



An
Bord
Pleanála

Inspector's Report PL15.247713

Development	Development will consist of the demolition of existing single-storey dwelling and its replacement with two-storey dormer style dwellinghouse and associated site works.
Location	Seapoint, Newtown, Termonfeckin, County Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16/428.
Applicant	John Cooney.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant	Olive Johnston.
Observers	None.
Date of Site Inspection	15 th February, 2017.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority Decision	4
Further Assessment by Planning Authority	7
5.0 Planning History	7
6.0 The Appeal	7
7.0 Development Plan Provision	9
8.0 Planning Assessment	11
9.0 Appropriate Assessment	15
10.0 Conclusions and Recommendation	15
11.0 Decision	16
12.0 Reasons and Considerations	16
13.0 Conditions	16

1.0 Introduction

PL15.247713 relates to a third party appeal against the decision of Louth County Council to issue notification to grant planning permission for the demolition of an existing single-storey dwellinghouse and its replacement with a two-storey/dormer style dwellinghouse and associated works on a site approximately 1 kilometre to the east of the small village of Termonfeckin, north of Drogheda. The grounds of appeal argue that the two-storey nature of the proposed dwellinghouse will adversely impact on the adjoining resident's residential amenity.

2.0 Site Location and Description

The appeal site is located on the south side of the Strand Road. The Strand Road runs eastwards from the village of Termonfeckin to the coast. The subject site is located within a line of dwellinghouses along the south side of the Strand Road which stretches eastwards to the coastline. A total of eight predominantly single storey houses are located along this section of the roadway. The subject site occupies a relatively narrow plot with dwellings on the contiguous sites to the east and west.

The plot of land on which the existing dwelling is located has an area of 0.075 hectares (750 square metres). It is rectangular in shape and has a width of 14 metres and a depth of 57 metres. It currently accommodates a small single-storey dwelling with a front elevation, side elevation and pitched roof comprising of corrugated galvanised sheeting. A small return area to the back incorporates a slated roof with a nap plaster finish on the external elevations. A covered porch area is provided along the entire front of the dwelling.

The living accommodation comprises of living/kitchen dining area, two small single bedrooms to the side of the dwelling and a bathroom to the rear.

A post and wire fence runs along most of the rear boundary of the site. The common boundary between the subject dwelling and the dwelling to the west incorporates a c.1.5m high block-wall. An open field is located to the rear of the site. A small stream

which discharges into the Strand area runs to the south of this field. A golf links course is located further south. An open field is located on the northern side of Strand Road directly opposite the site. Lands to the immediate east of the field accommodate a surface car park. A small residential cul-de-sac is located to the north of the surface car park.

3.0 Proposed Development

Planning permission is sought for the demolition of the existing structure and the construction of a larger two-storey dwelling on the subject site. The two-storey structure rises to a ridge height of 6.7 metres. The entrance to the dwellinghouse is located on the eastern side of the front elevation. Two bedrooms are to be located at ground floor level and the kitchen dining/living area is to be located in the rear return. The first floor is to comprise of a master bedroom to the front of the dwelling with a gallery area overlooking the double height kitchen/dining/living area to the rear. The rear return of the house incorporates a pitched roof profile together with a larger two-storey flat roofed extension. Large corner rectangular windows are to be located at ground and first floor level on the south-eastern corner of the rear return. The external finishes are to comprise of a mixture of glazing nap plaster render and a selected stone cladding. The selected stone cladding is most prevalent on the east elevation.

Further drawings were submitted on foot of a further information required. The revised drawings incorporated a somewhat scaled down version of the rear elevation, it is described in more detail in the section below.

4.0 Planning Authority Decision

1. Decision

The planning application was lodged with Louth County Council on 23rd June, 2016.

A site characterisation form was submitted with the application. The percolation test carried out indicated relatively fast P and T values of between 1.8 and 3.5 respectively. It was considered that the site is suitable for a proprietary wastewater treatment plant and it is proposed to incorporate an on-site wastewater treatment

system including secondary and tertiary treatment prior to discharge into groundwater.

A covering letter was also submitted indicating that it was not possible to incorporate a 3 metre setback at the vehicular entrance while maintaining adequate sight distances it is therefore proposed to include a 2.4 metre setback.

2. Planning Authority Reports

A report from the Infrastructure Department recommended that further information be sought in relation to surface water run-off and vehicular sight lines at the entrance to the proposed dwelling.

A report from the Environmental Compliance Section stated the applicant has submitted adequate information to satisfy the Environmental Compliance Section that there would be no threat of environmental pollution from the proposed development. It is therefore recommended that planning permission be granted subject to five conditions.

3. Prescribed Bodies

No submissions were received from Prescribed bodies.

4. Third Party Observations

A letter from the current appellant was submitted objecting to the proposed development for reasons relating to impact on adjoining residential amenity. The contents of this submission have been read and noted.

5. Additional Information Request

The planner's report sets out details of the site location and the proposed development and also the development plan policy as it relates to the proposed development. In respect of the submission/observation contained on file, the report states that it is satisfied that the proposed development will not give rise to overlooking of adjoining amenity space. However, it is considered that the proposed two-storey section to the rear is unduly bulky and out of context with the traditional pattern of development in the vicinity. The Planning Authority requested additional information in respect of the following:

- Further details in relation to surface water design calculations detailing how house surface water discharge is to be limited to pre-development levels.
- Further details in relation to adequate vehicular sight lines at the proposed entrance.
- The submission of revised plans which reduce the bulk and form of the rear section of the dwelling which is more sympathetic to the front elevation of the proposal.

The additional information was requested on 11th August, 2016.

6. **Additional Information Response**

Further information was received from the applicant on 8th November, 2016. It states the following:

- The surface water design calculations and construction details have already been submitted and validated with the application received in the first instance.
- In respect of sightlines the Planning Authority are requested to note that this is a replacement dwelling located on an existing cul-de-sac and as there will not be an intensification of traffic, it is considered that the sight lines submitted with the application should suffice. This issue has already been dealt with in the last paragraph of the covering letter submitted with the original application.
- The applicant is prepared to have the dwelling redesigned to take into account the observation from the adjoining landowner to the east. To this end, the further drawings submitted incorporate a single-storey element to the rear of the dwelling accommodating the living area, dining area and kitchen. The rear single-storey rises to 4.2 metres in height. It incorporates a render finish with a small projecting element on the south-eastern corner which is to incorporate a timber clad finish. A further observation was received from the current appellant expressing concerns in relation to the overall length and height of the proposed extension to the rear.

Further Assessment by Planning Authority

- A further report from the Infrastructure Section of Louth County Council states that there is no objection to the proposed development in terms of the achievement of adequate sight lines at the entrance or surface water disposal. The applicant shall be made responsible for the full cost of repair in respect of any damage caused to the adjoining public road.
- The planner's report states that the applicant has submitted a comprehensive response and a reduction in the overall bulk to the rear of the development is considered to be acceptable. It is therefore recommended that planning permission be granted for the proposed development.
- In its decision dated 24th November, 2016 Louth County Council issued notification to grant planning permission for the proposed development subject to 10 standard conditions.

5.0 Planning History

There appears to be no planning history associated with the subject site.

6.0 The Appeal

1. Grounds of Appeal

The decision of Louth County Council to issue notification to grant planning permission was the subject of a third party appeal by the occupier of the existing dwelling to the immediate east of the subject site. It notes the history of the application and states that the original submission showed a dwelling of considerable bulk which the appellant feared would overlook her property and reduce the amount of light she presently enjoyed.

The appellant always believed that the Council would permit only single-storey development for the traditional cluster of seaside houses at Seapoint. In fact, the dwelling to be replaced represents a good example of the traditional seaside holiday homes on this coastline. While it is recognised that it does not provide a suitable

accommodation for present day living, the replacement dwelling reflects little in the character of the original house.

Notwithstanding the revised drawing submitted the appellant still has the following concerns:

- That the landing area adjacent to the master bedroom could provide access to the roof of the extension to the rear. The roof would then be used as a balcony area to provide views of the seas and in doing so would overlook the appellant's private garden.
- Concern is also expressed that the applicant, working within the limits of permitted exempted development, could construct a room on this structure which would again damage the appellant's amenity.
- It would be more appropriate had the applicant complied with the Planning Authority's request to submit revised plans to reduce the bulk and form of the rear section to reflect the simplistic design of the front elevation. The grounds of appeal suggest that the Planning Authority's request for changes had not been specifically adhered to.
- Had the rear extension been designed to the scale of the adjacent dwelling and roofed in a traditional pitched form as suggested by the Council, the appellant's fears would have been allayed.
- The cube like form in such close proximity to the appellant's house and private garden is unacceptable and would bring the extension to within 3.7 metres of the appellant's garden.
- Concern is expressed that the Planning Authority have not properly assessed the design of this application as no contiguous elevations of adjoining properties were submitted. The house will appear very high in the context of adjoining dwellings.

2. **Planning Authority's Response**

Louth County Council in a submission dated 4th January, 2017 stated that it had no further comments to make over and above the planner's report in respect of the proposed application.

3. **Applicant's Response to the Grounds of Appeal**

A response received by the applicant states that the appellant objected in the first instance to the proposed development and the applicant was only too happy to incorporate changes to address the appellant's concerns. It is clear that the Planning Authority considered that the additional information was successful in reducing the bulk and massing and was therefore satisfied that the revised plans reflect the simplistic design of the front elevation and will not have any negative impact on residential amenities of the area.

With regard to access onto the flat roof reference is made to the planner's report which states that access to/use of the flat roof area at the rear of the proposed dwelling shall not be permitted. This should alleviate any concerns.

Furthermore, it is not the applicant's intention to provide a balcony area on the flat roof. The landing window is proposed to allow for natural light and views only.

Furthermore, it would not overlook any property. Furthermore, presently there are 3.5-metre-high trees along the western boundary of the appellant's garden. Beyond these trees, the applicant proposes to plant a hedge along this common boundary to screen the single-storey development to the rear. The response states that Seapoint Road has a mix of contemporary traditional single and two-storey dwellings along its frontage.

The applicant urgently needs to provide a more liveable and warmer accommodation for his family. The current dwelling is showing many signs of ageing and may not last another winter. The proposed new dwelling will aesthetically enhance the area.

7.0 **Development Plan Provision**

1. The subject site is located in Development Zone 3 – to protect the recreational and amenity value of the coast. It states that:
 - The coastline of County Louth stretches from the County Down border along Carlingford Lough and Dundalk Bay to the Boyne Estuary outside Drogheda. It is of considerable intrinsic, special amenity and recreational value. Furthermore, the coastline is home to a variety of natural habitats and many species of flora and fauna. The coastline is protected by a number of statutory designations.

Special Areas of Conservation (SAC) and proposed Natural Heritage Areas (pNHA) and Special Protection Areas (SPA) designation cover much of the coastline. The relevant policies are as follows:

- RD35 – To only permit development that would not be detrimental to the visual and recreational amenities of the coast. Such development would include limited one-off housing, agricultural developments, extension to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (including holiday homes) and recreational amenities etc.
- Section 2.19.9 relates to replacement houses. There is growing concern that the tendency to replace rather than upgrade older rural dwellings is depleting vernacular rural dwellings, the preservation of which is viewed as being increasingly important. Accordingly, it is the Council's policy to seek to retain vernacular dwellings and structures and promote their sympathetic renovation and their continued use rather than their replacement. For this reason, there will be presumption against the demolition of vernacular dwellings and structures where restoration and adaptation is a feasible option. Permission will only be considered where it has been demonstrated that a vernacular dwelling is not reasonably capable of being made structurally sound or otherwise improved. If the dwelling is not considered to be vernacular or does not make an important contribution to the heritage appearance or character of the locality, planning permission will be considered for a new dwelling. The following policies are important.
 - SS40 – to apply a presumption against the demolition of vernacular dwellings where restoration or adaptation is a feasible option.
 - SS41 – to permit the replacement of a vernacular dwelling only where it is clearly demonstrated by way of a qualified structural engineer's report that it is not reasonably capable of being made structurally sound or otherwise improved where the roof of all external structural walls and internal walls are substantially intact or where the building was last used as an authorised habitable dwelling.

- SS42 – to permit the replacement of a non-vernacular dwelling only where the roof, all external structural walls and internal walls are substantially intact and where the building was last used as an authorised habitable dwelling.
- The maximum cumulative gross floor area permitted in the Development Zone 3 is 220 square metres.
- SS44 seeks to require that the overall size and replacement of dwellings does not have a visual impact significantly greater than the existing dwelling and that the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.
- SS45 seeks to require that the replacement dwelling to incorporate the footprint of the replaced house.
- SS47 seeks to require that access to the public road for all replacement houses will not prejudice road safety or significantly inconvenience the flow of traffic.
- SS48 seeks to require that all necessary services can be provided without a significant adverse impact on the environment or the character of the locality.

8.0 Planning Assessment

1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the third party appeal. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Access to the Flat Roof
- Size and Scale of the Revised Design
- Impact on Appellant's Amenity
- Other Issues

2. **Principle of Development**

I note that the Development Plan applies a presumption against the demolition of vernacular dwellings where restoration or adaptation is a feasible option. These policies specifically relate to older rural dwellings. It could be reasonably argued in this instance that the current structure does to constitute an old rural dwelling but a seaside type holiday home dating probably from the mid-20th century. I do not think it could be reasonably argued in this instance that the structure in question can be regarded as a historic vernacular structure. Accordingly, the Council's policy is to apply a presumption against the demolition of a vernacular dwelling will not apply in this instance. While the structure incorporates some charm as a seaside holiday home/chalet there can be little doubt that the building does not meet modern requirements in respect of a family dwelling. Both the roof and the front of the building incorporate corrugated iron sheeting which would offer limited protection and little insulation against the elements particularly in winter months. Furthermore, the living area of the building is modest at 65.5 square metres. Likewise, the existing two single storey bedrooms are modest in size and would not meet contemporary family needs. It is clear from the applicant's response to the grounds of appeal, that the new structure is proposed as a permanent place of residence for the applicant and his daughter. More suitable accommodation needs are therefore required. While the applicant in this instance has not submitted a qualified structural engineer's report as required by Policy SS41 of the Development Plan, having inspected the site, I consider that it could be reasonably concluded that the building is not currently structurally sound to accommodate the needs of a family permanently residing at the structure throughout the year. I therefore consider that the demolition of the dwelling would be acceptable in this instance.

3. **Access onto the Flat Roof**

The grounds of appeal express concern that the landing area at first floor level adjacent to the master bedroom could be used as access onto the flat roof thereby creating a large balcony area which would give rise to overlooking of the adjoining dwellings particularly the appellant's dwelling to the east. The applicant in his response to the grounds of appeal has clearly indicated that he has no intention of providing access to the flat roof. I note from the drawings submitted that it is proposed to incorporate a large 4 metre wide window at the landing area. According

to the applicant, this is to provide additional natural sunlight and daylight penetration into the rear of the house. The drawings do not indicate any access to the flat roof area to the rear.

Furthermore, the Board will note that as per Condition No. 2 of Louth County Council's notification to grant planning permission, that access/use of the flat roof area to the rear of the proposed dwellinghouse shall not be permitted. Under the Planning Authority's notification to grant planning permission, the applicant is precluded from utilising the flat roof area as a balcony/amenity area. I would likewise recommend that if the Board are minded to grant planning permission for the proposal in this instance, that a similar condition be attached.

Concern is also expressed that the applicant at some future date could provide an additional extension at roof level which would fall under the Exempted Development Regulations. The purpose of the Exempted Development Regulations is to allow modest sized development to take place within the curtilage of a house without the need to obtain planning permission. The applicant should be permitted to carry out any such development in accordance with the provisions of the Exempted Development Regulations as in the case of all other residential development. It would be inappropriate in my view to place an additional restriction on the applicant to carry out development which would otherwise fall within the provisions of the Exempted Development Regulations.

4. Size and Scale of the Revised Design

I would generally concur with the concerns expressed both by the appellant and Louth County Council in respect of the original proposal submitted with the application which involved a large two-storey extension to the rear of the site. The overall size and scale of this extension may have given rise to an unacceptable and overbearing impact on adjoining dwellings. The revised proposals submitted in my view are more acceptable in terms of size and scale in that it incorporates a single-storey element to the rear which will greatly reduce any perceived adverse impact on adjoining amenity. I would agree with the conclusions of the Planning Authority that the revised scheme represents an acceptable scale and is more simplistic in form which in turn would not unduly adverse the impact on the amenities of the area. The

grounds of appeal suggest that a pitched roof to the rear may be more appropriate. However, I consider a flat roof extension to the rear of the two-storey dwelling to be acceptable in this instance and would not adversely impact on the visual amenities of the area. The incorporation of a pitched roof would result in an increase of the overall height of the structure which would increase the overall bulk and form of the extension.

5. Impact on Appellant's Amenity

I further note that there is a line of mature conifer trees running along the common boundary between the application site and the appellant's house. This will assist in screening and obscuring any views of the rear extension from the appellant's rear garden. The proposed extension area also incorporates narrow slit windows 1.4 metres above ground level which would not give rise to any undue levels of overlooking of the appellant's dwelling.

6. Other Issues

Concerns are expressed that the drawings submitted with the application did not include drawings showing the site and the context of contiguous elevations.

I note that Article 23(1)(d) of the Planning and Development Regulations requires drawings of elevations or any proposed structures shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected. The subject dwelling is not located in a terrace of structures therefore it cannot be reasonably argued in this instance that the buildings on either side of the structure are contiguous to the structure to be developed. While it is always open to the Board to request further drawings showing details of the adjacent structures prior to determining the application, it would not in my view be necessary to request such drawings.

Finally, having inspected the site and having particular regard to the results contained in the Site Suitability Assessment carried out and submitted as part of the original application, as well as the report on file from the Environmental Compliance Section, I am satisfied that the site is suitable to accommodate an on-site proprietary wastewater treatment system. Furthermore, I note that the proposed proprietary wastewater treatment system will incorporate secondary and tertiary treatment which

will represent a significant improvement over the existing conventional septic tank which currently operates on site.

9.0 Appropriate Assessment

At its closest point the subject site is located c.180 metres west of the Boyne Coast and Estuary SAC.

The features of interest associated with this SAC include:

- *Estuaries.*
- *Mudflats and Sandflats not covered by sea water at low tide.*
- *Annual vegetation of drift lines.*
- *Salicornia and other annuals colonising wood and sand.*
- *Atlantic salt meadows.*
- *Embryonic shifting dunes.*
- *Shifting dunes along the shoreline.*
- *Fixed coastal dunes with herbaceous vegetation.*

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity of the Natura 2000 site referred to above, 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.

10.0 Conclusions and Recommendation

Arising from my assessment above I consider the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed replacement dwelling as per the revised drawings received by the Planning Authority on 8th November, 2016. I am satisfied that the proposed development will not give rise to any significant amenity issues to adjoining residences and I therefore recommend that planning permission be granted for the revised development as proposed.

11.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

12.0 Reasons and Considerations

It is considered that the proposed development as submitted to Louth County Council on 8th day of November, 2016 would result in the construction of a dwelling which would be of an appropriate size and scale and design and subject to conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would be generally acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 drawings received on the 8th day of November 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 the 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. Access to the roof for amenity purposes or use of the flat roof area to the rear of the proposed dwelling shall not be permitted under any circumstances.

Reason: In the interest of visual amenity.

3. Adequate visibility shall be made available and maintained for a minimum distance of 75 metres in both directions from the proposed entrance at a point 2.4 metres back from the edge of the road carriageway over a height of 1.05 metres above the road level measured from the edge of the carriageway and no impediment to visibility shall be placed planted or allowed to remain within the visibility triangle.

Reason: In the interest of traffic safety.

4. 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.

5. The applicant shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction works and shall either make good any such damage to the satisfaction of Louth County Council or pay the Council the costs of making good any such damage.

Reason: In the interest of traffic safety.

6. The applicant/developer shall make all necessary arrangements to apply and obtain a road opening licence prior to commencement of development.

Reason: In the interest of orderly development.

7. Details of the proposed external finishes of the dwellinghouse shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

9. The site shall be landscaped using only indigenous deciduous trees and hedge species in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include the following:
- (a) The establishment of a hedgerow along all side and rear boundaries of the site.
 - (b) Any plants which die are removed or become seriously damaged or diseased within the period of five years on completion of the development shall be replaced within the next planting season with others of similar sized species unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it in the surrounding rural landscape in the interest of visual amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

11. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 23rd day of June, 2016, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in

the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

12. The developer shall pay to the planning authority a financial contribution of €3,807 (three thousand eight hundred and seven euro) 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Paul Caprani,
Senior Planning Inspector.

1st March, 2017.