



An
Bord
Pleanála

Inspector's Report ABP 305068-19

Development	Construct 2 no. detached dwellings, new vehicular access with all associated site works.
Location	Windgate Rise, Howth, Dublin 13.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0753
Applicant	Brian Hannon
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Joe & Collette Briody, Guy & Gillian Molyneux and Barbara McEvoy
Observers	None.
Date of Site Inspection	01 st November 2019.
Inspector	Brendan Coyne

1.0 Site Location and Description

- 1.1. This site (0.17Ha) is located on the northern side of Windgate Rise, a residential area near the summit of Howth Head. The site is rectangular in shape and is currently undeveloped and overgrown with vegetation. A pair of semi-detached 2 storey dwelling (No.'s 2 & 3 The Hill), are located on lands adjoining the site to the east and north-east. A dwelling known as Hillbrook Lodge is located on lands adjoining the northern boundary. An overgrown pedestrian right of way adjoins the western boundary. A 1.5 storey dwelling known as Monksilver adjoins this laneway to the west. Three dwellings known as Ashvale, Bawn Crest Cottage and Bawn Crest are located opposite the site, on the southern side of Windgate Rise.
- 1.2. The roadside boundary is defined with a stone embankment and an overhead telecom line. A number of semi-mature trees are located at the south-western corner of the site. Walls c. 2m high define the northern and eastern boundaries. The site slopes downwards in an easterly direction, with a difference in ground levels of c. 4m. The speed limit in the area is 50 km/hr.

2.0 Proposed Development

- 2.1. Permission sought for the following;
 - Construction of 2 no. detached single storey 4-bedroom dwellings.
 - The proposed dwellings and their respective floor areas are identified as follows;
 - Dwelling No. 1 (most western): Floor area - 140 sq.m.
 - Dwelling No. 2 (most eastern): Floor area - 140 sq.m.
 - New shared vehicular access off Windgate Rise road and separate driveways serving both dwellings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council granted permission for the proposed development subject to 13 no. Conditions. Of these, a Condition of Note is as follows;

C.6 The developer shall carry out in full the Landscaping Plan including all boundary treatments and planting, submitted on the 25th June 2019 and shall also implement in full the Construction Method Statement & Tree & Bank Protection Scheme prepared by Leinster Tree Service and received by the Planning Authority on the 25th of June 2019. except where otherwise agreed with Fingal County Council in writing prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority decision. Includes;

- The proposed 2 no. dwellings comply with Development Plan standards for residential development.
- The sites are generous, and the proposed units are not large in the context of existing sites and what has been constructed in the area.
- The scale of the proposed development and separation distances provided, would not adversely impact on the residential amenity of neighbouring property.
- The design of the revised proposal, as submitted by Further Information, with a reduction in the flat roof overhangs to 0.5m, is acceptable.
- The proposed units will be setback a minimum of 10m from the roadside boundary. The retention of the existing roadside bank and vegetation will minimise the impact of the proposal on the visual and residential amenity of the area.

3.2.2. Other Technical Reports

Parks Division: No objections.

Transportation Planning Section: No objection subject to Conditions.

Water Services Section: No objection subject to Conditions.

Irish Water: No objection subject to Conditions.

4.0 Planning History

F17A/0660 Permission sought in 2017 by Brian Hannon for the construction of 2 no. detached two storey 4-bedroom dwellings with new vehicular access and associated site works. The Application was withdrawn due to non-response to the additional information request.

F11A/0036 Permission sought in 2011 by Brian Hannon for the construction of 2 no. detached two storey 4-bedroom dwellings with new vehicular access and associated site works. The Application was withdrawn due to non-response to the additional information request.

F00A/0043 & ABP Ref. PL06F.119170 Permission refused on the 20/11/2000 to J. Hannon for a split-level dwelling with adjoining domestic garage and new entrance on to the public road. The Reason for Refusal was as follows;

Having regard to the location of this elevated site in the buffer zone for the Howth Special Amenity Area, it is considered that the proposed development, by reason of its size, scale and massing, would be overly dominant and visually intrusive in the landscape, would result in overlooking of adjoining neighbouring properties and would seriously injure the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and development of the area.

5.0 Policy and Context

Fingal County Development Plan 2017-2023

Zoning: The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential

amenity'. Residential use is 'permitted in principle' under this zoning objective.

SAAO The site is located within the Howth 1999 Howth Special Amenity Area Order (SAAO) Buffer Zone – as detailed on Sheet 10 of the Development Plan.

Objective PM44 **Infill, Corner and Backland Sites** – 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 PM45 **Infill, Corner and Backland Sites** – Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Chapter 12 **Development Management Standards:**

Objective HOWTH 4 Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.

Objective PM65 Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

Table 12.8 **Car Parking Standards**

Howth Special Amenity Area Order 1999

Policy 3.1.2 **Design Guidelines to apply to new Buildings.**

New buildings should generally be in keeping with the character of other buildings in the vicinity. However, favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment.

Objectives 3.1, 3.2 and 3.3 **Development in Residential Areas**

- To protect residential amenity,
- To protect and enhance the attractive and distinctive landscape character of these areas,
- To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

Policy 1.3.1

The Council will designate a Buffer Zone for the special amenity area in the County Development Plan (as shown in Map A). In considering planning applications within the buffer zone, it will be Council policy;

- In respect of natural beauty, to preserve prospects of the Special Amenity Area and to preserve open views from the Special Amenity Area.
- In respect of special recreational value, a) to preserve existing rights of ways leading to the special amenity area, and, where appropriate, to create additional rights of way, b) to allow development which utilises the recreational, tourism and educational potential of the special amenity area, provided that such development does not have a significant negative visual impact and that it conforms with the zoning objectives and other development standards of the development plan,
- In respect of nature conservation, to protect existing natural and semi-natural habitats and, where appropriate, to encourage the creation of new semi-natural habitats in order to enhance the habitat diversity of the peninsula.

Howth Special Amenity Area Order Design Guidelines

5.1. Natural Heritage Designations

The site is located 0.2km to the east of the Howth Head SAC (Site Code 000202).

6.0 Environmental Impact Assessment - Preliminary Examination

Notwithstanding the proximity of the proposed development to the Howth Head SAC, given the limited nature and scale of the proposed development and its location within a fully serviced urban environment, it is considered that 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A third-party appeal was received from the following parties against the decision made by the Planning Authority to grant permission for the proposed development.;

- Joe & Collette Briody, Faoiseamh, New Road Howth.
- Guy & Gillian Molyneux, Monksilver, Windgate Rise, Howth.
- Barbara McEvoy, Hillbrook Lodge, New Road, Howth.

The following is a summary of the grounds of appeal.

Re. Zoning and the Howth SAAO:

- The site is located in the Howth SAAO buffer zone which requires the following;
 - To protect and improve residential amenity.
 - To protect and enhance the attractive and distinctive landscape character of these areas.
 - To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and other open areas in the special amenity area.

The proposed development would contravene all of the above, with regard its size, scale, orientation, overlooking and visual intrusion in the landscape.

Re. Overlooking:

- The proposal would result in overlooking of adjacent property to the east, south and west of the site.

Re. Road Safety:

- The proposed vehicular entrance would create a traffic hazard along the narrow access road serving the site, particularly for children who cycle on this road.

Re. Boundary Treatment.

- The boundary wall of the site was damaged by the applicant's contractors. Concern expressed that that this poses a potential security risk to neighbouring property boundaries.

Re. Overshadowing:

- The proposed planting along the northern boundary would, in time, result in overshadowing of adjacent property.

Re. Consultation with neighbours:

- The applicant did not consult with surrounding neighbours, to foster a relationship and in turn offer a compromise proposal for development.

7.2. Applicant Response

7.2.1. The response received from Fergus Flanagan Architects, representing the Applicant, is as follows;

- The proposal is for two single storey houses. The houses are stepped so that they sit within the contours of the site. It is considered that such development is not excessive in scale.
- The proposed buildings have been orientated to optimise southern solar gain, which will maximise the passive efficiency of these A rated houses.
- The proposed dwellings, which are single storey in nature and the proposed boundary treatment, will not result in overlooking of neighbouring property.

- The site is currently derelict and visually unattractive. The proposed development is carefully designed to sit on the current contours and will fit into the landscape seamlessly.

7.3. **Planning Authority Response**

7.3.1. The Planning Authority's response is as follows;

- Having reviewed the grounds of appeal, the Planning Authority remains of the opinion that the proposed development will not detract from adjoining residential amenity, subject to compliance with Conditions.
- Condition No. 6 relating to the provision of a landscape plan will help to bed the development into the surrounding landscape in an appropriate manner.
- The proposed houses are single storey and will not have a negative impact on surrounding development.

7.4. **Observations**

None

8.0 **Assessment**

8.1. The relevant planning issues in this appeal relate to the following;

- Zoning and the Howth SAAO,
- Overlooking,
- Road Safety,
- Boundary Treatment,
- Overshadowing,

These are addressed under the headings below.

8.2. Zoning and the Howth SAAO

- 8.2.1. The appellants object to the proposed development on the grounds that its size, scale, orientation, potential for overlooking, visual intrusion in the landscape and its location within the Howth SAAO buffer zone, would contravene Objectives 3.1, 3.2 and 3.3 in Schedule 3: Part 1 of the Howth Special Amenity Area Order (as detailed in Section 5.0 above).
- 8.2.2. The site is zoned objective 'RS - Residential' which has the stated objective 'to provide for residential development and protect and improve residential amenity'. Under such zoned lands, the use class 'Residential' is 'Permitted in Principle', as detailed in Chapter 11 of the Development Plan. As such, the proposed development which comprises the construction of 2 no. dwellings, is acceptable in principle, subject to compliance with relevant policies and objectives in the Fingal County Development Plan 2017-2023. Such development would not materially contravene the 'RS' zoning objective for the area.
- 8.2.3. The site of the proposed development comprises an undeveloped, over-grown and un-utilised infill site, in a residential area along Windgate Rise. It is considered that the development of this site would accord with Objective PM44 of the Development Plan which refers to infill sites and seeks to encourage and promote the development of underutilised infill sites in existing residential areas, subject to the character of the area and environment being protected.
- 8.2.4. The site is located within the Howth 1999 Howth Special Amenity Area Order (SAAO) Buffer Zone – as detailed on Sheet 10 of the Development Plan. For such zones, Policy 1.3.1 of the Howth SAAO applies (detailed in Section 5.0 above). Having regard to the context of the site, it is considered that the proposed development would not impact on the existing right of way which adjoins the western boundary of the site. There are no preserved views across the site. The proposal would not have a significant negative visual impact and it conforms with the zoning objective and development standards of the Development Plan (addressed further below). The proposal would not adversely impact on the habitat diversity of the Howth peninsula. As such, it is my view that the proposal accords with the requirements of Policy 1.3.1 of the Howth SAAO.

8.2.5. The character of the surrounding area is residential. Lands to the east and north-east of the site comprises a pair of semi-detached 2 storey dwelling, No.'s 2 & 3 The Hill. A single storey dwelling (Hillbrook Lodge) adjoins the northern boundary of the site. Three dwellings (both single and two storey) known as Ashvale, Bawn Crest Cottage and Bawn Crest are located opposite the site, on the southern side of Windgate Rise. The subject site itself comprises an overgrown, undeveloped site with no discernible landscape features of merit. It is my view that the site does not have a distinctive landscape character. Having regard to the pattern of development in the surrounding area and the character of the site itself, it is my view that the proposed development would not be out of character with the existing established residential character of the area and would not detract from any distinctive landscape character of the area.

8.2.6. With regard the issue of scale and size, the following is noted:

- The proposal comprises 2 no. single storey dwellings.
- The overall site area is 0.17Ha.
- The floor areas of the proposed dwellings are both 140 sq.m.
- The maximum roof ridge height of both dwellings is 3.6m above ground level, stepping down to 3 metres high at their eastern roof end.
- The roofs of the proposed dwellings are flat, with a stepped and overhang roof profile.
- Both dwellings would have a width of 18.4m and depth of 9.9m.
- Separation distances from site boundaries would be as follows;

Dwelling No. 1:

- 4m from the western side boundary.
- 5.6m between both dwellings.
- 6.4m - 12.9m from the rear northern boundary.
- 10.6m from the southern boundary.

Dwelling No. 2:

- 1.9m - 3.3m from the eastern side boundary.

- 5.7m - 11.6m from the rear northern boundary.
- 10.4m from the southern boundary.
- The layouts of the proposed dwellings are rectangular in shape.
- Both dwellings face in a south-easterly direction, at an angle towards the public road.
- The front building line of dwelling no. 2 is positioned 8m forward of the dwelling no. 1.
- There is no defined building line along the street.

8.2.7. In consideration of the above, it is my view that the single storey nature, building height, scale, size, form and orientation of the proposed dwellings would not be out of character with the pattern of development in the area. The proposed dwellings would not be overly dominant in their setting and would not be a visual intrusion in the streetscape. Such development would accord with the requirements of Policy 3.1.2 of the Howth SAAO which refers to Design Guidelines to apply to new Buildings.

8.2.8. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

8.3. **Overlooking**

8.3.1. The appellants express concern that the proposal would result in overlooking of adjacent property to the east, south and west.

8.3.2. The height of the proposed dwellings and separation distances from the boundaries of the site, are detailed above. The eastern and northern boundaries of the site are defined with a 2m high wall. Dense hedgerow is planted along the northern boundary of the site, at its western end. It is considered that the height of the boundary wall along the northern boundary of the site and proposed tree planting measures along the northern boundary, as detailed in the Tree Planting and Landscape Plan submitted, will prevent overlooking between the proposed dwellings and the neighbouring single storey dwelling (Hillbrook Lodge) to the north of the site.

8.3.3. There are no window openings serving habitable rooms on the eastern side elevation of proposed dwelling No.2. As such overlooking between directly opposing windows

with the neighbouring dwelling to the south (No. 2 The Hill) is not an issue. Given the positioning and footprint of proposed dwelling No. 2 in relation to No. 2 The Hill, it is considered that significant overlooking of the private amenity space to the rear of proposed dwelling No. 2 would not occur. The 2m high boundary wall along the southern boundary of the site would prevent overlooking from the rear garden of proposed dwelling No. 2 into the rear garden of dwelling No. 2 The Hill.

- 8.3.4. An overgrown pedestrian right-of-way adjoins the western boundary of the site. A 2m high wall defines the eastern boundary of the dwelling 'Monksilver', which adjoins the right-of-way, to the west. Given a) the gradient of the site, b) the eastern site boundary treatment of 'Monksilver' and c) proposed tree planting measures along the western boundary of the site, it is considered that overlooking would not occur between proposed dwelling No. 1 and 'Monksilver'.
- 8.3.5. The Landscape Plan submitted details the provision of semi-mature tree planting along the front / southern boundary of the site. It is considered that such measures would screen the proposed development and minimise overlooking of neighbouring property on the southern side of the public road.
- 8.3.6. Having regard to the above, it is my view that the proposed development would not result in overlooking of neighbouring property and the private open space to the rear of the proposed dwellings would have adequate levels of privacy for the future residents of the proposed dwellings. Such development accords with requirements of Objective PM65 of the Development Plan.
- 8.3.7. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

8.4. Road Safety

- 8.4.1. The appellants express concern that the proposed new vehicular entrance would create a traffic hazard along the narrow access road serving the site, particularly for children who cycle this road.
- 8.4.2. The proposed development provides a new shared vehicular access off Windgate Rise road and separate driveways serving both dwellings. The Site Layout Plan submitted shows the provision of sightlines of 65 metres in each direction from a

2.5m setback from the edge of the road, at the shared entrance. The speed limit in the area is 50 km/hr.

8.4.3. It is considered that the sightlines provided at the entrance to the site complies with the relevant requirements of DMURS which requires a setback 'X' distance of 2.4 metres and a 'Y' sightline distance distances of 45 metres at entrances in 50km/h urban zones. It is noted that the Transportation Planning Section of Fingal County Council outline no objections to the proposed development.

8.4.4. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

8.5. **Boundary Treatment**

8.5.1. The Appellants raise the issue that the boundary wall of the site was damaged by the applicant's contractors and express concern that this poses a potential security risk to neighbouring property boundaries.

8.5.2. The Site Layout Plan submitted to the Planning Authority, and boundary detail drawing submitted to An Bord Pleanála by the applicant in the response to appeal, details (interalia) the following;

- The existing vegetation along the western and southern roadside boundary is to be retained and bolstered by a traditional earth bank with hedging in accordance with the Howth SAAO Design Guidelines.
- The existing eastern concrete block wall shall remain but will be bolstered with native trees on the applicant's side of the boundary.
- The existing timber and post fence along the northern boundary is to be replaced with a concrete post and rail to match that of the existing boundary.

8.5.3. It was noted during site inspection, that the northern site boundary now comprises a c. 2m high block wall, along its eastern section.

8.5.4. In consideration of the drawings submitted, it is my view that the applicant is making a concerted effort to retain and improve the southern roadside boundary of the site. There is no evidence to suggest that the development of the subject site poses a potential security risk to neighbouring property boundaries.

8.5.5. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

8.6. Overshadowing

8.6.1. The appellants express concern that the proposed planting along the northern boundary would, in time, result in overshadowing of adjacent property.

8.6.2. The applicant has submitted a detailed Landscape Plan and Tree Constraints and Protection Plan, prepared by Leinster Tree Services. The Landscape Plan details the following;

- The proposed landscape plan design, combined with neighbouring mature landscapes, will allow for the development to blend into the surrounding natural habitat.
- The planting of semi-mature trees and native boundary planting, combined with the existing neighbouring boundary planting, will ensure that the development is sufficiently screened and allow it to develop a long-term sustainable landscape.
- All planting is compliant with the Howth SAAO Design Guidelines.
- Planting of proposed semi-mature trees will take place in the first planting season following practical completion.
- Details of tree names, size and quantity provided.
- Approx. 52 no. trees are proposed to be planted around the boundaries of the site and between the proposed 2 no. dwellings.

8.6.3. Having regard to the above, and in consideration of the separation distances provided from neighbouring property (detailed above) and the crown width of the proposed trees as detailed on the landscape plan submitted, most of which will be within the subject site, it is my views that the proposed tree planting will not adversely impact the residential amenity of neighbouring property by way of overshadowing.

8.6.4. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

8.7. Appropriate Assessment

- 8.7.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted subject to the conditions set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the 'RS - residential' zoning of the site, the established residential character of the area and the undeveloped context of the site, it is considered that the proposed development would be consistent with Objectives PM45 of the Development Plan which seek to encourage and promote the development of underutilised infill sites in existing residential areas. The layout, scale, form and design of the proposed development would not impact on the residential amenity of neighbouring property or the visual amenity of the surrounding residential area. The proposed development be consistent with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity Area Order 1999 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.

11.0 Conditions

<p>1.</p>	<p>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 25th day of June 2019 and by the further plans and particulars received by An Bord Pleanála on the 02nd day of September, 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>Reason: In the interest of clarity.</p>
<p>2.</p>	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
<p>3.</p>	<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>Reason: In the interest of public health.</p>
<p>4.</p>	<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>Reason: In the interest of visual amenity.</p>
<p>5.</p>	<p>The landscaping scheme and tree planting plan, as submitted to the Planning Authority on the 25th day of June, 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</p>

diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of tree protection and in the interest of residential and visual amenity.

<p>6.</p>	<p>(a) Any entrance gates shall open inwards towards the site and not outwards onto the public road.</p> <p>(b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>Reason: In the interest of traffic safety.</p>
<p>7.</p>	<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. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
<p>8.</p>	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
<p>9.</p>	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

<p>10.</p>	<p>Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
<p>11.</p>	<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, 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.</p> <p>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.</p>

Brendan Coyne
 Planning Inspector

07th November, 2019.

