



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304055-19**

---

<b>Development</b>	Construction of a detached dwelling and all associated site works.
<b>Location</b>	209 Mellifont Park, North Road, Drogheda, Co Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	18519
<b>Applicant(s)</b>	Martin Carroll
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas Lowth
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> of June 2019
<b>Inspector</b>	Angela Brereton

## **1.0 Site Location and Description**

- 1.1. This is a corner site located in a residential area at the end of Mellifont Park cul de sac. The site is accessed via the turning head of the cul-de-sac and does not have access to North Road (R132), Drogheda is to the east.
- 1.2. The site is separated by a c.1.8m fence from the semi-detached two storey property no. 209 Mellifont Park to the west. It appears overgrown, and there are some fine trees/hedgerows along the northern site boundary.
- 1.3. No 4 Ashleigh Heights is a two storey detached house to the south and is separated from the site by a block wall. There are views of the first floor windows from the site. There is an infill house on the corner site on the opposite side of the cul de sac in Mellifont Park.

## **2.0 Proposed Development**

- 2.1. This proposal is for the Construction of a 4 bedroom, detached dwelling and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 8<sup>th</sup> of March 2019, Louth County Council granted permission for the proposed development subject to 6no. conditions. These generally concern infrastructure, landscaping, development contributions and construction/management.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report had regard to the locational context of the site, planning history and policy, the submissions made and to the reports submitted. Their assessment included the following:

- The proposal is located within the residential zoning and so is acceptable in principle.

- The site is proximate to the Boyne Coast and Estuary SAC and SPA but is in a fully serviced urban area.
- It is not located within the area of known fluvial or pluival flooding as indicated on OPW.
- This proposal fails to address any of the issues and refusal reasons in the Board's decision (PL15.247862 relates) with regard to overlooking, loss of amenity and depreciation of value of the adjoining property.
- The applicant was requested to submit Further Information in the form of revised plans to address these issues.

#### Further Information response

Icon Planning and Designs submitted an F.I response on behalf of the applicant. This provided that a Design Statement has been prepared addressing the refusal reasons set out in the previous planning application to highlight all concerns and address any unacceptable overlooking or overbearing impacts on existing properties. They also noted that the design had not changed and that revised public notices were not required.

#### Planner's response

The Planner had regard to the F.I submitted, including the Design Statement. They considered that the revised proposal (i.e as submitted in the current application) is a substantial improvement on the previous proposal. They were satisfied that given the nature of the proposal and its design, that it will not have a negative impact on the visual or residential amenities of the area. They recommended permission subject to conditions.

### **3.3. Other Technical Reports**

#### Infrastructure Office

They have no objections subject to recommended conditions.

### **3.4. Prescribed Bodies**

Irish Water – No objections subject to conditions.

### 3.5. Third Party Observations

A Submission has been received from a local resident, who is the subsequent Third Party Appellant. As the issues raised are broadly similar these are considered further in the context of the Grounds of Appeal below.

### 4.0 Planning History

The Planner's Report has regard to the Planning History of the site. The following is of particular relevance:

Reg. Ref. 16/360 – Permission granted subject to conditions by the Council for the construction of a new dwelling house and all associated works on the subject site. This was subject to Third Party Appeals and was subsequently refused by the Board in 2017 (Ref. PL15.247862 refers). The Board's reason for refusal is as follows:

*Having regard to the pattern of development in the area, the proposed site layout and the scale and design of the infill dwelling proposed on this relatively restricted site, it is considered that the proposed development would give rise to an unacceptable level of overlooking and an overbearing impact in relation to adjoining residential property, and would fail to integrate in a successful manner with the existing development in the vicinity. The proposed development would, therefore, seriously injure the residential amenity and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

The Board's Direction included the following:

Note (1): while the Board was not opposed in principle to infill residential development on the site, it was considered that an improved architectural response to the site characteristics and constraints would be required, and a better dwelling design.

Note(2): the applicants calculation of floorspace (c.175m<sup>2</sup>) was accepted as accurate.

A copy of the Inspector's Report and Board Order is included in the History Appendix of this Report.

## 5.0 Policy Context

### 5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

### 5.2. Louth County Development Plan 2015-2021

Section 1.3.1 notes that Local Area Plans will be prepared for Drogheda and Northern Environs. This is reiterated in Section 11.2

Section 2.6 and Table 2.2 refers to the Settlement Hierarchy Based on County Role. Drogheda is referred to as a Large Growth Town 1 - *Key destination, economically active, supporting surrounding areas, located on a multi-modal corridor.*

Table 2.5 sets out the Potential Housing and Population Growth within Settlements, with Drogheda & Environs on the top tiers below Dundalk & Environs.

Section 2.14 notes: *The Settlement Strategy set out in the Plan acknowledges the primary positions of Dundalk and Drogheda as Level 1 Settlements at the top of the settlement hierarchy. The Plan seeks to prioritise sustainable residential development in these towns and their environs that they may achieve critical mass and enhance their capacity to attract new investment, employment, services and improved public transport.* Table 2.8 Settlement Hierarchy and Section 2.16.1 refers.

Section 2.16.4 notes that the statutory development plan for the urban area of Drogheda is the 'Drogheda Borough Development Plan 2011-2017'. It is provided that 'The Louth County Development Plan 2015-2021 is the over-arching Development Plan for the entire county including Dundalk and Drogheda. It seeks to review these plans but notes that they are currently in place.

Policy SS4 seeks: To review the *Drogheda Borough Council Development Plan 2011-2017* and to prepare a Local Area Plan for Drogheda and Environs which will be consistent with the provisions of the County Plan.

### 5.3. **Drogheda Borough Council Development Plan 2011-2017**

The provisions of the 2011-2017 Drogheda Borough Council Development Plan have been considered, and in particular the following:-

The 'RE – Residential Existing' land use zoning objective for the subject site: "To protect and/or improve the amenity of developed residential communities".

It is noted that the Zoning Objectives Map also shows a 'red dot' to the north site - to provide for Local Primary Shops. The single black line to the north of the site indicates a 'Transportation Corridor (Roads)'.

Chapter 6 concerns Housing and Community Facilities. Section 6.2.1 refers to Residential Zoning. Section 6.2.3 to Housing Mix. Section 6.5 to Sustainable Residential Development and 6.5.1 to Sustainable Neighbourhoods. Table 6.1 provides Design Principles for Sustainable Communities.

Policy HC 8 seeks to: *Implement the guidelines and best practice manuals issued by the Department of Environment, Heritage and Local Government as contained in the policy documents Urban Design Manual - A Best Practice Manual 2009, Quality Housing for Sustainable Communities; Best Practice Guidelines for Delivering Homes, Sustaining Communities 2007 and Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities 2007 - in the planning for and provision of sustainable communities within new residential areas.*

Section 6.6 provides the Design Guidelines. Section 6.6.8 refers to Infill/Backland Development, Density, Design and Scale, Access, Materials/ Form, Open Space etc.

### 5.4. **EIA Screening**

Having regard to the nature of the proposed development and taking into account the existing residential zoning on this site, the serviced nature of the area, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Thomas Lowth of No. 4 Ashleigh Heights which is the detached two storey property to the south of the application site. The grounds of appeal include the following:

- Regard is had to the Planner's request for Further Information and he notes and is concerned that the proposed design has not been changed.
- The Board's previous reasons for refusal have not been overcome in the design and layout of the proposal as submitted.
- The proposal will impact adversely on the residential amenities of his property and be visually obtrusive, and not be in character with the adjacent housing in Mellifont Park and the visual amenities of the area.
- This is an attempt to maximise the use of a restricted site/side garden by providing a grandiose property to the detriment of surrounding properties.
- The proposal is to be set back only 11m from his rear boundary wall and the design and massing will lead to a more visually dominant development to that previously refused.
- The front elevation is not in keeping with the alignment of the row of dwellings on Mellifont Park, where the entrance is proposed to be located.
- The applicants have reduced the size of the property at the expense of his privacy, in that the design now proposed gives more scope for overlooking.
- The footprint and alignment of the proposed dwelling are still both significantly different to that of adjacent properties in Mellifont Park.
- The scale and bulk of the proposed development is significantly greater than these properties, so it is difficult to see how it fits into the pattern of development in the area.

- Concern about the proximity of the footprint of the proposed dwellinghouse to the row of mature beech trees along the northern boundary of the site. That the proposal including its construction will have an adverse impact, including on the stability of these trees and on the natural wildlife of the area.
- In summary he considers that the proposed development will be detrimental to the character and pattern of development of the area, is not an improvement on that previously refused, and will cause significant impact to the residential amenities of his property. Also, that it is wholly unacceptable and will ultimately devalue his property. He requests that the Board refuse permission on this basis.

## 6.2. Applicant Response

6.2.1. Icon Planning & Designs Ltd have submitted a response to the grounds of appeal to include the following:

- They have regard to the previous Board refusal on this site.
- The new proposal intends to retain the double line of trees on the boundary between the application site and 'Sheelin' and repair the boundary between the 2 properties.
- A shadow analysis has been done on the site (Figure 1) and it is considered that there will be no more impact to the Sheelin property than what the existing boundary is already providing.
- The proposed houses type is positioned 11m off the southern site boundary and provides in excess of the 22m separation distances in compliance with policy and guidelines.
- It is considered that the proposed design is an improvement on the previous application and in compliance with the standards set out.
- Further measures like landscaping and planting can be applied to further increase a division between the properties.
- They do not consider that the proposed development would injure or impact on the residential amenity of no. 4 Ashleigh Heights.



- The proposed dwelling has been reduced in floor area from that previously refused.
- As stated in the Design Statement the proposed design set out to take into consideration all existing dwellings and amenity spaces and show regard to the limitations of the site.
- As shown on the 3D perspectives the private rear garden is large in comparison to dwelling houses being granted at present (Fig. 3 refers).
- They have addressed the previous reasons for refusal and have agreed on the merits of the plans submitted and as discussed in the Design Statement.
- The proposed dwelling is two storey in keeping with the scale and height of existing dwellings and has been positioned to prevent any overlooking impact.
- Fig.4 is a satellite view showing existing adjacent properties and rear garden distances ranging from 9.9 to 14.9m approx.
- The proposed design set out to mitigate any intrusiveness and overlooking impacts.
- They provide that the design of the proposed dwelling complies with policy and guidelines, will blend into the existing area as an infill site and not impact adversely on residential amenities or character of the area.

### 6.3. Planning Authority Response

Louth County Council Planning Section provide that they have no further comments to make over and above the Planner's Reports dated the 5<sup>th</sup> of May 2019 and the 15<sup>th</sup> of August 2018.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

In terms of land use, the Zoning Objectives map for Drogheda shows that the subject site is within the Existing Residential 'RE' Zoning Objective which seeks: *To protect and/or improve the amenity of developed residential communities.* Section 6.6.8 of

the plan refers to infill/backland development and includes: *Development on these sites should have due regard to existing surrounding development in terms of design, scale, height and building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.* Therefore, the principle of sustainable infill development would be in accordance with the residential zoning objective.

- 7.1.1. Regard is also had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.2. Also, of note is Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines, 2009' which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.1.3. It is considered that the principle of an infill residential development is acceptable relative to the residential land use zoning. Regard is had further to the documentation submitted including the Design Statement submitted in response to the Council's Further Information request. Also, to the issues raised by the Third Party including compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, access and drainage and impact on the pattern of development and character and amenities of the area in this Assessment below.

## **7.2. Differences between the current proposal and that previously refused**

- 7.2.1. As noted in the Planning History Section above, the Board previously refused permission for the erection of a dwelling on this site. In that case the area of the site was given as 0.067ha and the area of the proposed two storey house as 175.4sq.m. This was shown with a pitched roof as c.8m in height. The north west (facing the

road) had a deep set roof and appeared as single storey with roof lights. The south east elevation included a two storey element with 2 first floor windows looking towards no. 4 Ashleigh Heights (note shown as Ashfield Heights on mapping). The side elevations included two first floor windows. It is considered that the design of this proposal was different and more complex to that currently submitted.

- 7.2.2. The proposed dwelling is now shown as a more simplified two storey house with less elements than originally shown. This includes the single storey element at the side. It has a pitched roof c. 8.2m in height. The ground floor is given as 82sq.m and the first floor as 73sq.m. The floor area has been reduced to 155sq.m. from 175sq.m in the previous application.
- 7.2.3. There were also differences in the Site Layout Plan in that the proposed house was shown set back 9m from the site boundary with no.4 Ashleigh Heights and is shown as 11m on the subject plans. The proposed dwelling is now shown located c.27m from the rear of this property to the south east, so the separation distance has been increased. The side elevation shows the proposed set back from the adjoining house no. 209 Mellifont Park, which is relatively similar to that previously shown.
- 7.2.4. Having regard to the Board's previous refusal in Ref. PL15.247862 (as noted in the Planning History Section above), the Board Direction noted that they were not opposed in principle to a well designed infill residential development on the site. Therefore, the issue with the current proposal is whether it is considered that the proposed design is an improved architectural response to the site characteristics and constraints and provides for a better dwelling design.

### **7.3. Design and Layout and impact on adjoining properties**

- 7.3.1. As shown on the Site Layout Plan the site while within the residential zoning has a number of constraints. This includes that it appears more backland in view of the set back of the site and the long narrow access to the site which is set behind that of the adjoining properties in Mellifont Park. Therefore, in view of its orientation the building line cannot be complied with. There is also a constraint provided by the need to retain the existing rows of trees along the northern boundary of the site.
- 7.3.2. As noted by the Third Party, the Council's F.I request considered that this proposal fails to address any of the issues and refusal reasons as set out with regard to

overlooking, loss of amenity and depreciation of value of adjoining properties. The Council requested the applicant to submit revised plans to address the reasons for refusal in a comprehensive manner.

- 7.3.3. In response Icon Planning & Designs Ltd submitted a Design Statement relative to the plans submitted with the current application. They noted that this does not show revisions to the plans as submitted but consider that it addresses the Council's concerns. This includes Figure 1 showing the extent of the rear garden area; Fig.2 showing a streetscape view of the proposed height keeping in context with the existing; Fig.3 showing the proposed site plan and increased separation distances; Fig.4 shows the footprint of the previous planning application granted by the Council and refused by the Board.
- 7.3.4. They note that the siting of the proposed development exceeds the 22m separation distance between first floor windows relative to the overlooking concerns of no.4 Ashleigh Heights. Also, that this is in compliance with Section 6.7.6 of the Drogheda Borough Council Plan 2011-2017 which provides for *Privacy and Spacing between buildings*. This is reiterated in Section 4.10.3 of the Louth CDP 2015-2021.
- 7.3.5. They note the reduction in floor area i.e 155sq.m compared to 175sq.m previously proposed. The proposed development is two storey and they do not consider that it detracts from the character and amenities of the area. This is refuted by the Third Party who consider that the proposal will have an adverse impact on the pattern of development in the area and on the residential amenities of his property and the character and amenities of area.
- 7.3.6. Regard is had to the DOEHLG '*Urban Design Manual-A best practice guide 2009*' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood, Housing Site and Home. The proposed Design and Layout is considered under each of these 12 categories and they provide that it is in compliance. They provide that the proposed development is an integrated one and has kept in context with the positive indicators as outlined in this Manual. Also, that the design and layout is a considerable improvement on that previously refused.
- 7.3.7. Having regard to the previous plans that were refused by the Board, I would consider that the design and layout of the current proposal is preferable in the context of

adjoining properties and the streetscape and note the reduction in floor area and the increase in set back from no. 4 Ashleigh Heights as an improvement.

#### **7.4. Landscaping issues**

- 7.4.1. The front elevation of the new dwelling house is situated a distance of c.5.5 m - 7.5m from a row of mature beech trees which are located on the northern boundary of the proposed development. The Third Party is concerned about the impact on these trees and considers that during construction of the proposed dwelling house and site infrastructure which will include, the excavation structural foundation, trenches to accommodate drainage sewerage lines and also the construction of the entrance driveway it is inevitable that the roots of these encroaching trees will be interfered with. As a consequence the trees in question will be rendered unstable and liable to wind blow. Also, that the applicant fails to take account of measures around the protection of the encroaching roots and the substantial impact the proposed dwelling house will have on their stability and on the natural wildlife of the area.
- 7.4.2. The First Party response provides that the new proposal (i.e as submitted in the current application) intends to retain the double line of trees on the boundary between the application site and 'Sheelin' the property to the north east and to repair the boundary between the two properties. They are satisfied that sufficient distance has been left between the existing boundary trees with the intention to maintain the health and function of the trees as a mature non overlooking boundary.
- 7.4.3. I would be concerned to ensure that the proposed development would not impact adversely on these trees, which contribute to the character of the streetscape and would recommend if the Board decide to permit that a landscaping condition which includes measures to protect these trees during construction be included.

#### **7.5. Infrastructural issues**

- 7.5.1. Access is proposed via the turning circle at the top of the cul de sac of Mellifont Park. It is noted that there is another access to an infill house on the opposite side of the road. The driveway is longer than usual in view of the orientation and set back of the site. Two on-site parking spaces are to be provided which is in accordance with the Residential Car Parking Standards as per Table 6.6 of the Louth CDP.

- 7.5.2. It is proposed to connect to existing services. A soakaway is shown in the rear garden area. It is noted that the Council's Infrastructure Section did not object, subject to recommended conditions. If the Board decides to permit it is recommended that conditions relative to the access and drainage be included.

## **7.6. Screening for Appropriate Assessment**

- 7.6.1. Having regard to nature and scale of the development for an infill dwellinghouse in a fully serviced and zoned residential area and the nature of the receiving environment and the distance and lack of connections to the nearest European sites: River Boyne and River Blackwater SAC (site code: 002299) and Boyne Estuary SPA (site code: 004080), 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**

- 8.1. I recommend that permission be granted subject to the conditions below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Louth County Development Plan 2015 -2021 and the Drogheda Borough Council Development Plan 2011-2017, to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 14th day of February, 2019 and by the further plans and particulars received by An Bord Pleanála on the 25th day of April, 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 interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed house 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. Permission is granted for one dwelling only and the entire premises shall be used as a single dwelling unit.

**Reason:** In the interests of clarity and the residential amenity of the area.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, including the rear garden area, without a prior grant of planning permission.

**Reason:** In the interest of the residential amenities of the area.

5. (a) The trees along the northern site boundary shall be retained and prior to the commencement of development a comprehensive boundary treatment

and landscaping scheme for the site shall be submitted to and agreed in writing by the planning authority.

(b) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(d) No trench, embankment or pipe run shall be located within 3 metres of any trees which are to be retained on the site.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. The vehicular access and driveway, serving the proposed development, shall comply with the requirements of the planning authority for such works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.



**Reason:** In the interest of visual amenity.

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

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

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 from 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.

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

11. 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.

---

Angela Brereton  
Planning Inspector

27<sup>th</sup> of June 2019