



An
Bord
Pleanála

Inspector's Report ABP-306520-20

Development	Demolition of single storey dwelling and the construction of 5 residential units.
Location	4 Oakton Court, Glenageary, Ballybrack, Co. Dublin, A96 C8K7.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0432.
Applicant(s)	Benem Properties Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party.
Appellant(s)	Eugene Greene Grainne Rothery and Kieran O'Daly
Observer(s)	Paul Tuohy and Phil Healy Oakton Residents c/o Catherine Clarke

Date of Site Inspection

14 March 2020.

Inspector

Stephen Rhys Thomas

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.1025 hectares, is located at 4 Oakton Court, Ballybrack, Co Dublin. The site is located at the end of Oakton Court , a cul-de-sac reached from Dale View and Mountain Villas. Similar houses are located to the south and south west of the site and the large gardens of dwellings accessed from Church Road adjoin the north and eastern boundaries. An area of public open space is located to the west of the site, but does not directly adjoin the stated site boundaries. The area is characterised by low density housing with good connections to public transport along the R118 to the west and the facilities and services of Ballybrack to the east. The site slopes gently upwards from the south west to the north east.

2.0 Proposed Development

2.1. Permission is sought for the demolition of a single storey dwelling and the construction of five residential units all with private amenity space, comprising:

- 2 two bedroom apartment units at ground floor level, (79 sqm)
- 3 three bedroom duplex units, composed as two at first and second floor (duplex) and a third two storey unit attached as a terrace, (140-148 sqm)
- A car parking court with nine spaces with bin and cycle storage areas,
- Two areas of communal open space to the front and rear, incidental amenity space.

2.2. Additional information documentation included with the appeal dated the 9th day of December 2019 included the following:

- Shadow analysis,
- Access arrangement drawings,
- Boundary treatment details,
- Private amenity details,
- Parking and accessibility arrangements,
- Surface water management details,

- A tree survey and landscape masterplan.

2.3. These items did not alter the underlying layout and scale of development, but refined detailed technical aspects of the proposal. The revised details concerning the proposal were re-advertised.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to 16 conditions, most of a standard and technical nature, of interest are the following conditions:

Condition 4 and 8 to do with an appropriate traffic management plans during construction.

Conditions 9 and 10 to do with tree protection and retention measures.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to existing housing stock and densification. Identification of the area of the site and that the proposed residential development is acceptable. After a request for additional information the design and scale of the residential development was acceptable. The report includes an AA screening assessment that concludes no requirement for AA.

The recommendation was to grant permission subject to 16 conditions.

3.2.2. Other Technical Reports

Transportation Planning – initial report required a number of items of further information, subsequently, no objections subject to standard technical conditions.

Drainage Planning – initial report required a number of items of further information, subsequently, no objections subject to standard technical conditions.

EHO – no objections subject to standard technical conditions.

Parks – initial report required a number of items of further information, subsequently, no objections subject to standard technical conditions and tree protection measures.

3.3. **Prescribed Bodies**

Irish Water – none recorded.

3.4. **Third Party Observations**

Eight submissions were received, including a petition from local residents. The issues raised are similar to the issues raised in the observations submitted to the appeal.

4.0 **Planning History**

Appeal Site

None.

Sites in the vicinity

Most relevant planning applications include:

PA Register Reference Number D19A/0927 and ABP number ABP-306758-20 - Demolition of residential dwelling and for amendments to approved residential development (D18A/0313; ABP-301940-18) seeking to add 12 apartments. Undecided.

PA Register Reference Number D18A/0313 and ABP number ABP-301940-18 – Permission for the construction of 20 Apartments. February 2019.

5.0 **Policy Context**

5.1. **Development Plan**

Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

Adjoining part of the site boundary to the north east is a protected structure – ‘Vevay’ (RPS number 1711).

RES3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. As a general rule the minimum default density for new developments in the county (excluding lands on zoning objective ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ larger sites or larger ‘A’ zoned areas.

RES4: It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

RES7: It is the Council policy to encourage the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the interim Housing Strategy.

Chapter 8. Principles of Development:

- Section 8.2.3 Residential development.
- Section 8.2.8.2 Public/Communal Open Space-Quantity

5.2. **Natural Heritage Designations**

None relevant to this suburban site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the third party appeal can be summarised as follows:

- The proposed development is out of scale in terms of height and differs in design with the character of the area and will result in an overbearing impact. The existing building line will be broken.
- The residential density of development is out of character with the area.
- The traffic generated by the proposed development will add to the traffic on a quiet cul-de-sac and may affect the safety of children playing in the area. The privacy of the street will be impacted upon by more traffic movements each day.
- The level of car parking provided is not enough, when most houses have space for two cars in curtilage and the existing turning area will be impacted upon.
- Overlooking will result from the proposed terraces and balconies.
- The level of open space provided is inadequate.
- The impact to surrounding houses will result in property value loss.
- Property boundaries have not been fully considered.
- The gable end of the proposed development will impact upon the outlook from Maryvale, a 19th century dwelling, located to the north of the site.

6.2. **Planning Authority Response**

The planning authority's response can be summarised as follows:

- The Board are requested to consider the planning report already submitted.

6.3. **Planning Authority's Further Response**

No new matters are raised in the grounds of appeal, nothing further to add and no change in the original decision to grant permission.

6.4. **Observations**

Two observations have been made that reiterate concerns and issues already outlined, but additional points can be summarised as follows:

- Property boundaries have not been fully considered in terms of structural integrity and the ability to support the surface car parking area is queried. The issue of privacy from the car park area to adjoining houses has not been properly dealt with.
- There have been flooding issues as a result of burst water supply pipes and future foul sewerage blockage problems are not addressed by the applicant.
- The construction phase of the development is a worry to existing residents. One observation included a signed petition from residents in the area, 39 signatories in total, some letters of objection and photographs to illustrate parking issues.

6.5. Further Responses

The applicant has prepared a response to the third party appeals. In the first instance, the applicant's submission expands and illustrates various planning permissions made by the planning authority and the Board in relation to similar site contexts and residential amenity. On the whole, the submission amplifies, through photographs and illustrations, the issues already raised in the planning application and no alterations or amendments are advanced by the applicant.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenity
- Layout
- Traffic and Parking
- Other Issues

7.2. Principle of Development

7.2.1. Zoning - Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2016 – 2022 the appeal site is wholly contained within an area zoned Objective A where the objective is to protect and / or improve residential amenity and where residential development is permitted in principle. Accordingly, the principle of developing 5 dwelling units is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and national planning guidance.

7.2.2. Density – the appellant and observers have made the point that the proposed development is at a residential density that is at odds with that of existing detached and semi-detached property in the area. This is true, the residential density of the proposed development amounts to 48 units per hectare, surrounding development is historically much lower. However, this is not an especially high density, given the location and setting of the lands in question. The planning authority are satisfied that this is an appropriate density for the area, provided in accordance with the aims and objectives of the Development Plan. I am in agreement, the residential density of this infill housing development is the most efficient use of well located zoned and serviced land. Subject to accordance with the best principles of preserving residential amenity and providing a good setting for future occupants I am satisfied that the proposed residential density is appropriate and in accordance with national and local guidance.

7.3. Residential Amenity

7.3.1. To commence, I note that the proposed apartments units are of a scale and design that exceeds the minimum requirements set by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2018). In addition, in all other respects the proposed apartments in terms of private amenity and communal open space, meet or exceed the standards advised in relation to apartments. The planning authority are in agreement and do not highlight any issues with regard to the provision and design of the proposed apartments at this location. I am satisfied that the scale and design of the proposed apartments will provide an acceptable level of accommodation for future occupants.

7.3.2. The principal issue in this appeal are the concerns raised by appellants and observers in relation to the detrimental impacts the proposed development will have

on the current levels of residential amenity enjoyed by neighbouring properties. Issues such as overlooking and loss of privacy, overbearing impact, overshadowing and a loss of outlook are all raised as impacts that attack the current residential amenities. Taking some of these concerns into account, the planning authority sought additional information with respect to overshadowing and to some extant boundary treatments and accepted the design solution advanced by the applicant. The planning authority granted permission without adjusting or amending the original proposal.

- 7.3.3. The applicant has attempted to design an infill development that seeks to respect neighbouring property. This is achieved by removing the existing single storey bungalow from the site and providing five homes on roughly the same footprint as the existing house. There are no other houses in the immediate vicinity, other than 3 Oakton Court located to the south of the site. At this location a two storey element is proposed and contextual elevations prepared by the applicant clearly show how this relationship works. Given that the site is located to the north of 3 Oakton Court, I anticipate no overshadowing impact to befall that property. The outlook from the rear garden of 3 Oakton Court will change with the addition of a new 7.5 metre high gable wall, but I am satisfied that this will not result in an overbearing impact of any significance. Only a bathroom window with obscured glazing is proposed on the southern elevation, so there are no chances for a loss of privacy either. I am satisfied that there will be no loss of residential amenity to 3 Oakton Court.
- 7.3.4. Maryvale, a substantial detached property set within gardens with mature trees is located to the north and could perceive a loss in residential amenity. In this respect the applicant has prepared a detailed shadow analysis. Maryvale is located 21 metres from the closest point of the proposed three storey element of the development. Ground levels are slightly lower on the appeal site and the gable end of the new building will appear as approximately 9.75 metres in terms of overall height, as viewed from Maryvale. I am satisfied that no significant issues of overshadowing will occur, the proposed development is located over 20 metres away and the interruption of direct sunlight to Maryvale will not be perceived by the occupants in any significant way. Likewise, the separation distances between properties and slightly lower ground levels of the appeal site are such that the impact of overbearing impact and overlooking is well mitigated.

- 7.3.5. All other property in the vicinity, Oakton Park to the south west and Vevay to the north east are located at distances greater than 24 metres and I anticipate no issues of overlooking, overshadowing or overbearing impact from the proposed apartments to these properties. I note that Oakton Park to the west of the proposed car parking area could be exposed to a degree of overlooking and loss of privacy, Oakton Park is set considerably lower than Oakton Court. I agree that there could be an overlooking impact at this location and I note that an 80cm high visual screening hedge is proposed along the western boundary of the site.
- 7.3.6. To conclude, in terms of existing residential amenity, I am satisfied the proposed development will not diminish or erode such amenity and will in fact be a positive addition to the provision of housing in the locality.

7.4. Layout

- 7.4.1. The remainder of objections and observations relate to the incongruity of the proposed development and how it will impact negatively on the character of the area. The existing character of the area is a combination of single storey and two storey detached and semi-detached houses. Single storey houses are set back from the road within their own gardens and two storey houses along Oakton Court are set quite close to the road. The proposed development reads as a terrace of houses set more or less along the same building line as 1, 2 and 3 Oakton Court. Private communal amenity space has been provided to the rear of the proposed units and a larger and more public open space is provided to the front. It is a shame that the site boundaries do not adjoin the public open space at Oakton Park, a useful pedestrian connection could have been opened here. A narrow strip of unused garden space will be given over to car parking addressing the cul-de-sac turning head. There is nothing particularly unusual in terms of the design of the proposed units and the building is not obviously an apartment block in the traditional sense. I am satisfied that in terms of the layout and design of the proposed development an appropriate balance has been achieved between low and medium density housing at this infill location.

7.5. Traffic and Parking

- 7.5.1. Appellants and observers alike are concerned that the addition of five residential units and their associated car parking spaces will lead to an unwelcome increase in traffic on a cul-de-sac that is narrow and relatively traffic free at present. The planning authority sought additional information with regard to the technical aspects of the applicant's proposal and were satisfied to grant permission subject to conditions.
- 7.5.2. My own observations of the site reveal that Oakton Court is indeed a narrow street with houses either side. Each house has at least one in curtilage car parking space, by and large these off road spaces are not availed of. Instead, parking occurs on both sides of the street and cars are parked up on the footpath requiring the pedestrian to traverse the centre of the road. The existing car parking behaviour in the vicinity is quite poor at present with no regard for the user of either footpaths, but at least it has the effect of slowing other vehicles down. I note the technical material submitted by the applicant to address the treatment and detailed specifics of car parking at the hammerhead of Oakton Court, the planning authority are satisfied with the details as submitted.
- 7.5.3. The addition of five residential units at this well served urban location will inevitably generate an increase in vehicular traffic. Moreover, the character and arrangement of the existing cul-de-sac will transform from a turning head to a car parking court serving the development. I am satisfied that the applicant has adequately detailed how the parking and access arrangements will work with the receiving environment. On balance, I am satisfied that the proposed development will not increase traffic to a level that the existing network will not be able to cope. This site is well located; schools, shops and public transport are all located in the immediate vicinity. I anticipate that not all journeys to and from the site will be made by car and that ultimately more sustainable modes of transport will be preferred by future occupants. In this respect I note that adequate cycle parking has been provided and pedestrian facilities are widespread in the area.

7.6. Other Issues

- 7.6.1. Construction Impact - I note the concerns raised with regard to the construction phase of the development and the impact upon the narrow streets in the vicinity. I

also note the concerns that the excavation works may cause potential damage to the shared boundary wall of property to the west.

- 7.6.2. There will inevitably be disruption during the course of construction, however such can be minimised to acceptable levels with appropriate standard working / construction procedures such as controlling construction hours, dust minimisation etc. With regard to excavation works and associated impact much of the concern raised is an engineering issue and not a planning issue, whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties. Overall I am satisfied that these matters can be dealt with by way of suitably worded conditions requiring the submission of a construction management plan for agreement. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.
- 7.6.3. Drainage - Some observers are concerned at the impact the proposed development will have on the existing drainage infrastructure. The planning authority sought a number of items of additional information of a technical nature to answer queries they had during the planning application process. The planning authority are satisfied that drainage issues have been satisfactorily dealt with and can be managed by way of conditions. The site comprises an existing and serviced residential site in an existing housing estate, I am satisfied that the development can be adequately serviced without endangering public health, subject to the technical conditions advised by the planning authority.
- 7.6.4. Boundary treatments – some observers have raised issues in relation to boundary treatment and the stability of existing boundary walls, specifically in relation to the insertion of the surface car parking area. Existing trees are to be removed and an inner retaining wall has been designed to ensure the structural integrity of the existing boundary walls to properties at Oakton Park, drawing 119134-NJD-V1-ZZ-DR-C-011 refers. The applicant has also proposed to plant a hedge in the margin between boundary wall and car parking area. Subject to standard construction methodologies I am satisfied that site boundaries will not be adversely impacted upon by the development as proposed.
- 7.7. Appropriate Assessment.

7.7.1. 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.

7.8. Screening for Environmental Impact Assessment

7.8.1. Having regard to the nature and scale of the proposed development comprising the construction of 5 residential units in a single residential block in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend that permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9 day of December 2019, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

3. (a) All screen walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) All rear garden walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

6. 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.

Reason: In the interests of visual and residential amenity.

7. A minimum of 10% of all car parking spaces (at least one space) should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management

9. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays and

public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. 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 the SCSI Price Tender Index of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen Rhys Thomas
Senior Planning Inspector

01 April 2020