



An
Bord
Pleanála

Inspector's Report ABP 303492-19

Development	Construction of 4 apartments at first floor level over existing ground floor retail unit
Location	134-135 Milltown Road, Milltown, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2593/18
Applicant(s)	Clohisey Cahill Madden Partnership
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Sheila Dubel & Veronica Lennon
Observer(s)	None
Date of Site Inspection	26 th March 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located to the north of the Dublin suburb of Milltown on the eastern side of Milltown Road (R117). The site is located at No. 134-135 Milltown Road. The site is principally a large single storey flat roofed structure operating as a Spar outlet. The Spar shop is setback 10-14.5metres from Milltown road, with 11 No. parking spaces between the front building line of the building and the edge of the public footpath along Milltown Road.
 - 1.1.1. The Spar outlet is built up against its remaining, north, south and eastern site boundaries. To the north of the site is the two-storey 'Milltown Centre' retail hub containing 6 No. outlets at ground floor and a crèche at first floor level. Collectively this hub forms a neighbourhood centre. The south and eastern site boundaries are bounded by residential development.
 - 1.1.2. The River Dodder is located 76m southeast of the site.

2.0 Proposed Development

- 2.1. The development will comprise the construction of a first floor extension over the existing building to provide:
 - 4 no. two bedroom single storey apartments at first floor level over the existing ground floor retail unit
 - Screened private terraces to the rear (east) of each apartment
 - A two-storey extension to the front to provide internal disabled access stairs and lift
 - And associated works.
 - 2.1.1. The proposed first floor is a flat roofed sedum (green) roof structure. The first floor is stepped back from the main facade of the building providing an external walkway with own door access to each apartment. The rear façade is also recessed from the existing eastern building line between 7-8.2m to provide for roof terrace gardens. The front facade will be finished in red brick stretcher bond and the windows will be aluminium framed glazing. A new independent two-storey stair and lift block will be provided to the northwest of the existing shop forward of the building line.

- 2.1.2. The site is 1120sqm /0.1120ha in area. The existing spar is 677.5sqm in area. The proposed development is 460sqm in area. The total floor area is 11375.5sqm. Plot ratio is 1:101 and site coverage is 60%.
- 2.1.3. A request for further information was issued by the planning authority on 22nd May 2018. The further information response included the reconfiguration of car parking to provide a total of 10 car parking spaces on site with four reserved for the proposed apartments. In addition, access/egress arrangements on site were revised to provide for a consolidated singular 6m wide access point. Bicycle parking is also proposed.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted for the development subject to 12 conditions, the following of which are of note:

C2. Section 48 General Development Contribution

C3. Construction Management, car parking allocation and cycle parking

C8. Construction Noise control

C11. Special contribution - €4000 per unit

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report is the basis for the Planning Authority decision.

The Planning Officer's reports notes the zoning provisions of the area and that the principle of the proposed residential development is acceptable. In relation to design, access and car parking the reports notes the following:

- The overall design approach is considered acceptable.
- Site ownership queried.
- The proposed boundary treatment along the eastern and western site boundaries with adjacent third parties considered acceptable and would not result in undue overshadowing and overlooking.

- It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
- The response to the further information notes the alteration to the location of the vehicular entrance is acceptable in terms of traffic movements and impact on servicing arrangements for the Spar outlet and that car parking and cycle were in line with Development Plan standards.

3.2.2. Other Technical Reports

The Roads & Traffic Planning Division in their report of 9th May 2018 requested further information be sought in relation to access and car parking arrangements and serving arrangements on site. The response to the further information requested was deemed acceptable by the Roads & Traffic Planning Division subject to standard conditions as set out in report dated 6th December 2018.

Engineering Department – Drainage Division - no objection subject to conditions.

3.3. Third-Party Observations

A total of three submissions were made in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- Traffic and Parking
- Refuse storage
- Impact on shared boundary between site and the Old House no. 133
- Overshadowing and loss of privacy
- Visual dis-amenity and devaluation of property

4.0 Planning History

4.1. Site

ABP Ref. PL29S.211042 (DCC ref. 3124/04) – Planning permission refused for 4 no. apartments at first and second floor levels.

2 no. reasons for refusal:

- Traffic hazard having regard to existing retail use on site and the proposed development would give rise to on-street parking along the heavily trafficked Milltown Road, with consequent obstruction and congestion to road users.
- Overdevelopment – design, height, location on adjoining site boundaries would be overbearing and result in loss of privacy.

5.0 Policy Context

5.1. Development Plan

Dublin City Council Development Plan 2016-2022.

The site is located in an area zoned Z3 – Neighbourhood Centres with the following objective; *‘To provide for and improve neighbourhood facilities.*

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy SC25 – To promote high standards of design
- Policy QH18 – To promote the provision of high-quality apartments
- Section 14.8.3 Neighbourhood Centres – Zone Z3
- Section 16.2.1 Design Principles
- Section 16.7.2 of the Development Plan includes height limits for development, including a 16m restriction in the outer city relative to the prevailing local height and context.
- Section 16.10.1 Residential Quality Standards – Apartments – sets out standards to be achieved in new build apartments.

5.2. National Policy and Guidelines

- National Planning Framework

Section 4.5 of The National Planning Framework sets out that “*general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas ...*”

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)

5.3. Natural Heritage Designations

There are three designed sites within 10km of the site.

- South Dublin Bay and River Tolka Estuary SAC (site code 004024) is located 3.1km west of the site.
- Wicklow Mountain SAC (site code 002122) is located 8.8km south of the site.
- Wicklow Mountain SPA (site code 004040) is located 9km south of the site.

5.4. Environmental Impact Assessment - Preliminary Examination

On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) “*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*”. Having regard to the size of the development site (.1120ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. 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

The appeal submission has been prepared by Tom Philips & Associates of behalf of the appellants. The appellants' properties are located to the immediate south - The Old House, 133 Milltown Road and southeast - no. 96 Ramleh Park of the site. The principle grounds of appeal can be summarised as follows:

- The appeal submission concentrates on the previous refusal on the site (ABP Ref. PL29S.211042 (DCC ref. 3124/04), and states that the equivalent grounds for refusal apply to the current scheme. The specific grounds of appeal relate to traffic safety and parking, design, height and privacy.
- The scheme would be overbearing and materially detrimental to the residential amenity of the appellants properties.
- Reference to historical site context although it is noted that the *Old House* is not protected.
- Allocation of residents parking only will exacerbate car parking on the site.
- Conflict in traffic movements on site.
- Concern is expressed regarding the construction works and management on the site.
- The appeal asserts that the design does not integrate with the receiving environment and that the drawings do not adequately represent the development on the ground and that elements such as plant serving the Spar and the Parcel Motel have not been identified in the new development.
- With respect to the southern site boundary shared between the site and the *Old House* no. 133 the submission sets out that the boundary wall is incorrectly represented and that the third party does not consent to facilitating

any construction related works on her property. It is also set out that the works would render the rear (northern) side of the house inaccessible.

- The permanently heavily planted area to the garden terraces is a wholly inappropriate solution with inevitable overlooking of the rear gardens of no. 96 Ramleh Park.

6.2. Applicant Response

- Car parking is controlled and managed on site by Nationwide Controlled Parking Systems (NCPS). Proximity to public pay and display parking to the south of the site is noted.
- Deliveries to site will not be via articulated truck but via panel van at a rate of 2 per day during off-peak hours (10am -12pm).
- The rooftop plant is not in operation and will be decommissioned; the drawings submitted to the planning authority on 27th March 2018 is the intended proposed development omitting the Parcel Motel and plant.
- No works are proposed on lands outside of the ownership of the applicants. A separate wall will be constructed along the southern site boundary with no. 133 The Old House independent of the adjacent rubble wall.
- The design has taken account of the established character of the area and the layout and form have been designed to protect the existing residential amenities of neighbouring properties and having regard to the previous refusal on the site.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

None received.

7.0 Assessment

7.1. Introduction

7.1.1. The site is zoned Z3 – Neighbourhood Centres with the following objective; ‘*To provide for and improve neighbourhood facilities*’. Residential is a permissible use within this zoning category. As such the proposal is acceptable in principle, subject to the detailed considerations below.

- Impact on Visual Amenity
- Impact of Residential Amenity
- Car Parking and traffic Management
- Other Matters
- Appropriate Assessment

7.2. Impact of Visual Amenity

7.2.1. The existing building is single storey flat roofed rendered building and currently operates as a Eurospar. The building is set back from the road with carparking to the front. The building does not reflect any significant architectural merit.

7.2.2. The grounds of appeal argue that the design does not integrate with the receiving environment. The proposed additional floor would be out of character with the area and would be overbearing and detrimental to the residential amenity of the appellants. In this respect, I note that only brief intermittent views of the additional floor would be available from the approach to the site along Milltown Road, by virtue of the set back from the street and existing buildings.

7.2.3. In relation to the detailed design of the first floor, the design approach is a contemporary one with a flat roof sedum (green) roof with a brick render. The new stair and lift core forward of the main building line reduces the linear appearance of the overall form and assists in integrating the building with the adjoining two storey ‘Milltown Centre’. This design approach and palette of materials are appropriate, in my view, and the recessed building line reduces the bulk and mass of the proposal.

- 7.2.4. I note the prevailing **building heights** in the area are generally two storeys with ridge heights similar to the current proposal, I am therefore satisfied that the first floor addition will not tower above the established building line. Furthermore, I note previous refusal ABP Ref. PL29S.211042 was for permission for two additional floors with a maximum ridge height 11.038m. I also note that a new Development Plan has since adopted and subject to certain limitations, this allows for increased building heights of up to 16m for residential in the Outer City. The subject proposed development at 7.355m in height does not exceed the current height restriction of 16m as set out in Section 16.7.2 of the Dublin City Development Plan (2016-2022). Other factors such as impacts on residential amenities and control measures, as assessed below also need to be considered.
- 7.3. I am satisfied that the additional floor, as set back from the primary building line would not appear overdominant or incongruous in the streetscape, so as to negatively impact on the visual amenities of the area.

7.4. **Impact of Residential Amenity**

- 7.4.1. The grounds of appeal assert that the proposal will detrimentally impact on the residential amenities of neighbouring properties, as a result of potential **overlooking** of the adjoining dwellings to the south and east of the site.
- 7.5. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The primary living accommodation and balconies overlook the roof terraces to the rear of the site along the eastern and southern site boundaries. The applicant has proposed a 2m high boundary wall around the accessible area of the roof terraces in addition to a screen planting buffer to the rear (east) of the site between the development and the rear gardens of Ramleh Park. The landscaped buffer is between 1.7m – 3m deep and will serve to reduce the visual impact of the development and will also integrate the development into the receiving environment. I note the rear garden of no. 96 Ramleh Park is 30m deep and in this regard, it is generally acknowledged that a 22m separation distance between opposing first floor windows is acceptable.

Furthermore, no windows have been provided on the southern elevation bounding *The Old House* no. 133 and the 2m high boundary wall around the roof terrace will ensure no overlooking of *The Old House* no. 133

- 7.5.1. In my opinion the necessity for additional screening and enhanced privacy measures is not warranted. I do not consider that there will be any significant negative overlooking of properties to the south and east of the site as a result of the 1st floor addition.
- 7.5.2. The grounds of appeal assert that the proposed development would have an **overbearing** impact on the appellants. It is noted that the primary views of the additional floor to the building will be from the southern approach along Milltown Road and from the rear gardens of no. 96 and no. 97 Ramleh Park. Views for elsewhere are largely screened by the existing Milltown Centre to the north. In relation to no. 96 and no. 97 Ramleh Park I do not consider there to be any overbearing impact by virtue of the 35m separation distance of between the rear of the proposed first floor and the rear of no. 96 and no. 97.
- 7.5.3. In relation to *The Old House* no. 133 Milltown Road the additional floor has been set back from the primary building line, and the drawings submitted identify that the full height of the development at 7.355m high will extend over 15.140m of the 31m dividing boundary between the site and *The Old House* no. 133. I note that this area is somewhat of an enclosed courtyard for the amenity of no.133 and that the existing dividing boundary wall is approx. 5m high. No works are proposed to be carried out to the existing wall. The applicant has stated that the first floor will be constructed completely independent of the dividing boundary wall with *The Old House* no. 133. I am satisfied that the proposal will not have a significant visually overbearing impact given the design, the height of the existing boundary wall and the suburban context.
- 7.5.4. Having regard to the above I am also satisfied that the additional first floor will not significantly **overshadow** no. 133 as the site benefits from natural light all day, and I consider the proposed development is a considered design approach appropriate to the site and in line with national policy objectives to provide for increased residential densities whilst acknowledging that such provisions may require alteration and compromises to the receiving environment.

7.5.5. While the additional floor will be intermittently visible from the Milltown Road southern approach and from *The Old House* no. 133 Milltown Road and no. 96 Ramleh Park, it is considered that the proposal will not have a significant visually overbearing impact given the design, set back, suburban context and proposed screening.

7.6. Car Parking and traffic Management

- 7.6.1. It is proposed to reconfigure the existing car park to provide a total of 10 car parking spaces including four spaces reserved for the residents of the apartments. The grounds of appeal argue that the proposed development will result in the creation of a traffic hazard and that the car parking situation will be exacerbated on site. The subject site is located within Zone 2 of the Dublin Parking Area, where the maximum allowable car parking provision is 1 space per residential unit and 3 no. car parking spaces for the retail unit. (Table 16.1 – Dublin City Development Plan 2016-2022)
- 7.6.2. I note the previous refusal ABP Ref. PL29S.211042 included a refusal reason relating to traffic safety having regard to an existing retail use on site and the potential obstruction and congestion to road users along the heavily trafficked Milltown Road. With respect to the previous planning decision, the current proposal provides for a reduced number of apartments in addition to amendments to the car parking layout and access arrangements. Furthermore, I note a new Development Plan has since been adopted.
- 7.6.3. The current Development Plan establishes that car parking provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport including the Luas which is 500m to the east of the site, and there are numerous shops and services within walking distance. Accordingly, I consider the provision of 10 car parking spaces to be acceptable in this context. I note the Roads & Traffic Planning Division in their report of 6th December 2018 have no issue with the quantum of car parking on site. Cycle parking has also been proposed in a convenient and secure location.
- 7.6.4. I note in response to the further information requested by the planning authority the applicant has rationalised access/egress arrangements and parking on site and amended the layout to provide a single access/egress point centrally on the site. All

turning movements will be consolidated at this location. Furthermore, the alterations provide for better internal circulation for deliveries and bin trucks etc. I consider the revised layout a more appropriate solution in the interest of pedestrian and traffic safety. I note the Roads & Traffic Planning Division in their report of 6th December 2018 have no issue with the revised proposal.

7.7. Other Matters

- 7.7.1. The appellants contend that the site boundary shared between the site and the *Old House* no. 133 to the south forms part of the historical grounds of *the Old House* no. 133. I note that no. 133 nor its attendant grounds are afforded any special protection and are not listed on the record of **protected structures**.
- 7.7.2. Furthermore, the appellants in their submission set out that the boundary wall is incorrectly represented and that the third party does not consent to facilitating any construction related works on her property. It is also set out that the works would render the rear (northern) side of the house inaccessible. In response to the further information requested by the planning authority and in response to the appeal submission the applicant states that all works will be carried out on lands in their ownership and no works will encroach or overhang lands in **third party** ownership.
- 7.7.3. However, in this regard I note that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, and then Section 34 (13) of the Planning and Development Act 2000 is relevant.
- 7.7.4. The appeal submission refers to that fact that no **plant and equipment** associated with the Eurospar has been identified at roof level of the proposed development and that the drawings do not indicate the existing Parcel Motel to the front of the site. I note the applicant states that the rooftop plant is not in operation and will be decommissioned and that the Parcel Motel will not form part of the redevelopment.

- 7.7.5. The planning authority has attached a **special contribution** in accordance with section 48 (2) (c) of the Planning and Development Act 2000 (as amended), in respect of public open space for the amount of €4000 per residential unit.
- 7.7.6. Section 11 of the Dublin City Council Development Contribution Scheme 2016-2020 sets out that the Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfill Dublin City Development Plan requirements for open space provision a financial contribution towards provision of or improvements to a park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.
- 7.7.7. I note the planners report makes no reference to the calculation of development contributions and provides no justification for the inclusion of a special contribution and the associated amount calculated. Furthermore, the condition does not specify the particular works carried out, or proposed to be carried out, by the local authority to which the contribution relates in accordance with section 48 (12) of the Planning Act 2000 (as amended). Accordingly, I have omitted the condition from my recommendation below.

7.8. **Appropriate Assessment**

- 7.8.1. There are 3 European Sites within 10km of the appeal site. The South Dublin Bay and River Tolka Estuary SAC (site code 004024) is located 3.1km west of the site. Wicklow Mountain SAC (site code 002122) is located 8.8km south of the site and Wicklow Mountain SPA (site code 004040) is located 9km south of the site. The River Dodder is located 76m southeast of the site.
- 7.8.2. There is no direct pathways or linkages with the Wicklow Mountain SAC and the Wicklow Mountains SPA as these sites are upland of the site.
- 7.8.3. There is a potential link via the water environment (the impact 'pathway'), with the Natura 2000 site (the 'receptor'), the South Dublin Bay and River Tolka Estuary SAC (site code 004024). However, having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and

it is not considered that the 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

I recommend that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not represent a traffic hazard, would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 27th March 2018 and 20th 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.

Reason: In the interest of clarity.

2. The 4 no. car parking spaces for use by the occupants of the apartments shall be appropriately labelled on site and these spaces shall be reserved for use by the

occupants of the apartments only. At no time shall the car parking spaces be sold, leased or sub-let or otherwise independently used by any third party.

Reason: To ensure that adequate parking spaces are permanently available to serve the proposed residential units.

3. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

5. 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.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

6. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority

prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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.

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

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

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on

Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. 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.

Reason: In the interests of public safety and residential amenity

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the

time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Irené McCormack
Planning Inspector

15th April 2019