



An
Bord
Pleanála

Inspector's Report ABP-301533-18

Development	Demolition of existing nursing home and construction of new housing development.
Location	Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0590
Applicant(s)	Randalswood Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Liam and Tove O' Flanagan2. Rosaleen and Bernard Duggan3. Lucy and David Tyndall4. Carmel and Tony Sheppard5. John and Denise McEvoy and others

Observer(s)

Michael Begley

Date of Site Inspection

31/08/18

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The site of the proposed development is located off Carrickbrennan Road in Monkstown, County Dublin. It is accessed via a cul-de-sac that serves the site, two detached houses at Kenilworth Way, four terraced two-storey houses at New Alma Place and a small housing estate, Richmond Green.
- 1.2. The site is roughly L shaped and comprises an area of .95 hectares. The existing use of the site is as a family hub for homeless families. This appears to be a very recent use. The previous use of the site was as a 18 bed care home (Richmond Cheshire Home) with 5 No. studio apartments all laid out in linear form.
- 1.3. The site's southern boundary comprises a steep embankment that is densely planted and there is a retaining wall along its base. Behind the embankment is the estate of Richmond Park which comprises semi-detached and detached two storey houses on higher ground. The western site boundary contains mature planting and beyond this is sited a period residence and its curtilage. The northern site boundary is defined by an existing stream with mature planting along both banks. There are detached houses immediately to the north of the stream.
- 1.4. Development in the immediate vicinity comprises primarily private housing, with commercial and ecclesiastical uses along the Monkstown Road to the north.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing nursing house and 5 No. studio apartments and the construction of 56 No. apartments as follows:
 - Block A: 1 No. 4 storey block consisting of 16 No. 1 beds, 12 No. 2 beds and 4 No. 3 beds.
 - Block B: 1 No. 4 storey block consisting of 8 No. 1 beds, 12 No. 2 beds and 4 No. 3 beds.
 - A basement consisting of bin stores, plant rooms, 76 No. car parking spaces, 5 No. motorcycle spaces and 41 No. bicycle spaces.
 - 5 No. visitor spaces and 26 No. bicycle spaces at surface level.

Further Information was submitted dated 24th of January 2018 which provided for the following:

- Ecological Impact Statement
- Public Lighting Design Calculations Report
- Energy Report
- Environmental and Construction Plan
- Screening Report for Appropriate Assessment
- Bat Survey
- Road Safety Audit
- Flood Risk Assessment
- Tree Survey Report and drawings
- Revised drawings for apartment blocks showing an increase in separation distance between Blocks A and B, revised internal layouts and revised configuration of apartments. The number of apartments proposed remains the same at 56.
- The mix of apartments now proposed is as follows:
 - 21 No. one bedroom
 - 21 No. two bedroom
 - 14 No. three bedroom
 - 56 No. Total

Clarification of Further Information was submitted dated the 16th of March 2018. The main issues addressed related to clarification of trees to be retained and retention and protection of heronry for nesting birds, and details in the construction and environment management plan.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 33 No. Conditions.

- Condition 12 required that vegetation clearance would be outside of the bird breeding season.
- There are a large number of conditions in relation to the protection of biodiversity and heronry on site including conditions 10 – 19. I note that Condition No. 19 required the developer to lodge a Tree Bond with the Planning Authority with a minimum value of €75,000.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report (22/08/17) required Further Information in relation to a number of matters. The second report (16/02/18) requested Clarification of Further Information. The third report considered that the Clarification of Further Information was satisfactory and recommended permission subject to conditions. The main issues were concerns relating to traffic impacts, flooding, environmental matters, heronry on site, and tree protection.

3.2.2. Other Technical Reports

Transportation Planning – First report (17/08/17) requested Further Information. The second report (13/02/18) had no objection subject to conditions. The third report (26/03/18) noted the details submitted in the Preliminary Construction and Environmental Management Plan and recommended permission subject to conditions.

Drainage Planning – First report (16/08/17) requested Further Information. The second report (06/02/18) had no objection subject to conditions.

Housing Report – No objection subject to condition.

Bio-Diversity Officer – First report (2/08/17) requested Further Information. The second report (14/02/18) noted a lack of clarity in relation to the trees to be retained and the impact on herons. The third report (27/03/18) recommended permission subject to conditions.

Parks and Landscape Services – Report (17/08/17) recommends refusal. The second report (14/02/18) recommended refusal. The third report (29/03/18) recommended refusal.

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht noted that there were herons on the site and requested Further Information to protect this species. Following the receipt of Further Information a second report (08/02/18) requested Clarification of Further Information. The third report (29/03/18) noted that *'there appears to be an assumption that it is only Tree 25 that must be protected... but Tree 23 may also be used as a nesting area by the herons and it is necessary to protect it and Deodar Tree 24.'* Permission recommended subject to one condition.

3.4. **Third Party Observations**

Fourteen observations were received in the appropriate timeframe. The main issues raised reflect those in the appeal.

4.0 **Planning History**

PA Ref. D99A/0172

Permission was granted for a single-storey 5 bedroom extension to the care home and the relocation of a work shed.

PA Ref. D00A/0975

Permission was granted for revisions to the above application for the conversion of the attic to 3 staff bedrooms, an office and ancillary works.

PA Ref. D16A/0678/ PL06D.247679

Permission refused by PA and on appeal by ABP for demolition of existing nursing home and 5 No. studio apartments and the construction of 70 residential units in 3 No. apartment blocks and all associated site works.

5.0 Policy Context

5.1. Government Guidelines

The following policy guidelines are relevant to the proposed development:

- Project Ireland 2040 – National Planning Framework (2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Design Manual for Urban Roads and Streets (2013)
- Sustainable Urban Residential Development (2009)
- Urban Design Manual – A Best Practice Guide (2009)

5.2. Development Plan

Dun Laoghaire Rathdown Development Plan 2016-2022

- The site is zoned 'A' with the objective 'To protect and or improve residential amenity.'
- There is a zoning objective 'To protect and preserve trees and woodlands' on lands immediately adjoining the site to the north and west.
- Relevant policies in relation to residential development include RES 3: Residential Density and RES 4: Existing Housing Stock and Densification.

5.3. **Natural Heritage Designations**

The nearest European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) and South Dublin Bay SAC (Site Code:000210) some 500 metres north of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Many of the flaws in the previous application are replicated in this one.
- Density excessive.
- Parking inadequate.
- Open space provision deficient.
- Concern regarding fire safety.
- Concern regarding traffic and pedestrian safety.
- Concerns regarding impact on residential amenity and impact on privacy.

6.2. **Applicant Response**

A first party response has been submitted on behalf of Randalswood Construction which can be summarised as follows:

- Significant changes to layout from previous scheme proposed which increase distances to adjoining properties.
- It is considered that the height and density proposed are appropriate for this location.
- There is a significant drop of 2.5m resulting in the adjoining dwellings in Richmond Park being 2.5m higher than the proposed development.

- The open space provides for both a children's play area and an elevated woodland walkway and is of high quality.
- Three new trees are proposed to replace the trees lost to provide the basement car park.
- Adequate car parking spaces have been provided.
- Traffic safety has been appropriately addressed in the planning application.
- A fire safety certificate is required for the development and will be submitted to the appropriate authority.
- Flooding was addressed during the course of the application.

6.3. Planning Authority Response

- The reasoning on which the Planning Authority's decision on the application was based is set out in the Planning Reports on file. It is not proposed to respond in detail to the grounds of appeal as the Planning Authority considers that the comprehensive planning report deals fully with all the issues raised and justifies its decision.

6.4. Observations

- An observation has been submitted from Michael Begley. It is stated that he owns a section of land highlighted in green on a drawing attached. The developer intends to use a section of his land and no permission has been obtained for this. It is intended to fence off this land.

6.5. Further Responses

Planning Authority

- Planning Authority had no further comments in relation to the Section 131 of the Planning and Development Act 2000 (as amended).

Applicant Response

- The applicant was not proposing to undertake any works to the existing footpath which in their view forms part of a public footpath. However, in light of the objector's comments, an extension of the footpath is now proposed. A drawing is attached which indicates a 1m extension within the site boundary adjacent to the existing footpath.

Response from Tony Sheppard

- The proposed 1m footpath will further narrow the proposed single direction carriageway at an already blind bend.

Response from Michael Begley

- His observation is not vexatious.
- He welcomes the revised layout and the proposed creation of a 1m footpath on drawing reference PA-003.
- It is requested that ABP acknowledge that the applicant should not interfere with his private property and the area hatched on the drawing PA-003.

7.0 Assessment

7.1. Having carried out a site inspection and examined the documents associated with the appeal, the following are the relevant issues:

- Density
- Open Space Provision
- Traffic and Pedestrian Safety
- Impact on Residential Amenity

- Other Issues
- Appropriate Assessment

7.2. Density

- 7.2.1. The Sustainable Residential Development in Urban Areas Guidelines, 2009 set out the density standards for residential development across a range of settlement types. Section 5.8 recommends minimum net densities of 50 dwellings per hectare within 1 km of a rail station.
- 7.2.2. The site is located very close to the village of Monkstown and is within 1km of Salthill and Monkstown DART station. The site is 0.95 hectares and it is proposed to provide 56 No. apartment units. This equates to a density of 59 units per hectare. I concur with the planner's report which states that the proposed development complies with Policy RES 3 of the Dun Laoghaire Rathdown County Development Plan. I note the view raised in the appeals which consider that the density is too high. The previous proposal on the site provided for a density of 70 units on the 0.95 hectare site and density was included in the reason for refusal. I am satisfied that the revised application on the site provides for a significant reduction in density and is acceptable on this well located site close to the village of Monkstown and public transport links.

7.3. Open Space Provision

- 7.3.1. Concern are raised in a number of the appeals that the proposed scheme is driven by a focus on 'maximizing site development potential rather than the creation of a quality living environment for a future community. There is limited quality open space.'
- 7.3.2. The principle changes from the previous refusal on the site include a reduction in density, a reduction in the footprint of the buildings from three apartment blocks to two, an increase in the quality and quantity of public open space, and an increase in the number of trees to be retained.
- 7.3.3. The total open space provision is indicated to be 2,726m² on Drawing A1-003 dated (F.I. Response dated 24/01/18). The number of units proposed in the F.I. Response

didn't change (56 No.) but the mix changed with 21 No. one bedroom units, 21 No. two bedroom units and 14 No. three bedroom units.

- 7.3.4. The open space provision considerably exceeds the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments 2018 and I am satisfied that the site layout and landscaping proposed is of a high quality.

7.4. Traffic and Pedestrian Safety

- 7.4.1. A large number of concerns were raised in the appeal in relation to traffic and pedestrian safety. The principle concerns were in relation to inadequate car parking, footpath access to site outside site boundary and basement car park access ramp.
- 7.4.2. Whilst the existing temporary use of the premises is as a homeless hub for families run by a charity, the previous use was as a nursing home. The traffic assessment submitted with the application indicated that in overall terms the existing traffic impact of the traffic accessing the local network via Richmond Green is at a very low level and it was considered that the traffic impact would remain low.
- 7.4.3. A number of issues were identified in a Road Safety Audit – Stage 1 submitted (24/01/18) in relation to the ramp and safety at this location. A number of recommendations arose out of this including relocating the proposed pedestrian crossing to a more appropriate location, the provision of a dwell area before the stop line, a review of parking, road markings and signage. I note that the Transport Section of the Planning Authority recommended permission subject to conditions and condition 1 required that the applicant carry out at their own expense the recommendations of the Road Safety Audit. I am satisfied that the inclusion of this condition would address the concerns raised.
- 7.4.4. In terms of the number of car parking spaces proposed, I note that it is proposed to provide 76 No. spaces in the basement car park together with a further 8 No. visitor spaces making a total of 84 No. spaces (revised details submitted in Further Information Response (24/01/18)). I note that the requirement for apartments set out in Section 8.2.3 of the Development Plan is 80.5 spaces based on the revised proposals for 21 one bed, 21 two bed and 14 No. 2 bed apartments. I note that the number of car parking spaces exceeds the Development Plan requirements. In addition, I note that there is some flexibility for reduced car parking in the

Sustainable Urban Housing: Design Standards for New Apartment Guidelines 2018 in certain locations that are served by public transport and close to town centres. This site would certainly meet these criteria having regard to the proximity to the DART station and the village of Monkstown. I also note that the Transportation Section Report has no objection to the parking provision. As such, I am satisfied that sufficient car parking has been provided on the site.

- 7.4.5. I note that an observation was submitted by Michael Begley in relation to a piece of land including an existing footpath highlighted in green on the observation. The first party response in relation to the observation states that this issue is vexatious and that there has been no issue with the utilisation of the path over the last number of years. However, in light of the objector's comments, an extension of the existing path is proposed of 1m in width to allow pedestrians safe and secure access via a footpath to the proposed development. The response from Mr. Begley welcomes this proposal, however, a response from Tony and Carmel Sheppard considers that this will further narrow the road and cause traffic safety issues. The Planning Authority noted the correspondence but had no further comments.
- 7.4.6. I am satisfied that this observation is not vexatious. Mr. Begley does appear to own the land at this location and the first party have accepted this and responded to the concerns by the creation of an additional footpath at this location. I consider that this may slow traffic down at this location but this would be in the interests of traffic and pedestrian safety in my view.
- 7.4.7. Having regard to the location of the site within an urban setting in close proximity to a DART Station, the modest overall impact on the overall network from traffic and the recommendations in the Road Safety Audit to improve safety at the ramp location, I am satisfied that the proposed development would not have an undue impact on the existing traffic situation in the area.

7.5. Impact on Residential Amenity

- 7.5.1. The main issues raised in relation to potential impact on the amenities of established residents relate to the loss of mature planting from the site and overlooking and overbearing impacts. In terms of the impacts on future occupiers of the development,

the planner raised a concern in relation to the distance between the two apartment blocks proposed.

- 7.5.2. The proposal provides for two blocks of apartments consisting of four storeys with a ridge height of 12.95m.
- 7.5.3. The previous design on the site provided for three apartment blocks which were located much closer to the site boundaries, adjoining dwellings and each other.
- 7.5.4. In the proposed scheme the dwellings in Richmond Park are located between c. 28m and c. 32m from the site. On the other side of the road from the site, there are two No. large 3 storey dwellings. The nearest of these is located c. 28m from Block A. I note that it is intended to remove existing trees from both locations which will impact on privacy. I also note that the dwellings at Richmond Park are approximately 2.5m higher than the site. This is illustrated on the site section submitted in the appeal. However, notwithstanding this, the distances between existing dwellings and proposed apartment blocks are significant and together with new planting proposed, I am satisfied that the design and scale of the proposed development has adequate regard to the amenities of adjoining properties. Having regard to the topography of the site, the designs and height proposed will be absorbed into the site and will not be overbearing or negatively impact on the amenities of adjoining dwellings.
- 7.5.5. In terms of the residential amenities of future occupiers, I note that separation distance between the 2 No. blocks increased from 20m to 22m in the revised drawings submitted to the Planning Authority (24/01/18). These drawings included revisions to the design of opposing elevations to prevent overlooking.
- 7.5.6. Having regard to the design, separation distances and topography of the site, I am satisfied that the proposed development would not detract to an undue degree from the amenities of either adjoining residences or future occupiers.

7.6. Other Issues

7.6.1. Fire Safety

I note that the appellants have stated that the proposed development poses fire safety issues. The response to the appeal from the applicant's states that the scheme was independently tested in terms of fire safety by a qualified fire consultant

during the design process. It is also noted that a fire safety certificate application is required for the development and this will be submitted to the Fire Authority in due course, should permission be granted. The application will demonstrate in detail compliance with all sections of Part B of the Building Regulations.

7.6.2. I am satisfied that this issue is not a matter for An Bord Pleanála as it is governed by other legislation. The appellant has a duty to resolve all fire safety issues, comply with the Building Regulations, and provide a Fire Safety Certificate for the development. From the response submitted, it is clear that the developer is fully aware of these requirements.

7.6.3. Flooding

Concerns were raised in relation to flooding by the appellants. I note that a Flood Risk Analysis was submitted both with the application and in response to the Further Information Request dated (24/01/18). A number of flood protection measures are proposed in Section 3 of the Report. The overall conclusion is that the risk of flooding will be mitigated by the implementation of flood protection measures and additional capacity will be provided at Richmond Green culvert by the installation of 2 No. 600mm diameter pipes. In a report dated (06/02/18) the Drainage Planning Section noted the further information received and had no objection subject to conditions. I consider that the issue of flooding has been adequately addressed by the developer and that the flood protection measures proposed are satisfactory.

7.6.4. Hérons

7.6.5. The Department of Culture, Heritage and the Gaeltacht's principle concern was in relation to the definite presence of a heronry in a large Monterey Cypress growing beside the entrance to the site. Further Information and Clarification of Further Information was requested in terms of a construction programme and proposals to protect the heronry trees from damage by vehicles.

7.6.6. A timetable for construction works together with proposals for measures to protect the heronry was submitted. The Department was satisfied with the measures proposed for Tree 25 where the heronry is located. However, should permission be granted it is requested that a condition be included to protect Tree No. 23 and Tree No. 24 also. I note that the Planning Authority have included this condition as

condition No. 10 in the grant of permission. I consider that it would be appropriate for the Board to include a similar condition should it be minded to grant permission.

7.7. Appropriate Assessment

- 7.7.1. I note that a screening report was submitted with the application which concluded that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA.
- 7.7.2. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210). The SPA is of ornithological importance supporting an internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species.
- 7.7.3. This is a brownfield site in a serviced area. It is reasonable to conclude, 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 South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the existing use of the site, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale, and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The

proposed development 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 24th day of January 2018, and by further plans and particulars received on the 16th day of March 2018 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission is for 56 No. apartments only.

Reason: In the interests of clarity.

3. An additional footpath and road markings shall be constructed adjacent to the existing footpath in accordance with Drawing No. PA-003 submitted to An Bord Pleanála dated the 9th day of July 2018.

Reason: In the interest of clarity and pedestrian and traffic safety.

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

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the 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. Prior to commencement of development, proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

7. The developer shall comply with the requirements of the planning authority in relation to works on the public road and the developer shall submit the following:

(a) A project traffic management plan for all stages of construction traffic shall be agreed in writing with the planning authority before excavation and construction commences. The plan shall detail access arrangements for labour, plant and materials and shall indicate the locations of plant and machine compound.

Reason: In the interest of traffic safety and orderly development.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 property in the vicinity.

10. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

11. The management of waste during the construction and operational phases of the development, shall comply with the requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

12. (a) All mitigation measures in relation to biodiversity, outlined in the Ecological Impact Assessment Report, Heronry Mitigation Report, and Construction Environmental Management Report shall be implemented as part of the development.

(b) All measures proposed to reinforce the entrance avenue to the subject site under the heronry trees shall be extended over a sufficient

length of the avenue to ensure protection of all heronry trees, namely Deodar Tree No. 23, Deodar Tree No. 24 and Monterey Cypress Tree No. 25.

(c) At least 6 weeks prior to site clearance, a methodology and management plan for the excavation and pipework close to Tree Nos. 23, 24 and 25 shall be submitted and agreed in writing with the Planning Authority.

Reason: In the interest of biodiversity and to ensure full protection of existing heronry trees.

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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 of the area.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard

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

Reason: To ensure the satisfactory completion and maintenance of this development.

15. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

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

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.

Emer Doyle

Planning Inspector

19th October 2018