



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308159-20

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<b>Development</b>	Permission for the removal of an existing sun room at the south side of the existing dwelling and the construction of a two-storey extension and raised terrace to the rear.
<b>Location</b>	Castlebrook House, Baltrasna, Skerries, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20B/0138
<b>Applicant(s)</b>	Denis & Marguerite Finnegan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Denis & Marguerite Finnegan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> of November 2020
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.1003ha, is located on the southern side of a local road (L1270) which connects to the R127, approximately 3kms west of Skerries town centre at Baltrasna.
- 1.2. The existing two storey house has single storey extensions at the rear. There a sunroom on the southern side elevation. The northern gable end is sited close to and this can be seen from the road. There is a hedgerow which provides screening along the road frontage.
- 1.3. The rear garden is at a higher level than the existing dwelling which is cut into the site. The vehicular entrance is on the eastern side of the road frontage of the site. The surrounding area is rural in character, with agricultural land adjoining to the west and south and a number of one-off dwellings with access to the tertiary road. The site is elevated and there are views to the sea to the east of the site. Access to Ardgillan House and Demesne is from the county road a short distance to the west of the site.

## 2.0 Proposed Development

- 2.1. The proposed development is to consist of the following:
  - The removal of an existing sun-room at the south side of the existing dwelling;
  - The construction of a two-storey extension with a single storey section to the south side and rear of the existing dwelling house;
  - The construction of a raised terrace to the rear of the proposed extension.
- 2.2. Documentation submitted includes the following:
  - Details in support of the application have been submitted by Michael Halligan Planning Consultant, providing a description and rationale for the proposed development.
  - A Landscape and Visual Impact Assessment has been submitted.
  - Drawings including a Site Layout Map, Floor Plans, Sections and Elevations have been submitted.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 17<sup>th</sup> of August Fingal County Council refused permission for the proposed development for the following reason:

*The proposed extension by reason of its dormer type design, excessive bulk and inconsistent fenestration on the front elevation, in addition to its position forward of the front building line is visually out of character and unsympathetic with the existing vernacular dwelling on the subject site, The proposed development would materially contravene Objective CH38 of the Fingal Development Plan 2017-2023 which requires that extensions to vernacular dwellings are in keeping and sympathetic with the existing structure and would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the interdepartmental reports. They noted that no submissions were made. Their Assessment included the following:

- The subject site is located within an area which has a highly sensitive designation 'HA' – High Amenity and is classified as being a Nature Development Area – Woodland.
- There is an objective to protect views along the local road which runs to the north of the subject site.
- They note that permission was previously refused by the Council on this site relative to unsympathetic design and bulk of the proposed development and its negative impact on the visual amenities of the area.
- They note that the applicant has provided a Landscape and Visual Impact Assessment.

- Given the distance and lack of hydrological links to designated sites, they conclude that it will not have a significant impact on Natura 2000 sites.
- They have concerns in relation to the design and bulk of the proposed two storey extension on the character of the existing vernacular dwelling.
- They consider that it does not accord with *Objective 38* of the Fingal DP, relative to the design being unsympathetic to the character and design of the existing vernacular dwelling. In view of their concerns they recommend refusal.

### 3.3. Other Technical Reports

#### Water Services

They have no objections subject to recommended conditions.

### 3.4. Prescribed Bodies

No Reports on file.

### 3.5. Third Party Observations

None noted on file.

## 4.0 Planning History

- Reg.Ref.F19B/0173 – Permission refused by the Council to the current applicants for the Removal of an existing sun room at the south side of the existing dwelling and the construction of a two storey flat roofed extension with single storey section to the south side and rear of the existing dwelling house adding an additional 114.7sq.m of floor area. The development also included a raised terrace to the rear of the proposed extension.

Their refusal was in summary relative to the unsympathetic design, excessive bulk and proposed fenestration, being forward of the front building line and visually not in character with the existing dwelling, which is located in an area

zoned 'HA' – High Amenity and being injurious to visual amenities of the area and contrary to planning policies in the Fingal DP 2017-2023.

A copy of the Council's Decision is included in the History Section of this Report.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

Chapter 3 refers to Placemaking and includes:

Objective PM45: *Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.*

Objective PM46: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

Objective PM50: *Ensure that new dwellings in the rural area are sensitively sited and designed and demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design.*

Chapter 5 refers to Rural Fingal and policies and objectives relative to Housing in the Countryside include:

Objective RF28: *Encourage the re-use and adaption of the existing rural residential building stock and other building types, where practical, in preference to new build.*

Objective RF60: *Ensure that any planning application for a house within an area which has a Greenbelt or High Amenity zoning objective is accompanied by a comprehensive Visual Impact Assessment.*

Objective RF65: *Encourage the sensitive restoration and/or conversion of vernacular rural buildings and discourage their demolition or replacement.*

Chapter 9 refers to Natural Heritage and includes reference to High Amenity Landscape Character Areas and Zoning and provides criteria for such.

Objective NH38: *Protect skylines and ridgelines.*

Objective NH39: *Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.*

Objective NH40: *Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.*

Objective NH51: *Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.*

Objective NH52: *Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular, heritage, land-use and tranquility.*

Chapter 10 refers to Cultural Heritage and includes regard to Objective CH38 which is referred to in the Council's reason for refusal and discussed in the context of the Assessment below.

Chapter 12 refers to Development Management Standards. Section 12.6 provides the Design Criteria for Housing in the Countryside. This includes regard to limiting the visual impact of development upon the rural landscape and the countryside.

Chapter 12 also recognises: *The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.*

DMS30 refers to the need to ensure new residential units comply with natural daylight and sunlight standards.

DMS41 refers to the criteria for dormer extensions.

DMS42 encourages innovation in design of domestic extensions.

Table 12.4 provides Design Guidelines for Rural Dwellings. Objective DMS52 refers.

## 5.2. Natural Heritage Designations

The Skerries Island SPA are c.4kms west of the site.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development (an extension to a rural house), on a serviced site and the distance of the site from nearby sensitive receptors, 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

Michael Halligan Planning Consultant has submitted a First Party Appeal on behalf of the Applicants. This includes regard to the locational context, planning history and policy. It notes that no submissions were received by the Planning Authority. The Grounds of Appeal include the following:

- Extensions to existing dwellings are permitted under the 'HA' High Amenity zoning. Chapter 12 of the Fingal DP 2017-2023 provides that extensions are considered favourably provided they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- They have regard to the planning history of the local area including the previous refusal on this site Reg.Ref. F19B/0173. Photographs included show the design of the current and previous proposal and other substantial residential developments in the area.
- They provide that the current proposal addresses the points made in the previous refusal and note that the design has been simplified, the bulk reduced and the fenestration simplified. They include a Table to demonstrate the proposal has been modified and will not be detrimental to the visual amenities of the area.

- The large first floor windows have been designed to maximise natural light – they refer to Objective DMS30 of the Fingal DP.
- The proposed extension, including the marginal front projection will not impact adversely on the design concept or the existing dwelling. They refer to impact on room sizes if the extension is reduced.
- An extensive Visual Impact Assessment has been submitted with this application as required by objectives in the Fingal DP. This establishes that the proposed extension will only be visible from a small section of the adjacent public road and will not injure the visual amenities of the area.
- They provide details of revisions to the design and layout of proposed extension since it was previously refused (Figures 3 & 4 are included showing the differences in design and fenestration) so that it will be more in keeping with the character of the house and the visual amenities of the area.
- The current proposal respects Fingal DP *Design Guidelines for Rural Dwellings* relative to renovation and extension to vernacular and historic buildings. They consider that it will be in keeping with Objective RF65.
- The Visual Impact Assessment clearly establishes that the proposed extension will not detract from the 'HA' zoning objective and will not have a negative impact on the area.
- The VIA shows how protected views along the roadside of the L1270 are not impacted due to existing hedgerows.
- The current proposal will not materially impact on the highly sensitive landscape designation. It will not detract from the Nature Development Area.
- As the site is 4km distant from the nearest SPA (Skerries Islands SPA), this proposal for a domestic extension to an existing serviced dwelling will have no negative impacts on Natura 2000 sites.
- The applicants have pressing family needs for the accommodation proposed. They provide that the revised proposal will not be injurious to the visual amenities of the area as depicted in the attached Visual Impact Assessment.



- The proposal does not materially conflict with the provisions and policies of the CDP and is in accordance with the proper planning and sustainable development of the area.
- They conclude that the proposal has been significantly altered from that earlier refused and that a comprehensive Visual Assessment has been submitted. They seek to strike a balance between the Council's objectives and the families immediate and future needs.
- They ask the Board to uphold their grounds of appeal and to grant permission for the proposed development.

## 6.2. Planning Authority Response

Having regard to the appeal submission they remain of the opinion that the proposed development is out of character and unsympathetic to the existing vernacular dwelling and that the proposal would materially contravene Objective CH38 of the Fingal DP 2017-2023 which requires that extensions to vernacular dwellings are in keeping and sympathetic with the existing structure.

They ask the Board to uphold their decision to refuse permission. In the event, that the appeal is successful they request that provision be made in the determination to apply a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## 7.0 Assessment

### 7.1. Policy Considerations

- 7.1.1. As shown on Sheet 5 of the Fingal Development Plan 2013-2019 the site is located within the rural area and is outside and to the west of the Skerries town development area. It is within the 'HA' High Amenity area where the objective seeks to: *Protect and enhance high amenity areas*. As noted in Chapter 11 - Land Use Zoning Objectives the Vision seeks to: *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.*

- 7.1.2. The site is also located within a large area designated as a Nature Development Area - Woodland and within a Highly Sensitive Landscape and close to Protected Views. Therefore while the principle of an extension to an existing house is acceptable within the 'HA' it needs to be ascertained that the proposed design would not detract from the character of the existing vernacular of the house and the visual amenities of the area.
- 7.1.3. The First Party consider that the design of the proposed extension which is modified from that previously refused by the Council in Reg.Ref. F19B/0173, is now more in character with the existing house and will not be injurious to the residential or visual amenities of the area. They also refer to the Visual Impact Assessment submitted. They provide that this proposal is to bring the house up to modern standards to provide for the applicant's growing family. They consider that the proposal is in keeping with Objective RF65: *Encourage the sensitive restoration and/or conversion of vernacular rural buildings and discourage their demolition or replacement.*
- 7.1.4. In accordance with planning policy it is important to ascertain that any development in this sensitive High Amenity landscape area would not detract from the character of the area and would be in the interests of the proper planning and sustainable development of the area. Regard is had to the Council's reason for refusal, including that of material contravention of Policy CH38 and to the issues raised in the grounds of appeal in this Assessment below.

## 7.2. **Material Contravention**

- 7.2.1. It is noted that Council's refusal of permission for the current proposal includes on the grounds of material contravention of Objective CH38 of the Fingal DP 2017-2023. This Objective seeks to: *Require that the size, scale, design, form, layout and materials of extension to vernacular dwellings or conversions of historic outbuildings take direction from the historic building stock of Fingal and are in keeping and sympathetic with the existing structure.*
- 7.2.2. Section 34(6) of the Planning and Development Act 2000 sets out the procedure under which a planning authority may decide to grant permission for a development which they are concerned would contravene materially the development plan or local area plan. Section 37(2) of the 2000 Act provides the constrained circumstances in

which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc., where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.

- 7.2.3. In this instance the proposed development is clearly not of strategic or national importance, there is no policy or guidelines advising that such a development should not be permitted in this rural area. The First Party considers that the proposal should have been granted having regard to the pattern of development of the area. They provide details of and include photographs of a number of other more modern houses and dormer extensions in the area. They also refer to the Landscape and Visual Impact Assessment and do not consider that the proposal will have an adverse impact on the character of the existing house or the visual amenity of the area. Regard is had to the Design and Layout and to the Landscape and Visual Impact Assessment below.

### 7.3. Design and Layout

- 7.3.1. The proposed development is for a domestic extension of 122sq.m to an existing dwelling of 114sq.m. The existing two storey house has a living room, kitchen and study at ground floor and 2no. bedrooms at first floor. The sunroom at the side is proposed for demolition. As shown on the floor plans the proposed extension seeks to provide 2no. bedrooms on ground floor and an additional living area and open terrace on first floor level. As noted, the floor area of the proposed extension exceeds that of the existing house.
- 7.3.2. Regard is also had to Section 12.4 of the Fingal CDP which includes reference to Extensions to Dwellings. While these are considered on their merits regard is had to ground and first floor extensions, roof alterations/expansions to main roof profiles. This includes: *The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.* Note is also had to Objective DMS41 relative to Dormer Extensions which includes that they

should not be higher than the existing ridge or form the dominant part of the roof. In this case there is the added concern about impact on a vernacular dwelling.

- 7.3.3. The First Party provide that all concerns in the previous refusal have been incorporated into the modified simpler design approach with the exception that two windows have been retained at ground floor to provide adequate light to the area. The previous proposal Reg.Ref. F19B/0173 included a flat roof two storey extension. The revised design incorporates a pitched roof gable end to the extension facing east. They provide that this is common in the area and in keeping with the existing property. The proposed stone façade has now been replaced by render to match the existing house. The eaves level has been reduced to match the existing. The extension which adjoins the existing property has been set down as requested to denote it is an extension. The depth of the extension has been reduced by 1m. The external stairway has also been removed.
- 7.3.4. Having regard to fenestration they note that this has altered from the original design (Figs. 5 and 6) of their Appeal Submission refers. They note that the large single window at first floor level is dictated by the new gable end approach and the need to maximise lighting into this room as the fenestration on the southern and western elevations has been reduced.
- 7.3.5. I note that the footprint of the proposed extension is in excess of that of the existing house. In general extensions should be less dominant and subservient to the existing house. In accordance with objective CH38 they should be in keeping and sympathetic to the existing structure, which is part of the rural vernacular. I would consider that the extension as proposed will appear overly dominant and not in character with the existing house and visually detract from this sensitive high amenity rural area.
- 7.3.6. If the Board decide to permit, on the basis that it is an extension to provide additional family living accommodation to the existing house and located in the rural area and not proximate to other properties, I would recommend some modifications. It would be preferable that the roof type be altered so that of the proposed extension match that of the roofline of the front elevation. However, it is realised that this would be a different design concept from that submitted.

7.3.7. So as to reduce the impact and to appear less dominant the proposed front elevation of the extension should be set back a minimum 1m, from the front elevation of the existing house, rather than set marginally further forward as shown on the plans submitted. No part of the extension including the apex should exceed the height of the ridge of the existing dwelling. The overall floor area should be reduced and also the first floor terrace area and external steps at the rear should be omitted. The proposed rear projection should not extend further than 7m from the rear of the existing house. I would recommend that the large window proposed in the first floor front elevation and the patio door at the rear be omitted and replaced by two smaller windows to match that of the fenestration of the existing front and rear elevations on either end. External finishes should match that of the existing house. If the Board decides to permit I would recommend that these alterations should be conditioned as they would result in a less dominant and obtrusive extension than that shown on the plans submitted and would serve to make the extension blend in and be less visually prominent and obtrusive in this sensitive High Amenity Landscape. Also, it would detract less from the character of the existing vernacular cottage.

#### **7.4. Visual Assessment and Impact on the Character and Amenities of the Area**

7.4.1. A Landscape and Visual Impact Assessment has been submitted. It is provided that this assessment should be read in conjunction with the 'Appendix A' titled 'Planning Application & Engagement Context' which reviews what changes have been made against the original planning application which was previously refused by the Council, Reg. Ref. F19B/073 refers. The Assessment includes regard to Methodology and Magnitude of Landscape Character and Change to the View. They contend that this proposal complies with planning policy and objectives including Development Management Standards.

7.4.2. Section 5 has regard to the Characteristics of the Proposed Development. This includes Figures showing visual representations of that proposed. I would consider that these figures show that the proposed extension introduces different design elements that would be at odds with that of the vernacular cottage. Figures 17 'East side of proposed extension' and 19 'West side of proposed extension', in particular refer. As shown on these figures, and on the 'Before and After (Site Views)', I would not consider that the proposed extension is in character with the existing house.

- 7.4.3. It is noted that this stretch of road has a designation of 'protected view' and it is provided that those passing by will almost certainly be looking forward at the Skerries coastline and not towards the subject property. While the house is partially screened from the road by trees and hedgerows, glimpses can be seen while passing the site and in the more distant views. Photographs showing views have been submitted. It is provided that only View 6 (North of the site) shows the rendered extension as it would appear from a point where it is most visible. They refer to locational context and to screening and provide photographs from a number of views and consider that the proposed extension will not detract from the character of the house or the visual amenity of the area. The Assessment refers to Mitigation Proposals and provides that they willing to provide additional screening. It is recommended that if the Board decide to permit that a landscaping condition be included.
- 7.4.4. In this case I note that as demonstrated in the Assessment, the proposal would not have any significant impact on distant views. However, the issue remains that this proposal is on an elevated sensitive site, located in an area zoned 'High Amenity' and provides for a large extension that would appear overly dominant and out of character with the existing vernacular dwelling and in the form presented would not comply with Objective CH38 of the Fingal DP 2017-2023. The Board may decide to refuse on this basis, however if they decide to grant I would recommend that a condition be included relative to modifications to the proposed design as put forward in the Design and Layout Section above.

## 7.5. **Infrastructural issues**

- 7.5.1. The entrance to the site is existing and no changes are proposed in the current application. While sightlines are restricted, (it is noted that there is a mirror to aid visibility opposite the entrance) this proposal is not for an additional dwelling unit, but for an extension to an existing dwelling.
- 7.5.2. The application form provides that the site is fully serviced and that there is an existing connection to the public sewer and water supply. The Council's Water Services Section has no objection subject to conditions. If the Board decides to permit, I would recommend, a condition regarding surface water drainage.

## **7.6. Screening for Appropriate Assessment**

- 7.6.1. Having regard to nature and scale of the proposed development for an extension to an existing house and to the nature of the receiving environment and the distance and lack of connections to the nearest European sites, 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 permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the established residential nature of the site and taking into consideration the 'HA – High Amenity' zoning objective for this rural area, as set out in the Fingal County Development Plan 2017 - 2023, and to the nature and scale of the proposed development as an extension to an existing house, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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, and by the further plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> day of September, 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 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 development shall be amended as follows:
  - (a) The proposed extension shall be set back a minimum of one metre from the front elevation of the existing house.
  - (b) No part of the roof shall exceed the height of the existing roof.
  - (c) The terrace proposed at the rear and associated external stairs shall be omitted.
  - (d) The length of the proposed extension shall not exceed seven metres from the rear elevation of the existing house.
  - (e) The large window proposed on the first floor east (front) elevation and the patio door proposed on the west (rear) elevation shall be omitted. These windows shall be replaced by smaller windows to match the existing fenestration.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of orderly development and the amenity of the area.

3. The external finishes of the proposed extension shall harmonise with the existing dwelling in respect of colour and texture. Samples of the proposed materials 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.



**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) Existing boundary planting shall be retained and augmented.
  - (b) Additional planting along the southern, northern and western site boundaries.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

**Reason:** In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

development, including noise and traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. 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.

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Angela Brereton  
Planning Inspector

27<sup>th</sup> of November 2020