



An
Bord
Pleanála

Inspector's Report ABP-302053-18

Development	Permission for (a) demolition of the derelict cottage known as "Meadowside" and (b) construction of 3 no. 3 bedroom two storey dwellings and associated site works
Location	Meadowside, The Green, Commons West, (Located off Watery Lane), Swords, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0089
Applicant(s)	Jane Fay and Sharyn Fay
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Castlefarm and Rose Cottage Residents Action Group
Observer(s)	None
Date of Site Inspection	23 rd October 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.139 ha, is located to the west of Watery Lane, to the north of Swords Town Centre. The site is located in an area known as 'The Green' and is accessed off a cul de sac road, which is close to the junction of Jugback Lane and Watery Lane. A number of detached houses are located along this cul de sac, and a residential development of semi-detached houses, known as Castlefarm, is located to the north.
- 1.2. The appeal site is surrounded by housing to all sides and is accessed via a narrow entrance lane. A derelict single storey detached house known as Meadowside is located on the site, and a narrow strip of land which is not in the applicants' ownership separates the appeal site from Castlefarm to the north. A piped or culverted stream and foul sewer is indicated as running in a west/east direction along this strip of land. A single storey house has recently been constructed in a backland area to the west of the appeal site, and a drainage ditch separates the two sites.
- 1.3. An industrial facility, which is a Seveso site, is located to the east of the appeal site, on the opposite side of Watery Lane.

2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information, consists of the demolition of the derelict cottage, the construction of a terrace of 3 No. three bedroom, two storey dwellings, and associated development.
- 2.2. The proposed houses would have an east/west orientation, with their rear gardens to the west of the site, and a small area of public open space to the east. Access would be via a shared surface laneway from the existing entrance off The Green, with two car parking spaces provided for each house.
- 2.3. The existing cottage which it is proposed to demolish has a stated gross floor space of 80 sq m, while the three proposed houses would have a combined total stated gross floor area of 317 sq m. The houses would be two storey to the front, with a

dormer style rear elevation. The maximum ridge height would be c. 7.6m, and materials comprise brick to ground floor, with plaster over and a concrete tile roof.

- 2.4. It is also proposed to lower the boundary wall of an adjacent dwelling in order to improve sightlines, and a letter of consent from the landowner was submitted.
- 2.5. The application, as supplemented by the further information submitted, included a Flood Risk Assessment, Traffic Report, Water and Drainage Report and an AA Screening Report.

3.0 Planning Authority Decision

3.1. Decision

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

- C3: Detailed requirements for surface water management.
- C5(a): Existing boundary wall of adjoining property to be reduced to 900mm above ground level.
- C6: Boundary on southern and western sides of the site to consist of 2m high capped and rendered wall.
- C12: Bond.
- C13: Development contribution.

3.2. Planning Authority Reports

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

- Density of 21.6 units per ha is low for an urban area, but it is accepted that the site's development potential is limited by its shape and restricted access.
- Applicant has in general addressed the reasons for refusal under Reg. Ref. F17A/0489.

- Applicant has demonstrated compliance with the development management standards of the Development Plan with regard to room sizes, storage provision and private amenity space.
- Issues of overlooking have been addressed by the redesign of the houses and their orientation.
- Proposed houses are visually acceptable. Height is considerably lower than previously refused scheme. Location of houses to the rear of the site, set back from the main road will ensure that they do not have a negative impact on the visual amenity of the area.
- Separation distances are adequate to address overlooking and overshadowing/loss of daylight.
- A block wall would be preferable to a timber fence.
- Proposed development would not have a significant effect individually or in combination with other plans and projects on any European sites in the vicinity.
- Open space provision will not be taken in charge, and a site management company will be employed to maintain it.
- Response to RFI is acceptable, subject to conditions.

3.3. Other Technical Reports

3.3.1. **Water Services:** No objection, subject to conditions.

3.3.2. **Transportation Planning:** No objection, subject to conditions.

3.3.3. **Parks and Green Infrastructure Division:** No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. **Irish Water:** No objection, subject to conditions.

3.4.2. **Health and Safety Authority:** The Authority does not advise against the granting of planning permission.

3.5. Third Party Observations

3.5.1. A number of third party observations were submitted. The issues raised were generally as per the appeal, as well as the following:

- Traffic impact and visibility at entrance.
- Uncertainty regarding foul sewer connection.
- Loss of privacy and sunlight.
- Works to the drainage ditch to the west, including flood risk, nature of works and future maintenance.
- Boundary treatments.
- Creation of a 'no man's land'.

4.0 Planning History

4.1. Appeal Site

4.1.1. **Reg. Ref. F17A/0489:** Permission refused for the demolition of a derelict cottage and construction of 5 No. two storey houses and associated development.

4.1.2. **Reg. Ref. F17A/0209:** Permission refused for the demolition of a derelict cottage and the construction of 5 No. houses and associated development.

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. Fingal Development Plan 2017-2023

5.1.1. The appeal site is zoned 'RS', to provide for residential development and protect and improve residential amenity. The Vision for this zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2. The appeal site is also within the consultation area of a Seveso site which is located to the east of the site.

5.1.3. The following objectives are noted:

- **PM44:** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- **DMS24:** Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.
- **DMS28:** A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- **DMS39:** 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.
- **DMS87:** Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:
 - 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
 - Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.
 - Narrow strips of open space to the side of houses shall not be included in the private open space calculations.
- **DMS57, DMS57A and DMS57B:** Relate to public open space provision.
- **DMS58:** Require an equivalent financial contribution in lieu of open space provision in smaller developments of less than three units where the open space generated by the development would be so small as not to be viable.

Where the Council accepts financial contribution in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is located c. 1.5km west of the Broadmeadow/Swords Estuary SPA and the Malahide Estuary SAC (Site Codes 004025 and 000205, respectively). Malahide Estuary is also a designated pNHA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One third party appeal was lodged by Pat Deegan on behalf of Castlefarm and Rose Cottage Residents Action Group. The issues raised in the appeal can be summarised as follows:

- Appellants welcome 2m high wall to rear private amenity areas of proposed houses, but are concerned that this wall does not include the full northern boundary of the site.
- Applicants have already cleared the entire site, including the strip of land between the site and the rear of houses at Castlefarm. This strip of land is not in the ownership of the applicants and is not included in this application.
- The original boundary wall and fencing on the northern side of the appeal site has been removed, as has mature trees and hedging on the strip of land. This has removed privacy that residents of Castlefarm have enjoyed for 40 years.
- If the area is left untreated and open there is a high probability that it will attract anti-social behaviour, expose appellants' properties to break-ins and become a dumping ground.
- To avoid this scenario and restore privacy, the applicant must construct a concrete wall along the entire northern boundary of the site. Access to the public infrastructure could be achieved with the inclusion of gates.

- Condition 6 requires a 2m high wall on the southern boundary where there is already a wall. The appellants find it difficult to understand why a similar condition does not apply to the northern boundary.
- The Board is asked to make any grant of permission conditional on the building of a concrete wall along the northern boundary.
- Site is unsuitable for type of development proposed. Similar development to the rear of house numbers 67 – 82 Castlefarm (Reg. Ref. F00A/0177 and F01A/0758) comprises three single storey houses. Permission for a fourth was refused. This site should be developed in a similar way with single storey houses only.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- Comments regarding anti-social behaviour are noted, however the houses in Castlefarm are generally already provided with a rear boundary wall/fence. The Planning Authority has no objection to a hard boundary in the form of a fence/railing, though it should be possible to access this area if required in the future and preferably by not impacting on the proposed public open space area.
- The site can accommodate three units whilst having full regard to the character of the area. Previous applications have been refused, whereas the proposed development provides the required public and private open space and does not result in overdevelopment of a restricted site.
- The Board is asked to include Conditions 12 and 13 if the Planning Authority's decision is upheld.

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 planning issues arising are as follows:

- Boundary treatments.
- Residential amenity.
- Design and layout.
- Other issues.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. Boundary Treatments

7.2.1. The principal issue raised in the appeal is the potential for anti-social behaviour, dumping and burglaries to arise from the proposal to leave the northern boundary of the appeal site with the strip of land that separates the site from the rear boundaries of the Castlefarm houses untreated and open, and the appellants request that a concrete wall be built.

7.2.2. Having reviewed the drawings submitted and inspected the site, I consider that constructing a high wall along the northern boundary would be more likely to increase the risk of the strip of land being used for anti-social purposes, or otherwise becoming a nuisance as a result of dumping, vermin infestation or vegetation overgrowth. It would also have the potential to jeopardise or impede the Local Authority's ability to access the public infrastructure which is stated as passing through the strip. The Planning Authority, in their response to the appeal, have stated that they would have no objection to a fence/railing at this location, as long as access to the area is possible.

7.2.3. I concur with the Planning Authority's position, and I consider that the erection of a 1.2m high timber post and rail fence would be a more suitable and reasonable

means of delineating the site boundary than a concrete wall. Such a fence would discourage access to the strip of land and facilitate passive surveillance of the area from the proposed houses, while still allowing access to the public infrastructure for the Local Authority/Irish Water should it be necessary. The rear gardens of the Castlefarm houses, which adjoin the strip of land are bounded by concrete block walls and are located at a higher level, and I do not consider that the proposed development would have a negative impact on their security.

- 7.2.4. With regard to the northern boundary of the access road into the development, this bounds the rear garden of a dwelling known as Rose Cottage and currently comprises a timber fence in relatively poor condition. The southern boundary of the access road, in contrast, comprises a blockwork wall. The applicant is proposing a 1.2m high post and wire fence along the boundary with Rose Cottage, and the owner of this property expressed concern in their observation to the Planning Authority regarding the adequacy of this boundary treatment for their security.
- 7.2.5. I would concur that the provision of a 1.2m high post and wire fence separating the public open space and access road from the rear garden of Rose Cottage is inadequate from a security, privacy and residential amenity perspective, and I recommend that it be replaced with a 2m high rendered blockwork wall, similar to the proposed wall at the western boundary.
- 7.2.6. With regard to this western boundary, on foot of the request for further information the applicant is proposing a 2m high blockwork wall. There is, however, an existing drainage ditch along this boundary, which the applicant is proposing to pipe and fill with stone to create a French drain, with connections from the proposed soakpits serving each house. The position of the proposed boundary wall would appear to coincide with, or overlap, the location of this drain, and the interface between these respective elements is not clear.
- 7.2.7. If the Board is minded to grant permission, I recommend that a condition be included requiring the developer to submit a revised boundary treatment scheme prior to the commencement of development, which should include a 2m high rendered blockwork wall to the north eastern boundary with the adjacent property known as Rose Cottage, a 1.2m high demountable timber post and rail fence along the northern boundary of the public open space, and a cross section and associated

details of the western boundary, indicating how the proposed 2m high wall and drain will be constructed.

7.3. Residential Amenity

- 7.3.1. The appellants contend that the proposed development will negatively impact on their residential amenities and that a single storey development would be more suitable.
- 7.3.2. The proposed houses have an east/west orientation, with a separation distance of c. 20m between the side elevation of proposed House No. 1 and the rear elevations of the Castlefarm houses to the north, and c. 17m between the rear elevations of the proposed houses and the side elevation of the single storey house to the west. The only window on the northern side elevation of proposed House No. 1 facing Castlefarm is at first floor level and serves a landing area, while the house to the west is single storey with only ground floor windows facing the appeal site. Having regard to the orientation, these separation distances and the nature of the window on the northern side elevation, I do not consider that any significant overlooking or loss of privacy impacts will arise.
- 7.3.3. With regard to overshadowing, I consider that the separation distances are adequate to ensure that no significant overshadowing or loss of sunlight/daylight will occur. I note in this regard that the houses in Castlefarm are elevated relative to the appeal site, and that the proposed houses have a reduced eaves level and shallower roof pitch to the rear, as a result of the dormer style design to the rear elevation. The overall height of the proposed houses is also reduced relative to the previously refused proposals. As a result of these aspects of the design, I also do not consider that the proposed development would result in significant overbearing impacts on any other houses in the vicinity.
- 7.3.4. In conclusion therefore, I am satisfied that the proposed development would not seriously injure the residential amenities of any dwellings in the vicinity.

7.4. Design and Layout

- 7.4.1. Objective PM44 of the Fingal Development Plan 2017-2023 is to encourage and promote the development of underutilised infill, corner and backland sites in existing

residential areas subject to the character of the area and environment being protected. Similarly, Section 12.4 states that “the development of underutilised infill and corner sites in existing residential areas is generally encouraged. However, it is recognised that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be encouraged for this type of development”. This is supported by Objective DMS39, which states that “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”.

- 7.4.2. Having inspected the site and surrounding area, I consider that the existing residential character of the area is defined by its widely varied mix of house types, sizes and designs, ranging from traditional single storey cottages to large detached contemporary dwellings to semi-detached dwellings. There is no particular uniformity to existing residential development in the area in terms of materials, boundary treatments, fenestration detailing, heights or plot sizes.
- 7.4.3. The proposed dwellings are relatively non-descript in design and are not particularly contemporary or innovative. The design to utilise a dormer style arrangement to the rear elevation does, however, serve to mitigate its visual impact and reduce the massing and bulk of the structures. The appeal site is somewhat depressed relative to Castlefarm to the north and adjoining sites and as a result the two storey design will not be significantly higher than the ridge height of existing single storey houses in the vicinity. I consider that the proposed development will contribute to the eclectic residential character of the area, and that due to its backland location it will not be readily visible within the streetscape, and will not impact on the visual amenities of the area.
- 7.4.4. While the density of the proposed development is slightly higher than the surrounding residential development, I do not consider that it is excessive. Rather, I consider that it makes more efficient use of valuable serviced and residentially zoned lands which are in relatively close proximity to Swords Main Street and I am therefore satisfied that the proposed development does not constitute overdevelopment of the appeal site.

- 7.4.5. With regard to the Development Plan standards for houses, I note that the proposed houses are generally compliant with the quantitative standards for room sizes etc. set out in Section 12.4 of the Development Plan and that the amount of private open space allocated for the proposed dwellings is in excess of the minimum requirements set out in Objective DMS87.
- 7.4.6. In conclusion, I consider the design and layout of the proposed development to be acceptable.

7.5. **Other Issues**

7.5.1. **Seveso Site**

- 7.5.2. The appeal site is located c. 33m from an industrial facility located on the eastern side of Watery Lane which is a designated Lower Tier site for the purposes of the Seveso Directive, with a 1,000m consultation distance. The Planning Authority referred the planning application to the Health and Safety Authority, who advised that they do not advise against the granting of planning permission. I am therefore satisfied that no further issues in relation to Seveso or the COMAH Regulations arise.

7.5.3. **Waste Management**

- 7.5.4. The planning application drawings do not indicate how waste will be managed for the three terraced houses and no bin stores are indicated on the drawings. If the Board is minded to grant permission, I recommend that a condition should be included requiring waste management details to be submitted to the Planning Authority for agreement, prior to the commencement of development.

7.6. **Appropriate Assessment**

- 7.6.1. The appeal site is located c. 1.5km west of the Broadmeadow/Swords Estuary SPA and the Malahide Estuary SAC (Site Codes 004025 and 000205, respectively). A report was submitted with the planning application entitled 'Habitats Directive Assessment Screening Statement in Support of Appropriate Assessment'.
- 7.6.2. The Screening Report considers the effects of the proposed development on numerous Natura 2000 sites within 15km of the appeal site, but concludes that the

Broadmeadow/Swords Estuary SPA and the Malahide Estuary SAC are the only sites with a potential hydrological link to the appeal site.

- 7.6.3. The Screening Report concludes that the proposed development will not negatively impact on the conservation objectives and/or the integrity of the Broadmeadow/Swords Estuary SPA and the Malahide Estuary SAC and likewise, that it will not have any significant effects on the integrity and conservation status of the other identified Natura 2000 sites, and that an Appropriate Assessment is not required.
- 7.6.4. Having regard to the nature and scale of the proposed development, which relates to a relatively small infill development on a suitably zoned and serviced suburban site that is surrounded by existing residential development, and which is not within or immediately adjacent to any Natura 2000 sites, I would concur with the conclusions of the AA Screening Report.
- 7.6.5. 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 Broadmeadow/Swords Estuary SPA and the Malahide Estuary SAC (Site Codes 004025 and 000205, respectively), 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.

7.7. Environmental Impact Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive locations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not 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 provisions of the Fingal Development Plan 2017-2023, 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 or property in the vicinity, would be acceptable in terms of traffic impact 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 4th day of May 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) block walls, 2.0 metres in height, capped and rendered on both sides, provided between the rear gardens of the proposed houses, along the entire western boundary of the site, and along the boundary of the site and the adjacent dwelling known as Rose Cottage which is located to the north east;
 - (b) a timber post and rail fence, 1.2 metres in height, which shall be demountable, provided along the northern boundary of the site, between the roadway to the front of house No. 1 and Rose Cottage;
 - (c) a cross section through the proposed blockwork wall along the western boundary and associated details, indicating the relationship between the wall and the drain in this location and the nature of construction;

(d) details of all proposed hard surface finishes, including footpaths, kerbing and road surfaces within the development;

(e) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of residential and visual amenity.

3. Each premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended.

Reason: To prevent unauthorised development.

4. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

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. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

7. 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.

8. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. 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.

10. 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 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.

11. 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. 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.

Niall Haverty
Planning Inspector

25th October 2018