



An  
Bord  
Pleanála

## Inspector's Report ABP-304499-19

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<b>Development</b>	Demolition of two existing office blocks and construction of 59 no. residential apartments and all associated site works.
<b>Location</b>	Southwestern corner of junction of Malahide Road / Carr's Lane, Balgriffen, Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0735
<b>Applicant(s)</b>	Carr's Lane Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First & Third Party (1 no.)
<b>Appellant(s)</b>	Carr's Lane Ltd. (1 <sup>st</sup> ) Dublin Airport Authority (3 <sup>rd</sup> )
<b>Date of Site Inspection</b>	23/08/2019
<b>Inspector</b>	Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of the Malahide Road (R107), approx. 750m north of the junction with the R139 / Northern Cross, and opposite Fingal Cemetery. The site which is generally rectangular in shape, comprises 0.72ha and is bounded by Carr's Lane to the north. It is currently occupied by two vacant two-storey office buildings, *Glandore House* and *Balgriffen House*, and a detached residential property at its southern end, *The Cottage*. There are a large number of mature trees along the site boundaries.
- 1.2. Carr's Lane is a cul-de-sac serving Balgriffen Cemetery, Innisfails GAA club and a small number of residential and commercial properties. There is a detached residential property on a large site to the west of the appeal site, La Rondini, and similarly on the northern side of Carr's Lane. To the immediate south of site is a detached two-storey dwelling, while lands further to the south to the rear of Balgriffen Inn / Champions pub, are under redevelopment for residential purposes, while the wider area to the south of the site has been subject to significant levels of development in recent years. The Malahide Road is provided with footpaths on both sides and bus stops adjoining the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing office and residential buildings on the site and construction of 59 no. apartments in two no. four-storey blocks connected by covered external walkways, parking spaces and associated services and facilities. Apartments comprise 22 no. 1 bed units, 30 no. two bed units and 7 no. three bed units. Access to the site is proposed from Carr's Lane at the western end of the site frontage thereto, with additional pedestrian access from the Malahide Road. Some works to improve sightlines at the junction of Carr's Lane and the Malahide Road are proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

In considering the application, the planning authority sought further information in relation to a number of items, including revisions to apartment design to demonstrate compliance with the standards contained in the Sustainable Urban Housing: Design Standards for New Apartments.

The planning authority subsequently decided to grant permission for the proposed development, subject to 19 no. conditions, including the following:

19. A financial contribution of €443,790 toward expenditure that was and or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The submission of the DAA was noted and considered acceptable having regard to the location of the site in the Outer Airport Noise Zone. The development is acceptable in principle and would not militate against the achievement of an LAP for the area. This would be an Intermediate Urban Location, within walking distance of high frequency public transport services. The densities proposed are acceptable and in accordance with relevant guidelines. The development would not give rise to undue negative visual impacts.

Apartments comply with the Guidelines on Design Standards for New Apartments. The development provides communal open space in excess of the guideline requirements but does not provide public open space. The public open space shortfall should be subject to a financial contribution in lieu. Parking provision is below the development plan requirements but can be accepted having regard to the character of the location and to national policy guidance.

It was not considered likely that the development would give rise to significant effects on any European sites.

### 3.2.2. Other Technical Reports

**Transport:** The development provides 66 no. parking spaces which is the minimum acceptable for the development. No objection subject to conditions.

**Water Services:** No objection subject to conditions

**Parks:** The landscape plan is acceptable and conditions recommended. Proposed open space is communal rather than public and a contribution in lieu of the shortfall is required.

**Environment:** No objection subject to conditions with regard to construction waste arising from demolition works.

### 3.2.3. Prescribed Bodies

**Irish Water:** No objection subject to conditions.

**DAA:** The site is within the Outer Airport Noise Zone. In accordance with Development Plan Policy DA07, further information or planning conditions should be attached:

- To assess the noise environment of the site.
- Demonstrate that appropriate internal noise levels can be achieved.
- Implement appropriate noise mitigation measures.

## 4.0 Planning History

There is an extensive planning history relating to these lands and lands in the wider area:

### 4.1. Appeal Site:

There were a number of applications relating to an extension to an office building on the appeal site under PA ref. F99A/0964 ABP ref. PL06F.118158, PA ref. F98A/1088 ABP ref, PL06F.109805 and PA ref. 92A/1323.

There were also a number of applications relating to the residential property on the site, The Cottage, under PA ref. F02B/0106 ABP ref. PL06F.129919, F01B/0417, F99B/0600, F98A/0457.

#### 4.2. **Surrounding Area**

Lands to the south of the appeal site, at Campions Public House, have been subject to development works

##### **PA ref. F15A/0093 ABP ref. PL06F.245710**

Permission granted on appeal for a mixed use residential and retail development comprising 43 no. houses and a 4-storey mixed use block containing 9 no. 2-bed apartments and 1 no. retail unit. By condition, the proposed apartment and commercial block were omitted from the approved development.

##### **PA ref. F18A/0092 ABP ref. ABP-301639-18**

Permission granted on appeal for modifications to the permission granted under ref. F15A/0093 and PL06F.245710 comprising changes to the levels on the internal road network and floor levels within the previously approved houses.

**ABP-300635-18** On appeal under S.9, a Vacant Site notice relation to Campions Public House was confirmed

##### **PA ref. F18A/0167 ABP ref ABP-302404-18**

This is a concurrent appeal against the decision of the planning authority to grant permission for development described as modifications to permission previously granted under ref. F15A/0093 ABP Ref. PL06F.245710.

Lands in the surrounding area have been subject to significant redevelopment proposals particularly lands at Belmayne and Balgriffen Cottages, to the east of Malahide Road, and at Belcamp to the south of the appeal lands.

## 5.0 Policy and Context

### 5.1. Development Plan

#### **Fingal County Development Plan 2017-2023**

The appeal site is zoned RS: Provide for residential development and protect and improve residential amenity. The area is identified as being subject to the preparation of a Local Area Plan

Lands to the north of Carr's Lane are zoned GB: To protect and provide for a Greenbelt.

This area is within the Outer Airport Noise Zone. Objective DA07 states that the planning authority will strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone.

The Development Strategy for Balgriffin and Belcamp is to consolidate the new and existing areas to create vibrant residential communities with appropriate local services and community facilities. Ensure that the necessary infrastructure is delivered in tandem with development and that the new built form respects the rich built and natural heritage of the surrounding environment and recognises the ecological sensitivity and hydrological connection with adjacent European Sites.

Objective BALGRIFFIN/BELCAMP 1: Promote high quality residential development which meets the needs of all stages of the life cycle through an appropriate mix of house type and local amenities.

Objective BALGRIFFIN/BELCAMP 6: Prepare a Local Area Plan for lands at Belcamp to provide for a sustainable mixed-use urban district including residential, community and recreational facilities subject to the delivery of the necessary infrastructure and rehabilitation and restoration of Belcamp House.

Objectives of the plan encourage consolidation of urban areas and increased densities where appropriate, subject to the character of the area being protected.

Chapter 12 sets out development management standards and Tables 12.1 - 3 and 12.6 set out Dwelling and Apartment Standards. Objective DMS57A requires a minimum 10% of a proposed development site area for use as public open space.

Objective PM42 notes the requirement for the planning authority to apply the provisions of Guidelines for Planning Authorities 'Sustainable Urban Housing: Design Standards for New Apartments'.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities.

## 5.2. **National Policy**

The following section 28 Ministerial Guidelines are of relevance to the consideration of the proposed development:

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Urban Development and Building Heights Guidelines for Planning Authorities.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets

## 5.3. **Natural Heritage Designations**

The nearest designated natural heritage sites to the appeal site are Baldoyle Bay Special Area of Conservation (000199) and Baldoyle Bay Special Protection Area (004016), approx. 2.4 and 2.8km to the east respectively.



## 5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

#### 6.1.1. First Party Appeal

Carr's Lane Limited make the following points in their appeal under S.48(10)(b) against Condition no. 19 of the planning authority decision, requiring the payment of a financial contribution:

- It is assumed that the sum of €443,790 was calculated on the basis of 4,817-sq.m. of residential development at a rate of €92.13 per square metre.
- These figures are correct, however, no allowance has been made for the existing structures on the site which are to be demolished.
- The terms of the Development Contribution Scheme provide for a reduction in payable contributions in respect of structures to be demolished.
- The area to be demolished is 1,828-sq.m. which would provide for a reduction of €137,482.56 and a total contribution payable of €306,307.44.
- The Board is requested to accordingly reduce the contribution payable under condition no. 19.

#### 6.1.2. Third Party Appeal

**Dublin Airport Authority** make the following points in their appeal against the decision to grant permission for the proposed development:

- The site is located within the Outer Airport Noise Zone, wherein the Development Plan seeks to manage sensitive development and requires appropriate noise insulation.
- The DAA submission on the application requested appropriate noise mitigation measures by way of condition or further information, which was acknowledged in planning reports on the file.
- No conditions in this regard were included in the planning authority decision and the planning authority have subsequently confirmed that the omission of such a condition was an error.
- The appeal requests that the Board attach a further planning condition relating to noise mitigation measures to ensure appropriate internal noise levels for habitation are achieved and maintained.
- This is supported in national, regional and local policy.

## 6.2. Planning Authority Response

- In response to the third party appeal by the DAA, the planning authority state that they have no objection to the inclusion of a condition relating to the submission of an inward noise assessment and provision of suitable noise mitigation measures.
- In response to the first party appeal it is noted that financial contributions were calculated on the basis of 4,835-sq.m. of development, minus exempted ESB substation of 18-sq.m., at a rate of €92.13 /sq.m., equating to €443,790.
- No allowance was made for demolition of existing structures.
- The applicants had been requested to provide appropriate drawings in order for the planning authority to determine the areas of demolition.
- The drawings submitted were inadequate and the planning authority could not verify the demolition element to allow them to take this into account.
- The planning authority is happy to apply a demolition allowance in accordance with the Development Contribution Scheme following receipt and verification of submitted drawings.

- In the event that the decision to grant permission is upheld, other conditions relating to development contributions, bonds and securities under conditions no. 8, 9 and 18 should also be included.

### **6.3. Further Responses**

#### **6.3.1. First Party**

##### **Response to DAA Appeal:**

- The first party is agreeable to the application of a noise attenuation condition as outlined in the appeal.
- The first party have submitted a Noise Impact Assessment Report which identifies mitigation measures to achieve appropriate internal noise criteria.

##### **Response to planning authority submission on first party appeal:**

- A detailed building survey was undertaken in July 2019. This identifies the floor area of building to be demolished be 1,642-sq.m.
- This would provide for a demolition exemption of €120,058.20, which is slightly reduced from the figure identified in the first party appeal.
- Detailed survey drawings of buildings to be demolished are provided in this regard.
- The planning authority have indicated that they are happy to apply an exemption in respect of buildings to be demolished.

#### **6.3.2. Third Party**

Dublin Airport Authority have no further comments to make following the planning authority response to their appeal.

## 7.0 **Appropriate Assessment Screening**

- 7.1. The application was accompanied by an Appropriate Assessment Screening Report.
- 7.2. The report notes that while there are no European sites in the vicinity of the site, two streams in the area drain to Baldoyle Bay SAC and SPA approx. 2.7km to the east – the Mayne River to the south and Cuckoo Stream to the north which is a tributary of the Mayne. The report notes the wider designation of European sites in Dublin Bay and the associated conservation species and habitats.
- 7.3. The site will be connected to mains wastewater services. While surface water currently discharges directly to ground, discharge from the development will discharge to the Mayne River, following on-site attenuation measures and use of interceptors.
- 7.4. The development will not result in any direct impacts on any European Site. There will not be any loss or disturbance of habitats connected with these sites and surface water treatment on-site will avoid negative impacts arising from water quality. The development will contribute to flows to Ringsend WWTP which is currently over-capacity and not in compliance with the Urban Wastewater Directive. Works to address these capacity issues are currently underway. The marginal additional loading would not be significant, however, and the AA Screening Report notes that there is no evidence that pollution through input of nutrients impacts negatively on the conservation objectives of the South Dublin Bay River Tolka Estuary SPA.
- 7.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites No. 000199 and 004016, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 8.0 **Assessment**

- 8.1. I have reviewed the documentation on the file, including in particular the planning authority assessment of the case, the first and third party appeals lodged and

correspondence received by the Board relating thereto. I have visited the site and its surroundings. I note that the planning authority received no third party objections to the proposed development and that the decision to grant permission in this instance has not been challenged.

8.2. In this regard, I propose to restrict this assessment to the consideration of the two issues raised in the appeal submissions, namely:

- Application of a condition relating to noise mitigation measures.
- Consideration of development contributions payable under condition no. 19.

8.3. Noise Mitigation Measures:

The site lies within the Outer Airport Noise Zone associated with Dublin Airport. There is no disagreement between parties with regard to the appropriateness of applying conditions to ensure that appropriate levels of residential amenity are achieved within the development. The planning authority have acknowledged that such a condition is appropriate and was omitted in error from their decision.

In their appeal response, the first party have submitted a noise impact assessment report which recommends glazing and ventilation mitigation measures to achieve the identified noise criteria. I consider the contents of this reports to be reasonable and recommend the attachment of a condition implementing these recommendations with final design specification to be agreed with the planning authority.

8.4. Condition no. 19 Financial Contributions

There is no dispute between the parties with regard to either, the floor area of development or the rate of contributions to be applied (last updated 1<sup>st</sup> January 2019), or whether an allowance in respect of structures to be demolished should be provided for in accordance with para. 10(i)(m) of the scheme.

The planning authority have indicated that if detailed drawings of existing structures had been available, such an allowance would have been included in the calculations. The first party have submitted a revised schedule of the floor areas to the Board, describing the three structures to be demolished. This schedule was accompanied

by dimensioned drawings of the structures. I note, however, that these drawings are not to scale and are not to the same scale. While the floor areas set out in the schedule of accommodation would appear to be correct, I cannot verify the exact floor areas of these structures based on the drawings submitted.

In this regard, I consider that condition no. 19 of the planning authority decision should be amended to provide for a reduction in the applicable financial contributions in respect of structures to be demolished. The final floor areas in respect of these structures and the relevant reduction should be subject to agreement with the planning authority.

## 9.0 Recommendation

Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

## 10.0 Reasons and Considerations

Having regard to the residential zoning of the site, to the pattern of development in this surrounding area, and to the nature, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the character of the area or the amenities of property in the vicinity, that it would provide an adequate level of amenity for its future occupants, and that it 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.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with
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	<p>the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th day of March 2019 and by the further plans and particulars received by An Bord Pleanála on the 25th day of July, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Apartment no. 3.01.02 shall be provided as a Type H unit. The western elevation of the balcony serving this apartment shall be provided a screen to address potential overlooking of adjoining properties.</p> <p>(b) The noise mitigation measures identified in the Inward Noise Impact Assessment report submitted to An Bord Pleanála on 25<sup>th</sup> of July 2019 shall be implemented in full.</p> <p>Revised drawings and specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The landscaping scheme described in the Landscape Development Report (issue 2) and as shown on drg no. 1446-300 Rev 1, as submitted to the</p>

	<p>planning authority on the 19<sup>th</sup> December 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 3 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>The measures outlined in the Tree Protection Strategy and in drawing no. TCAR002 103 Tree Protection, submitted to the planning authority on 19<sup>th</sup> December 2019, shall be implemented in full.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
6.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company of €20,000, or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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.</p>



	<p><b>Reason:</b> To secure the protection of the trees on the site.</p>
7.	<p>a) Parking for each residential unit shall be allocated on the basis of two spaces for each three bedroom unit and one space for all other units.</p> <p>b) The proposed pedestrian footpath along the northern boundary of the site shall be constructed to the Council's taking in charge standards.</p> <p>c) The final design and layout of resident and visitor bicycle parking facilities on the site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development</p>
8.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
9.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>Proposals for an estate / street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to</p>

	<p>the proposed names.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management</p>
13.	<p>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</p>

	<p>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.</p> <p><b>Reason:</b> 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.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 or maintenance of any part of the development. The security to be lodged shall be as follows - (a) an approved insurance company bond in the sum of €236,000 two hundred thirty six euro), or (b) a cash sum of €147,500 (One hundred and forty seven thousand, five hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or (c) such other security as may be accepted in writing by the planning authority.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution of €150,548 (One hundred and fifty thousand, five hundred and forty eight euro) in lieu of public open space provision within the development and</p>

	<p>toward public facilities and public amenity works benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €443,790 (Four hundred and forty three thousand, seven hundred and ninety euros) 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.</p> <p>In accordance with paragraph 10(i)(m) of the scheme, this sum shall be reduced in respect of existing structures on the site to be demolished. the value of such reduction shall be agreed in writing between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall</p>

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.

**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.

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Conor McGrath  
Senior Planning Inspector

23/08/2019