



An
Bord
Pleanála

Inspector's Report

ABP-307113-20

Development

Alterations to approved development Reg. Ref. SD17A/0291 (An Bord Pleanála Ref. ABP-301369-18) comprising: Retention of (i) deletion of a service room to the rear of the ground floor; (ii) minor extension of bedroom 1 of apartment 8 by 4.5sq.m. and reconfiguration of associated balcony; (iii) provision of 2 additional one bedroom units and new plant room at ground floor level to the rear of the building; Permission is sought for (i) minor extension of the living room and bedroom 1 of apartment 21

Location

Monastery Road, Clondalkin, Dublin 22

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD19A/0383

Applicant

Chimway Limited

Type of Application

Retention Permission and Permission

Planning Authority Decision

Refuse Retention Permission and Permission

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| Type of Appeal | First Party v Refusal of Retention Permission and Permission |
| Appellant | Chimway Limited |
| Observer(s) | Declan & Eileen O’Gorman |
| Date of Site Inspection | 30.06.2020 |
| Inspector | Anthony Kelly |

1.0 Site Location and Description

- 1.1. The site is on the south side of Monastery Road approx. 400 metres south east of Clondalkin village.
- 1.2. There is an apartment development under construction on site. The exterior of the building has been largely completed but the overall site remains a building site. The four-storey building is set back approx. 25 metres from the road and is externally finished in brick, render and zinc. The structure is relatively close to the side boundaries and it has a separation distance of approx. 17 metres to the rear boundary. The rear area of the site has a significantly higher ground level than both the front area of the site and the ground floor level of the building. There is a short cul-de-sac of two-storey houses parallel to the public road (Monastery Heights) to the east of the site, a single storey house (Floraville Cottage/Floraville Lodge) to the north west and a housing development (Monastery Rise) to the west and south though public open spaces areas are adjacent to the palisade fence site boundaries at these locations. There are some trees and vegetation around the site boundaries except along the roadside boundary.
- 1.3. The site has a stated area of 0.32 hectares.

2.0 Proposed Development

- 2.1. The application is for alterations to approved development P.A. Reg. Ref. SD17A/0291 / ABP Reg. Ref. ABP-301369-18) comprising:
 - Retention permission for omission of a ground floor service room to the rear.
 - Retention permission for 4.5sqm extension of bedroom to Apartment 8 and re-configuration of balcony on the first floor.
 - Retention permission for two one-bedroom units and a plant room at ground floor level to the rear.
 - Permission for 7sqm extension of living room and bedroom to Apartment 21 and reduction of balcony by 7.1sqm on the third floor.

- Permission for amendments to the approved roadside boundary, car parking and site layout.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by a 'Planning Report' and a 'Daylight Analysis and Overshadowing' document.
- 2.3. Further information was submitted in relation to, inter alia, a section drawing, an accommodation schedule and surface water disposal detail.

3.0 Planning Authority Decision

3.1. Decision

The planning application was refused for the following reason:

1. Having regard to the proximity of the retaining wall to the residential properties it is considered that the development would constitute a planning approach contrary to the proper planning of the area. The proposed development would have a negative impact on the amenity of the future occupants by virtue of overbearing visual impact and visual intrusion. The proposed development would therefore seriously injure the amenities of property in the vicinity, would set an undesirable precedent for the area and would be contrary to the residential zoning objective of the site in the South Dublin County Council Development Plan 2016-2022 (which seeks to protect and/or improve residential amenity), and the protection of residential amenity and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 10.02.2020 and 26.03.2020 form the basis of the planning authority decision. The latter report concludes that the proposal would result in a poor standard of accommodation for prospective residents due to the proximity of the

retaining wall resulting in a poor outlook, an unacceptable sense of enclosure and it would appear overbearing. It would also set an undesirable precedent.

3.2.2. **Other Technical Reports**

Parks & Landscape Services / Public Realm – No objection subject to conditions. Additional tree planting in the car park area is recommended. It is also recommended that the boundary treatment and landscaping in the previously approved scheme be carried out.

Water Services – No objection subject to conditions on foot of the further information response.

Roads Department – No objection.

3.3. **Prescribed Bodies**

Irish Water – No objection. Observations made.

3.4. **Third Party Observations**

Five submissions were received from residents of Monastery Heights and Monastery Road including the residents who have made an observation on the grounds of appeal. The issues raised are largely covered by the observation received with the exception of the following:

- The application is confusing and misleading. The development as set out in the application form is not the same as the development set out in the public notices.
- Query about whether the ground levels on site will affect potential future construction on the adjacent property. The site topography has been significantly altered in the area adjacent to No. 7 Monastery Heights. The treatment of the area between the building and the eastern boundary is unclear. Issue about provision of a retaining wall along this boundary. Overlooking and loss of privacy to No. 7 Monastery Heights.

- There are enforcement proceedings ongoing on site. It appears that it was always the intent to build the original design footprint regardless of any conditions applied and then seek retention.
- There is no footpath east of the site to the Luas/bus stop on the west side of Monastery Heights which needs to be considered in the context of a higher density. Traffic safety and access needs to be considered again in the context of the close proximity of the site entrance to the entrance of Monastery Heights and the site entrance should be moved further west.
- Inadequate car parking provision proposed/current car parking provision would appear to be sufficient.

4.0 Planning History

The relevant planning history of the site is as follows:

P.A. Reg. Ref. SD17A/0291 / ABP Reg. Ref ABP-301369-18 – Permission was granted in 2018, following a third-party appeal, for demolition of a former filling station site and construction of a four storey apartment building comprising 19 no. apartments (reduced from the 22 no. apartments originally applied for), open space, car parking etc.

P.A. Reg. Ref. SD19A/0258 – Permission was refused in 2019 for permission for alterations to ABP Reg. Ref. ABP-301369-18 comprising omission of a ground floor service room to the rear, two additional one-bedroom units and plant rooms at ground floor level to the rear, provision of an additional floor level between the second and third floor to provide an additional five units resulting in a five storey building with 26 no. apartments, amendments to approved boundary treatment, car parking and site layout etc. for three reasons: (i) A density of approx. 81 units per hectare would be contrary to the 'Sustainable Residential Developments in Urban Areas – Guidelines for Planning Authorities (2009)', (ii) the planning authority was not satisfied that the development complied with SPPR 3 of the 'Urban Developments and Building Heights Guidelines for Planning Authorities (2018)' and (iii) a significant overbearing impact would result to the house to the east contrary to the zoning objective of the site.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

- 5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity'. Residential development is permitted in principle in this area.
- 5.1.2. Chapter 2 (Housing) of the Plan relates to the current application. Some relevant development management standards are found in Chapter 11 (Implementation).

5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

- 5.2.1. These guidelines are relevant to the application.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

- 5.3.1. These guidelines are relevant to the application.

5.4. Natural Heritage Designations

- 5.4.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 6.9km to the south. The closest heritage area is Grand Canal pNHA approx. 1km to the north.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the development and the nature of the receiving environment, which is a fully serviced suburban location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- The main objective is to protect the standard of accommodation already approved and to provide much needed additional units in the area. The development is contemporary in design and form.
- Through the assessment of the further information response by the planning authority it can be contended that the main cause for concern was the relationship between the retaining wall and the two additional ground floor units. Surface water issues raised in Item 2 of the further information request did not form the basis of the refusal of this application.
- Further to commentary in the planning authority's planning report in relation to inconsistent drawings submitted as part of the further information response, a revised additional drawing (Drawing No. 2017-93-ABP100) has been submitted as part of the grounds of appeal illustrating revised sections and a layout plan and a landscaping proposal has also been submitted.
- The reason for refusal focusses on the proximity of the retaining wall to the additional ground floor units. Both units make for high quality residential units that fully comply with planning authority standards. The submitted 'Daylight Analysis and Overshadowing Report' shows the habitable rooms of both apartments will receive a generous amount of natural lighting that far exceeds BRE Guidelines. Each private terrace has a minimum depth of 5.3 metres and provides a generous amount of open space and additional landscaping proposals are set out with the grounds of appeal. Landscaping will soften the visual appearance of the retaining wall. The apartments will provide high-quality homes and will have no negative impact on adjacent residents due to the ground floor position.
- In relation to the setting of an undesirable precedent, the subject alterations are site-specific and are not a common occurrence in the development of apartment schemes.

- It is strongly argued that the development does not contravene the residential zoning for the site. It is in line with the County Development Plan 2016-2022 e.g. residential development is permitted in principle at this location, it is consistent with multiple housing policies, it comprises infill development, the planning authority's planning report states the development would not harm the amenity of neighbouring residents, BRE guidelines for daylight to habitable rooms are exceeded and adequate car parking and bicycle parking spaces are provided. The apartments comply with floor areas, private open space areas and floor to ceiling heights in the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)'. The development complies with the Regional Spatial and Economic Strategy 2019-2031 and the National Planning Framework in that it allows for increased density within the existing urban fabric.
- The private open space/retaining wall issue is similar to a planning application granted in 2019 under P.A. Reg. Ref. D18A/0418 (Dun Laoghaire Rathdown County Council) / ABP Reg. Ref. PL06D.303725.

6.2. Planning Authority Response

- 6.2.1. The planning authority confirms its decision and the appeal raises no new issues.

6.3. Observations

One observation was received from Declan & Eileen O'Gorman, 84 Monastery Road (located opposite the site). The issues raised in the observation can be summarised as follows:

- The relocation of the rubbish bins to the northern boundary will be a nuisance to residents of Monastery Road, visually and from odour. It will create hazards on the main road from bin trucks and bins and wind-blown waste may block drivers' views. The relocation results in high risk situations outweighing the benefits of the relocation.
- The increase from 19 no. to 21 no. apartments results in a high density. The site is already over-developed and the additional apartments have already been built.

- The boundary wall change from stone to render has twice been refused by the County Council. Render would not be in keeping with the character of the village. The wall surrounding Floraville Lodge is a stone wall.
- In the current climate there will likely be more than one car per apartment so the apartment numbers should be kept at 19 but with 29 car parking spaces provided.
- There has been non-compliance with conditioned working hours. The standard of brickwork to the front of the building is very poor. The dust on site has not been controlled. Site operations are not in keeping with health and safety regulations.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Residential Amenity for Occupants
- Density
- Residential Amenity of Adjacent Property
- Site Layout Amendments
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The development is located in an area zoned 'Objective RES; To protect and/or improve residential amenity'. Residential development is permitted in principle under this zoning in the South Dublin County Council Development Plan 2016-2022. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Residential Amenity for Occupants

- 7.2.1. The planning application was refused by the planning authority because the proximity of the retaining wall to the two apartments subject of retention would negatively impact on occupants by way of overbearing impact and visual intrusion.
- 7.2.2. The apartment floor areas of 66sqm (Apartment 2) and 58.6sqm (Apartment 3) are well in excess of the 45sqm minimum floor area required under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018). In the original application the terraces had lengths of 2.92 metres from the bedrooms and 5.355 metres and 5.385 metres respectively from the kitchen/living areas with widths of more than 8.5 metres. No elevation or section drawing showed the location or slope of the retaining wall in the context of the additional apartments or the terraces. The application was accompanied by a 'Daylight Analysis and Overshadowing' document which demonstrated that the average daylight factor for the bedrooms and kitchen/living areas of both apartments significantly exceed the recommended average daylight factor levels as set out in the BRE guidelines. Further information was sought for, inter alia, adequate section drawings illustrating the ground floor units in the context of the retaining wall/slope adjacent to the terraces. Revised section drawings showed the permitted and current ground levels but there were some discrepancies in documentation in relation to a strip of open space between the terraces and the retaining wall. In its decision the planning authority considered that the proximity of the 3.3 metres high retaining wall, in addition to the railing on the edge of the path above it, would provide a poor sense of outlook and create an unacceptable sense of enclosure for future residents and the planning application was refused on this basis.

- 7.2.3. In the revised drawings submitted with the grounds of appeal the minimum length of the terraces between the retaining wall and the bedrooms is approx. 5.4 metres with a length from the kitchen/living areas to the retaining wall of slightly under 8 metres. Though the private open space areas have been amended the grounds of appeal state the same 36sqm and 34sqm areas cited in the original ground floor plan drawing are retained. It appears that slightly larger private open space areas are outlined in the drawings submitted with the grounds of appeal and include for raised planters around the external perimeters of the terraces including adjacent to the retaining wall. Notwithstanding any discrepancies in cited areas the private open space provided is substantially larger than the minimum 5sqm required for a one-bedroom apartment.
- 7.2.4. While the presence of the retaining wall does provide a sense of enclosure, I do not consider that it is oppressive. The private open space areas provided for both units to be retained are significantly in excess of the open space areas required and the widths and lengths of terraces are relatively substantial. In addition, the terraces are south facing and the average daylight factor levels achieved in the apartments are in excess of the standards set out in the BRE guidelines. While it is likely that overlooking of the private open space areas of these units may occur from the higher ground to the south it would be no more intrusive to the overlooking that would occur to other apartments and balconies on the rear/southern elevation.
- 7.2.5. On foot of the foregoing I consider that the level of residential amenity for future occupants of the two apartments would be acceptable.

7.3. **Density**

- 7.3.1. The issue of excessive density was raised in the observation received on the grounds of appeal and in submissions received on the original application.
- 7.3.2. The parent permission for this application is P.A. Reg. Ref. SD17A/0291. Permission was originally sought for 22 no. apartments. The density of 22 no. units on a 0.32 hectare site is approx. 69 units per hectare which the planning authority considered to be significantly in excess of the established density in the surrounding area and constituted overdevelopment of the site. As part of the further information response the number of proposed apartments was reduced to 19 no. as part of a re-design of the development. This comprises a reduction in density to approx. 59 units per

hectare. Units were removed in the general area where the two apartments for retention are now located. A third-party appeal (ABP Reg. Ref. ABP-301369-18) was received on foot of the planning authority decision to grant permission. The Inspector's Report for the appeal stated that, for the purpose of the assessment, the revised detail as submitted to the planning authority by way of further information, was the development considered i.e. the original application for 22 no. units was not considered. Both the Inspector and the Board considered the density of 19 no. units/59 units per hectare to be acceptable. Condition 1 of the Board's decision specifically stated that the development was to be constructed in accordance with the development as submitted to the planning authority at further information stage.

- 7.3.3. A subsequent planning application, P.A. Reg. Ref. 19A/0258, was submitted. This was for amendments to P.A. Reg. Ref. SD17A/0291 / ABP Reg. Ref ABP-301369-18 to increase the permitted development to five floors and 26 no. units. This was refused because, inter alia, the proposed density of approx. 81 units per hectare was considered to be excessive at this location. No appeal of the decision was made. In the planning report it was stated that, having regard to the planning history on site and assessments of both the planning authority and the Board, the principle of a density exceeding the general range set out under the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)' was acceptable. However, the density of 59 units per hectare was considered the upper limit of what was acceptable.
- 7.3.4. Local, regional and national policy is generally supportive of higher densities in urban, brownfield sites while striking a balance with protection of residential amenity. County Development Plan Policy H8 states it is policy to promote higher residential densities at appropriate locations and H8 Objective 1 states it is an objective to ensure efficient use is made of zoned land. The settlement strategy for Dublin city and suburbs set out in Figure 4.2 (Settlement Strategy) in the 'Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031' states, inter alia, that it supports the consolidation and re-intensification of infill/brownfield sites to provide high density within the existing built-up urban area. The 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)' states in Section 5.4 (Appropriate locations for increased densities) that, in general, increased densities should be encouraged on residentially zoned lands.

- 7.3.5. Higher density development is encouraged and promoted throughout the National Planning Framework. National Policy Objective 35 requires an increased residential density in settlements and national guidelines such as the 'Urban Development and Building Heights Guidelines for Planning Authorities (2018)' have, at its core, an objective to increase density in urban, brownfield areas which are well connected to public transport. Though there is a closer bus stop to the site serving other routes, a stop for the No. 13 bus which connects Harristown and Grange Castle via O'Connell Street is 450 metres from the site and it has a peak frequency of a bus every ten minutes. The site is approx. 400 metres from Clondalkin village and the Red Cow Luas stop is a 1.3km walk.
- 7.3.6. Given national and regional policy, I consider a modest increase in the number of units on site from 19 no. to 21 no., and a consequent increase in density from approx. 59 units per hectare to approx. 66 units per hectare is acceptable in principle.

7.4. Residential Amenity of Adjacent Property

- 7.4.1. Notwithstanding national and regional policy to increase densities as set out in Section 7.3, the residential amenity of existing property should be taken into consideration.
- 7.4.2. In this application the two additional units are at ground floor level to the rear. In terms of impact on adjacent property, and specifically No. 7 Monastery Heights adjacent to the east, I do not consider the additional units will have any adverse impact. As a result of the difference in ground levels between both sites no overlooking will occur. The two additional units are contained within the permitted structure footprint and will not contribute to any increase in height and only to a limited increase in overall scale and bulk which will not be noticeable from Monastery Road. Any concern about construction methodologies or structural impacts that may occur is not a planning consideration.
- 7.4.3. I do not consider the development would have any undue impact on the residential amenity of adjacent property outside the development boundary and I do not consider the two units would have an undue impact on the amenity of apartments within the permitted structure.

7.5. Site Layout Amendments

- 7.5.1. The application refers to amendments to Apartment Nos. 8 and 21 which I consider to be limited in scale and are acceptable, as is the plant room. The planning application also includes amendments to the site layout. Assessment of the development is restricted to the specific issues subject of the application so unrelated issues referenced in the submissions on the original application and the observation received on foot of the grounds of appeal are not considered.
- 7.5.2. Drawing No. 2017-93-PP-100 submitted with the application indicates the roadside boundary permitted under the parent permission comprised a 1200mm limestone wall with capping. However, the relevant landscaping drawings submitted and approved as a compliance submission for Condition 6 (c) (boundary treatments) of the parent permission showed a 1 metre high iron rail on a 200mm high granite plinth. Notwithstanding, the proposed contiguous roadside elevation drawing shows a rendered wall with a capping stone. Render walls are common features of the area and I do not consider a rendered wall would comprise an incongruous or visually obtrusive feature at this location. I consider that the revised boundary type is acceptable.
- 7.5.3. It is proposed to alter the car parking arrangement to the front of the site between the apartment block and Monastery Road. 24 no. spaces were permitted under the parent permission and 5 no. additional spaces have been provided though the additional accommodation only comprises two one-bedroom apartments. Part of a turning head is to be removed to accommodate the additional spaces and the accessible spaces are re-located to the eastern side of the site from the permitted location in front of the apartment block. I consider this to be acceptable and I note the planning authority's Roads Department report is satisfied with the level of car parking provision and welcomes the visitor spaces that can be provided. I consider the alteration to the car parking layout will improve the level of residential amenity, will not result in an unduly car dominated development and is limited in the context of the overall permitted development.
- 7.5.4. Though the public notices cite 36 no. bicycle spaces only 33 no. are shown on the proposed site layout plan and 33 no. spaces are cited in Section 5.1.14 (Cycle Parking Standards) of the 'Planning Report' submitted with the application and in the grounds

of appeal. The relocated bicycle parking spaces are proposed along both side boundaries to the front of the building though the public notices only refer to the western boundary. 33 no. spaces greatly exceed the number required in the County Development Plan 2016-2022 (six spaces). This level of bicycle parking is positive, will improve the level of residential amenity and I have no concern with this element of the planning application.

7.5.5. The bin storage footprint in the permitted development was along the western boundary to the front of the apartment block. It is proposed to relocate this to the north eastern corner adjacent to the vehicular entrance. Hedging is to be provided between the bin store and the roadside boundary which will reduce its visual impact. I do not consider this location will result in a traffic hazard given the relatively limited vehicular movements likely to occur. I also do not consider that odour or litter would be an issue subject to appropriate sizing, construction, and management. It does not appear that specific bin storage floor plan and elevations were submitted with the parent application. This can be addressed by way of an appropriate condition.

7.5.6. I note internal layout and terrace area alterations to Apartments 5 and 6 at ground floor level are shown on the floor plans. However, these did not form part of the planning application and therefore they have not been assessed in this report. I consider the specific elements of the planning application can be considered independently of the alterations to Apartments 5 and 6. Any grant of permission that may issue would relate solely to those aspects of the development cited in the public notices.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the development and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 and the National Planning Framework, and the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the development would not result in an excessive density at this location, would result in a satisfactory standard of residential amenity for future occupants and would not seriously injure the amenities of the area or property in the vicinity. 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 retained and 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 28.02.2020 and by the further plans and particulars received by An Bord Pleanála on 23.04.2020, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number ABP-301369-18, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Floor plan and elevation drawings of the bin store structure shall be submitted to, and agreed in writing with, the planning authority within eight weeks of the date of grant of this permission.

Reason: In the interest of clarity.

4. Within eight weeks of the date of grant of this permission, 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 within eight weeks of the date of grant of this permission 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.

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.

Anthony Kelly

Planning Inspector

31.07.2020