use of film will not be acceptable.

Reason: In the interest of residential amenity.

8. The development shall be carried out in accordance with the mitigation measures set out in the Inward Noise Impact Assessment report prepared by AWN Consulting received by the Planning Authority 11th day of August 2016 unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual and residential amenity.

10. 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 traffic and pedestrian safety.

11. 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.

12. 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 / if taken in charge.

13. 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.

Patricia Calleary

Senior Planning Inspector

11 January 2017