



An
Bord
Pleanála

Inspector's Report

ABP-307408-20

Development	74 sqm greenhouse structure, 61 sqm polytunnel, rubble stone retaining wall and steps to connect lower and higher sections of the site.
Location	Curtlestown Lower, Enniskerry, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	191270
Applicant(s)	Derek Burton.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party V Refusal
Appellant	Derek Burton.
Observer(s)	None.
Date of Site Inspection	2 nd October 2020.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations	10
5.3. EIA Screening	10
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.3. Planning Authority Response	13
6.4. Observations	13
6.5. Prescribed Bodies	13
7.0 Assessment	13
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18
10.0 Conditions	19

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Curtlestown Lower, a linear rural community approximately 3km west of Enniskerry, Co. Wicklow.
- 1.2. The site is located on the northern side of the L101. It is adjoined to the west by the vehicular entrance and car park to St. Patricks Church, a Protected Structure and associated graveyard, and entrance driveway to a residential property known as The Old School House. To the east the site is adjoined by an access track to forestry further north, and further to the east by St Patricks National School and car park.
- 1.3. A garden shed business is located directly opposite the appeal site, along with a number of houses on the southern side of the L1011 including the applicants home located approx. 350m to the east. The land to the north and south slopes steeply.
- 1.4. The site is roughly triangular in shape, and slopes from north to south with a fall of approx. 5.5 metres. A retaining wall/earth embankment separates the northern section of the site which is grassed, from the lower section which is hard surfaced. Two large mature trees are located in the centre of the site.
- 1.5. The site is defined along the eastern and western boundaries by large mature trees, and along the southern boundary by a rubble stone wall with railing over and entrance gates. A line of newly planted trees are located either side of the entrance gates to the site, which has an overall road frontage of approx. 98m.
- 1.6. The site has a stated area of 0.1155ha.

2.0 Proposed Development

- 2.1. Permission is sought for construction of a 74sqm greenhouse structure, 61sqm polytunnel, rubble stone retaining wall and steps to connect lower and higher sections of the site, all together with ancillary works including drainage, landscaping, and boundary treatment.
- 2.2. The application was accompanied by a letter from the applicant and land folio details.

2.3. The applicant requested an extension of time on 27th January 2020. A four month extension of time to respond to request for further information up to 26th May 2020 was granted by the PA.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission for the above described development for the following reason;

1. 'Having regard to:
 - a) The topography and characteristic of the site.
 - b) The location of the site, in a sensitive rural area that has been designated an area of Outstanding Natural Beauty and within a historic cluster, adjacent to the protected structure of Curtlestown Catholic Church (Ref. No. 03-26).
 - c) The nature of the proposed development.
 - d) The extent of ground works (cut and fill) required to facilitate the proposed development and the provisions of the County Development Plan, in particular Objective NH51, which seeks to resist development that would significantly or unnecessarily alter the natural landscape and topography, unless it can be demonstrated that the development would enhance the landscape and /or not give rise to adverse impacts.
 - e) The failure of the applicants to demonstrate a need for the proposed development and that there are no more appropriate sites available within their land holding.

It is considered that the proposed development would and without adequate justification, significantly alter the natural landscape and topography of the site, which would be contrary to the objectives of the development¹ and which would result in the haphazard development of this site and in the formation of incongruous features in this highly scenic and historic setting which would have an adverse

¹ Refers to County Development Plan

impact upon the visual amenities and character of the area. The proposed development would therefore be contrary to proper planning and sustainable development.'

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 27/01/2020)

Basis for planning authority decision includes;

- The development has been amended from the previous application to include the following;
 - Extension of the existing rear gable wall of an existing shed which currently sits adjacent to the large mature tree located in the middle of the site, with a new retaining wall which will form a stepped connection between the lower and higher sections of the site, provide necessary structural support for the roots and integrity of the tree and form part of the proposed greenhouse structure which has been set back to reduce visual impact.
 - Proposed wall to be clad in rubble stone to match surrounding buildings and boundary walls to blend in with the local heritage, character and landscape of the area.
 - Steel structure of the glass house is to be painted green to blend into the landscape, the lower section is to be clad with traditional building materials like local rubble stone.
 - Existing mature trees and hedging along the western boundary are to be retained additional planting is proposed along the southern boundary.
 - Retaining wall will provide structural support for the adjustment of levels in the higher section of the site which will create a suitable base to accommodate the proposed polytunnel structure.
 - Level adjustment will allow the finished floor level of the polytunnel to be lower by approx. 1.5m in relation to the previous application, reducing the visual impact from the road.

- Retention of the large mature tree and planting behind the proposed timber fence at the top of the retaining wall will help to hide the polytunnel, which will be clad with a green mesh to help camouflage the proposed structure.
- Level of adjustment in the higher section of the site will be located centrally and will not affect the roots of the existing trees along the eastern or western boundaries.
- Note letter submitted by applicant detailing the envisaged use of the structures, the reasons for the proposed development and applicants and family's very strong connections with the area.
- Proposed development has the potential to have a significant and unnecessary impact upon the visual amenities and character of this scenic rural area;
 - Proposed structures due to their design, scale and function (growing fruit and vegetables) are agricultural by nature, but not part of an agricultural practice or located on an agricultural holding.
 - Purpose of these structures is solely for the use and enjoyment of the applicants and are not necessary.
 - Normally structures of this nature would be located within the curtilage of the applicant family home, which is not the case in this instance. Applicants have failed to demonstrate that a) the application site is suitable for this development and b) that there are no other more suitable sites available for this development within their landholding.
 - Site is located in a highly sensitive rural area (designated as area of outstanding natural beauty). The area within the immediate vicinity of the site has a strong heritage feel, which the protected structure of St. Patricks Church and its curtilage contributes greatly to. Proposed development has the potential to have a negative impact upon the character and setting of this area.
 - Concern in relation to the level of ground works proposed in order to facilitate the construction of the proposed poly tunnel which will alter the existing ground levels (both cut and fill) by c.4m which is excessive. Work proposed

is not justifiable having regard to the nature of the proposed development and would be contrary to CDP objective NH51 which seeks to resist development that would significantly or unnecessarily alter the natural landscape and topography.

- Not satisfied that it would be possible to retain existing trees and vegetation.
- Recommends permission be refused.

3.2.2. Other Technical Reports

Environment: Report dated 02/01/2020 recommends no objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

There was one submission lodged with the planning authority in support of the proposed development from Cllr. Melanie Corrigan.

4.0 Planning History

P.A.Reg.Ref.19/333: Permission was **refused** May 2019 for construction of 74sqm greenhouse structure in lower section of existing site, 61sqm polytunnel in higher section of existing site all together with ancillary works for Derek Burton.

There were two reasons for refusal as follows;

'1. Having regard to:

- the topography, elevation and location of the subject site in a sensitive and attractive Area of Outstanding Natural Beauty,*
- the location of the site within a historic cluster and in proximity to protected structure 03-26 Curtlestown Catholic church*
- the development pattern which will result in a standalone and un-unified development*

- *the inappropriate siting and design of the glass house by reason of its scale, location, the use of non-traditional building materials, decorative and ornate design,*
- *the inappropriate siting and design of the polytunnel by reason of its elevated location, and use of non-traditional building materials,*
- *the impact of the development on existing natural vegetation*

it is considered that the proposed development would form a highly conspicuous and incongruous feature in this highly scenic landscape designated an Area of Outstanding Natural Beauty, would result in haphazard development of the site, would have an adverse impact on the setting of the protected structure and would have an adverse impact on the heritage and character of this local area. The proposed development would seriously injure the amenities of the area. The development would be contrary to the provisions of the County Development Plan and to proper planning and sustainable development.

2. *Having regard to the lack of information provided in relation to the nature of the proposed use of the glasshouse and polytunnel structures, the planning authority is unable to properly assess whether the principle of the development is acceptable in this rural area and is unable to assess the adequacy of the local roads infrastructure, sightlines or parking requirements, and in the absence of such information, the proposal would result in haphazard development and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to proper planning and sustainable development.'*

P.A.Reg.Ref.99/1593, ABP PL27.119395: Permission **refused** December 2000 for storage shed for forestry equipment for Derek Burton. Reason for refusal included; *'Having regard to the location of the site in an area of outstanding natural beauty, as designated in the current Development Plan for the area, and to its separation from an established nucleus of agricultural/commercial development in the vicinity, it is considered that the proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and development of the area. (see file attached)*

P.A.Reg.Ref.97/7317: Permission **granted** February 1998 for relocation of existing entrance for Derek Burton.

P.A.Reg.Ref.96/5146: Permission **refused** September 1997 for hay straw storage barn for Derek Burton.

There are also a number of planning applications by the applicant in the current appeal on land opposite the appeal site, and these are detailed in the report of the PA.

5.0 Policy Context

5.1. Development Plan

The applicable Development Plan is the Wicklow County Development Plan 2016-2022.

Chapter 5 refers to Economic Development

Chapter 10 Heritage

Table 10.4 Landscape Categories – Landscape Area - The North Eastern Valley – identified within Mountain and Lakeshore AONB. Landscape Objectives includes;

Objective NH51 – ‘To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling/reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and/or not give rise to adverse impacts.’

Schedule 10.15 Prospects of Special Amenity Value or Special Interest

Prospect 1 – Prospect of mountain area around Glenree Drive, Prince William Seat, Glenree River and Sugarloaf Mountain.

Volume 3 – Appendix 4 – Record of Protected Structures

Curtlestown Catholic Church (Ref. No. 03-26) described as ‘a single cell, late-19th Century church built of rusticated granite with lancet windows, enclosed porch, bellcote and high pitched roof with natural slates.’ It is located to the west of the proposed development.

Volume 3 - Appendix 5 - Landscape Assessment

Section 4.5 Wicklow's Landscape Areas / Areas of Outstanding Beauty (see Appendix 4 Map 10.13(a) attached)

Section 5.3 Key Development Considerations (KDC)

Section 5.3.4 Glencree/Glencullen KDC (see Appendix 4 Map 10.13(b) attached)

1. To protect listed views and vantage points across the valley and to resist development proposals that would negatively impact on the valley setting and views from the west at Glencree towards the Great Sugar Loaf.
2. To maintain and preserve views across the valley towards the Wicklow Mountains.
3. Through appropriate siting and design to ensure that developments along local roads will not be conspicuous or have a disproportionate or dominating visual impact on the surrounding environment as seen from the local scenic routes and settlements.
4. To protect and facilitate the conservation of structures, sites and objects which are part of the County's cultural heritage, whether or not such structures, sites and objects are included on the Record Protected Structures.

5.2. Natural Heritage Designations

There are no designated areas in the vicinity.

Location	Designation	Site Code	Distance
Wicklow Mountains	SAC	002122	1km NW
Wicklow Mountains	SPA	004040	1.6km NW
Knocksink Wood	SAC	000725	2.3km NE

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. A first party appeal against the decision to refuse permission by the planning authority has been lodged by Joe Bonner, Town Planning Consultant, on behalf of the applicant. It includes photographs of the site and a cross section drawing. The main grounds can be summarised as follows:

Justification of Need for the Proposed Development

- Subject site is located within walking distance of applicants home and does not own any suitable lands in the vicinity.
- Dispute PA assertion that the structures are 'not necessary' and agricultural in nature given their size. Contend that proposed development has the capacity to grow sufficient vegetables to cater for the needs of the applicants and their children which is in line with government policy 'Programme for Government Our shared Future' is necessary.

Suitability of Site

- Queries what renders the site unsuitable, and references Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) with respect to agricultural development and exempted development.
- Combined floor areas of the proposed greenhouse and polytunnel will be 135sqm, which is 45% of the area that could be built on another site in the locality. Modest scale of development reflect the size and nature of the site.

Area of Outstanding Natural Beauty (Glencree/Glencullen)

- Proposed development will have no impact on views at the west at Glencree towards the Great Sugar Loaf.

- It will not interfere with any elevated views across the valley, while at ground level the views are already blocked by existing buildings.
- Buildings have been designed to blend into the surrounding landscape and are located in a built up part of the rural area between the local church and school. The impact will be minimal and will not have a disproportionate or dominating visual impact on the surrounding environment, also noting the report of the Environmental Section of the PA.
- Proposed development will have no impact on the nearby St. Patricks Church protected structure.
- Notes permissions granted under P.A.Reg.Ref.04/1280 for two storey extension at the adjacent Old School House, between the appeal site and the church, and under P.A.Reg.Ref.17/652 for extension to grain store on site east of the school on elevated ground relative to the appeal site, submit that there is no consistency in decision making by PA.

Character of the area

- Dispute that the proposed development would have a negative impact on the character and setting of the area.
- The PA cannot sustain an argument that this is a highly sensitive rural area on the basis of the number of houses built and contend that the appeal site sits within a 'church village' which should be allowed to continue to evolve over time.
- Natural beauty and high sensitivity - The area is a working agricultural landscape.
- Protected Structure – Proposed development will not be visible from the front door of the Curtlestown Catholic Church and will not interfere with views from the site towards the Sugarloaf.

Ground Works

- No ground works are required to facilitate the greenhouse that sits at the lower level adjacent to the road.

- The upper level of the land in the ownership of Mr. Burton was filled without his consent, and it is now his intention to remove the unauthorised fill and reinstate the land to its former level.
- Landscape of the appeal site has been altered by way of landslide and by unauthorised filling, so there is nothing natural about the topography. Reference to stone pillar and former gate post.
- Excavation works necessary to facilitate the small development involve removing previously unauthorised filling, which was not noted by the Planning Authority, and contend that the reason for refusal is misinformed.
- Applicant wishes to construct two buildings to grow organic vegetables at a scale much smaller than would be permitted as exempted development if such a site was available to him in the area, which it is not.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Prescribed Bodies**

Appeal circulated by the Board to Department of Culture, Heritage, and the Gaeltacht, An Chomhairle Ealaíon, An Taisce, Fáilte Ireland, and Heritage Council. There were no responses received.

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. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Planning Policy
- Landscape and Visual Amenity

- Architectural Heritage
- Appropriate Assessment

I draw the Boards attention to the most recent planning application on the subject site under P.A.Reg.Ref.19/333, which was for a similar development by the same applicant to that proposed in the current appeal.

Planning permission was refused previously by the planning authority for the same two structures for two reasons as set out in section 4 above. The current application seeks to address the previous reasons for refusal.

7.2. Planning Policy

- 7.2.1. The Planning Authority refused permission for the proposed development having regard to the topography of the site, location within an area of Outstanding Natural Beauty, adjacent to a protected structure, the nature of the proposed development and extent of ground works required, which would be contrary to Objective NH51, and the failure of the applicants to demonstrate a need for the proposed development and that there are no more appropriate sites available within their landholding. It was determined that without adequate justification the proposed structures and ground works would be contrary to the objectives of the CDP and result in haphazard development which would have an adverse impact on the visual amenities and character of the area.
- 7.2.2. The applicant states that the purpose of the proposed greenhouse and polytunnel structures is to grow organic fruit and vegetables for their own use in their retirement. The applicant also notes that the subject site is within walking distance of the applicants home, which I have estimated to be located within approx. 350m to the east of the appeal site. (see map attached)
- 7.2.3. The applicant has submitted land registry folio details which indicate a large landholding to the west of the village of Curtlestown, within the townland of Barnamire, which I have estimated to be approx. 1.7km from the applicants home.
- 7.2.4. I accept that structures of this nature are typically located within the curtilage of a dwelling, or immediate family landholding, however in this instance the family home site is relatively restricted and the family landholding is not immediately proximate.

- 7.2.5. I note that the appeal site which is located in the centre of the village cluster is currently vacant and underutilised. I do not accept that the proposed development constitutes 'haphazard development' or would result in the formation of incongruous structures as referred to in the P.A. reason for refusal located as it is directly opposite an established commercial business. Furthermore, the subject site benefits from a southern orientation and is therefore, ideally suited for the growing of fruit and vegetables.
- 7.2.6. I am satisfied, therefore, that the proposed development which is relatively modest in scale is acceptable in principle, subject to landscape, visual amenity and architectural heritage considerations.

7.3. Landscape and Visual Amenity

- 7.3.1. My interpretation of the reason for refusal centres primarily on the extent of the ground works (cut and fill) required to facilitate the proposed development which would alter the natural landscape and topography of the site, rather than the proposed greenhouse and polytunnel structures themselves.
- 7.3.2. From my review of existing site plans and cross section drawings submitted with the application and site inspection, it is evident that that the topography of the site has already been significantly altered, such that it cannot be considered a natural landscape.
- 7.3.3. I can confirm from my site inspection that the steeply sloping grassed higher section of the site, is already divided from the lower level hard surfaced section of the site by a retaining wall/earth embankment, and that the lower part of the site has been levelled and surfaced, and recently planted inside the southern boundary wall either side of the entrance gates.
- 7.3.4. I have examined the proposed site development works as indicated on site plans and in particular cross section drawing No. 0132-PL-004 in the context of the existing topography of the site, and site development works proposed under the previous application, (see drawings attached). The current application differs from the previous application primarily with respect to the following;

- Site development works between the lower and upper sections of the site, in the form of a retaining wall approx. midway across the site.
- Access to upper section of the site, with the construction of two sets of steps supported by the extended retaining wall between both sections in lieu of a previously proposed ramp along the NE boundary
- Further lowering of site levels on the upper section of the site, and
- Revised layout to locate the polytunnel more centrally on the site.

7.3.5. The key differences from the previous application are summarised in Table 1 below;

Table 1

Development	P.A.Reg.Ref. 19/333	P.A.Reg.Ref. 19/1270	Difference
FFL Polytunnel at upper level	225.527OD	224.00OD	-1.527m
FFL Greenhouse at lower level	220.050OD	220.050OD	No change

7.3.6. I accept that the proposed site development works will significantly alter the topography of the site. The works include significantly more cut and fill from the upper section of the site as compared with the previous proposal. The proposed retaining wall and steps are also a significant intervention on the site which facilitates a revised site layout and in my opinion is materially different to that previously proposed.

7.3.7. The first party has outlined in the appeal that the purpose of the proposed retaining wall is to unify the proposed development with the existing walls and trees on site, by forming a connection point between the proposed steps, greenhouse and upper sections of the site, while at the same time providing structural stability required to keep the large mature tree located in the middle of the site safe. The proposed retaining wall is to be clad in local rubble stone to match surrounding buildings and boundary walls, which it is intended will blend in with the local heritage, character and landscape of the area.

7.3.8. The proposed greenhouse is located on the lower section of the site, with the proposed polytunnel on the higher section of the site. Both structures are located on

the western part of the site with the gables of both addressing the public road to the south.

- 7.3.9. I have considered the scale of the proposed greenhouse which has a stated area of 74sqm and that of the polytunnel stated as 61sqm, and their respective heights of 4.265, and 2.5m. I have also had regard to the lowering of site levels on the upper section of the site, setback from the public road and existing screening and site boundaries.
- 7.3.10. I have considered the design of the proposed greenhouse, which comprises a steel structure which will be painted green and will be clad in the lower section with traditional building materials like local rubble stone, to match with other structures in the area. The proposed polytunnel will be finished with a green mesh covering. I am satisfied that the proposed greenhouse which is primarily glass and use of proposed finishes will minimise the visual impact of both structures on the landscape. I do not consider that the nature of these structures would be incongruous in their context or detract from the visual amenity or character of the area.
- 7.3.11. On this basis, therefore, I am satisfied that the proposed development would not be contrary to the landscape objectives of the County Development Plan and in particular Objective NH51, or landscape designation within the Glencree/Glencullen Area of Outstanding Natural Beauty.

7.4. Architectural Heritage

- 7.4.1. The Planning Authority in their reason for refusal refer to the location of the site within a historic cluster adjacent to the protected structure of Curtlestown Catholic Church (Ref. No.03-26).
- 7.4.2. The appeal site is located approx. 10m distance from the entrance gate to the Church and approx. 55m distance from the front door of the Church. The appeal site is also located at a lower level to the Church. The modest scale and height of the proposed structures together with existing mature and recently planted front boundary will help screen the development.

- 7.4.3. Having viewed the appeal site from the door of the neighbouring Church a protected structure, I am satisfied that the subject site and proposed development will not be clearly visible.
- 7.4.4. No third party objections were lodged with the PA, or any observations from any prescribed bodies. Nor were any observations were received from Department of Culture, Heritage, and the Gaeltacht, An Chomhairle Ealaíon, An Taisce, Fáilte Ireland, and Heritage Council when circulated by the Board.
- 7.4.5. I am satisfied, therefore, that the proposed development would not detract from the adjoining protected structure, or architectural heritage of the area, and a refusal on this basis is not warranted.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, and the proximity to the nearest European site 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.

8.0 **Recommendation**

- 8.1.1. I recommend that permission be **granted** subject to conditions for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the

- Location of the site within a village cluster,
- Design, scale and layout of the proposed development,
- Separation distance from the Protected Structure and
- Pattern of development in the vicinity

It is considered that subject to compliance with the conditions set out below, the proposed development would not significantly detract from the character or visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. The proposed greenhouse structure and polytunnel shall be for private use only. No sale or leasing of structures or any other commercial activity shall operate from the structures or the remained of the site.

Reason: In the interest of orderly development.

3. Details of the proposed materials, colours and textures of all external finishes for the proposed greenhouse, polytunnel and retaining walls shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

5. The site shall be landscaped with suitable trees, shrubs or hedging which shall mainly be of indigenous species. Details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To help integrate the development into the surrounding rural area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Susan McHugh
Senior Planning Inspector

22nd October 2020