



An  
Bord  
Pleanála

## Inspector's Report PL 10.247647.

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<b>Development</b>	House, garage and associated works.
<b>Location</b>	Pollagh, Skeoghvasteen, County Kilkenny.
<b>Planning Authority</b>	Kilkenny County Council.
<b>Planning Authority Reg. Ref.</b>	16/259.
<b>Applicants</b>	Aimee and Nigel Treacy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Sean O'Grady.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> February 2017.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Pollagh in a rural area in the east of County Kilkenny. The site is located approximately 1.2 kilometres to the north of the village of Skeoghvasteen and 8 kilometres south of Goresbridge. The site has frontage onto a local road, which runs eastwards from the road connecting Goresbridge and Skeoghvasteen and this local road rises in elevation in an easterly direction from the junction.
- 1.2. The road defines the site's northern boundary and the boundary defined by a sod and stone wall with some mature trees. The eastern boundary is defined by a cul de sac roadway serving a farmhouse. To the east of the cul de sac road is the site of a modern two storied dwelling. To the west of the site is a two storied dwelling which is of a lower profile and retains traditional features. The lands fall in a southerly direction away from the road. The site which is roughly rectangular in configuration has a stated area of 0.404 hectares.
- 1.3. Although the site is in a rural area there is a relatively high level of dwellings fronting onto the road and in the general area. On the northern side of the road is the boundary stone wall associated with the Mount Loftus Demesne.

## 2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority was for a two storey dwelling, a domestic garage and associate works. The dwelling is two storied of modern design retaining elements of tradition proportion and design is located centrally on the site. The dwelling at maximum height to roof ridge is indicated as 7935mm and the stated floor area is 226m<sup>2</sup>. The external finishes are primarily nap plaster with some sections of native stone. The garage is single storied with a pitch roof with a stated floor area is 31.5m<sup>2</sup>.
- 2.2. The vehicular access is located in the north eastern corner of the site in close proximity to the laneway running along the eastern boundary.
- 2.3. The proposed source of water supply is a bored well located in the north western corner of the site. Effluent arising from the development will discharge to a

wastewater treatment system to comply with EPA 2009 CoP with an associated percolation area located to the rear of the dwelling. A site suitability assessment was submitted and based on the results of the assessment the site was considered suitable for a packaged wastewater treatment system and polishing filter and percolation area.

2.4. Documentation indicating that Aimee Tracey was from the area/parish, attended the local school and was involved in parish activities in Skeoghvasteen was submitted.

2.5. Further information was submitted

- An archaeological impact report was submitted.
- A revised location map indicating the location of the well serving the adjoining dwelling to the west.
- Details of the elevation showing the proposed dwelling in relation to the adjoining dwellings and structures.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The decision of the planning authority was to grant planning permission subject to 9 conditions. Among the conditions of note;

- Condition is an occupancy condition restricting the permission to the applicants and that it cannot be transferred to other parties without the express permission of the planning authority.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report dated the 20<sup>th</sup> of June 2016 refers to:

- No history in relation to the appeal site but refers to the planning history of the adjoining site.
- The provisions of the county development plan.

- The applicant complies with the rural settlement policy having regard to section 3.5.2.2 of the CDP.
- The proposal is considered to an infill site and does not extend the ribbon development and complies with the DCP in relation to ribbon development.
- The amenities of the adjoining dwelling are not impacted but given the infill nature of the development it is considered that a contiguous elevation is required.
- There are no objections in relation to traffic.
- Further information was recommended.

The planning report dated the 2<sup>nd</sup> of November 2016 indicated that the proposal was acceptable and recommended planning permission.

### 3.2.2. Other Technical Reports

The environment section in a report dated the 13<sup>th</sup> of June 2016 requested identification of the private well serving the dwelling to the west of the site.

The environment section in a report dated the 2<sup>nd</sup> of November 2016 had no objections.

### 3.3. Prescribed Bodies

The DAU in a submission dated the 1<sup>st</sup> of June 2016 recommended an archaeological impact assessment be submitted.

The DAU in a submission dated the 1<sup>st</sup> of November 2016 indicated no further archaeological requirements.

### 3.4. Third Party Observations

A letter objecting to the proposed development was submitted by Sean O'Grady.

## 4.0 Planning History

No planning history in relation to the site.

## 5.0 Policy Context

### 5.1. National Policy.

- 5.1.1. Guidelines on Sustainable Rural Housing 2005.
- 5.1.2. The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The guidelines also indicate that planning authorities must then tailor policies that respond to the different housing requirements of both urban and rural communities and the varying characteristics of rural areas.
- 5.1.3. The site is located in a rural area and in the context of the Guidelines section 3.2 would be in an area would be defined as a stronger rural area and which are defined as areas where *“population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas”*.
- 5.1.4. The Guidelines differentiate between rural and urban-generated housing. The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.
- 5.1.5. Section 3.2.3 refers to rural generated housing with reference to “persons who are an intrinsic part of the rural community”. There is also reference in this regard to “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. There is in addition reference to working in rural areas including full and part time farming.
- 5.1.6. The guidelines also indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant’s proposal for an individual house in a rural area where that applicant comes within the development plan definition of need. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.

- 5.1.7. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.
- 5.1.8. **Environment Protection Agency.**
- 5.1.9. The EPA publications Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ ) 2009 and its subsequent clarifications.
- 5.1.10. The Code of Practice outlines the importance of proper site assessment methodology, the identification of the minimum environmental protection requirements, the need for design of on-site wastewater disposal systems specific to the local conditions and the need for installation, commissioning and maintenance as per design and attendant recommendations / conditions.

## 5.2. **Development Plan**

- 5.2.1. The operative plan is the Kilkenny County Development Plan 2014-2020.
- 5.2.2. Chapter 3 refers to core strategy. Figure 3.1 is a map of the county indicating the overall strategy for the county and identifies different rural areas largely corresponding with the types of rural areas identified in the NSS and the guidelines on rural housing.
- 5.2.3. Section 3.5 to rural settlement strategy and it is indicated that “the objective of the Council’s rural housing strategy is to provide for sustainable rural communities without compromising the physical, environmental, natural or heritage resources of the county”.
- 5.2.4. The County is divided into three broad categories:
- 1. Areas under Urban Influence
  - 2. Stronger Rural Areas
  - 3. Peripheral Areas of Population decline

The site is located in an area defined as a ‘stronger rural area’.

- 5.2.5. Section 3.5.2.2 refers to Rural Housing Policies and a number of definitions are outlined to assist interpretation of the policies including one for ‘ribbon development’

which is defined as “existing where there are 5 or more houses on any one side of a given 250 metres of road frontage. If four houses exist on any one side of a given 250 metres of road frontage, it is likely that ribbon development may be created with an additional house”.

Ribbon development is discouraged but it is also indicated that “consideration will be given to granting permission for development for a house which would extend an undesirable pattern of ribbon development in an area provided:

- *There is no other family land that can be put forward as a site for the applicant under planning considerations.*
- *That the applicant has not sold off sites to third parties (i.e. non-family members) or obtained planning permission for a dwelling previously, and*
- *That the applicant or the landowner has not obtained planning permission(s) previously for the houses which have contributed to the ribbon development adjacent to the proposed site.*

*If these criteria are met the Council may consider granting permission provided all other technical criteria are met and provided the further dwelling will not lead to over development of the area”.*

5.2.6. Section 3.5.2.2 refers to Stronger Rural Areas where it is indicated as a key objective of the Council to consolidate and sustain the stability of the population and in particular to strike a balance of activity in the smaller towns and villages and the wider rural area thereby ensuring that these areas maintain a stable population base.

5.2.7. Within stronger rural areas, it is indicated “*the Council will endeavour to:*

- *Accommodate proposals for individual rural generated houses subject to compliance with the rural housing policy and normal siting and design criteria.*
- *Promote the development of houses in the designated settlements and villages in the county subject to appropriate servicing”.*

It is the Council's objective for stronger rural areas to facilitate the rural generated housing requirements of the local rural community it is also indicated that “*planning permission granted for rural housing within Stronger Rural Areas shall be subject to a condition restricting the permission (until completed and ready to occupy) to the*

*applicant/s only for a period of five years. The permission can, within this five year period, be transferred to another person only with the written consent of the Planning Authority where the prospective purchaser complies with the applicable rural housing policies”.*

- 5.2.8. Section 3.5.3 of the plan refers to Rural House Design Guidance and that a rural design guide was produced in 2008 for County Kilkenny and acts as an instrument to develop best practice in the design and siting of one-off rural housing.
- 5.2.9. Chapter 12 of the plan refers to requirements for developments and section 12.10 outlines guidance in relation to rural housing in relation to siting design and services.

## **6.0 The Appeal**

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

The appellant Sean O’Grady c/o Peter Thomson, Planning Solutions, in the grounds of appeal refers to:

- The proposed dwelling will be the fifth house along a 250 metres stretch of road and there are two other gaps within the same section of road frontage.
- The main objections to the development are referred to with ribbon development stated initially.
- Reference is made to the County Development definition of ribbon development as five houses along 250 metres of road frontage and the provisions for considering a dwelling which would extend ribbon development.
- The site may be a gap site but it is an extensive roadside frontage and makes a significant contribution to the rural character of the area.
- To achieve sightline visibility will require removal of a large section of the existing roadside boundary frontage.
- There is potential for other gaps to be developed resulting in seven houses along a 250 metres section of roadside frontage.
- The applicants are not applying on family lands and have no connection to the immediate area.



- Reference is made to national guidance in relation to ribbon development.
- The area is overdeveloped and there is no assessment of cumulative impacts on groundwater.
- The development is speculative development.
- Reference is made to the Council's rural housing policy and that no case was made for living in the area given place of work etc.
- Reference is made to the proximity of the site to the Mount Loftus Demesne and recorded monuments and the visibility of the site and proposed two storied dwelling on the landscape.
- Reference is made to the issue of road safety and to issues of sightline visibility.
- The proposed development will impact on the privacy of the appellant.

## 6.2. Applicant Response

The applicant in a response dated the 30<sup>th</sup> of December 2016 indicates,

- The applicant is part of a family who have lived in the area for three generations; have lived in a mobile home in the rear garden of her parent's home and the applicants' child is enrolled to attend Skeoghvasteen National School.
- She has relatives living in the area but no land on which to build a home. The applicants are self-employed and run a business in Bagnalstown.
- Reference is made to section 3.5.2 of the Kilkenny County Development Plan 2014-2020; to the site's location in a stronger rural area and the provisions to comply with that area.
- The rural housing guidelines refer to accommodating a reasonable balance in accommodating individual housing and avoiding ribbon development.
- Reference is made to the provisions of the CDP in relation to ribbon development.

- There has been little housing in the last 10-15 years other than the appellant's dwelling and the applicant is from the local area. It is contended that that it is unlikely that the proposed development would give rise to ribbon development.
- The development will not contribute to ribbon development and reflects the principles of national guidance and the NSS.
- The proposed development will not give rise to issues regarding public health.
- The development is not speculative development and the applicants intend to reside in the dwelling.
- The applicant has family residing in the area and parish.
- The dwelling given the finished floor level and existing vegetation will not detract from the visual amenity of the area. The site is screened and will not in relation to its design detract from the area or the amenities of adjoining houses.
- The proposed development can provide 90 metres visibility and is acceptable in terms of traffic safety.
- There is no overlooking of the appellant's property and site from a first floor gable window as the only window on the gable is a glazed window. The overlooking of the front garden can be disregarded given the separation distances of the properties.

### 6.3. Planning Authority Response

The planning authority in a response dated the 29<sup>th</sup> of December 2016 refers to;

- The proposed development constitutes one infill site between two houses and does not extend ribbon development.
- The issue of cumulative impact was considered in the assessment of the development.
- The applicant demonstrated housing need in the local area.
- Archaeological impact was considered.

- The design is acceptable.

## 7.0 Assessment

- 7.1. The proposed development as submitted to the planning authority was for a two storey dwelling, a domestic garage and associate works which is located in a rural area.
- 7.1.1. Prior to considering matters specific to the site I will initially consider the need for the dwelling in a rural area. In section 4 of this report I have outlined relevant provisions in relation to the DoEHLG Guidelines on Sustainable Rural Housing and the current County Development Plan on rural settlement.
- 7.1.2. Both the DoEHLG Guidelines and development plan distinguish between urban generated and rural generated housing in rural areas. There is reference to establishing need to reside in rural areas.
- 7.1.3. The applicant has indicated that she is part of a family who have lived in the area for three generations, she has lived in a mobile home in the rear garden of her parent's home and she attended and the applicants' child has enrolled to attend Skeoghvasteen National School the national school in the area. She has relatives living in the area but the family has no land on which to build a home. In relation to place of work the applicants are self-employed and run a business in Bagnalstown.
- 7.1.4. I do not consider that there is an issue in relation to the applicant having established ties to the local area and in the absence of the family owning land they are acquiring land within the parish and area in proximity to her family. I consider the issue of housing need is established but the issue is whether the applicant has established rural generated housing need.
- 7.1.5. In considering development in stronger rural areas, section 3.5.2.2 of the CDP indicates that, the key objective is to consolidate and sustain the stability of the population and in particular to strike a balance of activity in the smaller towns and villages and the wider rural area thereby ensuring that these areas maintain a stable population base. It is also indicated that it will endeavour to accommodate proposals for individual rural generated houses subject to compliance with the rural housing policy and normal siting and design criteria while also promoting the development of

houses in the designated settlements and villages in the county subject to appropriate servicing.

- 7.1.6. To regulate what the plan perceives as rural generated housing, permission when granted, is subject to a condition restricting the permission (until completed and ready to occupy) to the applicant/s only for a period of five years. The permission can, within this five year period, be transferred to another person only with the written consent of the Planning Authority where the prospective purchaser complies with the applicable rural housing policies. Such a condition was applied in this particular case by the planning authority.
- 7.1.7. It could be stated that in the absence of employment in the area as defined in the plan agricultural based or working locally in other professions and businesses, the applicant should address the housing need at the location where they are employed but the guidelines and development plan do in relation rural generated housing does clearly indicated and refer to “persons who are an intrinsic part of the rural community” and “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. The guidelines also indicate, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant’s proposal for an individual house in a rural area where that applicant comes within the development plan definition of need.
- 7.1.8. In relation to the current applicant the County Development plan sets out criteria and provisions in relation to rural generated housing need which are, I consider, reasonable. The applicant, I consider, complies with the criteria as set out. I would also note that the Skeoghvasteen area is very rural in character with a limited village/settlement type structure and as a consequence rural generated housing is not and cannot be readily accommodated locally in settlements.
- 7.1.9. The applicant I consider, therefore. has established a rural generated housing need.
- 7.2. Notwithstanding establishment of need to reside in the area it is necessary to consider matters specific to the site.
- 7.2.1. The appellant has raised the issue of ribbon development. In relation to ribbon development the current CDP ribbon development is discouraged and there is also

set out an interpretation of ribbon development in section in 3.5.2.2 to assist in their assessment of proposals defining existing ribbon development as existing where there are 5 or more houses on any one side of a given 250 metres of road frontage. If four houses exist on any one side of a given 250 metres of road frontage, it is likely that ribbon development may be created with an additional house.

- 7.2.2. The appellant in relation to the issue of ribbon development contends that there is potential for other gaps to be developed resulting in seven houses along a 250 metres section of roadside frontage. In relation to the CDP provisions for considering extension to existing development the applicants do not meet the criteria to be considered in that regard.
- 7.2.3. The applicant has in response indicated that there has been little housing in the last 10-15 years other than the appellant's dwelling and the applicant is from the local area. It is contended therefore that that it is unlikely that the proposed development would give rise to and will not contribute to ribbon development.
- 7.2.4. The planning authority in their response consider that the proposed development constitutes one infill site between two houses and does not extend ribbon development and that the issue of cumulative impact was considered in the assessment of the development.
- 7.2.5. In relation to the issue of ribbon development there is a reasonable level of development in the area fronting onto the road network though not of recent construction. It is not generally continuous and there are gaps in the road frontage which are free of development and the current site constitutes one such gap. It will if granted result in a continuous frontage of three dwellings. Depending on the positioning of the 250 metres frontage and how the 250 metres is interpreted if the proposed dwelling is constructed it would result in 4 dwellings in a frontage of 250 metres. There would be gaps in that section of particular frontage for perhaps 1 to 3 additional dwellings, but that would be a matter to be regulated by the planning authority in accordance with the provisions as set out in the CDP, as the planning authority has in this particular case and determined that a dwelling can be permitted which complies with the provisions of the plan.
- 7.2.6. I would also note that although ribbon development is discouraged, the CDP also indicates that "*consideration will be given to granting permission for development for*

*a house which would extend an undesirable pattern of ribbon development in an area provided:*

- *There is no other family land that can be put forward as a site for the applicant under planning considerations.*
- *That the applicant has not sold off sites to third parties (i.e. non-family members) or obtained planning permission for a dwelling previously, and*
- *That the applicant or the landowner has not obtained planning permission(s) previously for the houses which have contributed to the ribbon development adjacent to the proposed site.*

*If these criteria are met the Council may consider granting permission provided all other technical criteria are met and provided the further dwelling will not lead to over development of the area”.*

7.2.7. The applicant has stated no alternative land or site is available.

7.2.8. Having considered the issues, the site is an infill site but this in itself would not in itself justify granting permission but the establishment of local housing need and the absence of family land in overall terms does, I consider, allow for consideration of a dwelling on the proposed site.

### 7.3. **Site Specific Considerations.**

#### 7.3.1. Siting and design.

7.3.2. The proposal as submitted provides for a two storied dwelling located on lands sloping down from the road with views over the lands and area to the south. The dwellings in the area are two storied. No issues of overlooking arise from gable windows at first floor level. In relation to the siting and design I would have no objections.

#### 7.3.3. Services.

The proposal is to provide a water supply via a private well and I would have no objections in principle to the proposal.

It is proposed to install a private proprietary treatment system and percolation area to treat foul effluent located to the south of the proposed dwelling. The applicant has submitted site suitability tests in accordance with the EPA publications Code of

Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. 10) 2009 and its subsequent clarifications which outlines site suitability assessment methodology including site character assessment and suitability tests and a range of scenarios depending on results based on values varying between 3 and 60.

The site is I consider of an adequate area and it is also proposed to provide for a receiving media of an adequate percolation quality to treat the loading and effluent anticipated to arise. The proposal I consider complies with the EPA Code of Practice and I would have no objections in principle to the proposed method of effluent disposal based on the details as submitted.

#### 7.3.4. Traffic

The site has frontage onto a public road which has adequate vertical and horizontal alignment. The development can, I consider, provide satisfactory sightline visibility in both directions for the nature of the road it will have access onto.

I would have no objections in relation to traffic.

## 8.0 Recommendation

8.1. Having considered the issues arising, in view of the above assessment permission for the proposed development is recommended.

## 9.0 Reasons and Considerations

9.1. Having regard to the nature of the proposed development; its location within an rural area, and the provisions of the current Kilkenny County Development Plan 2014-2020 and the Guidelines on Sustainable Rural Housing 2005, it is considered that subject to it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 28<sup>th</sup> of April, 2016 and the 10<sup>th</sup> of October 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 interests of clarity

- 2 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is



appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- . 3 a) The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.

(b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

. **Reason:** In the interest of traffic safety.

- . 4 The existing boundary finishes shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

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

- . 5 The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

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

- . 6 The external walls shall be finished in neutral colours such as grey or off-white.

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

- . 7 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

- . 8 The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

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

. 9 The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details 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) the establishment of a hedgerow along all side and rear boundaries of the site, and

(b) planting of trees at 5 metre intervals along the boundaries of the site.

Any plants 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

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

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. Derek Daly  
Planning Inspector

. 15<sup>th</sup> March 2017