



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305477-19

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<b>Development</b>	Construction of dwelling.
<b>Location</b>	1 Feltrim Road, Streamstown, Malahide, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F19A/0307
<b>Applicant</b>	Lesley Donnelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Lesley Donnelly
<b>Date of Site Inspection</b>	8 <sup>th</sup> January 2020
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1.1. The appeal site is located circa 45-meters to the west of the heavily trafficked, traffic lights controlled, Feltrim Road T-junction with the Malahide Road (R107 Regional Road) in the Townland of Streamstown in north County Dublin. The site comprises the grounds associated with an existing single storey semi-detached dwelling. The existing plot is long and narrow, roughly rectangular in shape, with the short axis along the road, measuring approximately 95m by 15m sloping away from the road and bounded by mature hedging to the south, and to the west where it adjoins the attached cottage and plot. To the east it is bounded by an old high redbrick wall, which now runs to the rear of a number of detached properties along Malahide Road.
- 1.1.2. It is intended that the bungalow be developed in part of the rear garden.
- 1.1.3. The area of the site is given as 0.17ha, i.e. the area comprising the entire plot, including the existing cottage.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the construction of a three bedroom dormer dwelling to the rear of the existing dwelling, amendments to the existing vehicular entrance to provide for a shared entrance, landscaping, and associated works.
- 2.1.2. The application was accompanied by a report from Awn Consulting titled 'Inward Noise Impact Assessment', which includes: the Inner Noise zone is defined by the 63dB  $L_{Aeq, 16hr}$  noise contour. As the predicted noise levels cannot be verified through measurement, reference is therefore made to the Dublin Airport Environmental Impact Statement in relation to the Northern Parallel Runway (December 2004), including Figs 4 & 5.
- 2.1.3. The report states that it has been decided to assume a worst-case aircraft noise level of 68dB  $L_{Aeq, 16hr}$  at the site without being inside the 69dB  $L_{Aeq, 16hr}$  noise contour, which is restricted by the development plan.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning authority decided, 26<sup>th</sup> August 2019, to refuse planning permission for the following reason:

The application site is located within the Inner Airport Noise Zone as indicated in the Fingal County Development Plan 2017-2023. Objective RF41 of the Plan states 'Apply the provisions of the Rural Settlement Strategy as it applies to 'New Housing for the Rural Community other than for those who are actively engaged in farming' for rural community members located within the Inner Noise Zone on suitable sites located within two kilometres outside the Inner Noise Zone. For those living to the east of the M1, only suitable sites located to the east of the M1 will be considered, and for those living to the west of the M1, only suitable sites located to the west of the M1 will be considered. The subject site is located to the rear of the family home and is located within the Inner Noise Zone. As such having regard to the location of the site within the Inner Noise Zone, it is considered that the proposed development would materially contravene Objective RF41 and DA07 of the said plan regarding development within the Inner Noise Zone and would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Planning history is cited.
- Development plan policy is cited.
- Departmental submissions are cited.
- It is considered that the applicant has demonstrated compliance with the rural cluster settlement strategy.
- To permit the proposed development would materially contravene the Inner Noise Zone particularly objectives RF41 and DA07.

- In this area to not give sufficient weight to the Inner Noise Zone would set an undesirable precedent for similar applications in such sensitive locations. Permission was refused for single dwellings on this site under F15A/0329 (PL06F.245561) and F13A/0192 (PL06F.242372) by An Bord Pleanála. The reason cited was that the proposal was in contravention of the relevant development plan objectives pertaining to the inner noise zone.
- The proposed development accords with objective DMS24 re internal room areas and storage space; and objective DMS87 re private open space. The materials, scale and design generally integrate with the existing character of the area etc.
- No objection re water services.
- Transportation – proposed works to the entrance will provide the sightlines required, if the proposed entrance boundary wall does not exceed 900mm as opposed to 1.2m as indicated. Significant planting would need to be removed.

### 3.2.2. Other Technical Reports

Transportation Planning Section – conditions.

Water Services – conditions.

### 3.3. Prescribed Bodies

#### 3.3.1. IW conditions.

#### 3.3.2. An observation has been received from DAA plc, which includes:

- Citing objective DA07 the DAA actively resists new residential development or other noise sensitive uses within the Inner Noise Zone.
- Citing objectives DA13 and DA14 which seek to promote appropriate land use patterns in the vicinity of the airport.
- The ERM report, Public Safety Zones 2005 provides recommendations in respect of applications for development within the Outer Public Safety Zone, they request the Board to have regard to that report.

## 4.0 Planning History

### Subject site

PL06F.245561, PA Register Ref F15A/0329, first party appeal against the PA's decision to refuse planning permission for a development consisting of the construction of a three bedroom dormer bungalow (to be located to rear of existing dwelling); refused by the Board for one reason:

The appeal site is located within the Inner Airport Noise Zone as indicated in the Fingal County Development Plan 2011-2017. Objective EE51 of the Plan states that it shall be an objective to 'strictly control inappropriate development and require noise insulation where appropriate within the outer noise zone and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone ...while recognising the housing needs of established farming families in the zone'. Having regard to the location of the site within the inner noise zone and to the circumstances of the applicant and specifically the fact that they are not a member of an established farming family, it is considered that the proposed development would materially contravene Objective EE51 of the said plan regarding development within the Inner Noise Zone and would, therefore, be contrary to the proper planning and sustainable development of the area.

PL06F.242372, P.A. Reg. Ref. No. F13A/0192, first party appeal against the PA's decision to refuse planning permission for a development consisting of the construction of a dormer bungalow and associated site works on previously approved site (previous P.A. Reg. Ref. No. F11A/0343) located to rear of existing dwelling house; refused by the Board for one reason:

The appeal site is located within the Inner Airport Noise Zone as indicated in the Fingal County Development Plan 2011-2017. Objective EE51 of the Plan states that it shall be an objective to 'strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone ...while recognising the housing needs of established farming families in the zone'. Having regard to the location of the site within the Inner Noise Zone and to the circumstances of the applicant and specifically the fact that they are

not a member of an established farming family, it is considered that the proposed development would materially contravene Objective EE51 of the said plan regarding development within the Inner Noise Zone and would, therefore, be contrary to the proper planning and sustainable development of the area.

PI06F.223723, PA Register Ref F11A/0343– first party appeal against the PA’s decision to refuse permission for the construction of a bungalow to rear garden of existing dwelling house together with the upgraded vehicular access; granted, not implemented and now lapsed.

F07A/0283 Permission granted by the Planning Authority for revisions to approved bungalow on the site to include first floor dormer accommodation on a site approved under PI06F.223723, PA Register Ref F11A/0343, This permission was not implemented and the parent permission has now lapsed.

PA Register Ref F05A/0722 – Permission refused by the Planning Authority for the construction of a bungalow on the appeal site. Reasons for refusal based on the applicant not showing compliance with the rural housing policy set out in the development plan for a green belt area.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. Fingal County Development Plan 2017-2023 is the operative plan, relevant provisions include:

The site is located within the Dublin Airport Outer Public Safety Zone and the Inner Airport Noise Zone.

Noise

There is a need to minimise the adverse impact of noise without placing unreasonable restrictions on development and to avoid future conflicts between the community and the operation of the airport. Two noise zones are shown in the Development Plan maps, an Outer Zone within which the Council will continue to

restrict inappropriate development, and an Inner Zone within which new provisions for residential development and other noise sensitive uses will be actively resisted.

Objective DA07 - Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Notwithstanding Objective DA07, apply the provisions with regard to New Housing for Farming Families only, as set out in Chapter 5 Rural Fingal, within the Inner Noise Zone subject to the following restrictions:

- Under no circumstances shall any dwelling be permitted within the predicted 69 dB LAeq 16 hours noise contour,
- Comprehensive noise insulation shall be required for any house permitted under this objective,
- Any planning application shall be accompanied by a noise assessment report produced by a specialist in noise assessment which shall specify all proposed noise mitigation measures together with a declaration of acceptance of the applicant with regard to the result of the noise assessment report.

#### Housing within the Airport Noise Zones

The development of new housing for those who are not involved in farming will be actively resisted within the area delineated by the inner noise zone for Dublin Airport. However, consideration will be given to the development of new housing for those not involved in farming but who have family homes within the inner noise zone, in locations on suitable sites outside the inner noise zone but within two kilometers from that noise zone. To ensure that the need to live as close as possible to the existing family is met and to avoid undue pressure on certain areas of the Greenbelt,

the M1 will provide an east-west boundary, with those living to the east being considered for housing on suitable sites to the east, and those living to the west being considered for housing on suitable sites to the west. Site selection should ensure that the rural character of the area is maintained and that multiple sites on single landholdings are avoided.

Objective RF40 Apply the provisions of the Rural Settlement Strategy, only with regard to 'New Housing for Farming Families' as set out within this chapter, within the Airport Inner Noise Zone, and subject to the following restrictions:

- Under no circumstances shall any dwelling be permitted within the predicted 69dB LAeq 16 hours noise contour.
- Comprehensive noise insulation shall be required for any house permitted under this objective.
- Any planning application shall be accompanied by a noise assessment report produced by a specialist in noise assessment which shall specify all proposed noise mitigation measures together with a declaration of acceptance of the applicant with regard to the result of the noise acceptance report.

Objective RF41 Apply the provisions of the Rural Settlement Strategy as it applies to "New Housing for the Rural Community other than for those who are actively engaged in farming" for rural community members located within the Inner Noise Zone on suitable sites located within two kilometres outside the Inner Noise Zone. For those living to the east of the M1, only suitable sites located to the east of the M1 will be considered, and for those living to the west of the M1, only suitable sites located to the west of the M1 will be considered.

The site is zoned Rural Cluster.

These small settlements will play an important role in accommodating rural generated housing need in the County by helping to contain pressure for housing in the open countryside.



## Rural Clusters

Many Rural Clusters have more limited characteristics and a more residential focus with fewer services available than the villages. They provide an alternative to one-off housing in the countryside through the consolidation of rural residential development within existing small clusters. For the most part, they will provide an opportunity for family members of existing households within the cluster to build a new home, or reuse and adapt an existing structure, in proximity to their family home, by subdividing large sites. They will also provide the rural community with an opportunity to choose more rural-style housing to that which is provided within the Rural Villages. Consideration of planning applications within the clusters must have regard to the role and form of the cluster within the wider rural area taking particular care that clusters do not compete with villages in the services they provide or the role and function they play within the rural area.

Objective RF19 Encourage consolidation of rural housing within existing Rural Clusters which will cater for rural generated housing demand, as an alternative to housing in the open countryside, and encourage the reuse of existing buildings within the cluster over any new development.

## Rural Cluster Settlement Strategy

The Rural Clusters serve as areas where members of the rural community can live as an alternative to housing in the open countryside. The Settlement Strategy identifies opportunities for infill development and encourages appropriate levels of consolidation allowing families living in such clusters to build a needed new home by subdividing large sites, where drainage requirements allow. This meets the County's rural generated housing need and avoids encroachment into viable agricultural lands. Settlement within the Rural Clusters will be open to members of the Fingal rural community who demonstrate a rural-generated housing need.

Objective RF20 Permit only persons with a rural-generated housing need, as defined within this section of the Plan, planning permission for a house within a Rural Cluster where the site size is a minimum of 0.2 hectares for on-site treatment systems, and conforms to the drainage and design standards required by the Council, and 0.125 hectares where connecting to a public sewer.

## Layout and Design in Rural Clusters

Sensitive layout and design of new houses within the Rural Clusters will ensure that they contribute positively to the rural character of the area. The development of any individual site within a cluster must ensure that the future development potential of adjoining sites is not compromised, particularly in relation to on site layout and design and vehicular and pedestrian access. All sites within the cluster must be provided with sustainable drainage infrastructure.

New housing in rural clusters will be required to be rural in character and respectful of the existing pattern of development in the immediate vicinity. Entrances to new sites will be by means of shared access with an existing dwelling for preference or via an existing entrance to reduce the number of entrances onto rural roads and the subsequent need for the removal of significant stretches of established hedgerow and trees.

Objective RF22 Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster within the wider rural area, with particular care being taken that clusters do not compete with villages in the services they provide or the role and function they play within their rural area.

Objective RF23 Ensure that proposals for new dwellings do not compromise the development potential of adjoining sites by means of on-site layout and house design and both vehicular and pedestrian access. All sites must provide sustainable drainage infrastructure.

Objective RF24 Minimise the number of new entrances to sites within a rural cluster with a preference for sharing accesses with existing dwellings or using existing entrances. New entrances will only be considered where the potential for sharing is not possible. Any removal of hedgerows, trees and walls or other distinctive boundary treatment required to accommodate sight lines must be limited in extent and must be replaced with the same type of boundary. The use of native species for replacement planting shall be used where appropriate.

Objective RF25 Allow for small scale home-based economic activity and local services at a level commensurate with the size, scale and character of the Rural Cluster.

ZONING OBJECTIVE "RC" RURAL CLUSTERS

Objective: Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster.

Vision: Provide a viable alternative to settlement in the open countryside, and support small-scale infill development by providing the rural community with an opportunity to choose more rural-style housing than is provided within the Rural Villages, and by facilitating the development of small scale and home-based enterprise among members of the rural community.

Residential development is permitted in principle subject to compliance with the Rural Settlement Strategy.

## **5.2. Planning and Development Act 2000 as amended**

Regarding material contravention:

Per section 37(2) of the Act, the Board may in determining an appeal decide to grant a permission even if the proposed development contravenes materially the development plan. Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission where it considers that where certain conditions arise including that

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

## **5.3. Natural Heritage Designations**

- 5.3.1. The nearest Natura sites are Baldoyle Bay SPA (site code 004016) and Baldoyle Bay SAC (site code 000199), located c 27 km straight line distance, from the subject site, and Malahide Estuary SAC (site code 000205), located c 36 km straight line distance, from the subject site.

## **5.4. EIA Screening**

- 5.4.1. Having regard to the 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. An appeal against the planning authority's decision has been submitted by EM Hogan & Associates Architects & Development Consultants. The issues raised include:

- The planning history is outlined.
- The RC Rural Cluster – the planning authority have rezoned the subject site from Green Belt where rural housing is only allowed in special cases to RC 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'.
- The zoning in the 2017-2023 development plan, when they zoned the site for residential development, notwithstanding the policies in relation to noise zones, indicates that they were minded to give planning permission for residential development on the subject site.
- Noise abatement measures around airports have been successful and the new generation of aeroplanes are much quieter. Noise and public safety zones have not changed since 2005.
- The applicant complies fully with rural housing policy as she is a person currently living and who has lived continuously for the past 10 years in the area.
- Examples of inconsistencies in the implementation of policy are cited.

### **6.2. Planning Authority Response**

6.2.1. The Planning Authority have responded to the grounds of appeal, reiterating the reason for refusal. The proposed development of a house within the Inner Noise Zone at this location is unacceptable. The adherence to this line on the map cannot

be considered to be ambiguous as claimed by the appellant. The planning authority adheres strictly to this objective to protect residents and allow for genuine applicants to avail of sites within two kilometres of the Inner Noise Zone.

### 6.3. **Observations**

6.3.1. An observation has been received from DAA plc, which includes:

- Citing objective DA07 the DAA actively resists new residential development or other noise sensitive uses within the Inner Noise Zone.
- Citing objectives DA13 and DA14 which seek to promote appropriate land use patterns in the vicinity of the airport.
- The ERM report, Public Safety Zones 2005 provides recommendations in respect of applications for development within the Outer Public Safety Zone, they request the Board to have regard to that report.

## 7.0 **Assessment**

7.1.1. The issues which arise in relation to this appeal are appropriate assessment, material contravention, the principle of the development, noise and other issues and the following assessment is dealt with under these headings.

### 7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

### 7.3. **Material Contravention**

7.3.1. The reason for refusal includes that the proposed development materially contravenes the development plan and accordingly the Board may only grant permission for the proposed development where it considers that one of the situations listed in s37(2) (b) arise. These include as item (ii) there are conflicting

objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

7.3.2. The Fingal County Development Plan 2017-2023 contains a number of provisions which apply to the subject development and site. The site is located within the Inner Noise Zone, (although not within the predicted 69dB LAeq 16 hours noise contour per 'Inward Noise Impact Assessment' provided with the application); the development plan contains objectives to facilitate farmers and other long-term residents within this zone in need of housing, by allowing for such housing outside the Inner Noise Zone but within 2km of the zone boundary, on the appropriate side of the M1. It is the intention that no noise sensitive development would occur within the Inner Noise Zone and the policies and objectives in this regard are clearly stated.

7.3.3. The site is zoned rural cluster. Rural clusters are locations where housing for suitable applicants is permissible. It is worth noting that Feltrim is not a rural cluster, the zoning only applies to the subject site. This zoning, located as it is within the Inner Noise Zone is in direct conflict with the prohibitions within that zone. Therefore should the Board be minded to grant permission per s37(2) (b) (ii) of the Planning and Development Acts as amended, it is at liberty to do so as there are conflicting objectives in the development plan insofar as the proposed development is concerned.

#### **7.4. Principle of Development**

7.4.1. The Fingal County Council planner's report states that not to give sufficient weight to the Inner Noise Zone would set an undesirable precedent for similar applications in such sensitive locations.

7.4.2. It is unlikely that the conflicts between the otherwise clearly stated objectives in the Fingal County Development Plan 2017-2023, noted earlier in this report, will arise in other cases and therefore a grant of permission is unlikely to set an undesirable precedent for similar applications in similar sensitive locations.

7.4.3. The Board may consider that the RC zoning does not represent a reasonable objective for this area and that the more general prohibition on residential development set out in DA 07 which is to 'actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone', is the

objective to be followed. In my opinion the RC zoning, which refers to this site alone, is more specifically applicable to this application/appeal, is not manifestly an unreasonable objective, given the context within existing residential development, and is therefore the objective which should guide the assessment of this appeal. In my opinion there is no objection in principle to the proposed development.

## **7.5. Noise**

- 7.5.1. A report from AWN Consulting Ltd titled 'Inward Noise Impact Assessment' has been provided in support of the application. This provides an assessment of the likely noise levels and proposals to control air and road traffic noise intrusion, to within the internal noise criterion for living rooms and bedrooms in BS8233:2014, which is that generally used in the absence of Irish standards. The proposals include specific proposals for external glazing, external doors, ventilation and chimneys. In my opinion the measures proposed are adequate to address the issue of noise.

## **7.6. Other Issues**

- 7.6.1. The Transportation Planning Section have indicated no objection to the certain conditions being met to ensure the provision of adequate sightlines. These require amendments to the proposal and should be required to be carried out before construction of the proposed dwelling commences and agreed prior to commencement of development.
- 7.6.2. Notwithstanding the backland location of the proposed dwelling, this issue has not arisen as a concern in this application or in the others referred to in the planning history of the site and the planners report states that the materials, scale and design generally integrate with the existing character of the area etc.

## **8.0 Recommendation**

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations, and subject to the following conditions.

## 9.0 Reasons and Considerations

The site is located on land zoned for development as a rural cluster in the Fingal County Development Plan 2017-2023 and therefore notwithstanding its location within the Inner Noise Zone which designates this as an area where noise sensitive uses such as the provision of new residential development is to be actively resisted, and that the proposed development would materially contravene Objective DA07; having regard to fact that there are conflicting objectives in the development plan insofar as the proposed development is concerned, that proposals to control noise intrusion to within the internal noise criterion for living rooms and bedrooms in BS8233:2014 are included, that the unique circumstances of this case would not be likely to establish a precedent for similar development, that measures to protect traffic safety and provide for water services infrastructure can be carried out; it is considered that the development of this infill site would provide necessary residential accommodation for a member of this established community and would, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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>Prior to the commencement of development on site the applicant shall submit details for the written agreement of the planning authority proposals</p>



	<p>to alter the site access to provide for, and ensure the maintenance of, adequate sightlines, and thereafter the requisite sightlines shall be provided maintained. These measures include:</p> <p>The reduction of the front boundary wall at the entrance to 900mm and not 1.2m as indicated on the site layout, to be carried out prior to the commencement of construction of the dwelling.</p> <p>That 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>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 applicant's expense, to be carried out prior to the commencement of construction of the dwelling.</p> <p><b>Reason:</b> In the interest of traffic safety and orderly development.</p>
3.	<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 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>
4.	<p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p><b>Reason:</b> In the interest of public health and orderly development.</p>
5.	<p>Drainage arrangements for 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>
6.	<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</p>

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Planning Inspector

29<sup>th</sup> January 2020

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023, extracts