



An  
Bord  
Pleanála

## Inspector's Report ABP 304975-19

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<b>Development</b>	Construction of a two-storey detached dwelling and all associated site works
<b>Location</b>	South Shore Road, Rush, Co Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F19A/0197
<b>Applicant</b>	David McConnell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	David McConnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> September 2019.
<b>Inspector</b>	Brendan Coyne



## 1.0 Site Location and Description

1.1. The site is located on the northern side of the South Shore Road, and has a stated area of 0.08 hectares. The site is rectangular in shape and comprises an undeveloped site, located between 2 no. detached one and a half storey dwellings to either side of the site. Site boundaries to the sides and rear comprise block walls and timber fencing. Lands to the rear / north of the site contain rows of glasshouses. The ground level of the site along the South Shore Road to the front of the site is +3.51m which drops to +2.6m towards the rear of the site. The South Shore Road is characterised with single and 1.5 storey detached dwellings of varying form and design.

## 2.0 Proposed Development

- 2.1. Original Proposal as submitted to Fingal County Council on the 8<sup>th</sup> May 2019;
- Construction of a detached 2 storey 4 no. bedroom dwelling (289 sq.m.) which incorporates a balcony to the front / southern elevation at first floor level.
  - Construction of a single storey garage (53 sq.m.) to the rear of the dwelling,
  - New vehicular access off the South Shore Road and driveway, serving the proposed new dwelling,
  - The provision of 1.8m high timber trellis fencing along the western boundary of the site and a 2m high wall along the northern and eastern boundaries of the site.
  - The provision of a 0.67m high block wall along the front southern boundary of the site.
  - Alterations to site levels.
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Fingal County Council refused permission for the proposed development. The 2 no. reasons for refusal were as follows;

1. The subject site is within the 'RS' zoning objective under the Fingal Development Plan 2017 – 2023, the objective of which is to 'provide for residential development and protect and improve residential amenity' and is also indicated on Sheet No. 14 'Green Infrastructure 1' of the Fingal Development Plan 2017 – 2023 as being located within a 'Highly Sensitive Landscape'. The proposed development, in particular the dwelling, by virtue of its scale, bulk and incongruous design, specifically the roof form(s), the multiplicity of material finishes and the design of the openings on the front elevation, would cause serious injury to the visual amenities and character of the area, would result in a diminution in the residential amenity of adjoining property and would therefore contravene materially the 'RS' zoning objective for the area and would be contrary to the proper planning and sustainable development of the area.
2. The development if permitted would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Note: As detailed in Section 7.2 below, the Planning Authority in its response to the Grounds of Appeal, acknowledges the typographical error in Refusal Reason No. 1, which should have made reference to the 'RU' zoning objective.

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

#### **3.2.1. Planning Report**

The basis for the Planning Authority decision includes;

- The site is zoned 'RU' where residential use is permitted in principle subject to compliance with the Fingal Rural Settlement Strategy. The applicant complies with the requirements of Objective RF43 of the Development Plan which allows for applicants who have been resident within the South Shore area of Rush or within the confines of the Rush development boundary for a minimum period of 10 years to be considered for a dwelling within the rural zoned areas of the South Shore.
- The adjoining area is characterised by predominantly detached single storey and 1.5 storey dormer style dwellings. The proposed development is considered excessively bulky, by reason of its excessive width and depth. The design of the dwelling is considered incongruous with the neighbouring dwellings to its either side. It is considered that the roof profile / design, multiplicity of material finishes and the design of the openings and balcony on the front elevation would result in a dwelling which is very dominant in the streetscape. While overlooking or overshadowing would not occur, the scale and design of the proposal would impact on the residential amenity of neighbouring property to either side (east and west).
- Given the flat nature of the site and the relative lack of screening, it is considered that the proposal could not be assimilated into the Highly Sensitive Landscape
- A visual impact assessment has not been submitted in accordance with the requirements of Objective NH39 of the Development Plan.

### 3.2.2. **Other Technical Reports**

### 3.2.3. ***Transportation Planning Section:***

No objection subject to Condition requiring (interalia) the following;

1. The front boundary shall be set back 5m from the road edge, in line with the front boundaries of the existing dwellings either side of the proposed development. The area between the road edge and the boundary shall be maintained as grass verge.
2. The front boundary wall shall not exceed a height of 0.9 metres.

3.2.4. **Water Services Section:** No objection subject to Conditions.

3.2.5. **Irish Water:** No objection subject to Conditions.

## 4.0 Planning History

None for subject site.

## 5.0 Policy and Context

### Fingal County Development Plan 2017-2023

**Zoning:** The site is zoned objective 'RU' which seeks 'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.

**Specific Objective** The site is designated a Highly Sensitive Landscape – listed under Specific Objectives on Sheet No. 14 - Green Infrastructure 1.

**Objective NH39** Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

**Section 12.6** **Design Criteria for Housing in the Countryside** – relevant policies include;

**Objective DMS49** Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

**Table 12.4** **Design Guidelines for Rural Dwellings**

**Objective DMS52** Ensure that the design and siting of any new house conforms to the principles of Design Guidelines for Rural Dwellings as outlined in Table 12.4.

**Section 12.4 Design Criteria for Residential Development**

**Objective PM44** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

**Objective RF58** Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

**Objective RF59** Ensure that the design of new dwellings have regard to the Development Management Standards Chapter with specific reference to the following:

(a) Encourage new dwelling house design that is sensitively sited, demonstrates consistency with the immediate Landscape Character Type, respects the character, pattern and tradition of existing places, materials and built forms.

(b) Protect existing trees, hedgerows, townland boundaries and watercourses which are of amenity, historic or biodiversity value and ensure that proper provision is made for their protection and management in future development proposals.

(c) Promote sustainable approaches to dwelling house design and encourage proposals to be energy and carbon efficient in their design and layout.

(d) Require appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

## **Chapter 12            Development Management Standards**

### **Table 12.8            Car Parking Standards**

#### **5.1. Natural Heritage Designations**

The site is located 0.1km to the north-east of the Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208).

#### **6.0 Environmental Impact Assessment - Preliminary Examination**

- 6.1.1. Notwithstanding the proximity of the proposed development to the Rogerstown Estuary SPA & SAC, the nature and small scale of the proposed development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.0 The Appeal**

##### **7.1. Grounds of Appeal**

- 7.1.1. A first-party appeal was received from Downey Planning and Architecture Consultants representing the applicant David McConnell, against the decision made by the Planning Authority to refuse permission for the proposed development.

- 7.2. The appeal submitted provides a revised proposal comprising the following;

- The omission on the ground floor living room extension to the rear of the dwelling (reducing the depth of the dwelling by 3.4m),
- Amendments to the materials and finishes provided on the front elevation of the dwelling, including the provision of render finish with a stone effect finish to the eastern side at ground floor level. Windows to be finished in aluminium and pitched roof to be finished in slate.
- Redesign of the centrally located window ope on the front elevation at first floor level.



- The balcony to the front elevation will incorporate the installation of a 1.5m opaque glass screen to the eastern side of the balcony.
- The provision of a 0.9m high wall to the front of the dwelling, the provision of 2m high concrete post and timber panels to the eastern and western boundaries of the site and the provision of a 2m high concrete wall along the rear northern boundary of the site.

7.2.1. The following is a summary of the grounds of appeal.

***Response to Reason for Refusal No.1:***

- An enclosed Visual Impact Assessment indicates that due to lack of elevated viewing points, relatively flat topography of the area, screening effects of existing vegetation and residential properties, the potential visual effects associated with views from public roads will be localised, not significant and limited to areas within 150m from the proposed site and the proposed development will not significantly affect any of the landscape designations included within Fingal Development Plan.
- The surrounding streetscape is comprised of one and two storey residential dwellings with a mix of dormer and modern contemporary designed dwellings that vary in design and material finish within the South Shore Road area. Some of these dwellings contain flat roof elements and balconies. Such development establishes planning precedent for the granting the proposed development.
- The contemporary yet simplistic design of the proposed dwelling will maximise the potential of the site while also protecting and enhancing the residential amenity of the South Shore Road and wider area.
- The number of materials provided to the front elevation has been reduced. These will now consist primarily of smooth render finish with a stone effect finish to the eastern corner of the front elevation at ground floor level.
- The centrally located window on the front elevation at first floor level has been re-designed.
- The balcony at first floor level will incorporate a 1.5m high opaque glass along its eastern elevation, thereby preventing overlooking into neighbouring property.

- The height of the proposed dwelling (7.48m) is in keeping with the height of the neighbouring properties along South Shore Road. As such, it is considered that the proposed dwelling would not be visually dominant or excessive in scale.
- The proposed development is of a scale and character that assimilates to its location and it will make a positive contribution to the area.
- The building footprint has been reduced, including the omission of the ground floor rear extension, reducing the depth by 3.4 metres.
- It is considered that the width of the proposed dwelling is within the parameters of the existing streetscape. Aerial photo submitted showing the width of neighbouring dwellings along South Shore Road, which establishes the planning precedent of dwelling widths in the vicinity.

***Response to Reason for Refusal No.2:***

- The proposed development is in keeping with the existing pattern of development in the vicinity and as such will not set an undesirable precedent for other similar developments.
- Photographic and planning history evidence of precedent development provided

**7.3. Planning Authority Response**

- The Planning Authority remains of the opinion that the dwelling, by reason of its scale, bulk and incongruous design, would cause serious injury to the visual amenities and character of the area.
- In considering the design of the proposed dwelling, regard was had to the design of dwellings in the immediate vicinity of the subject site which form the character of the area and in particular to the dwellings on either side of the subject site. The dwellings which the applicant refers to in terms of precedent, whilst not overly dissimilar in design idiom i.e. being contemporary in design, differ significantly in their relationship to the dwellings which they adjoin, and are all located within non-comparable contexts.
- The Planning Authority acknowledges the typographical error in Reason for Refusal No. 1 which should have referred to the 'RU' zoning objective.

#### 7.4. **Observations**

None

### 8.0 **Assessment**

The main issues for consideration are the 2 no. reasons for refusal as cited by the Planning Authority. These are addressed under the headings below;

#### 8.1. **Reason for Refusal No. 1: Scale, Design and Visual Impact**

- 8.1.1. The Planning Authority refused permission for the proposed development on the grounds that the proposed dwelling, by reason of its scale, bulk and incongruous design, specifically its roof form, multiplicity of material finishes and the design of the openings on the front elevation, would cause serious injury to the visual amenities and character of the area, would result in a diminution in the residential amenity of adjoining property and would therefore contravene materially the zoning objective for the area.
- 8.1.2. The proposed development comprises a 2 storey 4-bedroom dwelling with a single storey detached garage located to its rear. The front building line of the proposed dwelling would align with the front building lines of the neighbouring dwellings to either side of the site. Section drawings show that the ground level of the site of the proposed dwelling would be raised by 1.6m to provide a FFL of +4.36m. The ground level of the site along the South Shore Road is +3.51m. and the existing ground level of the site is +2.75m. Given the drop in the ground level from the South Shore Road to the ground level of the site itself, this increase in ground level of 1.6m is considered acceptable.
- 8.1.3. The proposed dwelling would have a front elevation width of 13m. This is consistent with the width of the neighbouring dwelling to the west, which has a width of 11m, and the neighbouring dwelling to the east which has a width of 14m. The width of the proposed dwelling is also consistent with the width of dwellings opposite the site, on the southern side of the South Shore Road which have widths varying from 13m to 15m. It is my view, therefore, that the width of the proposed dwelling is consistent with pattern of development in the surrounding area.

- 8.1.4. The depth of the proposed dwelling, as revised on appeal, is 15.5m. The depth of the neighbouring dwelling to the east is 10m and the depth of the dwelling to the west is 9m. The proposal would maintain a separation distance of 6.2m and 8.4m from both of these dwellings respectively. Given the context of the site, essentially an infill/vacant site between two dwellings, and its relative proximity to these dwellings, it is considered that the depth of the proposed dwelling would not be highly visible when viewed on approach along the South Shore Road. Thus, it is my view that the depth of the proposed dwelling is acceptable in this instance.
- 8.1.5. The roof profile of the proposed dwelling is flat, incorporating 2 no. pitched roof gable elements to the front elevation. The ridge height of the proposal at its highest point is 7.48m reducing to 5.9m for the remaining flat roof element of the dwelling. The ridge height of the neighbouring dwelling to the west is 7.7m and the ridge height of the neighbouring dwelling to the east is 6.7m. Both of these 1.5 storey dwellings incorporate pitched roof dormer windows to their front roof slopes and the dwelling to the east incorporates a pitched roof 6.7m high gable element to its front elevation. Having reviewed the drawings submitted, it is my view that the height of the proposed dwelling would approximate with the roof ridge height of the neighbouring dwellings to either side of the subject site. While the roof profile of the dwelling would be at variance with the dormer style roof profiles of the dwellings to either side, it is considered that the 2 no. pitched gable elements reflect the pitched roof dormer window profiles and the pitched roof gable element on these neighbouring dwellings. It is noted that numerous flat roofed two storey dwellings have been permitted in the vicinity, notably dwellings as permitted under P.A. Ref's F17A/0550, F17A/0116 and F07A/0485.
- 8.1.6. The materials and finishes to be used on the elevations of the dwelling, as revised on the appeal submission, comprise rendered finishing with a stone effect finish on the front elevation at ground floor level at the eastern corner. The elevation finishes of the neighbouring dwelling to either side comprise painted render finish. Having reviewed the drawings submitted, it is my view that the proposed elevation finishes are simple and the stone effect at the ground floor eastern corner, provides a visual variance and break-up of the front elevation of the dwelling with the use of natural materials, reflective of its location in rural zoned lands.

- 8.1.7. The front elevation of the dwelling incorporates 3 no. floor to ceiling height window opes, serving the front facing bedrooms at first floor level and the play room at ground floor level. The cill level of the window ope serving the sitting room at ground floor level is 0.2m above ground level. The revised proposal, as submitted on appeal, shows the omission of the first floor centrally located floor to ceiling height window ope and its replacement with 2 no. narrower floor to ceiling window opes, serving the landing at first floor level. While the size of the window opes are at variance with the size of the window opes of the neighbouring dwellings to either side, it is noted that a number of other dwelling further to the east, along the South Shore Road, have similar floor to ceiling height window opes on their front elevations at both ground and first floor level, e.g. dwellings as granted permission under P.A. Ref's. F17A/0550, F07A/0485 and F06A/1548. It is my view therefore, that the window elevation treatment of the proposed dwelling contributes to the contemporary form and design of the proposed dwelling and is not out of character with the established pattern of development in the surrounding area.
- 8.1.8. The proposal incorporates a balcony to the front elevation, on its eastern side. Given that a 1.5m opaque glass screen would be provided along the eastern side of the balcony, overlooking of the neighbouring dwelling to the east would not occur.
- 8.1.9. As set out in Section 5.0 above, the site is designated a Highly Sensitive Landscape – as detailed on Sheet No. 14 of the Development Plan. Objective NH39 of the Development Plan requires a visual impact assessment be prepared prior to approving development in highly sensitive areas. The applicant has submitted, as part of the appeal submission, a visual impact assessment in compliance the requirements of Objective NH39. This visual impact assessment concludes the following;
- Due to lack of elevated viewing points, relatively flat topography of the area, screening effects of existing vegetation and residential properties, the potential visual effects associated with views from public roads will be localised, not significant and limited to areas within 150m from the site.
  - The significance of the potential visual effects will range from negligible to low-medium adverse impact for the most adjacent areas and will quickly diminish with increased distance from the proposed site.

- The significance and extent of potential visual effects will slightly increase during winter, when vegetation is without foliage.
- The proposed development will slightly intensify the residential character of the area and will be perceived as part of the already established built up form in the area.
- There will be no visual effects associated with the proposed development in views from public roads located beyond 150m from the proposed site.
- The proposed development will not significantly affect any of the landscape designations included within the Fingal Development Plan 2017-2023.

8.1.10. Having reviewed the drawings submitted and further to inspection of the site and surrounding area, it is my view that the scale, height, form and design of the proposed dwelling would respect the height and massing of the neighbouring dwellings to either side and would not cause serious injury to visual amenity and character of the surrounding area. Such development would accord with the requirements Objective DMS39 of the Development Plan. Given the context of the site, essentially an infill / vacant site between 2 no. existing 1.5 storey dwellings, the proposal would not detract from the landscape character of the area which is designated a 'Highly Sensitive Landscape'. The proposal, while contemporary in design, conforms with the principles of the Design Guidelines for Rural Dwellings as outlined in Table 12.4 of the Development Plan and thereby accords with the requirements of Objective DMS52 of the Development Plan. As detailed in the Planning Report, the proposed development would not impact on the residential amenity of neighbouring dwellings by way of overlooking or overshadowing. As such, the proposal would not result in a diminution in the residential amenity of neighbouring dwellings to either side. The scale and design of the proposed garage is considered acceptable.

8.1.11. In consideration of the above, I recommend that the appeal should succeed in relation to the Planning Authority's first reason for refusal.

## 8.2. Reason for Refusal No. 2: Creation of Undesirable Precedent

- 8.2.1. The Planning Authority refused permission for the proposed development on the grounds that the proposal, if permitted, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

As detailed in Section 8.1 above, I have set out how the proposed development would not be inconsistent with the pattern of development in the surrounding area.

It follows therefore, that I do not consider that the proposed development would set an undesirable precedent for other similar development or that it would be harmful to the amenity of the surrounding rural area. I recommend therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

### **8.3. Screening for Appropriate Assessment**

The proposed development will connect to the existing foul sewer along the South Shore Road and will provide a soakaway to the rear of the site, installed in accordance with BRE Digest 365. 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, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208) or any other European site. A Stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

## **9.0 Recommendation**

- 9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the scale, form and design of the proposed dwelling and the pattern of development in the surrounding area, it is considered that, subject to compliance

with the Conditions set out below, the proposed development would not adversely impact on the visual amenity of the surrounding area or the residential amenity of neighbouring property. The proposal would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>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 24th day of July, 2019 and the 07<sup>th</sup> day of August, 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>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and residential amenity.</p>



4.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>(a) The front boundary wall shall be set back 5 metres from the road edge, in line with the front boundaries of the existing dwelling either side of the proposed development. The area between the road edge and the boundary shall be maintained as grass verge.</p> <p>(b) The front boundary wall shall not exceed a height of 0.9 metres.</p> <p>(c) No development of any form including planting, fences or wing walls shall exceed a height of 0.9 metres within the area required to provide visibility from the site entrance point.</p> <p>(d) The vehicular entrance-splay (i.e. the paved area lying between the edge of the road carriageway and the gate / piers of the site entrance) shall be constructed in a bound road material or other suitable material to a detail approved by the Planning Authority prior to commencement of development.</p> <p>(e) The gradient of the access road shall not exceed 2.5% over the last 6 metres of its approach to the public road.</p> <p>(f) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.</p> <p>(g) All the above works shall be carried out at the developer's expense according to the specifications and conditions of the Planning Authority.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
6.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of</p>

	<p>at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p>

	<p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Brendan Coyne  
 Planning Inspector

18<sup>th</sup> October 2019

