



An
Bord
Pleanála

inspector's Report ABP-303185-18

Development	Home alterations and extension
Location	Roseanna, Quayside, 12 Bullock Harbour, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0903
Applicant(s)	Chariot Inns Ltd.
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Damian and Siobhan Gill
Observer(s)	Finola O' Neill and Others Susan McDonnell, Bullock Harbour Preservation Association
Date of Site Inspection	20.02.2019
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site is located on the quayside at Bullock Harbour. The site has a stated area of 0.04686 and currently accommodates a single storey, semi-detached period dwelling with a two storey return. The existing dwelling has a floor area of c. 165 sq. metres. To the east of the site, there is an existing access lane which leads to a pumping station located to the north east. The attached house to the west is of similar style and character and has been extended to the rear. Both dwellings have been subject to alterations over the years including changes to the fenestration and roof profile. The dwelling is served by a front and rear garden but currently has no vehicular access.

2.0 Proposed Development

2.1. The proposed development comprises:

- Demolition of the existing two storey return to the rear with a floor area of c. 48 sq. metres.
- Construction of a part two storey, part single storey extension to the rear with a floor area of c. 119 sq. metres.
- Alterations to the first floor level of the dwelling including the raising of the ridge height of the existing roof by approximately 400mm.
- Alterations to the dwellings front and side elevation.
- Part conversion of the front garden to hardstanding with a new vehicular entrance gate to the front boundary wall and a new side pedestrian gate.
- Provision of a dished footpath to the front of the site and all associated site and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions generally standard in nature. **Condition 3** requires the applicant to submit to the Planning Authority for its written

agreement, a proposal for future proofing the proposed extension from the worst effects of possible flood damage in an extreme event.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report (15.11.2018)**

- The adjoining dwelling has had its ridge height increased in the past. The subject dwelling is set back from the adjoining dwelling and as such it is considered that the increase of ridge height while noticeable, will not be excessive and could not be considered visually unacceptable.
- The plant room is associated with a residential unit and it is considered that the noise levels of plant serving a dwelling should not be excessive or unacceptable.
- The proposed extension is located to the northeast of the adjoining property and there should not be excessive levels of overshadowing or loss of light. Given the set back off the boundary, the development would not be overbearing on adjoining property.
- Given that the dwelling is not a protected structure and is not within an Architectural Conservation Area, the elevational amendments are acceptable.

3.2.2. **Other Technical Reports**

Drainage Planning (13.11.2018): No objection subject to condition.

Transportation Planning (07.11.2018): No objection subject condition.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland (23.10.2018): Note that pollution of adjacent coastal waters from poor on site construction practices could have a negative impact on the flora and fauna of waters in Bullock Harbour. Measures should be taken to protect local aquatic ecology. Receiving foul and storm water infrastructure should have capacity to accept predicted volumes.

3.4. Third Party Observations

3.4.1 A number of third party observations were made on the application. Issues raised are similar to those raised in the third party appeal and observations summarised in section 6 below.

4.0 Planning History

4.1 There is no planning history pertaining to the subject site. In the vicinity, there have been a number of applications refused on a site located to the north for the demolition and clearance of existing industrial warehouses and sheds and the development of a mixed use commercial, leisure/community and residential development – application references D17A/1135, D16A/0916 and D16A/0906 refer. The most recent of these applications is currently under appeal to the Board – ABP301237-18.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: “*To protect and/or improve residential amenity.*” The principle of a residential extension is acceptable under this zoning objective.

5.1.3 There is a specific local objective pertaining to the site to the north:

Specific Local Objective 22 Bullock Harbour: That any residential development shall form part of a mixed use scheme which will include commercial marine based activity and public water based recreational uses and shall have regard to the special nature of the area in terms of the height, scale, architecture and density of built form.

5.1.4 The site is within an area of an archaeological monument namely RMP Duchas no. 023-020 Tower House, Grave Slab and Quay.

5.1.5 The flood zone maps set out in Strategic Flood Risk Assessment of the County Development Plan indicate that parts of Bullock Harbour falls within both flood zones A and B. The site is however, not located in either zone.

5.1.6 **Section 8.2.3.4** of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- In determining first floor extensions the Planning Authority will have regard to factors such as:
 - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
- Criteria to consider where roof alterations are proposed include the character and size of the structure; its position on the streetscape and proximity to adjacent structures; existing roof variations on the streetscape; distance/contrast/visibility of proposed roof end; harmony with the rest of the structure, adjacent structures and prominence.

5.2. **Natural Heritage Designations**

5.2.1 The nearest Natura 2000 sites are the Rockabill to Dalkey Island SAC and the Dalkey Islands SPA located c. 1km to the east and south east of the site.

5.3 **EIAR Screening**

5.3.1 Having regard to nature of the development comprising a domestic extension and the urban location of the site 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.

6.0 The Appeal

6.1. Grounds of Appeal

Damian and Siobhan Gill, No. 11, Harbourville, Bullock Harbour, Dalkey

- Concerns regarding potential structural damage to their dwelling, located immediately adjacent, which may have implications for insurance.
- Consider that the development, due to its excessive size and scale will have a negative impact on the residential amenities of their property in terms of loss of privacy, overshadowing and loss of light.
- State that an inadequate assessment of these issues was given by the Council.

6.2. Applicant Response

- Matters pertaining to potential damage to the adjacent property during the construction phase are not planning issues and are regulated by construction and building control legislation. Note that the adjacent dwelling was completely demolished under Planning Authority Reference D97A/0056 and replaced with the current larger dwelling. The appellant's new build stands completely on its own foundations and block wall. Whilst the two buildings may look semi-detached, they are structurally detached and only linked at the roof level with a small air gap between the properties. The floor plans submitted with the application pertaining to no. 11 under D97A/0056 clearly indicates the gable wall of the dwelling as a 'new 300 cavity wall to boundary'.
- Note that the planner's report has adequately addressed the issue of overlooking. State that the existing dwelling has a rear facing window and a large side window and it is possible to view directly into the appellant's living rooms from the side windows perspective. The proposed development removes this window and replaces it with a high level obscure window which will benefit both dwellings. The proposed rear facing bedroom window will be repositioned further to the rear but will remain rear facing with the same views as present.
- State that the development is situated north of the Appellant's property and will not impact on the existing light levels. The first floor extension will maintain the

existing building's distance from the boundary wall and will extend in line with the neighbouring property return. The ground floor is set back considerably from the boundary. Shadow report submitted to demonstrate that the kitchen and bedroom window of the neighbouring property are largely in shade from the appellant's own property.

- It is proposed to install a NIBE heat pump system which is a zero emission system and complies with all relevant legislation concerning noise levels emitted by domestic heating appliances. The system will be located within protective housing. The external unit connects via pipe runs to the internal unit which requires it to be sited as detailed.
- The drainage survey and report submitted with the application makes a number of site specific recommendations. No objection has been raised by the Drainage Department. Note that submissions refer to the site being inundated with seawater from overtopping waves. This is not the case and the site is substantially removed from the affected areas and is outside the high tide zone. Detail that the sewage pumping station is located between the property and the rocks to the rear and this has never been flooded or damaged by overtopping waves. There is no history of flooding on the site.
- Submit that the appellant's property has been substantially extended from c. 80 sq. metres to 252 sq. metres and includes a large double storey rear extension. The roof profile and ridge height of the appellant's property are substantially greater than the original built form. The proposed development has been informed by this precedent as well as a number of other dwellings which have been extended in the vicinity. Consider that the sale of the development is very similar in proportion to neighbouring property extensions.
- The development will keep to the existing pattern of development in the immediate area and will be completed in high quality materials to reflect the character of the period cottage and the setting of the harbour. Consider granite on the north wall will harmonise with the pumping station. It was considered important to keep the first floor element in line with the neighbouring property return and to keep the majority of the extension single storey, rather than bulk

up the first floor extension. The development will have no adverse impact on the residential amenity of neighbouring properties.

- The extension allows for a substantial 160 sq. metre amount of usable open space which is considerably in excess of the minimum standards.

6.3. **Planning Authority Response**

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

6.4. **Observations**

Bullock Harbour Preservation Association and Finola O' Neil and Others, Grianan, Harbour Road, Dalkey

6.4.1 Issues raised overlap and can be summarised as follows:

- Concerns regarding the extent of rear extension which is considered to be overbearing and that it will result in a loss of privacy and cause overshadowing and loss of light to the adjacent dwelling – Harbourville.
- Consider that the development will dominate views from the historic harbour, is inappropriate in the context of the site and will set an undesirable precedent.
- Object to the pump room on the basis of potential adverse noise impacts.
- Concerns regarding potential impacts from 'overtopping' events with seawater entering the site and causing increased risk of flooding to the property and the adjacent dwelling.
- State that surface water attenuation proposals are inadequate due to the fact that the extension covers most of the rear garden reducing the extent of soakage area.
- Submit that the development may result in structural damage to the adjacent dwelling.

6.5. Further Responses

Dun Laoghaire Rathdown Co. Co. 06.02.2019:

- No further comment.

Finola O' Neill (11.02.2019):

- Reiterates concerns regarding the height and scale of the extension which it is considered would be oppressive and reduce light to the adjacent property Harbourville.
- States that comparison to extension at 'Grianan' is misleading as this dwelling is set on a much larger site.
- States that pumping station does not protect the quayside from wave surges and that the rear garden of 'Quayside' is affected. The current soakage area to the rear of Quayside would be reduced and will increase flood risk. The property was affected by the extreme flood events in 2017 and 2018.
- Concern that flat roof will be used as a roof terrace.

Bullock Harbour Preservation Association (07.02.2019)

- Reiterates concerns regarding overshadowing and overbearing impacts and that development will dominate the view from the harbour.
- State that length of extension should be reduced to minimise potential impacts from overtopping events. Video evidence of overtopping events submitted and that the subject property was affected. Affidavit from former resident submitted stating that the garden of the dwelling flooded in storm events. Concern that rainwater harvesting tank is inadequate to deal with the water volumes in a severe storm.

Damian and Siobhan Gill (11.02.2019):

- States that it is inaccurate to refer to the two dwellings as detached, that there is no gap between the two dwellings and that they are attached. Thus any demolition works will have to take into account the existing gable wall and roof of no. 11.

- Note that existing return has no windows in the rear elevation and consider development will cause overlooking. The height and scale of the single storey extension and proximity to the boundary will have a detrimental impact on the amenities of Harbourville.
- Consider sunpath diagrams are inadequate as none show the impacts after 6pm and do not address reflected light. Development will have an impact on late summer evening sun that Harbourville currently enjoys.
- States that the current proposal is far denser than what was permitted at no. 11. Consider other planning precedents referenced by the applicant as irrelevant to the subject proposal. The works proposed are more extensive than any works granted permission in the vicinity and that the single storey element is considerably taller than the average single storey extension. It is a storey and a half in height and would be a considerable infringement to no. 11. Consider floor to ceiling height should be reduced.
- Consider that further details should be requested regarding pump due to its potential for adverse noise impacts.
- Submit video evidence of flooding events that affect Quayside. The reduction of soakage area and its potential effect on flooding has not been adequately addressed.

7.0 **Assessment**

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

- Principle of Development.
- Impact on Residential Amenity.
- Surface Water Drainage and Flooding.
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1 The proposed development comprises extensions and alterations to an existing dwelling house in Bullock Harbour. The dwelling is one of a pair of semi-detached period properties, however, it is not a protected structure, nor is it located in an architectural conservation area. To the rear, it is proposed to develop a large two storey, part single storey extension. The design is contemporary and clearly distinguishes the extension from the main body of the house. Materials proposed include granite and metal cladding which are appropriate in the context of the existing pumping station located to the north east of the site.
- 7.2.2 The existing dwelling has undergone a number of alterations both internally and externally. Inappropriate fenestration has been installed and the size and proportions of opes modified. Surrounding plaster architraves and quoins were removed and most of the historical material including roof timbers, internal walls and floors have been lost. The dwelling is generally in a poor and dilapidated condition and its redevelopment in this context is welcomed.
- 7.2.3 I note that the development will reinstate the 19th century front elevation. The contemporary sand cement render will be replaced with a lime render and it is proposed to reinstate the decorative plaster quoins and to form plaster architraves to the window surrounds. More appropriate fenestration and front door are proposed and original proportions of these features reinstated. In this context, I am satisfied the development will significantly improve the visual appearance of the dwelling.
- 7.2.4 The existing dwelling is not served by a vehicular access. I note that the dwelling to the immediate south east is provide with off street parking and a vehicular access. In this regard, I have no objection to the proposed vehicular entrance, subject to its width being reduced to 3.5 metres.
- 7.2.5 Nor have I any objections to the proposal to increase the ridge height by c. 400mm. The increase will provide for an increased ceiling height internally which will improve the amenity of the proposed accommodation. The roof will be re-slatted with new natural slates. I note the adjacent dwelling has previously increased its ridge height, and in this context, the development will assimilate appropriately.

7.2.6 The site is zoned objective A under the current development plan. Having regard to the zoning of the site and the extent and nature of the proposed development, I am satisfied that the principle of the development is acceptable at this location.

7.2.7 I note some concerns have been raised by the appellant regarding potential structural damage to the adjacent property during the construction phase. The applicant has highlighted that the adjacent property was reconstructed under a permission granted in 1997 and that the two dwellings do not in fact share a party wall and are structurally detached. Whilst I note the appellants comments that the two dwellings are attached, I am satisfied that any potential impacts during the construction phase can be addressed through appropriate construction management.

7.3. Impact on Residential Amenity

7.3.1 A number of concerns have been raised by the appellant and observers regarding the extent of the rear extension and its potential impacts on the neighbouring property – Harbourville in terms of overlooking, overshadowing and overbearing impacts as well as potential noise impacts from the proposed plant room located adjacent to the boundary with this dwelling.

7.3.2 In terms of overlooking, I note that the existing rear two storey return of the dwelling has fenestration located on its side (south eastern) elevation facing the boundary with Harbourville. There are existing views from this window to the rear garden of this dwelling as well as the side elevation and windows of this dwelling. The development proposes to omit this window and replace it with a high level window with obscure glazing which will significantly reduce potential overlooking impacts.

7.3.3 As is evident from the plans and particular submitted, the only fenestration on the rear elevation comprises one rear facing window serving bedroom 3 and two smaller windows serving an ensuite and dressing room of bedroom 1. Given that this fenestration is serving ancillary accommodation and a bedroom, opportunities for overlooking will be limited. The proposed arrangement is similar to many suburban contexts and views to the adjacent property will be limited and oblique. I am satisfied in this context, that no adverse overlooking or loss of privacy will occur.

7.3.4 In addressing the issue of overshadowing, the applicant has submitted with their appeal response a detailed shadow study. This clearly indicates that due to the

orientation of the development that no adverse overshadowing impacts are likely to arise. As will be detailed further below in the consideration of potential overbearing impacts, the site has been appropriately sited in my view, to minimise any potential overshadowing impacts and will not result in on any material diminution of daylight or sunlight to Harbourville.

7.3.5 Concerns have been raised by both the observers and appellant that the scale of the development will have an overbearing impact when viewed from the adjacent dwelling and that it also inappropriate in the context of the wider historical context of Bullock Harbour.

7.3.6 Whilst the rear extension is undoubtedly large, I note that appropriate set backs have been retained between the extension and adjacent boundaries. At ground floor level, the single storey element of the extension will be set back from the boundary with no. 11 by c. 1.8 metres and will be approximately 4.1 metres to the side of the rear return. The first floor element will be set back from the boundary by c. 3.4 metres and 5.5 metres from the rear return of no. 11. The length of the rear extension extends to c. 12.9 metres at ground floor and has a height of c. 3.9 metres. Whilst it will extend my approximately 5 metres beyond the rear building line of the return of the adjacent dwelling, I am satisfied that having regard to the set backs proposed, that no adverse impacts will occur. The shadow study submitted with the appeal response, provides useful 3D modelling of the proposed rear extension in the context of the existing dwelling, Harbourville. I am satisfied that the proposed rear extension has been appropriately scaled and set back so as to avoid any potential negative overbearing impacts to this dwelling. The appellant has suggested that the floor to ceiling height of the single storey extension be reduced to 2.4 metres. However, such a reduction would reduce the internal amenity of the proposed extension.

7.3.7 With regard the proposed plant room which is to accommodate a heat pump, I note the applicant's submission that it is proposed to install a zero emission system. The pump will be located within an enclosed plant rom which will mitigate any potential noise impacts. Given the domestic nature of the pump, I am satisfied that adverse noise impacts are unlikely.

7.3.8 Some of the submissions by the observers have raised concerns regarding the visual impact of the development in the context of the historical setting and character of Bullock Harbour. The applicant in their appeal submission has set out a detailed analysis of the design considerations that have informed the development. There will be southward views of the side elevation of the development. I note however, that the development will incorporate high quality materials including granite which will help assimilate the dwelling with its existing context.

7.3.9 There are no protected views pertaining to the site and I note that other properties in the vicinity have been subject to significant extensions, including the adjacent dwelling, no. 11. I would concur with the assessment of the planning authority that the development is not out of scale having regard to the prevailing pattern of development. The proposal has kept the first floor element of the extension in line with the neighbouring property return, with the majority of the additional floorspace accommodated in the single storey extension. This has reduced the overall scale and bulk of the development and the first floor element is similar to the existing return when viewed from the north. Only transient glimpses of the development will be visible from Bullock Harbour. I am satisfied in this regard, that the development will not have an adverse visual impact on the wider setting and character of the area

7.4. Surface Water Drainage and Flooding

7.4.1 A number of parties have raised significant concerns regarding the potential impacts of overtopping to the site which may exacerbate flooding on adjacent lands.

Overtopping refers to the phenomena of waves containing projectiles such as debris and rocks crashing onto adjacent lands during extreme weather events. It is contended that due to climate change, this is occurring more frequently at Bullock Harbour and that overtopping at the subject site may cause seawater to flow into the adjacent property. Video evidence has been submitted by some parties showing flooding during extreme weather events. It is submitted that flooding will be exacerbated by the extent of the rear extension and the reduction in the rear garden soakage area. Concerns have also been raised regarding the adequacy of the surface water attenuation proposal in this regard.

7.4.2 Whilst the appellants and observers concerns are noted, I note that no technical evidence has been submitted to support the assertion that the proposed

development will exacerbate flooding and in this regard, the comments are somewhat anecdotal. As noted above, the flood maps of the Strategic Flood Risk Assessment appended to the County Development Plan indicates that whilst parts of Bullock Harbour are in flood zones A and B, the subject site itself is not located in either zone.

7.4.3 The applicant has submitted an engineering report which sets out proposals for surface water drainage including the provision of a rainwater harvesting tank. No objection to the development has been raised by the Drainage Department of Dun Laoghaire Rathdown County Council regarding the proposal. A condition has been recommended that the applicant submit proposals for future proofing the extension from the worst effects of flood damage should they arise. The measures detailed in the condition in my view are appropriate. Whilst I note that overtopping events occur to the north of the site, the subject site is set back considerably from the coastal area to the north and impacts during extreme events to the subject site are more limited.. In conclusion, I am satisfied that the development due the proposed surface water attenuation and suds measures incorporated will not exacerbate flooding.

7.5. **Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, a domestic extension within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, 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 and would not cause adverse flooding impacts. 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 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. a) Prior to the commencement of construction, the Applicant shall submit to the Planning Authority, for its written agreement, a proposal for future proofing the proposed extension from the worst effects of possible flood damage in an extreme event. In particular, all electrical sockets should be raised above

skirting board levels and, if at all possible, be located above the 0.1% AEP event levels. Likewise, floor vents should be at the highest possible levels. The Applicant should also consider making provision for the installation of demountable flood barriers (the side fixing points themselves should be relatively unobtrusive) to the front and rear of the property.

b). The surface water generated by the increase in footprint (roof and pavements) shall not be discharged directly to the drain/sewer but it shall be discharged to a rainwater harvesting tank, as shown on the planning application drawings submitted on 21/9/2018. The tank shall be put in place and kept in use at all times. If the tank is ever taken out of use, it shall be replaced with a soakpit with a high level overflow to the drain Note: It is acceptable to have a soakpit closer than three metres to the boundaries if these are not on neighbouring private lands.

c). All new hardstanding areas shall be constructed either with gravel or a specifically designed permeable paving stone system.

Reason: In the interest of public health.

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

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

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

Reason: In the interest of visual amenity.

7. The footpath in front of the proposed vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense. The width of the proposed new vehicular access shall be a maximum of 3.5 metres and shall be located as close as practicable to the northern property boundary in order to provide maximum visibility to the south for vehicles existing the property.

Reason: In the interest of pedestrian safety.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

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

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

Erika Casey

Senior Planning Inspector

21st February 2019