



An  
Bord  
Pleanála

## Inspector's Report ABP-300807-18

---

<b>Development</b>	Permission for demolition of existing store and construction of an extension to St Anthony's comprising:- single bedroom extension at basement level with two one bedroom residential units over on two storeys.
<b>Location</b>	St Anthony's, Trinity Street, Drogheda, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	17/724
<b>Applicant(s)</b>	Sheila and Seamus Fagan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ina McCrumlish, Matthew and Sarah Jane Judge
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> May 2018
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 640 sq m, is located on the southern side of Trinity Street in Drogheda in County Louth. The appeal site is steeply sloped, and falls from Trinity Street down to the River Boyne. A wide grass verge and pathway separates the appeal site from the riverbank.
- 1.2. The appeal site is currently occupied by a detached house known as St Anthony's. This house dates from the mid 20<sup>th</sup> century and the front elevation features a brick treatment to the ground floor and a render finish above with a pitched tile roof. The house is two storey to the front elevation, and three storey to the rear elevation, due to the sloping site, and it features a single storey garage/store to the west. The rear elevation of the house features a balcony.
- 1.3. A detached two storey house of similar design and scale, known as St Jude's, is located to the west, and a terrace of single storey redbrick houses are located to the east. On the opposite side of Trinity Street is a terrace of residential and commercial properties.

## 2.0 Proposed Development

- 2.1. The proposed development, as described in the statutory notices, comprises the demolition of an existing store and the construction of an extension to St Anthony's comprising a single bedroom extension at basement level with two one-bedroom residential units over on two storeys.
- 2.2. The existing house has a stated gross floor space of 170 sq m, of which it is proposed to demolish 13 sq m. The proposed development would add 125 sq m of gross floor space as follows:
  - Basement extension to the existing house: 21 sq m.
  - Ground floor apartment: 53 sq m.
  - First floor apartment: 51 sq m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Louth County Council decided to grant permission and the following summarised conditions are noted:

- C2: As-constructed drawings to be submitted showing the basement bedroom internally linked to the existing dwelling.
- C3: Finishes shall be consistent with existing dwelling and as shown on submitted drawings.

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

3.2.1. The Planning Officer's reports can be summarised as follows:

- Application is technically valid.
- Site is within town centre land use zone and residential is deemed a permitted use.
- Proposed apartments comply with standards in terms of size, storage and private open space.
- Front extension façade is modern and contemporary and visually integrates with the streetscape which has a variety of height forms.
- Extension is clearly not domestic and reads as distinct from the main dwelling.
- No Appropriate Assessment issues arise.
- Site is not within an area of known fluvial/pluvial flooding.
- Privacy screens illustrate that the proposed development will not directly overlook the adjoining property.
- Rear amenity space of adjoining property is at a higher level than the subject site but there is adequate separation distance between the two properties and the development will not adversely impact upon the amenities of the property.

- Applicants' contention that the raised deck to the west was built without planning permission is noted, however it would appear to be done more than seven years and be immune from enforcement action.

### 3.3. Other Technical Reports

3.3.1. Infrastructure Office: No objection, subject to conditions.

### 3.4. Prescribed Bodies

3.4.1. Irish Water: No objection.

### 3.5. Third Party Observations

3.5.1. Three third party observations were lodged. The issues raised were generally as per the appeal, as well as the following:

- It is not clear who prepared the drawings. No title block or name.
- History of anti-social behaviour and rodent infestation at appeal site when it was allowed to become derelict.
- Inaccuracies in drawings and inadequate information which is not compliant with requirements of Regulations.
- Overdevelopment of site.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. **PL54.227144 (Reg. Ref. 07/510212):** Permission granted for demolition of buildings, erection of 13 apartments, shop and office unit, car park with courtyard and site works.

4.1.2. **PL54.219643 (Reg. Ref. 05/510102):** Permission refused to demolish house, construct 1 no. office unit, 1 no retail unit, 13 no. apartments, 4 no. houses, underground car park and site works.

## 4.2. Surrounding Area

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

## 5.0 Policy Context

### 5.1. Drogheda Borough Council Development Plan 2011-2017

- 5.1.1. The appeal site is zoned as 'town centre', the objective of which is "to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses".
- 5.1.2. Sections 6.6.8 and 6.6.9 relate to infill/backland development and extensions to residential property, respectively.
- 5.1.3. Policy TC 4: Continue the sensitive renewal and enhancement of Drogheda's Town Centre as a vibrant and attractive urban entity that will act as a catalyst for the further development of the Borough as a primary development centre strategically located along the Eastern Corridor.

### 5.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)

- 5.2.1. These Guidelines provide guidance in respect of design and layout and recommend minimum quantitative standards for floor areas for different types of apartments, storage spaces, sizes of apartment balconies/patios and room dimensions.

### 5.3. Natural Heritage Designations

- 5.3.1. The appeal site abuts the boundary of the River Boyne and River Blackwater SAC (Site Code 002299) to the south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Stephen Ward Town Planning and Development Consultants on behalf of Ms Ina McCrumlish and Matthew and Sarah Jane Judge, all

of St Jude's, the property to the west of the appeal site. The grounds of appeal can be summarised as follows:

- Appellants do not object to a well designed and appropriately positioned development adjacent to their family home.
- Appeal is on the basis that the balconies could have been, and still can be, positioned more appropriately to protect the appellants' residential amenities.
- Proposed balconies project beyond the rear building line and will result in direct overlooking of habitable rooms and private amenity space.
- Balconies should be internalised so they act as winter gardens. Alternatively, the opaque glass privacy screens should be replaced by full height brick, returned 600mm to the southern elevation.
- Proposals of increased density must be of high quality and respect residential amenities.
- Appellants house is a family home, and one bedroom apartments will likely be occupied by a transient population with late night activities. Opaque glass screens are of little use in protection against noise.
- Drawings are of poor quality and are not compliant with Regulations.
- Proposed development is adjacent to River Boyne Special Amenity Area [sic] yet an Appropriate Assessment Screening Report was not submitted.
- Applicants failed to appropriately respond to RFI. Potential impacts relate not only to overlooking but also noise and nuisance.
- Proposed development is not compliant with Sustainable Residential Development in Urban Areas guidance document, due to overlooking and failure to protect residential amenities.
- Development is not in keeping with existing building line and streetscape, as required by County Development Plan and Drogheda Borough Council Development Plan.
- Appellants are concerned that the steps from Trinity Street to the rear of the proposed development will impact on residential amenity due to inadequate storage areas and external areas for storage of bins.

- Proposed units are very small and provide inadequate storage with reference to the Design Standards for New Apartments. Appellants are concerned that balconies would end up being used for storage.
- Apartment guidelines require communal storage area for the three-bin waste system. It is not apparent that the applicant has provided adequate provision for refuse storage.
- No justification was provided for the relaxation of the car parking provision. Cars park on the footpath at Trinity Street resulting in negative impacts for people with mobility issues.
- Appellants are concerned as to how the steps will be constructed without intruding onto their property and the implications for the stability of their home. If the Board is minded to grant permission, details to ensure the structural stability of the appellants house should be submitted.

## 6.2. Applicant Response

6.2.1. The applicants' response to the appeal can be summarised as follows:

- Proposed modest infill development is in an area designated 'Town Centre' in one of Ireland's largest and rapidly growing towns.
- Drogheda is listed in Project Ireland 2040 as an important cross border network for regional development.
- Objections are couched in a rural or suburban context and are not relevant to a major urban setting.
- Proposed balconies overlook applicants' own property, not St Jude's as alleged by the appellants.
- Appellants have an exaggerated interpretation of what constitutes overlooking in an urban setting.
- Appellants constructed a large deck in recent years without planning permission, which is elevated and overlooks applicants home.
- The owners of an unauthorised deck cannot claim to have any amenity rights until retention permission is granted.

- The issue of overlooking was previously dealt with by the Board in 2008 when permission was granted. The same obscure glass screening solution was used.
- Trinity Street is one of the main arteries in and out of Drogheda and has the usual noise from a bustling street. Infill proposal will muffle noise intrusion for applicants and appellants.
- Occupants of single bedroom apartments are not linked to anti-social behaviour any more than the occupants of a large family home.
- Applicants have made justification for relaxation of car parking.
- Illegal parking has ceased on footpath due to vigilance of new traffic warden.
- Drawings submitted show that overlooking, storage and bin storage are all adequately dealt with.
- It is not in the remit of the planning system to micromanage foundation design. Proposed steps will not impose any additional loads.
- St Anthony's was originally designed and constructed by the builder and artist Thomas Murray in 1952-1953. Original building is of high quality and proposed development is clearly an extension to it, not to St Jude's.
- There is no regimental building line to front or back.
- Proposed development will in its own way go towards addressing the housing shortage.

### **6.3. Planning Authority Response**

6.3.1. No further comment.

### **6.4. Observations**

6.4.1. None.

### **6.5. Further Responses**

6.5.1. None.



## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Principle of proposed development.
- Layout and design.
- Residential amenity.
- Car parking.
- Other issues.
- Appropriate Assessment.

### 7.2. Principle of Proposed Development

7.2.1. The appeal site is zoned as 'town centre', and the Development Plan includes policies and objectives supporting infill development in general and, more particularly, the renewal of Drogheda Town Centre. I therefore consider the proposed development, which comprises a relatively small infill development to be acceptable in principle, subject to consideration of the planning issues identified above.

### 7.3. Layout and Design

- 7.3.1. The existing house on the appeal site, St Anthony's, dates from the mid-20<sup>th</sup> century but has been extended and altered such that its rear elevation is contemporary in appearance with a projecting box element and an elevated balcony/terrace. As noted above, the appeal site is steeply sloped from Trinity Street down towards the River Boyne, with a level change of c. 6m from north to south. As a result, the rear elevation of the house, which is three storeys in height compared to two storeys at the front, is more prominent from the wider area, including from the public amenity areas along the River.
- 7.3.2. I consider the proposed infill development to be of a reasonably high standard of design, which respects the existing building line on Trinity Street, and which has a contemporary appearance that complements the existing upgraded house to which it would be attached. The use of materials reflects the existing house, while the

contemporary design, flat roof and timber detailing ensure that the development will be read from Trinity Street as a development in its own right, rather than simply as an extension to the existing house. To the rear, the proposed design treatment is not quite as successful in my opinion, with the proposed development and the existing house combining to form a complex arrangement of stepped and unaligned elements. Notwithstanding this, the arrangement does create a certain striking visual interest which is strengthened by its elevated position above the River Boyne.

- 7.3.3. In terms of quantitative standards, I consider that the proposed apartments are generally compliant with the minimum standards set out in the recently published Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018. The two areas where the apartments do not meet the specified requirements are floor-to-ceiling heights, which are proposed to be 2.45m rather than the 2.7m set out in the Guidelines, and the storage provision in the first floor apartment, which is 2 sq m rather than the required 3 sq m. Notwithstanding this, the Guidelines note that in small urban infill developments, a degree of flexibility is required and the Guidelines state that the abovementioned requirements may be relaxed on a case-by-case basis, subject to overall design quality.
- 7.3.4. Having regard to the overall design of the proposed apartments, and noting that both units have their own entrances and that they are both dual-aspect with south-facing balconies overlooking a riverside amenity area, I consider that they would provide a reasonably high standard of accommodation and are generally acceptable. Given the proximity to the adjacent dwellings, I do not consider it necessary or appropriate to increase the floor-to-ceiling height, as this would increase the overall building height by c. 0.5m without any material benefits in terms of the residential amenity of future occupants.
- 7.3.5. While the proposed ground floor apartment features a bedroom window facing onto Trinity Street, I note that a c. 1.7m deep landscaped area is provided between the building elevation and the public footpath, which I consider will act as an effective privacy strip. Separate covered bin stores are indicated within this landscaped area on the Trinity Street elevation to serve the two apartments.

7.3.6. In light of the foregoing, I consider the design and layout of the proposed development to be acceptable, subject to consideration of the potential impact of the proposal on residential amenity.

#### 7.4. Residential Amenity

7.4.1. Having regard to the form, massing and scale of the proposed development and its orientation relative to neighbouring properties, I do not consider that it would result in any significant overshadowing or overbearing impacts, and I consider that the potential for overlooking is limited to that from the proposed balconies on the rear (south) elevation of the proposed development. I also note that the appellants' principal concerns in relation to residential amenity appear to relate to overlooking and noise impacts associated with the proposed balconies.

7.4.2. In response to the request for further information, the applicant is proposing to provide 1.8m high opaque glazed privacy screens on the east and west sides of the balconies. The appellants contend that this is not sufficient to address overlooking and noise impacts and state that a full-height brick wall should be provided, returned on the southern elevation by 600mm.

7.4.3. The appellants have a large elevated timber deck to the rear of their house which is located at a similar level to the existing Level 0 balcony to the rear of the applicants' house. This decking extends to the boundary between the two properties and there is no screening provided. As a result of the lack of screening and its elevated position, there are clear lines of sight between the two properties.

7.4.4. The proposed balconies would be separated from the boundary by c. 1m and in the absence of screening would result in direct overlooking. While 1.8m high opaque glazed panels would be effective in eliminating this overlooking, I would tend to concur with the appellants that such privacy screens would be ineffective in reducing noise. Given that the proposed development would introduce two apartments and their balconies within 1m of the appellants private amenity space and existing windows and doors, I consider it reasonable to provide a more solid privacy screen treatment along the lines of that proposed by the appellants in order to mitigate the additional noise impacts associated with the intensification of development on the site.

- 7.4.5. I therefore recommend, if the Board is minded to grant permission, that a condition be included requiring the provision of a 2.0m high solid wall along the western side of the proposed balconies, with a 600mm return on the southern side of the balcony with a rendered finish to match the proposed elevation treatment of the proposed development. Due to the stepped nature of the proposed development, I do not consider that the resultant additional length of wall along the side elevation would be visually intrusive or overbearing.
- 7.4.6. I note that the proposed apartment balconies would also directly overlook the rear garden of the applicants' house. Since the basement level of the proposed development would form an extension to the existing house, it appears that this overlooking would be unavoidable without compromising the utility of the balconies. Given that the existing house and the proposed development are located within the appeal site and the entirety is within the ownership of the applicants, I consider this to be acceptable.

## 7.5. Car Parking

- 7.5.1. The existing house on the appeal site has a garage which it is proposed to demolish to accommodate the proposed development. As a result, neither the house, nor the two apartments, would have dedicated car parking spaces available to them. On-street car parking is available on the northern side of Trinity Street, and I noted on the date of my site inspection that cars were parking on the wide footpath on the southern side of the Street.
- 7.5.2. The appeal site is zoned town centre, and as such the applicable car parking standards under the Development Plan are 1 space per dwelling and 1 space per apartment, giving rise to a total requirement for 3 spaces.
- 7.5.3. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018 state that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.
- 7.5.4. Having regard to the location of the appeal site within Drogheda town centre and noting the small scale of the proposed development, the availability of on-street car

parking spaces, and that the Infrastructure Office of the Planning Authority had no objection to the proposed development, I consider that the absence of car parking provision can be justified with reference to the revised Sustainable Urban Housing Guidelines.

## 7.6. Other Issues

### 7.6.1. Access and Pathway to Riverside Walkway

7.6.2. I note that the General Arrangement Plan shows a proposed entrance in the southern boundary fence and a proposed pathway constructed across the zoned open space to connect to the riverside walkway.

7.6.3. The proposed gate and path were not included in the description of the proposed development set out in the statutory notices and the proposed path would comprise works outside of the 'red line' site boundary. Furthermore, it is not clear to me whether the applicants have sufficient legal interest to provide a new access and pathway on open space zoned lands that appear to be outside of their ownership or control.

7.6.4. Having regard to these issues, I therefore recommend, if the Board is minded to grant permission, that the proposed path and gate be omitted by way of condition.

### 7.6.5. Structural Issues

7.6.6. The appellants express concern regarding the construction of the proposed steps adjacent to their property and query how this can be done without intruding onto their property and the implications for the stability of their home.

7.6.7. I see no fundamental issue with the proposed steps from a planning perspective, and I would note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of planning permission to carry out any development. If the Board is minded to grant permission, the onus would therefore be on the developer to ensure that the development can be constructed in a safe manner without impinging on third party lands unless any necessary consents or rights are in place.

## 7.7. Appropriate Assessment

- 7.7.1. The appeal site is located in close proximity to the River Boyne, with a grass verge and riverside amenity pathway separating the appeal site from the northern bank of the river.
- 7.7.2. Having regard to the Source-Pathway-Receptor model, I consider that the European sites which could potentially be affected by the proposed development are the River Boyne and River Blackwater SAC (Site Code 002299), which adjoins the appeal site to the south, the Boyne Estuary SPA (Site Code 004080), and the Boyne Coast and Estuary SAC (Site Code 001957) which are located a short distance downstream (i.e. east) of the appeal site.
- 7.7.3. The qualifying interests of the River Boyne and River Blackwater SAC are as follows:
- Alkaline fens [7230]
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
  - *Lampetra fluviatilis* (River Lamprey) [1099]
  - *Salmo salar* (Salmon) [1106]
  - *Lutra lutra* (Otter) [1355]
- 7.7.4. The conservation objective for the SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- 7.7.5. The qualifying interests of the Boyne Estuary SPA are as follows:
- Shelduck (*Tadorna tadorna*) [A048]
  - Oystercatcher (*Haematopus ostralegus*) [A130]
  - Golden Plover (*Pluvialis apricaria*) [A140]
  - Grey Plover (*Pluvialis squatarola*) [A141]
  - Lapwing (*Vanellus vanellus*) [A142]
  - Knot (*Calidris canutus*) [A143]
  - Sanderling (*Calidris alba*) [A144]

- Black-tailed Godwit (*Limosa limosa*) [A156]
- Redshank (*Tringa totanus*) [A162]
- Turnstone (*Arenaria interpres*) [A169]
- Little Tern (*Sterna albifrons*) [A195]
- Wetland and Waterbirds [A999]

7.7.6. The conservation objectives for the SPA are to maintain the favourable conservation condition of the listed bird species, as defined by a list of attributes and targets.

7.7.7. The qualifying interests of the Boyne Coast and Estuary SAC are as follows:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Annual vegetation of drift lines [1210]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

7.7.8. The conservation objectives for the SAC are to maintain the favourable conservation condition of the listed habitats, as defined by a list of attributes and targets.

7.7.9. Having regard to the nature and limited scale of the proposed development and its location within a previously developed and serviced town centre zoned site, I consider that its potential effect on the European sites listed above is limited to construction phase sediment/pollutant release due to the elevated position of the site above the River Boyne.

7.7.10. While the appeal site is elevated above the River Boyne, I consider that the extent of excavations associated with construction of the proposed development would be limited, having regard to the nature and scale of the infill development. I consider that standard best practice construction methods for works in the vicinity of

watercourses would be sufficient to ensure that no excavated materials or silt or pollutant-laden runoff enters the designated sites. If the Board is minded to grant permission, I therefore recommend that a condition should be included requiring a construction management plan, incorporating waste management proposals and surface water protection measures, to be submitted to the Planning Authority prior to commencement.

- 7.7.11. In conclusion, 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 the River Boyne and River Blackwater SAC (Site Code 002299), the Boyne Estuary SPA (Site Code 004080), the Boyne Coast and Estuary SAC (Site Code 001957) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and 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 8<sup>th</sup> day of December 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. The following changes shall be incorporated into the overall layout.
  - (a) A 2.0m high solid wall with a rendered finish to match the elevation treatment of the proposed development shall be provided along the western side of the proposed balconies, with a 0.6m return on the southern side of the balconies.
  - (b) The proposed gate access in the southern boundary fence and the proposed path connecting to the riverside walkway shall be omitted.

Details of the above changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of clarity and residential amenity.

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

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

4. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not permitted.

**Reason:** in the interest of residential amenity.

5. 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.

6. 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. All

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

**Reason:** In the interests of visual and residential amenity.

7. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

8. 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, water pollution prevention measures and off-site disposal of construction/demolition waste.

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

9. 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, 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.

---

Niall Haverty  
Planning Inspector

21<sup>st</sup> May 2018