



An
Bord
Pleanála

Inspector's Report

ABP-307896-20

Development	Construction of 1 no. detached dwelling
Location	Belgee, Naul, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0212
Applicant	Anthony Moore
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Anthony Moore
Date of Site Inspection	4 th November 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the Townland of Belgee which lies circa 4.5-kilometers to the south east of the Naul, in north County Dublin. The site is identified as part of a landholding, stated to be 13.601ha, on which there are two existing dwellings, one identified as the family home of the applicant and the other which was until recently (per google street view) an older, land commission style, single storey farmhouse, is now refurbished/rebuilt. The site is part of a small field on elevated land to the south-east of the cul-de-sac road. The remainder of the landholding is on the opposite side of the road in the townland of Knockbrack. Except for a rectangular portion of ground, on which a bungalow has been built, the landholding extends to the local road crossroads to the west. One arm of crossroads is formed by a road which joins the M1 at junction 5, less than 2km to the east.
- 1.1.2. A trimmed hedge with an open drain in front, form the boundary with the local road. There is an overhead line along the road frontage of the narrow road. The site which occupies about half the field is located at the south western boundary, which is a substantial boundary with mature trees.
- 1.1.3. The site is given as 0.8121ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 1 no. detached, 2-storey dormer, 4-bedroom dwelling, (266m²), connected to the public water supply, on-site waste water treatment system, landscaping, boundary treatment and new vehicular entrance and driveway from adjoining public road along with all associated ancillary site development and engineering works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided, 13-Jun-2020, to refuse permission for the reason:

The site is located within the 'HA' zoning objective under the Fingal Development Plan, 2017 - 2023, the objective of which is to 'protect and enhance high amenity

areas', and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Having regard to the documentation submitted with the application, the applicant has not demonstrated their eligibility to be considered for a dwelling the application site located in the rural area of Fingal on the basis of being engaged in farming. The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023, including Objectives RF38 and RF39, would be contrary to the Ministerial Guidelines and to the overarching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The applicant has submitted a signed affidavit with an accompanying map of the subject site (Folio No DN688 refers). This document indicates that an application is in the process of being made to the Property Registration Authority to register the site in the applicant's name.
- The subject site is included in maps from the Department of Agriculture, Food and the Marine, as lands farmed by Moore Produce, although in the registered ownership of Thomas Hagan, as confirmed through a search of land registry carried out by the planning officer 15th June 2020.
- The site is owned by Thomas Hagan and as such is not part of Anthony Moore's family farm/landholding. Accordingly, Anthony Moore is not considered to be proposing a dwelling on his family farm/or on a farm where his family currently reside. The applicant has therefore not demonstrated his

eligibility to be considered for a dwelling in the rural area of Fingal in accordance with Objective RF 38 of the Fingal Development Plan 2017-2023.

3.2.2. Other Technical Reports

3.2.3. Transportation Planning Section:

Conditions:

The vehicular entry-splay (i.e. the paved area lying between the edge of the road carriageway and the gate/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a bound road material or other suitable material to a detail approved by the Area Engineer, Operations Department.

The site entrance gates shall be recessed a minimum of 6m from the edge of the road carriageway in order that vehicles can queue off-road should any gates be in a closed position. Any entrance gates shall open inwards to the site. Wing-walls from the gate to the front boundary hedgerow shall be splayed at an angle of 45°.

The gradient of the access driveway shall not exceed 2.5% over the last 6m of approach to the public road.

The ditch is to be piped at the location of the proposed vehicular access, with pipes of adequate size and strength to the satisfaction of the Area Engineer, Operations Department.

The width of the proposed vehicular access shall not exceed 4m.

No objects, structures or landscaping exceeding a height of 0.9m which could obstruct (or could obstruct over time) the required sightlines shall be placed or installed in the vicinity of the proposed vehicular access.

All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the developer's expense.

All stormwater shall be disposed of to soakpits or natural watercourse within the site and shall not discharge onto the public road.

All the above works shall be carried out at the developer's expense according to the Specification and Conditions of the Planning authority Fingal County Council.

3.2.4. Water Services Department

Conditions:

Foul Sewer

Supervision of construction of the on-site waste water treatment system shall be carried out by a suitably qualified (Fetac/QQI), experienced and competent professional.

No foul drainage is to discharge into the surface water system under any circumstances.

The foul drainage must be in compliance with the 'Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006 or the EPA Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses October 2009, whichever is applicable.

Surface Water

Soakaways must comply with BRE digest 365, the GDSDS, designed to accommodate the 30 year critical duration storm event, include for climate change, use local rainfall data, and be at least 5m from any structure and 3m from any boundary.

No surface water/rainwater is to discharge into the foul wate system under any circumstances.

The surface water drainage must be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006.

3.3. Prescribed Bodies

3.3.1. Irish Water:

Notes the location within the Bog of the Ring Outer Protection Zone. It is a requirement of the Water Framework Directive that waters used for the abstraction of drinking water are protected so as to avoid deterioration in quality.

Conditions:

Must not impact on any IW drinking water source and or abstraction point.

Connection agreement.

IW Codes of practice

Re. any proposals to build over or divert IW assets.

Separation distances from IW assets.

3.4. **Third Party Observations**

A third party observation on the file has been read and noted.

4.0 **Planning History**

F19A/0268 Susan Hagan & Anthony Moore, Knockbrack, Belgee, Naul, Co. Dublin

a) Two storey dormer bungalow, b). Waste Water treatment system c) All associated site works.

Refused – reason:

The site is located within the 'HA' zoning objective under the Fingal Development Plan, 2017 - 2023, the objective of which is to 'protect and enhance high amenity areas', and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Having regard to the documentation submitted, it has not been demonstrated that the application complies with the rural settlement strategy of the Fingal County Development Plan 2017-2023, in particular Objectives RF34, RF36 and RF38. The proposed development would contravene materially Fingal Development Plan 2017-2023, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

(Planners report (dated 16th August 2019) states ‘the subject site is owned by Susan Hagan’s father Thomas Hagan and as such is not part of the Anthony Moore’s family farm/landholding. Accordingly Anthony Moore is not considered to be proposing a dwelling on his family farm/or on a farm where his family currently reside’.)

To north-east on opposite side of road

PL06F.215395 Planning Authority Reg. Ref.: F05A/1392, erection of vegetable cold store barn in existing farm complex at Knockbrack, Naul, Co Dublin, Pat Moore, development contribution appeal; contribution deleted.

To north-east

PL 06F.245813, P.A. Reg. Ref. No. F15A/0432, Ken O’Carroll, retention of storage shed to store materials incidental to the use of lands for keeping horses at Belgee, Naul, County Dublin. Refused: 2 reasons: high amenity and failure to demonstrate agricultural need; and incongruous entrance.

PL06F.245286 P.A. Reg. Ref. No. F15A/0236, Ken O’Carroll, retention for a development consisting of the replacement timber cabin providing accommodation incidental to the use of lands for keeping horses, refused. Reason: high amenity and failure to demonstrate agricultural need.

Pre planning consultation – details attached to the file.

5.0 Policy Context

5.1. Development Plan

Zoned ‘HA’ - High Amenity Protect and enhance high amenity areas Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.

Objective RF38 -Demonstrate that the farm has been a working and actively managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission.

New Housing for Farming Families

Planning permission will be considered for one incremental house in areas which have the HA or GB zoning objective, and up to two houses in areas with the RU zoning objective, on a family farm for close family members who are demonstrated to be actively and directly engaged in the running of the family farm. In recognition that farming is no longer a full-time occupation for many farmers, consideration will also be given to farmers whose income is supplemented by off-farm work. In all applications for planning permission for a rural house on the basis of involvement in an existing farm, proof of direct participation in farming must include verifiable evidence of family ownership of a working farm.

The applicant will be required to demonstrate the following in relation to their working of the family farm:

(i) The applicant is a member of a family which operates a farm within the rural area of Fingal, and is actively engaged in farming the family farm. Verifiable documentary evidence (such as dated and stamped Land Registry Documentation) showing details of the farm ownership, details of the family relationship with the farm owner, and the nature of the applicant's involvement in farming the family farm will be required.

(ii) The farm on which the application for planning permission for a rural house has been submitted has been a working and actively-managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission.

(iii) The location of the family home on the existing farm.

(iv) The location of all other houses on the family farm which have been granted planning permission since the 19th October 1999. Submission details will include the date of grant of planning permission and the Council's file Register Reference under which any Planning Permissions were granted.

(v) The family farm has been a working farm for the preceding three years. The criteria which are considered to constitute a working farm and the size thresholds for various types of farm are set out below. The minimum threshold area of a farm excludes the area of the farm occupied by the farm yard and farm buildings, the area of the existing family home and its curtilage, and the area of the site of the proposed dwelling.

(vi) Documentary evidence that the applicant resides on a working family farm within the planning application.

Documentary evidence (i.e. of a working farm) which is required is detailed below:

a) For livestock (including equestrian), tillage and mixed livestock/tillage farms:

a) A Herd Number or other Business Number which is allocated by the Department of Agriculture, Food and the Marine.

b) Single Farm Payment details for the preceding three years.

c) A GLAS number for those farmers who participate in the GLAS Scheme.

d) A Forestry number for those farmers who manage forestry.

e) For dairy farms, details of the previous years' supplies to a milk processor.

f) For equestrian farms, depending on the type of equestrian farm, current horse training licences issued by the Irish Turf Club, racing licences, documentation demonstrating that the farm is a recognised teaching school, records of bloodstock sales, details of stud production for the preceding three years or equine identification documents, i.e. passports issued by Horse Board Ireland or by Wetherbys.

b) For horticulture farms:

- Confirmation of involvement in the Quality Assurance Scheme managed by An Bord Bia for the previous three years.

- Evidence of investment within the farm to demonstrate its current active engagement in the horticulture sector.

- Details of the supply of product from the farm which demonstrates that the applicant was supplying substantial produce to market in the preceding year.

c) Size thresholds for farms:

- The minimum size for an active livestock, tillage, or mixed livestock/tillage farm is 15 hectares.

- The minimum size for a horticultural farm is:
 - For a vegetable farm, 6 hectares.
 - For an apple farm, 13 hectares.
 - For glasshouse production, 0.4 hectares.

Objective DW03 Protect both ground and surface water resources and work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchment.

5.2. Development Contribution

- 5.2.1. Rate currently: Residential €98.21 per m².

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura sites are Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 0040215) c 7km distance to the south.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Downey Planning have submitted the appeal against the planning authority's decision to refuse permission on behalf of the first party. The grounds includes:
- Additional documentation has been prepared by the applicant in order to address the refusal reason.

- A list of the items of documentary evidence, presented with the application, to prove compliance with objective RF38 is set out in table 2.
- Additional documentation to address the issues raised by the planning officer and to prove compliance with objective RF38.
- Applicant has engaged with his legal team to clarify their legal holding on the lands. It is confirmed that the 'Deed of Assurance' for the lands was transferred to Ms Susan Hagan and Mr Anthony Moore on the 1st February 2016. The legal team have confirmed that the person handling the transaction did not lodge the Deed with the Property Registration Authority and it has been misplaced in their offices. They are currently attending to same and have requested that the matter be expedited within the Property Registration Authority. These matters are laid out in a letter attached as appendix 3.
- This confirms that the farm has been a working and actively managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application.
- The planning authority gave favourable consideration to the application in their assessment of: integration & visual amenity of the area, transportation issues, water and drainage and impact on Natura 200 sites and EIA screening.
- Attached to the grounds is a copy of an Affidavit sworn by Anthony Moore in respect of part of lands of folio 668 County Dublin. It includes that he and his predecessors in title have been in sole and exclusive beneficial occupation of the land delineated (corresponding with the site) for upwards of 15 years. And that he is in the process of making application to the Property Registration Authority to register absolute title.
- A letter TJ Flynn & Co Solicitors stating that they enclose a Copy of a Deed of Assurance, with map annexed thereto transferring the property from their client to Ms Susan Hagan and Mr Anthony Moore in consideration of natural love and affection. That the person handling the transaction did not lodge the Deed with the Property Registration Authority as it had been misplaced in their offices and that they are currently attending to same. The map referred to is not attached.

6.2. Planning Authority Response

The planning authority have responded to the grounds of appeal stating that:

- Objectives RF38 of the Fingal Development Plan 2017-2023, provides that applicants seeking a dwelling in a rural area under the heading of 'new housing for farming families' would be required to demonstrate that 'the farm on which the application for planning permission for a rural house has been submitted has been a working and actively-managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission'. As part of the assessment a land registry search was undertaken on 15th June 2020 which confirmed that the subject site was not in the registered ownership of the applicant or applicant's family.
- Accordingly the proposed development would materially contravene the rural settlement strategy of the Fingal Development Plan 2017-2023.
- They note the contents of the letter and attachments.
- In the event that the appeal is successful provision should be made for a S48 contribution.

7.0 Assessment

7.1. The issues which arise in relation to this appeal are: appropriate assessment, material contravention and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

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

7.3. Material Contravention

- 7.3.1. The refusal reason states that the proposed development would materially contravene the development plan.
- 7.3.2. The objectives referred to, which have been cited in full earlier in this report, are:
- Objective RF38 - Demonstrate that the farm has been a working and actively managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission.
- Objective RF39 - Permit new rural dwellings in areas which have zoning objectives RU, or GB, on suitable sites where the applicant meets the criteria set out in Table RF03.
- 7.3.3. Section 37(2)(a) of the Planning and Development Act 2000 as amended, states that where the planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission, where it considers that:
- (i) the proposed development is of strategic or national importance, or
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
 - (iii) with regard to listed guidelines, or
 - (iv) having regard to the pattern of development and permissions granted in the area since the making of the development.

If the Board decides to grant permission it is required to indicate in its decision the main reasons and considerations for contravening materially the development plan.

- 7.3.4. The grounds of appeal does not present any argument in relation to Section 37(2)(a) of the Planning and Development Act 2000 as amended.
- 7.3.5. The planning authority's assessment / decision appears to have turned on the fact that the land is not registered in the applicant's name and is not therefore part of the farm in respect of which the applicant claims Objective RF38 compliance. This matter has been addressed in the grounds of appeal. I am satisfied with the explanation given and that the transfer of the land is in hand. Although the applicant

is a farmer, the subject site has heretofore not been part of the family landholding, however the deed of transfer is dated 2016, and this is more than the 3 years required in the development plan objective. The deed of transfer is akin to ownership.

7.3.6. In relation to Objective RF38, which allows for an additional dwelling per farm family within areas with the zoning objective HA, the applicant must demonstrate direct participation in running the family farm. It is worth noting in this regard that the family farm is stated to be 13.601ha in extent. It is also stated that the family (business) works over 1000 acres; which is likely to be rented land. In this regard the development plan has a low threshold for minimum farm size, requiring only 6 hectares for a vegetable farm. It is considered that the applicant has demonstrated, in compliance with Objective RF38, a rural housing need related to working on a farm of which the subject site forms a part.

7.3.7. I am satisfied from the information available on the file, that the applicant complies with the rural housing provisions of the Fingal Development Plan.

7.4. Other Issues

7.4.1. As noted earlier in this report there are two existing dwellings on the subject farm, one the place of residence of the applicant and his family, and the other, which was until recently (per google street view) an older, land commission style, single storey farmhouse which is now refurbished/rebuilt. The latter existing dwelling is not referred to in the application documents.

7.4.2. The Irish Water submission notes the location within the Bog of the Ring Outer Protection Zone. It is an objective (DW03) of the county development plan to protect both ground and surface water resources and work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchment. No catchment protection zone is defined in the plan.

8.0 Recommendation

8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed development is located in an area zoned 'HA' in the Fingal Development Plan, 2017-2023 for which the objective includes to protect and enhance high amenity areas and protect these highly sensitive and scenic locations from inappropriate development; but where allowance is made, in objective RF 38, for the erection of one additional house on a farm for an applicant who is farming the land. The applicant has demonstrated his involvement in farming this land, such that he complies with the development plan 'Rural Generated Housing Need' requirements and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The applicant or developer shall enter into a water connection agreement with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Supervision of construction of the on-site waste water treatment system shall be carried out by a suitably qualified (Fetac/QQI), experienced and competent professional.</p> <p>Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling-house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p>

	<p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The vehicular entry-splay (i.e. the paved area lying between the edge of the road carriageway and the gate/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a bound road material or other suitable material to a detail approved by the planning authority.</p> <p>The site entrance gates shall be recessed a minimum of 6m from the edge of the road carriageway. Any entrance gates shall open inwards to the site. Wing-walls from the gate to the front boundary hedgerow shall be splayed at an angle of 45°.</p> <p>The gradient of the access driveway shall not exceed 2.5% over the last 6m of approach to the public road.</p> <p>The ditch is to be piped at the location of the proposed vehicular access, with pipes of adequate size and strength to the satisfaction of the planning authority.</p> <p>The width of the proposed vehicular access shall not exceed 4m.</p> <p>No objects, structures or landscaping exceeding a height of 0.9m which could obstruct (or could obstruct over time) the required sightlines shall be placed or installed in the vicinity of the proposed vehicular access.</p>

	<p>All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the developer's expense.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

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.

Planning Inspector

20 November 2020

Appendices

Appendix 1: Photographs

Appendix 2: Fingal County Development Plan 2017-2023, extract