



An
Bord
Pleanála

Inspector's Report ABP.303031-18

Development	Conversion, repair and extension of former shed and workman's cottage to create two dwelling units and ancillary works.
Location	Russborough House, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18/979
Applicant(s)	Alfred Beit Foundation
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	7 th February 2019
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located within a western courtyard of Russborough House, Blessington, Co. Wicklow. Russborough House is accessed off the N81.
- 1.2. Russborough House is a Palladian House built in c. 1741. The house is open to the public throughout the year and there are a number of attractions within the estate including wooded walks and an aviary.
- 1.3. The location of the proposed development is situated within the western courtyard of the house. This courtyard is currently unoccupied and largely overgrown.
- 1.4. The courtyard is adjoined by surface parking area for coaches.
- 1.5. There is a large dividing wall situated to the centre of the courtyard.
- 1.6. The courtyard is enclosed by original stone wall.
- 1.7. There is an original single storey derelict cottage situated to the north of the courtyard.
- 1.8. There is also a relatively new single storey shed structure situated to the east of the courtyard.

2.0 Proposed Development

- 2.1. The proposed development consists of the conversion, repair and extension of the former shed and workman's cottage to create 2 no. long term rental single storey dwelling units within the courtyard.
- 2.2. The existing single storey workman's cottage is situated to the north of the courtyard. The existing cottage has a floor area of approximately 26.4 sq. metres and it is proposed to extend this cottage with a floor area of approximately 70 sq. metres. Therefore, it is proposed that the overall floor area of this cottage (i.e. Cottage B) will be 96.4 sq. metres.
- 2.3. The floor plan of Cottage B will consist of a 2-bedroom unit. The original cottage area will be used to accommodate living room and kitchen area. The proposed extension will accommodate 2 no. bedrooms. The proposal also includes an internal light well.

- 2.4. The existing single storey shed to be demolished has a floor area of 22 sq. metres. The overall floor area of the proposed cottage (i.e. cottage A) is 86.4 sq. metres.
- 2.5. The proposed floor plan comprises of a 2-bedroom unit with livings space. The proposal also includes an internal light well.
- 2.6. The external courtyard will provide for car parking provision.
- 2.7. The proposal also involves a new ope in the courtyard wall to the South Courtyard to facilitate a vehicular entrance.
- 2.8. The proposed vehicular access onto the public road to serve the proposed residential units is off the N81 which is the main bus / coach entrance to Russborough House.

3.0 Planning Authority Decision

- 3.1. Wicklow County Council decided to **refuse** planning permission for the following reasons;
 1. Having regard to the nature, design and use of the proposed development, it is considered that the proposals for two long term rental dwellings does not come within the scope of tourism related accommodation and represents two rural dwellings units. The proposed dwelling would therefore represent sporadic development in a rural area contrary to the settlement strategy as set out in the County Development Plan, would set a precedent for similar footloose development which would undermine the policies of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
 2. The proposed entrance is located on a heavily trafficked National Primary Route at a point where the maximum speed limit applies.
 - a. It is considered that additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard, and

- b. That the proposed use of this entrance would materially contravene condition no. 5 of PRR 09/110 which stipulated that the proposed western entrance on the N81 shall not be used as a public or customer access to Russborough House other than access by buses or similar Public Service Vehicles and that all public or customer access by car, motorcycle, bicycle and pedestrians etc shall be via the existing Eastern Gate access from Bishopshill Road.
- c. The applicant has failed to demonstrate that the proposed water supply is adequate and fit for human consumption. The proposed development would, therefore, be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The principle of development for a residential use for short-term letting is generally acceptable but there are concerns in relation to rural housing policy for long-term letting.
- The renovation of the derelict cottage is considered acceptable.
- The part amendment of the courtyard wall to facilitate car parking provision is considered acceptable.
- The proposal will not have a negative impact on visual amenities.
- It is considered that the access off the N81 would not be suitable.
- It is not considered that the proposed works will have a detrimental impact on the character and setting of the protected structure.
- No AA issues arise.

3.3. Internal Reports;

- Environment Health Office; - Further information required.

- Water Services; - No issues in relation to water supply. Concern in relation to access onto N81.
- Dublin City Council; - No objections in relation to water services.

3.4. Third Party Observations

None

4.0 Planning History

- L.A. Ref. 18/1011 – Permission **granted** for new vehicular entrance onto L8336 subject to 6 no. conditions.
- L.A. Ref. 15/204 – Permission **granted** for change of use to existing outer western courtyard from open ancillary courtyard to an aviary tourism attraction.
- L.A. Ref. 14/1345 – Permission **granted** for extension of appropriate period to L.A. Ref. 09/110.
- L.A. Ref. 13/8845 – Permission **granted** for change of use of 1 no. room measuring 33 sq. metres from office to café use, including alteration to internal window.
- L.A. Ref. 09/110 – Permission **granted** for widening of entrance from N81, reconstruction of entrance walls and new gates, demolition of farm buildings, overflow car park, exhibition space in basement, alterations to elevations, waste water treatment plant pump, polishing filter and alterations to walled garden.

- L.A. Ref. 08/1934 – Permission **granted** for minor alterations to the west wing to create short term guest accommodation which will be let by the Irish Landmark Trust.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Wicklow County Development Plan, 2016 – 2022.

Rural housing policy provisions include;

- **HD20:** Urban generated housing shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development (see objective HD19).
- **HD23:** Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside.

Residential development will be considered in the countryside in the following circumstances:

1. A permanent native resident seeking to build a house for his / her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of levels 8 and 9), or resided in the rural area for at least 10 years in total prior to the application for planning permission.

2. A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, who can demonstrate a definable social or economic need to live in the area in which the proposal relates and not as speculation.
3. A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, whose place of employment is outside of the immediate environs of the local rural area to which the application relates and who can demonstrate a definable social or economic need to live in the area to which the proposal relates and not as speculation.
4. Replacing a farm dwelling for the needs of a farming family, not as speculation. If suitable the old dwelling may be let for short term tourist letting and this shall be tied to the existing owner of the new farm dwelling were it is considered appropriate and subject to the proper planning and development of the area.
5. A person whose principal occupation is in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.
6. An immediate family member (i.e. son or daughter) of a person described in 5, who is occupied in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.
7. A person whose principal occupation is in a rural resource based activity (i.e. agriculture, forestry, mariculture, agri-tourism etc.) can demonstrate a need to live in a rural area in order to carry out their occupation. The Planning Authority will strictly require any applicant to show that there is a particular aspect or characteristic of their employment that requires them to live in that rural area, as opposed to a local settlement.

8. A close relative who has inherited, either as a gift or on death, an agricultural holding or site for his/her own purposes and not for speculation and who can demonstrate a definable social and / or economic need to live in the area to which the proposal relates.
9. The son or daughter of a landowner who has inherited a site for the purpose of building a one off rural house and where the land has been in family ownership as at 11th October 2004 for at least 10 years prior to the application for planning permission and not as speculation.
10. An emigrant who qualifies as a permanent native resident, returning to a rural area in County Wicklow, seeking to build a house for his/her own use not as speculation.
11. Persons whose work is intrinsically linked to the rural area and who can prove a definable social or economic need to live in the rural area.
12. A permanent native resident that previously owned a home and is no longer in possession of that home (for example their previous home having been disposed of following legal separation / divorce / repossession, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration) and can demonstrate a social or economic need for a new home in the rural area.
13. Permanent native residents of moderate and small growth towns, seeking to build a house in their native town or village within the 60kph / 40mph speed limit on the non national radial roads, for their own use and not as speculation as of 11th October 2004.
14. A person whose business requires them to reside in the rural area and who can demonstrate the adequacy of the business proposals and the capacity of the business to support them full time.
15. Permanent native residents of the rural area who require a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs.

16. Persons who were permanent native residents of a rural area but due to the expansion of an adjacent town / village, the family home place is now located within the development boundary of the town / village.

Policy H25 states '*The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria*;

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. (A structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features
- wherever possible and make use of traditional and complementary materials, techniques and specifications.

6.0 National Guidelines

6.1. National Planning Framework, 2018

NPO 19 is relevant and states '*in rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to viability of smaller towns and rural settlements*'.

6.2. Sustainable Rural Housing Guidelines

The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines

note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

7.0 The Appeal

7.1. The following is the summary of a first party appeal;

Refusal Reason no. 1

- It is submitted that the Planning Authority have accepted the principle of the design and the form of the development.
- It is submitted that the Planning Authority have not made the connection between the long-term rental units and long term sustainable tourism resource.
- It is contended that the proposal is not a footloose development nor is it a sporadic development.
- Russborough House is unique as a heritage resource.
- It is submitted that short-term rentals permitted under L.A. Ref. 08/1934 are not commercially viable.
- Following the permission of L.A. Ref. 08/1934 it was estimated that these units would be occupied for 50% of the year. The actual occupation was 15% per year for the 3 years of their operation.
- Having regards to overheads the short-term rentals were not economically viable.
- The proposed long-term rentals would provide sustainable incomes for the long-term viability of Russborough House. Russborough House is an important outlet for the public.
- It is submitted that none of the dwellings will be sold and will always remain in the ownership of the charitable organisation.

- It is submitted that the proposal is not sporadic nor will the proposed development set an undesirable precedent as it cannot be replicated elsewhere in Russborough House.
- The Planning Authority do not cite any policy objective in their refusal reason as such Policy Objective H23 would not apply.
- The proposed development is fully in accordance with Policy Objective HD25.
- The proposed development is also consistent with Policy T7.
- The renovation and extension of the cottage and outhouse must be considered in the context of sustaining Russborough House as a resource.
- Policy H23 does not cover the current application.
- The purpose of the renovation is to provide for the economic need of Russborough House.

Refusal Reason no. 2

- The use of the entrance onto the N81 has significantly reduced since 2009 following the closure of the quarry.
- There are two options for vehicular entrance. Option 1 provides an entrance onto the N81 and Option 2 provides an entrance to the east of Russborough House.
- The N81 entrance provides for 160m sightline provision in either direction from a setback of 2.4 metres.
- The N81 entrance is a gated entrance and there is sufficient space to allow two cars wait for the gates to open. The gates are remote controlled.
- There are 3 no. manual bollards located to the front of the eastern entrance. It is proposed to replace these 3 no. manual bollards with automatic bollards.
- The provision of automatic bollards would ease previous concerns in terms of safety.
- It is submitted that additional signage can improve safety.

- There is a live planning application to alter the access arrangements for visitors to Russborough House. The application is L.A. Ref. 18/1011.
- This application (L.A. Ref. 18/1011) will allow access for the proposed development.
- There are two vehicular access options for the Board to consider.

Refusal Reason no. 3

- The water supply will be from the well that serves the café, the short-term rental unit in Russborough House and other units and activities in the Russborough House.
- The system allows for water to be pumped to the pump house and there follows several rounds of filtering.
- The quality of the water supply fully complies with the EU (Drinking Water) Regulations 2014.

8.0 **Assessment**

- Principle of Development.
- Conservation
- Vehicular Access
- EIAR
- Appropriate Assessment Screening
- Other Issues

8.1. **Principle of Development**

- 8.1.1. The proposed development involves the conversion of two unoccupied structures, both of which are in poor condition, into two habitable dwellings. The existing structures are located within the western courtyard of Russborough House. The

purpose of the proposed development is to provide for two long-term lets to provide an income stream for Russborough House which is a tourism resource.

- 8.1.2. I would consider that the application relates to two different types of housing proposals. One of the proposed houses relates to a renovation / conversion of a former workman's cottage whereas the second house proposed relates to the demolition of a modern outbuilding and its replacement with a new dwelling. Only one of the structures was previously a residential use.
- 8.1.3. One of the unoccupied structures is a former workman's cottage. The cottage is single storey in height and it is proposed to incorporate the former workman's cottage into a two-bed habitable dwelling. This will involve retaining the external and internal walls of the original cottage and incorporating this cottage into the new build. The proposal involves placing a bedroom either side of the cottage and placing a large glazing elevation to the front of the former cottage. This proposal will, in my view, retain much of the original character whilst retaining the cottage within a future use. This is an important conservation principle and it is a recommendation of the Architectural Heritage Protection Guidelines of Planning Authorities, 2011, that the most practical approach of retaining historic structures is keeping them in use.
- 8.1.4. The second structure situated in the western courtyard is a modern brick constructed shed type building. There is a no conservation justification for this proposed house as the established outhouse is a modern build and its sole purpose is to provide a revenue stream for Russborough House.
- 8.1.5. I have reviewed the contents of the application and the rural housing policy in the Wicklow County Development Plan I would conclude that Policy HD 23 would not be a relevant consideration as the applicant is not seeking a house on the basis of a rural housing need.

8.1.6. I would consider that the relevant policy consideration in the County Development Plan is Policy HD 25. I am of the opinion, based on a visual observation of the area and submitted drawings that the renovation / conversion of the former workman's cottage would be consistent with Policy HD 25. However, the demolition of a modern outhouse structure situated in the southern part of the courtyard and its replacement would not be consistent with Policy HD 25.

8.1.7. In principle therefore, I would consider that the proposed northernmost dwelling would be acceptable and consistent with Policy Objective HD25 however the principle of the southernmost dwelling would not be acceptable as this would introduce a new residential use within the curtilage of Russborough House.

8.2. **Conservation**

8.2.1. Russborough House, built in 1741, is a house of national conservation importance. Russborough House is a protected structure in accordance with the provisions of the County Development Plan and the conservation protection includes the curtilage and therefore would include the western courtyard.

8.2.2. In paragraph 8.1.3. I refer to the principle of the proposed development and in particular the northern most dwelling. I would consider that, having regard to the Architectural Heritage Protection Guidelines of Planning Authorities, 2011, that the principle of the northern most dwelling would be acceptable.

8.2.3. The existing courtyard wall which encloses the courtyard would appear to be the original courtyard wall. The height of this wall ranges from approximately 2m to 2.5m above ground level. There is an established vehicular entrance from the adjoining car park to the courtyard. This existing entrance is proposed as the vehicular entrance to serve the proposed northernmost house and the proposal would involve limited intervention to this existing entrance and original wall structure.

- 8.2.4. The proposed development involves the introduction of a new opening to the western wall of the courtyard. The purpose of this opening is to facilitate a vehicular entrance for the proposed southernmost house.
- 8.2.5. The proposed development will also alter the eastern courtyard wall by introducing a low-level window. The northern and southern courtyard walls will remain unchanged.
- 8.2.6. Overall the roof of the proposed houses will generally be visible above the courtyard walls. However, I would not consider that the design of the proposed development would adversely impact on the character or the historic setting of the courtyard structure which is a protected structure.

8.3. **Vehicular Access**

- 8.3.1. The original vehicular entrance for the proposed development was onto the N81 where there is an established vehicular entrance for coaches / buses.
- 8.3.2. The appeal submission indicates that the sightline provision for the existing entrance onto the N81 is 160m in either direction. I would note that the sightline provision is indicated on an aerial photograph image but not illustrated on a scaled drawing. The County Development Plan requires a sightline provision of 160m in either direction on a road with a speed limit of 85kph.
- 8.3.3. I noted from my site inspection that the sightline provision in a northern direction was generally good however the sightline provision in a southern direction is more challenging. The N81 rises gently upwards from the existing entrance in a southern direction and then falls steadily at a dwelling situated within the 160m range. Vehicles exiting Russborough House at this entrance would have to cross the N81, where maximum speed limits apply, before travelling southwards.

- 8.3.4. I would also note that the report from the Water Services Engineer indicated concerns with the vehicular entrance onto the N81.
- 8.3.5. The appeal submission includes an alternative vehicular entrance. This alternative option involves using the existing entrance to the east of Russborough House. This established entrance is currently used for members of the public accessing Russborough House and the entrance is also used by staff of Russborough House. The traffic generation from the proposed development would not be significant.
- 8.3.6. Overall, I would consider, given the class of road from which the alternative entrance adjoins, the expected traffic generation from the proposed development, that the proposed sightline provision would be acceptable and would not give rise to a traffic hazard. I would consider that the proposed vehicular entrance is acceptable in terms of public safety. I would therefore not support the Local Authority refusal reason 2 (a) and (b).

8.4. **EIA Screening**

- 8.4.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

8.5. **Appropriate Assessment Screening**

- 8.5.1. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

8.6. **Other Issues**

- 8.6.1. The water supply to serve the proposed development will be served by an existing private well. I would consider that any issues regarding water supply can be adequately dealt with by condition should the Board favour granting permission.

9.0 **Conclusion**

- 9.1.1. In conclusion therefore, and on the basis of the assessment above, I would recommend to the Board that permission should be granted for the proposed northernmost house and a condition is attached to the grant of permission omitting the southernmost house from the proposed development as this proposed house is not in accordance with Policy Objective H25 of the County Development Plan.

10.0 **Recommendation**

- 10.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

11.0 **Reasons and Considerations**

Having regard to the proposed development and the policy objectives of the Wicklow County Development Plan, 2016 - 2022, and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and particulars submitted to the Board on the 20th November 2018 and, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require points of detail to be agreed with the planning

authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:
 - a. The proposed southernmost house shall be omitted from the proposed development.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting architectural heritage.

3. The house, hereby permitted, shall not be separately sold off from the main estate nor shall the house be owner occupied. The permitted house shall be used for the purpose of long-term letting which shall be ancillary to the primary tourism use within Russbourrough House.

Reason; In the interest of clarity and the proposed site is located in a rural area where it is considered necessary to restrict the number of new houses in the area.

4. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric. (b) All repair works to the protected structure shall be carried out in

accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. (c) All existing original features, including interior and exterior fittings/features, shall be protected during the course of works.

Reason: To ensure that the integrity of the retained structure is maintained and that the structure are protected from unnecessary damage or loss of fabric.

5. An architectural impact statement and conservation plan for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation and presentation works.

Reason: To ensure that these elements of the historic structure are maintained and protected from unnecessary damage or loss of fabric.

6. The entire premises shall be used as a single dwelling unit only.

Reason: To prevent unauthorised development.

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

8. 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 and to ensure a proper standard of development.

9. Prior to the commencement of development the developer shall submit a full and detailed construction management plan which shall include a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures(including details of truck wheel wash at the site entrances) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the council. Details to be agreed in writing with the Planning Authority.

Reason: In the interest proper planning and sustainable development of the area.

10. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

11. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of

the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

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

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kenneth Moloney
Planning Inspector
8th March 2019