



An
Bord
Pleanála

Inspector's Report ABP-303458-19

Development

The demolition of an existing dwelling and sub-division of an existing residential site, to provide for the construction of 2 no. new dwelling houses and all associated ancillary development works, including landscaping, boundary treatments, drainage, parking and vehicular access.

Location

Hillsborough and Model Farm Road,
Carrigohane, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

18/06003

Applicant(s)

Mary Delaney

Type of Application

Permission

Planning Authority Decision

Grant, subject to 14 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Brian & Siobhan Fox

Fiona & John Kenefick

Observer(s)

None

Date of Site Inspection

21st March 2019

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located centrally within Carrigrohane, a neighbourhood which adjoins the east of Ballincollig and which lies to the west of Cork City. The roundabout that serves Carrigrohane Road (N22) and Model Farm Road (R608) is 0.5 km to the west of this site, which is accessed off the northern side of Model Farm Road immediately to the east of its junction with the cul-de-sac known as Hillsborough. The site lies within an area of individual detached dwelling houses in their own grounds and the offices of the Irish Guide Dogs for the Blind is situated 0.1 km to the west along Model Farm Road. A Montessori School known as “The Willows” lies to the south west of the aforementioned junction and on the opposite side of Model Farm Road from the site.
- 1.2. The site itself is level and of regular shape. This site extends over an area of 0.09 hectares and it presently accommodates a cottage (137.4 sqm) with a rear extension that is served by the aforementioned access and gardens to the front and (western) side. There is a cluster of mature deciduous trees adjacent to the southern and western boundaries of the site, which abut the north eastern corner of the aforementioned junction. These boundaries are denoted by a low-level wall. The remainder of the front southern boundary is denoted by a hedgerow and the rear northern boundary is denoted by a blockwork wall. The eastern boundary is undefined, as the site adjoins a house plot with the benefit of extant permission, beyond which lie existing dwelling houses. To the north, the site adjoins the residential property that comprises appellant (a)’s two storey dwelling house.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing cottage and the redevelopment of the site to provide 2 no. detached two-storey dwelling houses with a total floorspace of 259.2 sqm, as originally submitted, and 251.34 sqm, as revised under further information.
- 2.2. The first of these dwelling houses, denoted as house type A, would be sited in the western and central portions of the site. This dwelling house would provide four-bed accommodation over a floorspace of 130.84 sqm. It would be designed to be “double fronted” with principal elevations to the south and west addressing Model Farm Road

and Hillsborough. It would be accessed from Hillsborough. Under further information, this dwelling house was reduced in size by means of the omission of a projecting element from its northern side elevation, i.e. a study with en-suite above, and the reduction in size of openings in the principal elevations.

- 2.3. The second of these dwelling houses, denoted as house type B, would be sited in the eastern portion of the site. This dwelling house would provide three-bed accommodation over a floorspace of 120.5 sqm. It would be accessed from Model Farm Road. Under further information, this dwelling house was increased in size by the replacement of the front gabled element with a larger main body to the dwelling house, i.e. the living room and master bedroom above would be enlarged, and the reduction in size of openings in the principal elevation.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information sought with respect to the following:

- Sightlines at site entrance onto Model Farm Road.
- Clarification of front boundary treatment.
- Clarify if a pumping station would be installed with respect to the discharge of waste water.
- Clarification of ridge heights.
- Specific design changes to proposed house B.
- Specific design changes to proposed house A.
- Other specific boundary treatments to be made explicit.
- Contextual elevation from Hillsborough required.

3.2.2. Other Technical Reports

- Area Engineer: Following receipt of further information, no objection, subject to conditions.

4.0 Planning History

Original site, i.e. current site + site to the east:

- 07/9950: Demolition of existing dwelling house and construction of 3 no. detached dwelling houses: Refused at appeal (PL04.227205) on the grounds of over development, breach of building line, and loss of amenity.
- 08/9300: Demolition of existing dwelling house and construction of 3 no. detached dwelling houses: Refused at appeal (PL04.232192) on the grounds of over development, breach of building line, and loss of amenity.

Site to the east of the current site:

- 13/4342: Removal of outbuildings and sub-division of existing residential site for dwelling house and ancillary use: Permitted at appeal (PL04.242177).

5.0 Policy and Context

5.1. Development Plan

Under the Ballincollig – Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the development boundary and in an “existing built up area”.

5.2. Natural Heritage Designations

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would

be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the redevelopment of a 0.09-hectare urban site to provide 2 no. dwelling houses. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall so far below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Siobhan & Brian Fox of “Cherry Lodge”, Hillsborough

The appellants begin by welcoming, in principle, the prospect of the site being upgraded to reflect existing housing. They also welcome the removal of windows from the northern elevations of the proposed dwelling houses. Thereafter the following concerns are cited:

- With respect to siting, house type A would be sited forward of the appellants’ dwelling house to the north and back from the front building line of house type B to the east.
- The applicant has not fully resolved the servicing of the site for the purposes of water supply and waste water discharge.
- The design of the proposal is “unimaginative”.
- No RSA has been prepared/submitted and yet the proposed access points would entail reversing manoeuvres either onto the busy Model Farm Road or onto Hillsborough, close to its junction with this Road and other driveways. The traffic generated by “The Willows” Montessori School on the opposite side of Model Farm Road from the site would also lead to conflict.
- A lack of clarity surrounds which trees would be removed and which would be retained (cf. condition 13 of the draft permission).
- Exception is taken to the elevational changes to both house types, which were submitted under further information. Those to house type A would entail a

novel roofscape and those to house type B would lead to a featureless principal elevation.

(b) Fiona & John Kenefick of Rose Hill Cottage, Model Farm Road

The appellants begin by stating that they are not opposed to the development of the site. However, they have the following concerns about the current proposal:

- The appropriateness of reducing the sightline distance to the proposed access to house type B from 70 to 50m is questioned, in the absence of a speed survey. (Anecdotally, vehicles tend to be driven at the speed limit, as they accelerate uphill from the west along Model Farm Road). The eastern sightline would be encroached upon by a 1.8m wall along the eastern boundary of the site and a telegraph pole. The submitted site plan is insufficiently detailed with respect to the junction between this Road and Hillsborough and the absence of a RSA is noted.
- The said site plan omits entrances to “Dungrada” and “The Willows” Montessori School, the latter of which generates vehicular and pedestrian traffic at 09.30 and 12.30. The proximity of the proposed access to house type A would lead to conflicting manoeuvres. The scope to avoid reversing manoeuvres from proposed house type B onto Model Farm Road has not been demonstrated.
- Exception is taken to the elevational changes to house type B, e.g. its solid to void ratio, particularly at first floor level, and to house type A, e.g. its roofline is unbalanced.
- The proposed front boundary wall should be 900 mm high and composed of stone to match the front boundary walls on either side.

6.2. Applicant Response

The applicant begins by acknowledging the planning history of the site and the adjoining house plot to the east. While 3 no. dwelling houses on this combined site were previously refused, the current approach takes cognisance of the reasons for

past refusals and so proposes dwelling houses that would be of different size, design, and siting.

The applicant proceeds to respond to the grounds cited by the two appellants as follows:

- Overall design of proposed scheme
 - Attention is drawn to the ample separation distances that would arise between the proposed dwelling houses and existing/envisaged dwelling houses nearby. Attention is also drawn to the generous private amenity space that would be created and to the resulting favourable plot ratio and site coverage factors. The front building line to Model Farm Road would be recessed to facilitate the retention of a large mature tree in the south western corner of the site.
 - The design changes brought forward under further information would be appropriate as the detailed designs of the principal elevations would be more reflective of adjacent existing/envisaged dwelling houses, with which they would be readily comparable.
- Vehicular access
 - As proposed both dwelling houses would be served by the requisite 2 no. off-street car parking spaces and sufficient manoeuvring space to obviate the need to reverse. Nevertheless, if the Board considers that more space in this respect, then it could be increased.
 - One of the appellants' states that the eastern sightline, which would serve the proposed house type B, would be obstructed by a side wall. While the applicant does not agree, if the Board considers it necessary then the forward portion of this wall could be reduced to 900 mm.
 - Attention is drawn to the 50 kmph speed limit on Model Farm Road and to the alignment and incidence of junctions on this Road that serve to lower vehicular speeds. Attention is also drawn to the existing access to the site which is off it and to the proposed access that would be in a similar position.

- The southern sightline to the access proposed for house type A off Hillsborough would have a y distance of 18.2m to the junction between this cul-de-sac and Model Farm Road. In this respect, attention is drawn to the existence of a similarly sited access on the opposite side of Hillsborough and to the fact that in advance of the said junction vehicular speeds are slowing.
- Existing trees on site
 - Only 6 no. trees would be removed to facilitate the development, i.e. 2 no. red beech trees and 4 no. sycamore trees, all of which are semi-mature. Trees retained on the site would ensure that its character remains sylvan.
- Connection to public services
 - Irish Water have indicated that, subject to a connection agreement, a connection to the public mains water supply and sewer could be facilitated. Initially, it indicated that an on-site pumping station might be required for the latter connection. Following further investigation, this possibility was discounted, and waste water would discharge by means of gravity.

6.3. Planning Authority Response

- Proposed house type A would be sited c. 1m forward of the front building line exhibited by appellant (a)'s dwelling house and c. 1.8m back from the front building line that would be exhibited by the proposed dwelling house on the adjoining house plot to the east. The resulting siting would not impact negatively upon these dwelling houses.
- Connections to the public water mains and sewer are ultimately matters for Irish Water.
- The proposed site layout would obviate the need for reversing manoeuvres.
- Comments/concerns about the proposed accesses are noted.
- The submitted site layout plans show 6 no. sites for removal. Nevertheless, the Board could request a tree survey.

- The design of roof to house type A would minimise its height and it would incorporate straight and hipped gables, both of which are present in existing dwelling houses nearby.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Visual and residential amenity,
- (iii) Development standards,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Land use and density

7.2. The site is currently in residential use and it lies within a residential area. Under the LAP, this site is shown as lying within the development boundary around Carrigohane and in an area designated as “an existing built up area”. Under the proposal, the site would be redeveloped for residential use, too, i.e. two rather than one dwellings. Given the aforementioned factors, such usage would be appropriate from a land use perspective.

7.3. The planning history of the site indicates that it was previously larger insofar as it incorporated the adjoining house plot to the east. On two occasions refusals were

issued at appeal for three dwelling houses on this site. Currently, an extant permission, granted at appeal, exists for the said house plot and so, if this permission is taken into account, the current proposal for two dwelling houses would *prima facie* resemble the previous refusals.

7.4. A closer reading of the said refusals, however, indicates that the form of development then proposed would have entailed the siting of dwelling houses, each of which would have addressed Model Farm Road and so the presence of the more westerly of these dwelling houses would have been problematic in terms of its exposed side elevation projecting forward of the existing front building line on the eastern side of Hillsborough and the specification of a high wall to its rear garden next to a front garden. Under the current proposal, these difficulties would be overcome by means of the different siting and design of the equivalent dwelling house, i.e. only a nominal infringement of the said building line and a double fronted approach to the respective Model Farm Road and Hillsborough elevations. Accordingly, there would be no rear garden interface to Hillsborough and so the previously identified difficulties have dissipated. Accordingly, there is no need to raise any in principle objection to the density of the current proposal based on planning precedent for the site.

7.5. I conclude that the proposal would be appropriate from land use and density perspectives.

(ii) Visual and residential amenity

7.6. The appellants express concern over the siting and design of the proposed dwelling houses. With respect to the former attribute, concern is expressed that the envisaged front building lines would not coincide either with each other or adjacent existing dwelling houses and, with respect to the latter attribute, the “unbalanced” roofscape of house type A and the “plain” and solid to void ratio of house type B.

7.7. The Planning Authority has responded to the first of the above concerns by drawing attention to the differences in the front building lines that would be exhibited by the proposed house types with respect to Model Farm Road, both between each other and envisaged/existing dwelling houses to the east, and house type A with respect to Hillsborough and existing dwelling houses to the north. These differences are not considered to be of such an order as to negatively impact upon either the proposed

house types or envisaged/existing dwelling houses. I note that the existing front building lines along the two roads in question are not uniform and so the pattern of variety would simply be extended under the proposal. I therefore concur with the Planning Authority's position.

- 7.8. The applicant has responded to the second of the above concerns, by drawing attention to the greater similarity that the revised fenestration would have with existing comparable fenestration in adjacent dwelling houses (cf. continuous elevations shown on drawing no. 18082/P/004 revision P2).
- 7.9. I note that the aforementioned similarity would be evident on the Hillsborough elevation of house type A and the Model Farm Road elevation of house type B. The Model Farm Road elevation of house type A would continue to have larger openings. Nevertheless, given the envisaged/existing fenestration further to the east, such openings would simply add to the variety that would be/is already on display. I note, too, that, under further information, the form of each of the proposed house types has been simplified. Due to its "L" shaped footprint, the roofscape of proposed house type A would combine straight and hipped gables, which represent a response to the previously refused design approaches to the siting of a dwelling house on the corner site in question. Insofar as this site would tend to be "read" as a corner site, this roofscape would be self-explanatory and, insofar as there are examples of both straight and hipped gables on existing dwelling houses in Hillsborough, it would reflect the same, albeit the mixture of both forms in the one roofscape would be novel.
- 7.10. Appellant (a) draws attention to the need for clarity with respect to tree removal/retention on the site and appellant (b) draws attention to the need to use stone in the front boundary walls to match its use elsewhere in the area. The applicant has stated that 6 no. trees in total would be removed and that the rationale for the siting of house type A relates partially to the need to retain a large mature tree in the south western corner of the site. Nevertheless, I consider that a tree survey should be undertaken so that the species and condition of the trees earmarked for retention can be established and any management of the same delineated. During my site visit, I observed that stone is used in some boundary walls in the area, e.g. the north western corner of the junction between Model Farm Road and Hillsborough, and so

its use on the subject site would be appropriate, too. Both these items could be conditioned.

- 7.11. The proposed dwelling houses would be sited to the south and to the west of, variously, appellant (a)'s dwelling house and the envisaged dwelling house (13/4342 and PL04.242177). Separation distances between these dwelling houses would be adequate to ensure that reasonable lighting levels are maintained within existing/ envisaged residential properties and the design of new presenting elevations would ensure that the opportunity for overlooking of these properties is curtailed.
- 7.12. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(iii) Development standards

- 7.13. The proposed dwelling houses would be of detached two storey form. Proposed house type A would afford four-bed/6 no. person accommodation and proposed house type B would afford three-bed/6 no. person accommodation. The total and individual room floorspaces of these dwelling houses would comply with the relevant recommendations set out in Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines.
- 7.14. Proposed house type A would be served by a 120 sqm rear garden and proposed house type B would be served by a 160 sqm rear garden. They would thus exceed conventional thresholds in this respect.
- 7.15. I conclude that the proposal would provide a satisfactory standard of amenity to future residents.

(iv) Traffic, access, and parking

- 7.16. Under the proposal the existing dwelling house on the site would be replaced by two new ones. Traffic generated by the site would thus increase. Under the proposal, house type A would be accessed off Hillsborough and house type B would be accessed off Model Farm Road. As the existing dwelling house is accessed off Model Farm Road, there would be a comparable level of direct vehicular movements to and from this site under the proposal.
- 7.17. The appellants express concern that the proposal would entail reversing manoeuvres onto public roads and that there is a risk that the eastern sightline from

the New Farm Road entrance would be obstructed by the wall proposed for the eastern boundary of the site. Concern is also expressed over vehicle speeds, the proximity of entrances to the residential property known as “Dungrada” and the Montessori School at the residential property known as “The Willows”, and the absence of a RSA.

- 7.18. The Planning Authority and the applicant have responded by drawing attention to the site layout, which would facilitate the off-street parking of 2 no. cars on each house plot along with the requisite manoeuvring space needed to obviate reversing movements either to and from the site. The applicant further adds that the wall in question could be lowered, if deemed necessary, and the proposed access to house type A would be sited in a position so as to maximise the distance between it and the junction of Model Farm Road and Hillsborough.
- 7.19. I consider that, whereas there would be scope to obviate reversing manoeuvres within the grounds of house plot A, the grounds of house plot B would need to be extended into the grounds of house plot A to ensure that the driveway area would facilitate ease of such manoeuvres, i.e. the returning of this area along the western side of the dwelling house would need to be widened and deepened. This could be conditioned.
- 7.20. I do not consider that the proposed eastern boundary wall would encroach upon the eastern sightline and I note the applicant’s comments with respect to the proposed access to house type A. Vehicular movements to the residential property at “Dungrada” would be unlikely to conflict with vehicular movements to this access and vehicular movements to the Montessori School would occur at a point to the west of the junction between Model Farm Road and Hillsborough and so at some remove from the two proposed accesses.
- 7.21. I conclude that, subject to the expansion of the driveway area to house type B, the proposal would be consistent with good traffic management and road safety.

(v) Water

- 7.22. The proposal would be served by the public water mains and the public sewerage system. Irish Water have indicated that, subject to a connection agreement, they anticipate being able to facilitate such connection.

7.23. The OPW's floodinfo.ie and floodingmaps.ie websites indicate that the site is not the subject of any identified flood risk.

(vi) Appropriate Assessment

7.24. The site is not in a Natura 2000 site and it is a serviced urban one. The nearest such sites lie in Cork Harbour, i.e. Great Island Channel SAC and Cork harbour SPA. I am not aware of any source/pathway/ receptor route between this site and these sites. Accordingly, the proposal would not raise any Appropriate Assessment issues.

7.25. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity of the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the proposal 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Ballincollig – Carrigaline Municipal District Local Area Plan 2017 and the Quality Housing for Sustainable Communities Best Practice Guidelines, it is considered that, subject to conditions, the proposal would be appropriate from land use and density perspectives. The proposal would be compatible with the visual and residential amenities of the area and it would afford a satisfactory standard of amenity to future residents. Subject to the enlargement of the driveway area to proposed house type A, the proposal would be consistent with good traffic management and road safety. It would be capable of being satisfactorily serviced and no Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 27th day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The driveway area shall be widened and deepened along the western side elevation of house type B.</p> <p>(b) The front boundary wall to Model Farm Road and Hillsborough shall be composed of natural stone.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that turning manoeuvres can occur on site and in the interest of visual amenity.</p>
3.	<p>(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Footpaths shall be dished at the entrance to driveways in accordance with the requirements of the planning authority.</p> <p>Reason: In the interest of pedestrian safety.</p>
7.	<p>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.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

9.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) Existing trees and shrubs specifying which are proposed for retention as features of the site landscaping.</p> <p>(ii) The measures to be put in place for the protection of these landscape features during the construction period.</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs.</p> <p>(iv) Hard landscaping works, specifying surfacing materials.</p> <p>(v) Subject to condition 2(b), the boundary treatments shown on drawing no. 18082/P/003A revision P2 submitted to the Planning Authority on 27th May 2018.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.</p> <p>Reason: In order to afford the Planning Authority control over such development, in the interest of residential amenity.</p>

11.	<p>The developer shall pay to the planning authority a financial contribution of €1245 (one thousand, two hundred, and forty-five euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>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.</p>
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Hugh D. Morrison
Planning Inspector

12th April 2019