



An
Bord
Pleanála

Inspector's Report

PL06D.249002

Development	Detached 4 bedroom, 2 storey dormer residence, detached 2 storey double bay garage (with ancillary storage/office at 1 st floor), new entrance, piers, side walls and gates.
Location	Site at Cloragh, Torquay Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0444
Applicant(s)	Caroline Jolley
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Caroline Jolley
Observer(s)	No observers
Date of Site Inspection	24 th October 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site comprises the side garden of an existing dwelling known as 'Cloragh'. It is located on the western side of Torquay Road, approximately 300 metres north of Foxrock Village. The site has an area of 0.128 ha and is bound by Torquay Road to the east, 'Cloragh' to the north, a detached 2 storey dwelling to the south and an area of open space and the old Bray/Harcourt railway line to the west. The site accommodates a number of mature trees and hedgerows along its boundaries.
- 1.2. The existing dwelling 'Cloragh' to the north, dates from the 1930's and comprises a bungalow. The dwelling has been extended to accommodate elderly accommodation and has a total area of 238 sq. metres. The dwelling to the south of the site comprises a large modern neo Georgian style house.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached two storey, part single storey dormer dwelling. The house has an area of 314 sq. metres and a maximum height of 9.4 metres.
- 2.2. Materials and finishes to the dwelling comprise natural slate roof tiles, smooth render, hardwood windows and doors, brick detailing and a zinc galvanised steel canopy over the front door. The design of the house incorporates stylistic references to the Arts and Crafts movement.
- 2.3. To the rear of the dwelling, a detached two storey double bay garage is proposed. Ancillary storage and an office is accommodated at first floor level.
- 2.4. The development provides for a new entrance from Torquay Road with associated piers, side walls and gates. In terms of landscape treatment, it is proposed to retain as much as possible the extensive trees and mature hedgerows along the site boundaries. A tree survey and a programme of tree surgery has been submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To Refuse Permission for 1 no. reason:

“Having regard to the design of the proposed dwelling and the proposed vehicular access, which would be located within the Foxrock Architectural Conservation Area, it is considered that the design of the proposed dwelling would do little to enhance or enrich the special character of this Architectural Conservation Area, the design of the proposed vehicular access would result in a loss of boundary treatment, the proposal would not comply with Policy AR8, Policy AR12 and Section 8.2.11.3 (i) of the 2016 – 2022 Dun Laoghaire Rathdown County Development Plan, it would adversely affect the Foxrock Architectural Conservation Area, and would therefore materially contravene the objectives of the 2016-2022 Dun Laoghaire Rathdown County Development Plan, and therefore, would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (11.07.2017)

- Having regard to the design, footprint and separation distances of the proposed dwelling to adjoining properties, the proposed development will not lead to overlooking or overshadowing of adjoining dwellings.
- Private open space is in excess of the 75 sq. metre requirement of the County Development Plan.
- The development by its nature, its architectural style, external expression and form strongly mimics the Arts and Crafts movement. In order to create a greater distinction between the original built character of the ACA, a more contemporary design approach is favoured.
- Concerns raised that development provides for a new splayed vehicular entrance which will involve the removal of 8 metres of existing roadside boundary treatment consisting of mature hedging.

3.2.2. Other Technical Reports

Conservation Division Architect’s Department (03.07.2017)

- The new dwelling borrows heavily from the architectural language of the Arts and Crafts movement. New development should be an honest insertion, clearly legible as 2017 addition; it should not confuse or devalue the rich architectural heritage of the ACA.

- The report recommends significant design revisions. The external expression of the house and garage should be 'paired back' from employing much of the architectural features that strongly resemble a former architectural style/period. A more contemporary design approach is favoured.
- The dwelling does not enhance or enrich the Foxrock ACA and would potentially confuse the historical narrative of this distinctive residential area.

Transportation Planning (14.06.2017)

- No objection subject to conditions.

3.3. Prescribed Bodies

- No submissions received.

3.4. Third Party Observations

- No observations received.

4.0 Planning History

Planning Authority Reference D14A/0245

4.1 Permission granted in September 2015 for a two storey extension to the existing house 'Cloragh'.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: *'To Protect and/or improve residential amenity'*. The following policies and objectives are of relevance:

Section 8.2.3.4 (vii) Infill: *"New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings."*

Section 2.1.3.4 Existing Housing Stock Densification: *In older residential suburbs, infill will be encouraged while still protecting the character of these areas."*

Section 8.2.3.4 (v) Corner/Side Garden Sites: This section of the plan sets out a number of criteria to consider including:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Development Plan standards for existing and proposed dwellings including car parking and private open space.
- Building lines followed where appropriate.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Appropriate boundary treatments should be provided.

Policy AR8 Nineteenth and Twentieth Century Buildings, Estates and Features:

“It is Council policy to:

- Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*
- Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.”*

5.1.2 The site is located within the Foxrock Architectural Conservation Area. The following policies are of relevance:

Policy AR12: Architectural Conservation Areas

It is Council policy to:

- Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).*
- Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.*

v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

Section 8.2.11.3 (i) New Development within an ACA

“A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, contemporary design is encouraged that is complementary and sympathetic to the surrounding context and scale. All planning applications for development within an ACA shall have regard to the following criteria:

- *All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should normally be ‘of their time’ and to the high standards of design with contemporary design encouraged. ‘Pastiche’ design should normally be avoided.*

5.1.3 The Character Appraisal for the Foxrock Conservation Area notes the following key points:

- The boundary of the ACA is informed with reference to the historical development of the area as a Garden Suburb in the late 19th century.
- The development of the suburb commenced in 1859 with the construction of a number of villa residences and large dwellings, many designed by prominent architects.
- With regard to Torquay Road, it notes that the most distinctive houses comprise a group of 6 detached dwellings located towards the northern end. It states:

“The western side of Torquay Road was developed much later with the houses dating from the 1930’s onwards. The house types here tend to be smaller in scale with single storey or dormer bungalows becoming popular.

Architecturally the Arts and Crafts style continued in vogue but was employed in a watered down manner. These house types signify a change in the development pattern in Foxrock, which resulted in smaller building plots and a closer proximity of houses to the roadside edge and to neighbouring properties.”

5.1.4 The report goes on to note:

“As with the other roads in the area, the mid twentieth century has seen a number of infill developments along Torquay Road resulting in a discordant mix of architectural styles and boundary treatments.”

5.1.5 With regard to landscape character, the report states that the overall visual character of the area is sylvan with well defined road edges enclosed by mature planting.

5.1.6 The report provides specific guidance regarding infill development and subdivision of existing sites and notes that the Planning Authority will have regard to the following:

- *The extent to which new proposals respect the special character of the ACA.*
- *The extent to which new structures are subsidiary to the main dwelling and do not diminish or relegate its status within the site.*
- *The extent to which proposals have regard to the scale, massing, height and design of existing structures, both on the application site and on adjoining lands.*
- *The extent to which existing boundary treatments, hedgerows and trees are retained and existing access points used.*
- *The extent to which new structures are set back from site boundaries and reflect the existing pattern of development in the area.*
- *The extent to which hedgerows, suitable trees and soft landscaping elements inform internal boundaries in favour of walls or other hard landscaping features*

5.1.7 With regard to new buildings, it is stated:

“New Buildings: The development of new buildings within the ACA should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect to their context, as part of a larger whole, which has a well established character and appearance of its own.

i. New developments must not adversely affect the character of the streetscape.

ii. New developments must respect the existing pattern of development in the area with regard to setting and should be appropriately set back from the public road.

iii. The scale massing and height of proposed developments must be generally consistent with neighbouring dwellings. The emphasis must be on a high quality

design solution, which would preserve or enhance the special character of the area. The Planning Authority will seek to encourage high quality contemporary design solutions, which reflect the age in which we live.”

5.1.8 The Character Appraisal also notes that the essence of what is Foxrock is to a great degree derived from its mature trees, shrubs and hedgerows. In this regard, it is advised that future developments within the area must include provisions to protect and maintain the sylvan character of the area and the sense of enclosure. It is stated:

“Future developments must take cognisance of the existing mature planting and vegetation cover from the outset so that vehicular access requirements and the siting of new buildings do not impinge on the existing landscape character. Access and hard standing must not dominate the site or adversely affect existing amenity vegetation.”

5.2 Guidelines for Planning Authorities: Architectural Heritage Protection

5.2.1 This document, sets out comprehensive guidance regarding development in Conservation Areas. Section 3.10.1 addresses new development in ACA's and states:

“When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.”

5.3 Natural Heritage Designations

5.3.1 The nearest Natura 2000 sites are the Dalkey Islands SPA and the Rockabill to Dalkey Island SAC which are located c. 6 km to the east of the site and the South Dublin Bay and River Tolka SPA and South Dublin Bay SAC located c. 4 km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

- It is submitted that the Planning Authority's decision is essentially concerned with the question of the correct design principles to apply in this case. It is considered that the Planning Authority have taken an unnecessarily stringent approach. The design of the dwelling is of high quality. It is a modern design and is not considered to be "pastiche".
- The Character Appraisal for the Foxrock ACA is noted. This details that the western side of Torquay Road where the subject site is located was developed much later, with single storey or dormer bungalows becoming popular. It is contended that other than the strong streetscape presence of the roadside hedgerow, there are no obvious characteristics of architectural heritage significance. The site is therefore different to more formally composed ACA's.
- The Foxrock ACA Character Appraisal sets out specific guidance regarding the development of new buildings within the ACA. It is considered that the proposed dwelling meets these criteria and is respectful of its location and context. It is a successful reconciliation in design and visual impact between the large neo Georgian house on one side and a 1930's bungalow on the other. The development has also been designed to respect the sylvan character of the area.
- A number of previous planning precedents are set out. It is contended that permission has been granted by the Planning Authority along Torquay Road for larger houses in more prominent locations which are essentially modern interpretations of earlier architectural styles. The Planning Authority has not sought modernist architectural treatment in these developments.
- Reference also made to two previous decisions by An Bord Pleanála. Appeal Reference PL06D.240072 refers to a development at Lis na Carrig on Brighton Road. The dwelling which had an Arts and Crafts design was refused permission by the Planning Authority on the basis that it would not provide a high quality contemporary design solution. The dwelling was granted by the Board in 2012, who noted the secluded and well screened nature of the site, its

zoning objective and the pattern of development in the area. Appeal Reference PL06D.238639 was also refused permission by the Planning Authority on design grounds. The Board, however, granted permission in 2011 stating that it was considered that the dwelling would not seriously injure the amenities of the area and would not injure the character of the designated Conservation Area.

- With regard to the concerns raised in relation to the entrance gateway and loss of boundary treatment, a modified design is submitted for consideration by the Board. The revised layout minimises the width of the entrance.
- In relation to the decision of the Council which refers to a material contravention of the Development Plan, it is detailed that this must relate to a definitive breach of a clear policy. The policies, however, that relate to ACA's are aspirational and not definitive. It is open to the Board to grant permission in circumstances where the objectives of the Plan are not clearly stated and it is submitted that this is the case in the current instance. Furthermore, the Board can grant permission where it considers it appropriate having regard to the pattern of development in the area since the making of the development plan. Reference is made to two recent decisions of the Planning Authority in this regard.

6.2. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

- No observations received.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Design and Impact on the Foxrock Architectural Conservation Area.

- Material Contravention.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The subject development comprises an infill dwelling located within the side garden of an existing house known as 'Cloragh'. The existing house has a large plot and its subdivision to provide a further infill dwelling is appropriate in this context. The proposed dwelling is set back from its northern boundary with 'Cloragh' by a distance varying from 3.8 to 4.6 metres. To the south, the dwelling is set back from the boundary with 'Al Alba' by a distance varying from 3.5 to 3.7 metres. The siting of the dwelling and its separation distances are considered appropriate and I am satisfied that the development will not give rise to any overlooking or overshadowing. The proposed development will be served by adequate private open space and is fully compliant with the relevant Development Management standards set out in the plan including those pertinent to side garden sites.

7.2.2 The site is zoned "objective A" under the current County Development Plan. Having regard to the zoning objective and existing site context, the principle of a residential development on the subject site is acceptable.

7.3 Design and Impact on the Foxrock Architectural Conservation Area

7.3.1 The principle concern raised by the Planning Authority relates to the design of the proposed dwelling. It is set out in the Planner's Report and reason for refusal that it is considered that the design of the dwelling is pastiche, would do little to enhance or enrich the special character of the Foxrock Architectural Conservation Area and that a more contemporary design approach would be favoured in order to create a greater distinction between the new build dwelling and the original built character of the ACA.

7.3.2 Policy guidance at both a national and local level sets out guidance regarding new development in Architectural Conservation Areas (ACA's). In general, a sensitive design approach is required. New developments 'of their time', with an emphasis on contemporary design is encouraged. The Foxrock ACA Character Appraisal Report also sets out specific guidance regarding infill and new buildings in the ACA. This places a particular emphasis on criteria such as the need to respect the scale,

massing, height and design of adjacent development; the extent of boundary treatment to be retained; the need to respect the existing pattern of development and high quality design.

7.3.3 The subject dwelling has been designed with clear references to the Arts and Crafts style. It is also, however, clearly a modern dwelling and incorporates some contemporary features including a zinc galvanised steel door canopy. It is a high quality design that complements the setting, landscaping and scale and mass of the existing dwelling on the site. I am satisfied that the development accords with the general guidance set out regarding new buildings in ACA's

7.3.4 In considering the appropriateness of the design of the dwelling, regard must be had to the particular location and context of the site on Torquay Road. The site is located at the western end of Torquay Road. The Foxrock ACA Character Appraisal Report notes specifically that this stretch of road was developed during a later phase of the suburbs evolution in the 1930's. It is not characterised by the grand villas and mansions that were constructed in the earlier development of the garden suburb. Dwellings in this area are typically much smaller and comprise single storey or dormer bungalows. Whilst stylistically, some of these dwellings incorporate Arts and Craft features, the report notes that architecturally this style was employed in a watered down manner. The report also specifically notes that Torquay Road has seen a number of more recent infill developments resulting in a discordant mix of architectural styles.

7.3.5 It is noted that ACA's are typically designated due to their special architectural value. Whilst it is acknowledged that the northern end of Torquay Road accommodates a number of fine examples of 19th and 20th century architecture, this is less so in the immediate vicinity of the subject site. Indeed, it is noted that immediately adjacent to the subject site, a large modern neo Georgian dwelling has been permitted. In the general vicinity there is a range of dwelling styles not defined by any particular architectural style. This in my view has significantly altered the context and character of this part of the ACA. I would concur with the submission by the applicant that the inclusion of the subject site within the ACA is not necessarily based on the architectural heritage value of the existing buildings in the vicinity.

- 7.3.6 It is considered that the most defining characteristic of this part of the ACA is the sylvan character and well defined road edges enclosed by mature planting. A detailed tree survey has been submitted with the application, and it is proposed to retain as far as feasible the majority of mature trees and hedgerows within the site. This will significantly screen the development when viewed from Torquay Road. The proposed building line of the dwelling and its height also assimilate well with the existing context.
- 7.3.7 It is noted that concerns were raised by the Planning Authority with respect to the extent of the proposed entrance and removal of mature roadside boundary hedging to facilitate same. The applicant has submitted a revised drawing with their appeal submission which proposes an amended entrance arrangement. The bell mouth design is now omitted and the overall width of the entrance is reduced to 4.735 metres with new granite piers. The existing beech hedge and mature chestnut trees are to be retained. This modification is considered appropriate and will significantly reduce the potential visual impact of the new entrance.
- 7.3.8 The appropriateness of the design must also be considered in the context of other precedent decisions by the Planning Authority and An Bord Pleanála. A number of examples are set out in the applicant's appeal submission. It is evident that the Planning Authority and the Board have permitted a variety of different house types along Torquay Road, many of which include stylistic references to the Victorian, Edwardian and Georgian periods. Contemporary design has not therefore been a prerequisite for permission. Under Appeal Reference PL06D.240072, permission was granted for a significant dwelling with a clear Arts and Crafts style. In making their decision, the Board had particular regard to the well screened nature of the site.
- 7.3.9 I am satisfied that the proposed dwelling, notwithstanding its design, will not detract or undermine the special character or value of the Foxrock ACA. It is considered that the proposed development will sit well within its existing context. The existing sylvan character of the site is retained and the development will be well screened. I am of the view that the development will have no adverse impact on the visual amenities of the area.

7.4 Material Contravention

7.4.1 It is noted that the Planning Authority reason for refusal refers to the fact that it considers that the development would materially contravene the 2016-2022 Dun Laoghaire Rathdown County Development Plan. Reference is made in the reason for refusal to Policy AR8, Policy AR12 and Section 8.2.11.3 (i) of the Plan. In this context, if the Board are minded to grant permission for the proposed development, Section 37(2) of the Planning and Development Act 2000 must be considered. This states that if the Planning Authority have decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in certain circumstances.

7.4.2 I am of the view that the term material contravention has been used inappropriately by the Planning Authority in this instance. The policies referred to in the reason for refusal are general policies regarding development in Conservation Areas. The policies are not prescriptive in nature. As set out in the appellant's submission, these policies are open to interpretation and are generally aspirational rather than specifying a definitive limitation or requirement. Furthermore, the reason for refusal is not specific as to which aspect of the policies, the proposed development contravenes.

7.4.3 In terms of the criteria set out under section 37 (b), it is stated that the Board can grant permission where it considers:

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

7.4.4 I am of the view that this is applicable to the subject application, as it has not been clearly stated by the Planning Authority which objectives of the plan the development contravenes. Nor are the policies and objectives of the plan prescriptive in nature. It is considered that in this instance, the term material contravention has been used by the Planning Authority erroneously.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, a residential infill development on serviced land within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a

significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the well screened nature of the site, the site's zoning objectives and the pattern of development in area, it is considered, that subject to compliance with the conditions set out below, the proposed development would not be injurious to the character and setting of the Foxrock Architectural Conservation Area and would not seriously injure the visual or residential amenities of the area. The proposed development 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 received by An Bord Pleanála on the 8th day of August 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii along the eastern boundary.
 - (iii) Hard landscaping works including specification of surfacing materials.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled
 - (d) A timescale for implementation which shall provide for the completion of the proposed planting, required above, on site before the dwelling/building is first made available for occupation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

9. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood') in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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 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 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.

Erika Casey

Senior Planning Inspector

24th October 2017