



An
Bord
Pleanála

Inspector's Report

ABP-303601-19

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| Development | Construction of 8 Residential Units adjacent to Gowrie House (a Protected Structure) |
| Location | Site of c.0.48 ha at Gowrie House (a Protected Structure), 34 Glenageary Road Upper, Glenageary, Co. Dublin A96 Y3F9 |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D18A/1054 |
| Applicant(s) | Ecotec Construction Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | Third Party |
| Appellant(s) | 1. Sean O' Donovan 2. Mr. and Mrs. Michael Beausang |
| Observer(s) | Ray MacDonnell and others |

Date of Site Inspection

16th May 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.48 hectares is located off the Glenageary Road Upper, Dun Laoghaire, Co. Dublin.
- 1.2. To the east of the site is Gowrie Park, a residential development of single storey dwellings. To the west of the site is a slip road consisting of a number of detached bungalows. To the south of the site lies a new housing development.
- 1.3. Vehicular access to the site is via a slip road and from the north eastern corner through an attractive gate. Pedestrian access is through an arch on the northern boundary.
- 1.4. The site accommodates a two storey 19th Century dwelling, known as Gowrie House which is a protected structure. The gardens of the house are very attractive with the most visually significant trees on the sites northern boundary.

2.0 Proposed Development

- 2.1. Permission sought for a residential development consisting of 8 No. dwellings in 3 No. blocks as follows:

- Block A - single/ 2 storey at front rising to 3 storey at rear for some units - 4 units in terraced style.
- Block B - 2 No. semi- detached units- 2 storey at front rising to 3 storey at rear.
- Block C – 2 No. semi-detached 2 bedroom units.

The application is accompanied by the following:

- Landscape Drawing and report.
- Architectural Design Statement.
- Conservation Assessment/ Architectural Heritage Impact Assessment.
- Arboricultural Report.

Revised details submitted with the appeal include the following:

- Revised layout which relocates Block C c. 2.5m from the site boundary in order to provide for a 6m wayleave as requested by Irish Water.
- Revised drainage layout.
- Drawing indicating sightlines at the entrance.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one reason as follows:

The proposed residential development, at a density of 19 dwelling units per hectare (including the existing dwelling on site), is not considered to be of a sufficient density as identified in the 2016-2022 Dun Laoghaire- Rathdown County Development Plan at this location. In this regard, it is considered that the proposal represents an inefficient and unsustainable use of serviced, zoned land. The proposed development, therefore, materially contravenes Policy RES3: Residential Density of the 2016-2022 Dun Laoghaire- Rathdown County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner considered that the proposal addressed the previous reasons for refusal but that the density of 19 units per hectare was too low.

3.2.2. Other Technical Reports

- Conservation Officer states that 'we welcome the direction in which the development has evolved and addressed the architectural heritage constraints' – no objection to proposed development.
- Drainage Planning: Further Information requested.
- Transportation Planning: Further Information requested.
- Public Lighting: Further Information requested.

3.3. Prescribed Bodies

- A report from Irish Water requests Further Information in relation to the provision of a 6m wayleave for the would-be public sewer.
- Department of Culture, Heritage and the Gaeltacht- report requests conditions with respect to archaeological monitoring.

3.4. Third Party Observations

A total of 10 No. third party observations were submitted to the Planning Authority. The main issues raised are similar to those set out in the observations to the appeal.

3.5. Planning History

V:152/18

Certificate of Exemption (Part V) refused permission 03/01/19.

PA Reg. Ref D15A/0155/ PL 06D.244921

Permission refused by Planning Authority for 4 No. three storey houses by PA for 3 No. reasons relating to impact on the character of protected structure and impact on residential amenities. Appeal to the Board withdrawn.

PA Reg. Ref. D15A/0156/ ABP Ref. PL06D.245864

Permission sought for extensions, alterations and refurbishment of Gowrie House and for new vehicular entrance. Permission granted by Planning Authority for alterations, extension etc. and refused for new entrance. Appeal to the Board withdrawn.

PA Reg. Ref. D15A/0157/ ABP PL06D.244920

Permission refused by Planning Authority for 2 No. 3 storey dwellings for reasons relating to the impact on the protected structure. Appeal to Board withdrawn.

Permission refused by Planning Authority and An Bord Pleanála for change of use of Gowrie House and the construction of a linked extension providing a three storey over basement nursing home for 2 reasons relating to impact on protected structure and impact on residential amenities.

4.0 Policy Context

4.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2016 – 2022

- Zoning Objective A “To protect and/or improve residential amenity.”
- The existing building on the site, Gowrie House, is a protected structure ref. no. 1431 and Glenageary Road Upper is a proposed QBC.
- Chapter 6 Built Heritage Strategy
- Chapter 8 Principle of Development
- Section 2.1.3.3 Policy RES 3: Residential Development

Relevant National Policy includes the following:

- The National Planning Framework
- Guidelines for Planning Authorities on Urban Development and Building Heights
- The Architectural Heritage Protection Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Urban Design Manual- A Best Practice Guide
- Sustainable Residential Development in Urban Areas- Cities, Towns and Villages

4.2. Natural Heritage Designations

- None relevant.

4.3. EIA Screening

- 4.3.1. Having regard to the nature and scale of the proposed development, 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.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. The main grounds of the **two third party appeals** can be summarised as follows:

- The decision of the planning authority is not sufficiently comprehensive and should have been based primarily on the adverse impact of the proposal on the protection of the setting of Gowrie House- a protected structure.
- The three refusal reasons reflect a close and careful consideration of the significance of Gowrie House as a protected structure.
- The proposed development is too close to No. 12 Carnegie Drive and both the existing and proposed developments would overlook each other.
- The site area has been miscalculated as Gowrie House has been included and there are ongoing works on this property granted under PA15A/0156.

- 5.1.2. The main grounds of the **first party appeal** can be summarised as follows:

- A further increase in the density would have a significant impact on matters of scale, height, massing and proximity to the protected structure.
- The site calls for a sensitive balance between ensuring delivery of an appropriate density and protecting and/or enhancing the presence of a protected structure on site.
- The Planning Authority were previously of the view that the development of the site in individual plots was a piecemeal approach to development of this site. The applicant has taken this point on board and is now providing for a development proposal that incorporates the entirety of the site.

- The current proposal ensures that Gowrie House maintains its prominence within the site with all units proposed behind the building line of the existing building's footprint.
- Revised details are submitted to address the drainage issues.
- The applicant does not intend for the development to be taken in charge or that the services would be in public charge and as such, the relocation of Block C is not required. However, should the Bord consider it necessary, it is evident that Block C and the 6m wayleave can be comfortably located on site.
- A drawing is attached to appeal demonstrating that sightlines can be achieved.

5.2. Planning Authority Response

The Planning Authority response can be summarised as follows:

- As per Map No. 7 of the 2016-2022 Dun Laoghaire- Rathdown County Development Plan, the following objectives apply to the site
 - Proposed Quality Bus/ Bus Priority route along Glenageary Road Upper;
 - The site is located within the notional boundary of the proposed Dun Laoghaire and Environs Local Area Plan (LAP).
- The principle of the proposed development would be acceptable on site however, the Planning Authority considers that there is an opportunity to provide a high quality residential development on the site. Block A could be revised to provide additional accommodation.
- Regard should be had to the emerging National Policy, in particular the National Planning Framework, the Design Standards for New Apartments, 2018 and the Building Height Strategy which all provide for increased densities for infill development on these types of sites.

5.3. Observations

The observation submitted can be summarised as follows:

- We are pleased with the decision to refuse permission but dismayed that the sole reason relates to low density.

- Concerns in relation to impact on visual amenities and residential amenities.
- Concerns in relation to adverse impact on protected structure.

5.4. Further Responses

5.4.1. A response submitted on behalf of **Mr. and Mrs. Michael Beausang** can be summarised as follows:

- Agrees with the contents of other appeal.
- Legal, enforcement and land registration issues associated with the commencement of work on Gowrie House under D15A/0156.

5.4.2. A further response on behalf of **Mr and Mrs. Michael Beausang** can be summarised as follows:

- The Board should deem this application invalid as it can't be implemented due to the permission granted and in progress under PA D15A/0156.
- A suggested alternative apartment drawing is attached to the response.

5.4.3. A response submitted on behalf of **Sean O' Donovan** can be summarised as follows:

- Concerns raised regarding impact on protected structure and impacts on residential amenity.

5.4.4. A response submitted on behalf of **Ecotec Construction Ltd.** can be summarised as follows:

- No trees of good quality will be lost.
- It is considered that the site has the capacity to absorb the proposed development without unduly detracting from the character of the area of existing levels of residential amenity.

- Boundary treatment will be maintained along the western and southern boundaries. Within the development a dense hornbeam hedge is proposed along the western boundary and southern boundaries of the site.
- A solicitors letter is attached regarding land ownership.

5.4.5. A response from Ray MacDonnell and others reiterates their observation firmly opposing the development.

5.4.6. A response from the Planning Authority considers that no new matters were raised.

6.0 **Assessment**

6.1. Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Impact on Protected Structure
- Impact on Residential Amenities
- Other Issues
- Appropriate Assessment

6.2. **Impact on Protected Structure**

6.2.1. It is considered by the Planning Authority that the principle of the development is acceptable and that issues raised in previous applications on the site in relation to piecemeal development, scale, bulk, mass and design of the proposed development have been addressed.

6.2.2. The Planning Report notes that the contemporary design and high quality finish of the proposed development compliments the existing protected structure on site. The design response for the front portion of the site is also considered acceptable in

terms of its relationship with the streetscape and adjoining sites. It is also considered that the proposed pallet of materials and finishes are acceptable.

- 6.2.3. The Conservation Officer states that 'In terms of the present proposal, we are of the opinion that the development shows a much greater understanding of the built heritage constraints pertaining to the site. We are satisfied that the layout, orientation, separation distances of the new development within the curtilage of the Protected Structure. In this regard, we feel that the setting and amenity of Gowrie House has been given due regard and sufficient space within the overall scheme to allow the architectural significance and interest of the building to continue to be appreciated and valued. The height, scale, materiality and density of the development is acceptable. This is a much improved and respectful scheme in terms of addressing the architectural heritage, as such our previous concerns have been addressed.'
- 6.2.4. I concur with both the Planning Officer and the Conservation Officer that the scheme as currently designed will not unduly impact on Gowrie House. The main issue in my view is whether the density of the scheme can be increased in order to address the reason for refusal by the Planning Authority, and if so, what impact this would have on the protected structure.
- 6.2.5. The scheme as currently design allows the protected structure to remain visually dominant within the proposed development, provides for sufficient separation distances so that the new units will not take away from the protected structure, provides for the maintenance of the original and existing access avenue and key trees along the roadside boundary of the site.
- 6.2.6. I note that the tree survey has identified 65 individual trees. The current proposal provides for a tree loss breakdown of 22 trees as follows- 16 No. Category U Trees (Trees that are dead, dying or dangerous, 9 No. Category B trees (Trees of Moderate Quality), 13 No. Category Tree Trees (Trees of Poor Quality and Limited Value). No Category A Trees (Trees of good quality specimen) are either present or lost within the development.
- 6.2.7. Unlike previous applications on the site, a piecemeal type of development has been successfully avoided by the proposed development. The scheme as currently designed integrates Gowrie House successfully without negatively impacting on the setting of the protected structure due to the design as set out in paragraph 6.2.5 above.

- 6.2.8. Whilst national and local policy encourages higher densities on infill sites at appropriate locations, it is an overriding requirement that the setting and character of the protected structure is maintained and enhanced. The development plan acknowledges this in Section 2.1.3.3 Policy RES3 'In some circumstances higher residential development may be constrained by Architectural Conservation Areas (ACA), and Candidate Architectural Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACA's, cACA's, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.'
- 6.2.9. I am of the view that this site would be inherently difficult to develop at a higher residential density due to the central location of the protected structure on the site, the potential impact of an increase in height and scale on both the protected structure and residential properties in close proximity to the site including single storey development to the east and west, and the proximity to residences on three sides of the site. The site has a long history of refusals which demonstrate the difficulties of developing this site. The Planning Authority report and response to the appeal suggests that the density and mix of the scheme could be improved by increasing the height of Block A and providing 1 and 2 bedroom apartments.
- 6.2.10. I am of the view that an increase in Block A would have a negative impact on the main approach to Gowrie House and would detract from the character and setting of Gowrie House. I consider that the development as proposed is a well thought out and sensitive scheme and that the development of a higher density development at this location would not be an appropriate response to this sensitive architectural heritage environment. I am of the view that the development significantly increases the existing density and would strike a reasonable balance between the protection of the established character of the area and achieving a higher density. As such, I consider that the proposed development represents an appropriate density for this site and would not detract from the character or setting of the protected structure.

6.3. Impact on Residential Amenities

- 6.3.1. The main concerns raised regarding impact on residential amenities relate to distance between adjoining dwellings and the site, overbearing impact and overlooking.

- 6.3.2. The site is an infill site and there are residences on three sides of the proposed development. Block A is located close to single storey development in Gowrie Park, Block C is located adjacent to a two storey newly built house at No. 12 Carnegie Drive, and Block B is located adjacent to a single storey dwelling 'Kitimavik' at 32 Upper Glenageary Road.
- 6.3.3. I consider that there is no direct overlooking between the proposed development and existing properties due to the layout of the properties and the distance from adjoining properties. I note that the appeal from the owner of No. 12 Carnegie Drive expresses particular concern regarding the size of the rear gardens and the potential of overlooking. The first floor of Block C has been designed with no windows of habitable rooms overlooking No. 12 Carnegie Drive. Both houses are two bedroom and provide for gardens of 98.3m² and 72.5m² which generously exceed the Development Plan requirements for private open space for two bedroom houses. I note that the front door of No. 12 Carnegie Drive is positioned to the side close to the boundary with a narrow wedge shaped passage between the site and the boundary. There is a block wall of c. 1.8m between the site and No. 12 Carnegie Drive. I refer the Board to photographs 1-5 in the third party appeal submitted on behalf of Sean O' Donovan. Photos 1-4 demonstrate the proximity to the site and photograph 5 demonstrates that the bathroom window opens at an angle of 45 degrees and allows views of the site. I consider that the main overlooking in this case would be from the existing bathroom of No. 12 into the gardens of Block C rather than from the velux windows in the rear elevation of Block C into the adjoining garden.
- 6.3.4. I note that concern has been raised regarding the overbearing impact of Block A and the single storey houses in Gowrie Park. However, I am satisfied that the separation distances are sufficient in this case to adequately address this issue - c. 24-c. 28m from the nearest houses at Nos. 17 and 18. I also note that the design has taken account impact on the single storey houses, by rising from single storey nearest the houses at Gowrie Park to two storey further away, by setting back the third floor from the roadside elevation and by sinking the proposed development into the site.
- 6.3.5. As previously noted, this is a difficult site to develop both due to the protected structure and the proximity of residences including single storey to three of the site boundaries. I am of the view that the design of the scheme is of a high quality and I do not consider that the proposed development would have an undue impact on the residential amenities of adjoining properties.

6.4. Other Issues

- 6.4.1. A number of issues were raised by the Drainage Department in a Further Information Request. A revised drainage layout has been submitted in the appeal which addresses the issues raised. I note that Irish Water requested that a 6m wayleave for the would-be sewer through the adjoining Honey Park development. A legal agreement is submitted indicating that foul and surface drainage connection was agreed as part of the permission for this development. The 6m wayleave is indicated on a drawing submitted with the appeal which necessitates that Block C is relocated by c. 2m. The appeal states that the applicant does not intend for this development to be taken in charge or that the services would be in public charge and as such the relocation of Block C is not required. However, if the Board considers that this is necessary, it can be accommodated as per the revised layout. I consider that it would be in accordance with best practice for the wayleave to be provided and as such, the layout should be in accordance with the revised drawing.
- 6.4.2. I note that issues have been raised in relation to title documents and ownership of the site. Details have been submitted in relation to title documents in the further response to the appeal which are satisfactory.
- 6.4.3. I note that it has been raised as an issue that there is a current permission under D15A/0156 which includes a much smaller part of the overall site whilst the current site includes all of the site including Gowrie House. It is stated that it is a basic tenet of the planning system that where one piece of land has the benefit of two inconsistent planning permission, that both remain valid so long as the development under one permission does not make the other physically impossible- which the implementation of D15A/0156 has done in this instance.'
- 6.4.4. The works granted under D15A/0156, mainly for refurbishment and small extensions to Gowrie House are under construction and substantially complete. There is only one valid permission on the site at present which is underway. As such, I am satisfied that the current application is also a valid application. Should the Board be minded to grant permission for the proposed development, a new application may be necessary to amend the site boundaries to Gowrie House as granted under D15A/0156, however this would not be a matter for the Board.

6.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development, an infill site in a serviced urban area, and its 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.

7.0 Recommendation

7.1. Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

8.0 Reasons and Considerations

Having regard to the design, height, scale and massing of the proposed development and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of Gowrie House which is included in the Record of Protected Structures and would adequately protect the residential amenity of adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 11th day of February 2019, 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 including samples of the materials, colours and textures of all the external finishes to the proposed buildings 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 (a) 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.

(b) The layout should be amended in accordance with the revised drawings submitted to An Bord Pleanála on the 11th day of February 2019 to provide for a 6m wide wayleave for a would-be public sewer.

Reason: In the interest of public health.

4 (a) The site shall be landscaped in accordance with the Arborist Report and Landscape Plan received by the planning authority on the 12th day of November, 2018. All landscaping shall be carried out within the first planting season following substantial completion of external construction works.

(b) 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.

Reason: In the interests of residential and visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband

infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. Public lighting shall comply with the detailed standards for planning authorities for such works, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

7. Access arrangements shall comply with the detailed standards for planning authorities for such works.

Reason: In the interests of amenity and traffic safety.

8 a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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. (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

9 (a) 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

and dust management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

(c) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. Deviation from these times

Reason: In the interests of public safety and residential amenity.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. 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 communal 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

14. 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.

15. 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.

Emer Doyle

Inspector

19th day of June 2019