



An
Bord
Pleanála

Inspector's Report PL26.247934

Development	Construction of 24 no. houses and associated works.
Location	Crosstown, Ardavan, Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20160970.
Applicant	Liam Neville Construction Limited.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party v. Decision.
Appellant	Maurice Cronin and Others.
Observers	None.
Date of Site Inspection	19 th May, 2017.
Inspector	Brendan Wyse.

1.0 Site Location and Description

- 1.1. The site is located on the northern outskirts of Wexford Town and across the River Slaney from the town centre. It is approximately 2 kilometres from the town centre with access via the Wexford Bridge. The area is typical edge of town and generally comprises a mix of residential, commercial and agricultural use.
- 1.2. The site has a stated area of 1.375 hectares. It is part of a larger landholding, outlined blue on 1:2500 OSI Map submitted with the application, that roughly occupies a triangular plot formed by a local secondary road to the west and Regional Road R741 to the east. Ground levels are generally flat with some evidence of fill material. The road frontages are largely open. A substantial drain crosses the lands (east-west), just north of the application site, and continues (south-north) along the R741 frontage where it connects to an outlet running eastwards under the road.
- 1.3. Three houses (detached bungalows) are currently under construction adjacent to the site fronting onto the local road and within the area outlined in blue. That development is enclosed by c.2 metre high concrete block walls.
- 1.4. The southern and western site boundaries are variously formed by a mix of hedgerows and trees. Detached residential properties extend southwards along both road frontages. Those immediately adjacent are bungalows/dormer bungalows.
- 1.5. Substantial new housing development is underway on the west side of the local road. The eastern side of the R741 is dominated by commercial outlets, especially car sales and service. The R741, being the main access to Wexford Town from the north, appears to be quite heavily trafficked. The road has recently been subject to some upgrading, including the provision of a footpath along its eastern side.

2.0 Proposed Development

- 2.1. The proposed development comprises 24 no. houses. Four houses types (B, C, D and E) are proposed as follows:
Types B, D and E – 3/4 bed semi-detached.

Type C – 4 bed bungalow.

Part V agreement included with application documents.

2.2. Vehicular access would be from the local road. Foul and surface water sewer connections to mains via adjacent land (within blue line) and subject to necessary wayleaves. Road frontage treatment to the R741 to be carried out in co-operation with the on-going upgrade works by Wexford County Council, including setbacks, footpaths etc.

2.3. Further Information submitted to planning authority on 9th December, 2016 in relation to; landscaping, surface water attenuation and phasing.

3.0 Planning Authority Decision

3.1. Decision

The decision to grant permission is subject to 20 conditions.

Conditions include:

1. Development as per application and Further Information received 9th December, 2016.
2. Development to be carried out in accordance with agreed attenuation scheme.
6. Phasing as per submitted scheme.
14. Western site boundary to be 2 metres high rendered concrete block wall for its entire length.

3.2. Planning Authority Reports

3.2.1. Planning Reports (5/1/17 and 13/10/16)

Include:

- Reference to OPW Flood Map – no flooding issues indicated for the site but surface water issue on adjacent site immediately to north (within blue line).
- AA Screening – no AA requirement.

- EIA Screening – no EIA requirement.

3.2.2. **Other**

Planning Report indicates the application was referred to Wexford Borough Engineer, the Area Engineer, the Housing Department and Irish Water but no comments were received.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

- 3.4.1. In excess of 20 submissions from local residents were received by the planning authority, almost all in objection to the proposed development. Issues raised are similar to those referred to in the grounds of appeal (see Section 6.1 below).

4.0 **Planning History**

P.A. Ref. 20160633

August, 2016 permission for 3 houses. This is the development currently under construction adjacent to the appeal site and fronting onto the local road and within the area outlined in blue (Details in file pouch).

P.A. Ref. 20160169

May, 2016 permission for 4 houses on the above site (Details in file pouch).

P.A. Ref. W2013115

May, 2014 permission for reclamation of lands. Site area comprised entire area outlined in blue in the subject application. Development to include, topsoil stripping and import of stone, subsoil and topsoil, for agricultural use. (Details in file pouch).

P.A. Ref. 20052068, ABP Ref. 220097

April, 2007 refusal of permission for a retail park, including sewage treatment system, on adjacent lands to the north, within the area outlined in blue in the subject application. Reasons for refusal referred to; zoning (agriculture); retail impact;

prematurity in relation to deficiencies in the road network and public sewerage facilities (File attached).

5.0 Policy Context

5.1. Development Plan

5.1.1. Wexford Town and Environs Development Plan 2009 – 2015 (as extended).

The entire urban area of Wexford is divided into 20 masterplan zones (Map 22). The site is located within Masterplan Zone 2, Crosstown (copy Map No. 2 in file pouch). This indicates the site is zoned for neighbourhood centre/mixed use. Masterplan provisions include:

- In terms of residential development generally a mix of low and medium density is recommended.
- Future development here is dependent on certain infrastructure, including connections to the Wexford treatment plant and road reservations on the R741.
- The R741 is identified as a radial route earmarked for improvement (Policy R2 applies).
- The local road to the west of the application site and a part of the R741 are designated as parts of a coastal walk.

The specific master plan zoning objective is not referenced at Chapter 11, Development Management Standards, which provides details in relation to each zoning objective. Chapter 11, Section 11.02, indicates that within Zoning Objective C- Neighbourhood Centre (N) only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered. At Section 11.03 the Zoning Matrix Table indicates that residential use is permitted in principle in this neighbourhood zone. Chapter 11 also includes details of the normal range of relevant development management standards, including urban design, density etc.

5.1.2. **Other Relevant Guidance**

Includes:

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, DoEHLG 2008.

5.2. **Natural Heritage Designations**

The following European sites are noted:

- Slaney River Valley SAC (Site Code: 000781).
- Raven Point Nature Reserve SAC (Site Code: 000710).
- Raven SPA (Site Code: 004019).
- Wexford Harbour and Slobbs SPA (Site Code: 004076).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The appeal is lodged on behalf of the following (mostly local residents):

Maurice Cronin

Dermot Carberry and Mary Carberry

Hubert Tunney and Breda Tunney

Carmel Stewart

Eamon Larkin and Catriona Larkin

Martin McDonald

Paul MacCarthy and Ciara MacCarthy

Gerard Mulhall and Others

Liam Keating

Peter McMorrow and Mary M. McMorrow

Edel Nolan

Ciaran Quirke and Sharon Kiely

Evelyn Byrne

Killian Duignan

Elizabeth McKiernan and Craig Becker

Harry Harte and Anita Harte

6.1.2. Main grounds include:

Planning History

- Previous applications noted.

Zoning and Development Plan

- 100% residential on the site is in contravention of the 'neighbourhood/mixed use' zoning as provided for in the development plan and which refers to limited residential development only so as to ensure the viability of the neighbourhood centre in the zone.
- "Guidelines for Sustainable Residential Development in Urban Areas" refers to the provision of a good range of community and support facilities as necessary for successful residential development.
- The development also contravenes development plan policies H6, H8 and H14.

Density and Character

- The density is much higher than prevailing and, therefore, does not respect the existing character of the area, which is largely rural.
- The development is contrary to the intent of the development plan that foresees a nucleus of development centred on the appeal site along the R741.
- The development turns its back on the R741, presenting back gardens and open space to the road. The road is the main approach to Wexford Town from the north.
- The above guidelines also refer to design that is sympathetic to an areas character and density.

Flood Risk and Drainage

- Policy SW8 of the development plan requires a flood risk assessment with applications for significant developments (greater than 1 hectare) but no such assessment was submitted in this case.
- The site lies below the adjacent main road and there is a long history of flooding, as noted by local residents in their planning observations.
- OPW National Flood Hazard Mapping (copy included) indicates ponding/flooding on the site and nearby recurring flooding at Castlebridge/Oldbridge Road c.1 kilometre to the north. Photographs of recent flooding on site also included.
- Development Plan Policy SW9 requires floor levels to be 300 millimetres above the 100-year flood level. Given the need to comply with Part M access arrangements a comparison of proposed floor levels and existing site contours confirms that this will not be possible to achieve.
- The further information submission does not provide any information on how the surface water attenuation tanks will be discharged. There is no right of way to use the existing culvert which is already undersized (photo included). There is also no right of way to discharge to the existing watercourse that traverses neighbouring properties.

Traffic

- The secondary road proposed for access is of insufficient dimension and capacity to cater for the increased traffic.
- The proposed footpath at the entrance does not connect to anything and there are no proposals for the upgrade of the road.
- There is no demonstration of how the entrance meets necessary standards for sightlines and stopping distance as per Section 11.3 of the Development Plan.
- The entrance will be very close to the 3 entrances proposed for the adjacent development currently under construction (P.A. Ref. 20160633).

6.2. Applicant Response

This can be summarised as follows:

- The substantial commercial and residential area on the east side of the River Slaney has been designated for future expansion in the development plan. Zoning includes provision for residential areas, commercial/mixed use, economic development, a neighbourhood centre/mixed use zone and a significant long-term development area. The main regional road is to be upgraded by the Roads Authority.
- The neighbourhood/mixed use zone is an extensive area relative to the appeal site.
- The applicant's land ownership also includes the southern part of the larger neighbourhood/mixed use zone. The site layout plan (Drg. P07 15/14) indicates a proposed neighbourhood centre for this part of the lands, due to be submitted for planning permission in the coming weeks. The application facilitates the improvement of the regional road as required by the Council (copy composite site layout plan included).
- Upgrade works on the road are currently underway.
- The plans also provide for a junction upgrade/realignment between the local and regional road and a footpath setback for almost 200 metres along the local road.
- The proposed development, therefore, is in compliance with the zoning objective and also makes provision for necessary road upgrades.
- The density, at 17 units per hectare, is at the lower end of allowable densities within the changed development context as provided for the development plan.
- The proposal is in keeping with the development plan vision for the area, including a mixed use zone, including a neighbourhood centre and residential development.
- The development does not turn its back on the R741.
- The road works currently underway include the provision of a significantly larger outlet to the existing culvert under the public road to accommodate drainage from the road and adjacent lands (Drainage layout plan enclosed).

- Site drainage has been improved in recent years (c.5 years) and there has been no pluvial flooding since. Engineer's Report enclosed.
- The improved section (c.200 metres) of the local road will be provided with a footpath and street lighting.

6.3. **Planning Authority Response**

No further comments.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I am satisfied that in other substantive issues arise.

The issues can be addressed under the following headings:

- Zoning
- Density and Character
- Flood Risk
- Traffic
- Appropriate Assessment

7.1. **Zoning**

- 7.1.1. As indicated at section 5.1 above the zoning objective that applies to the appeal site appears slightly confused in that the masterplan indicates the zoning as 'Neighbourhood Centre/Mixed Use' while Chapter 11 of the Plan, Development Management, does not refer to this specific zoning objective. Zoning Objective C – Neighbourhood Centre (N) appears to be the relevant objective here. The zoning matrix table indicates that residential development is permitted in principle in this neighbourhood centre zoning while this is qualified somewhat in the explanatory text associated with the objective which stipulates that only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered.

- 7.1.2. As is evident from the masterplan the appeal site is just a part of a much larger area subject to the neighbourhood centre/mixed use zone. The entire area extends northwards from the site, not just including the adjacent lands outlined in blue in the application, but also a larger area to the north of the junction between the R741 and the local road. In this wider context, I consider the aims of the development plan, including the zoning strategy, to be quite clear. The subject site is just a part of what will ultimately form the mixed use centre/focus for Crosstown as it develops as an integral part of Wexford Town. I note also the applicant's proposals for a neighbourhood centre on the adjacent lands outlined in blue, indicative details of which are included on the Site Layout Plan, Drg. P07 15/14.
- 7.1.3. The appellants refer also to "Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities" in relation to its advice for the development of successful and sustainable residential neighbourhoods and centres. Given the wider context as described above I am satisfied that the proposed development is in keeping with the thrust of this advice.
- 7.1.4. The appellants refer also to a number of Housing Objectives in the development plan, namely H6, H8 and H14. Housing policy in the plan actually expressly identifies the implementation of the masterplan zones as the principal mechanism for the delivery of sustainable communities. The objectives referred to sit within this overall strategy. Again, given the wider context as already alluded to, I am satisfied that the proposed development is not inconsistent with this overall approach.
- 7.1.5. I consider, therefore, that the proposed development is not contrary to the zoning objective for the site.

7.2. Density and Character

- 7.2.1. The proposed density, at c.17 houses per hectare, is low in an urban context and falls within the medium density range indicated in the development plan (Section 11.08.01). While the plan suggests that this density range may be somewhat high in an urban/rural transitional area it also suggests higher densities at neighbourhood centres. As the appeal site has characteristics of both of these contexts a balance needs to be struck and I consider that the proposed development achieves a reasonable balance. It will, in effect, act as a transition from the existing very low density residential development adjacent to the south and the proposed

neighbourhood centre property further to the north. I also note that the masterplan provides mostly for medium range residential densities.

7.2.2. In terms of character I consider that the proposed development is an appropriate response in the context of an emerging urban extension to the town. In this regard I consider that the principles outlined in “Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities”, have reasonably been adhered to.

7.2.3. The appellants refer to the development turning its back on the R741. I agree with the applicants that this is not the case. The road will be fronted by a small green area and most of the houses in this part of what will be a small development will, in turn, face towards the R741.

7.2.4. I consider, therefore, that the appeal should not be upheld in relation to this issue.

7.3. **Flood Risk**

7.3.1. I concur with the applicants (Engineer’s Report) that the photographic evidence of flooding on the lands, dating from mid-December 2016, is more in the nature of ‘ponding’ rather than ‘flooding’ per se. I would note, also, that the photographs appear to indicate the land drains functioning quite well.

7.3.2. As indicated by the applicants these drains have been recently cleared and deepened. They also accept surface water discharge from the R741. On-going upgrade works to that road will include an enlarged culvert, at a lower level, under the road to facilitate discharge from the new development planned for the lands. The existing culvert has been decommissioned and a temporary outlet installed.

7.3.3. In relation to the flood mapping evidence presented, OPW Flood Extents from the Wexford County Development Plan 2013 – 2019 (Volume 7 – Strategic Flood Risk Assessment) I note, as does the applicant, that the identified area of ‘Pluvial Flood Zone A’ is a small area on the adjacent lands to the north, within the blue line, and in the vicinity of the land drain and culvert that crosses the R741. It seems likely, therefore, that any flooding events here were associated with the land drains, prior to recent clearing and deepening, and prior to the recent works to the culvert.

- 7.3.4. As further noted in the applicant's submission the current OPW Flood Hazard Mapping records no information in relation to past flooding events at or near the subject site.
- 7.3.5. Given the context as outlined above there does not appear to be any planning basis to the suggestion that there might be a difficulty in achieving compliance with Part M access arrangements as required under the Building Regulations.
- 7.3.6. In relation to discharge from the surface water attenuation tanks the applicants indicate that this will be limited to a maximum flow of 12 litres/second. This will mimic greenfield run-off rates and will not be an increase on any existing culvert outfall. In relation to rights of way to make the necessary connections the sewer serving the development, and connecting to the outfall culvert at the road, are all located within the adjacent lands to the north outlined in blue. The Foul and Surface Water Drainage Layout, Drg. No. P08 15/14, submitted with the application includes details of a wayleave connection and the application is also supported by a letter of consent from the landowner. There does not appear, therefore, to be any legal obstacle to effecting the necessary connections.
- 7.3.7. The appellants also refer to the absence of a Flood Risk Assessment accompanying the application by reference to Policy SW8 of the development plan. This policy indicates a requirement for such assessments for all significant developments greater than 1 hectare. The applicants, in response, refer to the Wexford County Development Plan 2013 – 2019 and which, by reference to "The Planning System and Flood Risk Management – Guidelines for Planning Authorities", DEHLG, OPW 2009, indicates a requirement for such assessments only in respect of developments within identified Flood Zones A or B. As the site is not located within such a zone it is submitted that no assessment was required. I am satisfied that there is sufficient information before the Board in this instance in relation to the flood risk issues raised to enable a proper assessment.
- 7.3.8. I consider, therefore, that the appeal should not be upheld in relation to this issue.

7.4. **Traffic**

- 7.4.1. The issues raised here focus on the suitability of the local secondary road from which vehicular access is to be gained.

7.4.2. As indicated previously it is clear that the appeal site is one of several sites in the area under development or proposed for development within the framework of the Crosstown Masterplan. As part of this the local road network is being upgraded accordingly, either directly in association with the individual developments and/or on foot of development contributions levied against each development. In terms of the subject site, and the adjacent lands outlined in blue, the applicants indicate that the c.200 metres of local road as far as the junction with the R741 is to be upgraded, including widening, footpath and street lighting, and that the junction itself is also to be upgraded. The various layout plans submitted with the application illustrate how this is to be achieved.

7.4.3. I am satisfied, therefore, that there is no substantive basis to this ground of appeal.

7.5. **Appropriate Assessment**

7.5.1. The most relevant European sites are:

- Slaney River Valley SAC (Site Code: 000781).
- Wexford Harbour and Slobs SPA (Side Code: 004076).

These sites are adjacent to each other and overlap in the general area of the Slaney Estuary and Wexford Harbour. They are located approximately 500 metres to the east and approximately 1 kilometre to the west of the appeal site.

7.5.2. Site specific Conservation Objectives have been prepared for these sites. Qualifying interests of particular note are Estuaries, Mudflats and Sandflats not covered by sea water at low tide and the Harbour Seal (Slaney River Valley SAC) and a wide range of wintering/breeding water birds and wetlands (Wexford Harbour and Slobs SPA).

7.5.3. Given the location of the proposed development within an emerging urban environment where infrastructural services are generally available or under development, it is considered that the potential for any likely significant effects on these European sites is very low. In particular, it is noted that surface water discharge is to be subject to attenuation and has been designed in accordance with the Greater Dublin Strategic Drainage Study and associated more recent guidance on best practice. The system is also to be constructed to Wexford County Council's taking in charge standards and will be taken in charge in due course.

7.5.4. I note also the Planning Authority's Screening conclusion that significant impacts can be ruled out and that there is no requirement for Stage 2 Appropriate Assessment.

7.5.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000781 and 004076, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the Masterplan Zone 2 Crosstown, as provided for in the Wexford Town and Environs Development Plan 2009 – 2015 (as extended), it is considered that the proposed development would be in compliance with the zoning objective for the lands; would be in keeping with the emerging density and character of the area; would not give rise to a risk of flooding; and would be acceptable in terms of traffic safety and convenience. The proposed development, therefore, would 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 9th day of December 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. The boundary along the entire western side of the site shall be formed by a 2 metre high concrete block wall, suitably capped and rendered on both sides.

Reason: In the interest of residential amenity.

3. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

4. All front gardens shall be bounded by concrete block walls, 600 millimetres in height, suitably capped/finished to complement the external finish of the houses.

Reason: In the interest of residential amenity.

5. All roof slates/tiles shall be black, blue/black or grey in colour.

Reason: In the interest of visual amenity.

6. 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.

7. 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 interests of amenity and of traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

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.

Reason: In the interests of visual and residential amenity.

10. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

12. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 9th day of December, 2016. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

13. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until

taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

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

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

Brendan Wyse,
Assistant Director of Planning.

June, 2017.