



An
Bord
Pleanála

Inspector's Report

ABP-309041-20

Development	Construction of a 2-storey dwelling.
Location	26 Westpark Drive, Glasnevin, Dublin 11, D11 X5F7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1558/20
Applicant(s)	Morgan Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party vs. Grant
Appellant(s)	Catherine Walsh
Observer(s)	None
Date of Site Inspection	3 rd February 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is located within a small residential estate to the north of Griffith Avenue, approximately 500 metres north of Glasnevin Cemetery and the National Botanic Gardens. The surrounding area has a strong residential character, generally consisting of mature estates with two-storey semi-detached and terraced housing.
- 1.2. The site itself comprises the side/corner garden of No. 26 Westpark Drive. It has a stated area of 0.035 hectares and contains a small domestic shed. It is generally flat and of an irregular shape, with a narrow dog-legged configuration linking the public road entrance to the square-shaped rear section of the site.
- 1.3. The western site boundary is currently undefined as it is within the open curtilage of the existing house (No. 26). To the northeast of the site, a similar corner garden has been developed to provide an additional house and garden (No. 27a), which is separated from the appeal site by a concrete block wall. The height of this wall varies from a high section of c. 1.8m (to the rear gardens) and a lower section to the front.
- 1.4. Further east of the site is a playing field which is bounded by a high concrete block wall. To the south of the site lies the rear gardens of properties along Griffith Avenue, which are also bounded by a high concrete block wall and mature vegetation.

2.0 Proposed Development

- 2.1. Permission is sought for works including the removal of an existing single storey shed and the construction of a new 2-storey end-of-terrace dwelling. The proposed dwelling will have three bedrooms within an overall stated floor area of 119 sq.m. Vehicular access is proposed via the existing access to no. 26, which is stated to be a shared right of way.
- 2.2. The proposed dwelling will match the front building line, eaves level and ridge line of the existing terrace. External wall finishes are a mixture of brick and render, while the roof finish will consist of 'select roof tiles'. A single storey timber-clad projection to the rear of the proposed house will incorporate a kitchen/dining room.

3.0 Planning Authority Decision

3.1. Decision

By order dated 1st December 2020, Dublin City Council (DCC) issued notification of the decision to grant permission, subject to standard conditions.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The initial planning officer's assessment can be summarised as follows:

- The development of housing within this zone is 'acceptable in principle'.
- The visual impact on the public realm would be appropriate.
- The floor area of the house is acceptable, subject to addressing issues in relation to storage and one of the bedrooms.
- There will be no adverse impacts on the residential amenity of the properties along Griffith Avenue.
- No significant overshadowing or daylight impacts are identified for no. 27a. However, there are concerns in relation to potential overlooking and further information should be requested for proposals to address this concern.

3.2.2. A Further Information Request was subsequently issued on the basis of the planner's recommendation. The applicant's response involved the relocation of two single bedrooms from the front to the rear of the house and their replacement by the master bedroom and en-suite bathroom (to include an opaque front window).

3.2.3. The subsequent planner's report deemed that the revised arrangements satisfactorily addressed overlooking concerns. A grant of permission was recommended, subject to conditions, which forms the basis of the DCC decision.

Other Technical Reports

3.2.4. The 'Engineering Department – Drainage Division' report outlines that there are no objections to the development, subject to standard conditions.

3.2.5. The 'Transportation Planning Division' acknowledges concerns raised by third parties in relation to traffic congestion and parking. However, it considers the proposed parking and entrance arrangements acceptable and has no objection subject to standard conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 There were a number of third-party submissions recorded on the planning file, from (1) Niall Daly, 535 Griffith Avenue, (2) Catherine Walsh, 27a Westpark Drive, and (3) John Walsh, 27 Westpark Drive.

3.4.2 The issues raised relate to the following matters:

- Overlooking, overbearing and daylight impacts on adjoining properties
- Flooding and drainage concerns
- Traffic congestion, inadequate parking and entrance arrangements
- The potential rental of the properties may cause increased disturbance
- Inaccuracies in the maps and drawings submitted
- Construction-related impacts and disturbance.
- Inadequacies relating to the Site Notice erection
- The planning history of the site.

4.0 Planning History

4.1. The following history relates to the appeal site:

- P.A. Ref. WEB1277/19 - Permission refused (4th July 2019) for a detached part single, part two storey dwelling house (area 150m²) in the side and rear garden for the reason set out below.

The proposed development would seriously injure the amenities of property in the vicinity, namely 27a Westpark Drive, 535 Griffith Avenue and 537 Griffith Avenue, due to overbearing impacts as a result of the proximity of the two-

storey element of the proposed house to their site boundaries. The proposal as designed constitutes undesirable backland development, which would be contrary to the zoning objective to protect, provide and improve residential amenities, and contrary to the proper planning and sustainable development of the area.

- ABP Ref. PL 29N.230352 - permission refused (4th February 2009) for a detached two storey dwelling for the reason set out below.

Having regard to the proposal to develop a house (including openings), in close proximity to site boundaries, it is considered that the proposed development would constitute an unacceptable form of development, would seriously injure the amenities of the area and depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to proper planning and sustainable development of the area.

4.2 The following history is of relevance in relation to the surrounding area:

- P.A. Ref. 2018/03 - permission granted (1st August 2003) for 2 storey detached house at side and rear and enlarged communal driveway at 27 Westpark Drive (i.e. the appellant's property to the northeast).
- P.A. Ref. 1933/04 - permission for a detached 2 storey house was granted (15/11/04) at the side of No. 20 Westpark Drive.
- P.A. Ref. 4300/07 – No. 20 Westpark Drive was further subdivided when permission for an additional detached single storey bungalow was granted (22/10/07).

5.0 Policy Context

5.1. National policy and guidance

5.1.1 The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings.

5.1.2 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009) sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

5.1.3 The guidance document 'Quality Housing for Sustainable Communities' (DoEHLG, 2007), identifies principles and criteria that are important in the design of housing and highlights specific design features, requirements and standards.

5.2. **Development Plan**

5.2.1 The operative plan for the area is the Dublin City Development Plan 2016-2022. The site is within an area zoned 'Z1 Sustainable Residential Neighbourhoods', where the land use zoning objective is "*to protect, provide and improve residential amenities*".

5.2.2 Section 4.5.3.1 relates to urban density and promotes sustainable density, compact development, and the efficient use of urban land. Chapter 5 outlines the Council's approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity.

5.2.3 Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 "Design, Principles & Standards" provides design principles outlining that development should respect and enhance its context.

5.2.4 Section 16.2.2.2 discusses 'Infill Development' i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

5.2.5 Section 16.10.2 of the Plan sets out 'Residential Quality Standards' for houses, relating to floor areas; aspect, natural light and ventilation; and private open space.

5.2.6 Section 16.10.9 deals with 'Corner/Side Garden Sites'. Such sites are acknowledged as a means of making the most efficient use of serviced residential lands and will generally be allowed on suitable large sites. However, some corner/side gardens are restricted and would be more suitable for extending an existing home.

5.3. **Natural Heritage Designations**

There are no designated sites within relevant proximity of the site.

5.4 **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising a new dwelling house in a serviced urban area, 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**

The decision of DCC to grant permission has been appealed by Catherine Walsh of 27a Westpark Drive. The grounds of appeal can be summarised as follows:

Drawing details

- The plans and drawings submitted do not accurately reflect the appellant's property and its relationship with the proposed development.

Residential Amenity

- The proposed development will impact on privacy as a result of the proximity of the proposed parking drive, as well as overlooking of kitchen and bedrooms from the proposed bedrooms.
- The proposed building will block natural light and solar heat to rooms; will overshadow the garden; and will necessitate use of blinds for privacy.
- The height, scale, design and proximity of the development will have an overbearing impact.
- The additional construction and residential activity will cause noise disturbance.

Health and Safety

- Additional traffic would exacerbate congestion and safety concerns relating to entrance and parking arrangements, as well as access for construction and emergency purposes.
- A Health and Safety Plan and Construction Management Plan is required to address construction-related concerns.

Water Services

- The proposed development should have a separate surface water system incorporating SUDS and water conservation measures.
- Wastewater management and disposal should comply with Irish Water requirements.
- Flood risk associated with the site and adjoining lands has not been assessed.

Other Issues

- The planning history is not accurately documented on the application form.
- The Site Notice was not erected within the correct timeframe.
- The existing house has been lying idle for well over a year.
- The application does not address the previous reasons for refusal.

6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- The revised design addresses the concerns of the planning authority and the issues raised in previous applications.
- Window arrangements have been revised to avoid overlooking and to improve the contextual elevation.
- This modest house will be consistent with distances to surrounding houses.
- All drawings are based on site surveys and OS maps.
- The Area Planner, roads department and drainage department approved the scheme in planning.

- There is only one objector so it can be ascertained that all other neighbours are now satisfied with the proposal.
- The appellant continues to object to any new development on this site and the Board should consider the appeal as vexatious.

6.3. **Planning Authority Response**

No response has been received from DCC.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I note the applicant's claim that the appeal is of a vexatious nature. However, I consider that the appeal is based on valid planning grounds and, accordingly, I do not consider that there are grounds for the Board to dismiss the appeal in accordance with section 138 of the Planning and Development Act 2000 (as amended). Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site and considered the relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Visual amenity
- Residential amenity
- Parking and traffic
- Water Services and drainage

7.2 **Principle of the development**

7.2.1 The appeal site is contained within an area zoned 'Sustainable Residential Neighbourhoods – Z1', where the land use objective is to protect, provide and improve residential amenity, and where residential development is considered a

permissible use. Furthermore, the site comprises a 'corner/side garden site', which section 16.10.9 of the Development Plan acknowledges as a means of making the most efficient use of serviced residential lands, and which will generally be allowed on suitable large sites.

7.2.2 I am satisfied that, from a zoning and policy perspective, the construction of a new dwelling house in this established residential neighbourhood is acceptable in principle. However, the Development Plan is consistent in stating that the suitability of any such proposal would be subject to detailed consideration of the impacts on visual amenity, residential amenity, traffic conditions and other standard assessment criteria, as is discussed in the following sections of my report.

7.3. Visual amenity

7.3.1 It is proposed to construct an additional house to the end of an existing terrace of six. The proposed building line, eaves level and roof ridge level will be consistent with the existing terrace. The external finishes and elevational treatment will also be in keeping with the established character of the area.

7.3.2 Having regard to the above, it is considered that the proposed development would constitute infill development which respects its context and is well integrated with its surroundings. Accordingly, I would have no objection in terms of impacts on the visual amenity of the area.

7.4 Residential amenity

The proposed dwelling

7.4.1 Section 16.10.2 of the Development Plan states that houses shall comply with the standards for internal layout and space as outlined in section 5.3 of 'Quality Housing for Sustainable Communities' (DoEHLG, 2007). With a gross floor area of c. 119m², the proposed dwelling significantly exceeds the target gross floor area of 83m² for a 3-bed/4-person house. I acknowledge that the DCC planner's initial report raised some issues relating to bedroom size and storage space and I consider that the revised proposals submitted in response to the further information request have improved this arrangement. The areas set out in the guidance document are 'target' areas and I consider that any shortfalls in relation to individual rooms / spaces are

more than compensated by the generous overall floor area proposed. Accordingly, I have no objection in this regard.

7.4.2 Section 16.10.2 of the Plan acknowledges that private open space is usually provided by way of private gardens to the side or rear of the house. In terms of quantity, the Development Plan states that a minimum standard of 10 sq.m. per bedspace will normally be required and that, generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city. The application proposes a large rear/side garden of c.180m², whilst also retaining a rear garden area of c. 84m² for the existing dwelling (No. 26). Both spaces are south-facing and will provide an acceptable level of private open space for the existing and proposed house.

Impacts on other surrounding properties

7.4.3 I consider that the scale, design and layout of the proposed house, apart from the single storey rear projection, is largely consistent with the adjoining terrace to the west and would not result in any significant impacts on the amenity or privacy of those properties. To the south, and again excluding the single storey rear projection, I note that the first-floor element of the proposed dwelling would be 12 metres from the site boundary and 23 metres from the rear of properties along Griffith Avenue. I consider that this is an adequate separation distance to ensure that there will be no significant impacts on the properties to the south.

7.4.4 The relationship with the appellant's property to the northeast of the site is admittedly more complicated and this largely forms the basis of the appeal. Before assessing the impact, I acknowledge that the appeal raises questions about the accuracy of the representation of this relationship in the drawings and plans submitted. Having inspected the site and reviewed the available OSI mapping and aerial imagery, I consider that there are some minor discrepancies in the drawings and plans submitted. The actual front building line of No. 27a would appear to be slightly more advanced to the west and the full footprint of the single storey sunroom to the rear/side does not appear to be captured. Invariably, there will be some degree of mapping inconsistencies compared to the actual situation on the ground and I consider that the details submitted are adequate to enable an assessment of the appeal. In the interest of clarification, my assessment will also consider the findings

of my site inspection and all available mapping and imagery relating to the area and will not rely solely on the plans and drawings submitted by the applicant.

- 7.4.5 On the question of overlooking and privacy, I note that the appellant raises concerns about increased activity and intrusion associated with the driveway to the front of the proposed property. I consider that the front gardens/drives of these properties are already open to the public realm and similar impacts already occur. This is a common element of any residential estate and I do not consider that the additional driveway will have a significant impact. I note that a high concrete block wall will continue to protect the privacy of the rear/side garden space of No. 27a.
- 7.4.6 Overlooking and privacy impacts are usually generated from openings at the first-floor level of such properties. In this regard, I note that the proposed dwelling has no first-floor windows on the eastern (side) elevation. To the front (north) elevation, a 'master bedroom' window and an 'opaque glass' en-suite window is proposed, and I note the south-facing windows that already existing in No. 27a. However, given the proposed use of obscured glazing in the closest (en-suite) window, together with the acute angle that would be created between existing and proposed windows, I am satisfied that no significant overlooking would occur. A similarly angled view would prevent any significant overlooking of the appellant's private rear/side garden space.
- 7.4.7 The appellant also contends that there will be significant overshadowing and loss of daylight. With regard to overshadowing of the appellant's garden area, I have considered the 2011 BRE guidelines document 'Site layout planning for daylight and sunlight', which is cited in the national guidance documents on residential development and recommends that at least half of the external area should receive at least 2 hours of sunlight on the 21st day of March. Whilst a site-specific study has not been completed, I note that the appellant's property benefits from an eastern and southern aspect. Given that the proposed development is to the southwest of the appellant's property, I am satisfied that the appellant will continue to benefit from unobstructed sunlight for the majority of the day and will not be unacceptably impacted in terms of overshadowing.
- 7.4.8 With regard to daylight impacts on internal spaces of the appellant's property, I note that the BRE guidance largely concentrates on impacts caused by opposing buildings that will be within an obstruction angle of less than 25° measured from the

centre of the relevant window. However, given that the proposed dwelling does not directly oppose any windows in the appellant's property, and having regard to the southern aspect of the windows in the side elevation of the appellant's property and the location of the proposed dwelling to the southwest of same, I do not consider that the proposed development will have an unacceptable impact on daylight availability.

7.4.9 Having regard to the above, I am satisfied that the proposed development will provide an acceptable level of residential amenity for the prospective occupants and will not seriously detract from the residential amenity of surrounding properties by reason of overlooking, overshadowing or otherwise. I have considered the relationship between the proposed dwelling and the appellant's property and I am satisfied that it is of an appropriate scale, design and separation distance, and will not have an overbearing impact. The proposed dwelling will not have significant adverse impacts on the privacy of the appellant's property and will not significantly detract from the sunlight and daylight available to the internal and external spaces of that property.

7.5 Parking and traffic

7.5.1 The application proposes to share the existing vehicular entrance with No. 26 and designated parking will be provided in both properties. Having regard to the parking standards set out in section 16.38 of the Development Plan, the site is within 'Area 3' and would require 1.5 parking spaces per house, which I consider is comfortably provided for both the existing and proposed houses.

7.5.2 In relation to the existing / proposed vehicular entrance, I have inspected the site and considered available sight distances. I note that the appellant has raised concerns about the safety of traffic movements and the impact of the development on an already congested area. This issue was assessed by the DCC Transportation Planning Division, which considered that the existing traffic congestion is due to haphazard parking by the existing residents. I note that, in addition to off-street parking for each house, this estate provides several on-street communal spaces, and this should be more than adequate for parking needs. Ultimately, I consider that the proposed development provides adequate off-street parking and entrance arrangements for both the existing and proposed houses and will not adversely impact on the safety and free flow of traffic at this location.

7.6 Water Services and Drainage

- 7.6.1. It is proposed to connect to the existing public water supply and foul sewer at this location. Whilst no submission has been made from Irish Water, I am satisfied that this matter can be dealt with by condition and will be appropriately managed through Irish Water connection agreements.
- 7.6.2. Surface water management and disposal was examined by the DCC Drainage Division, which had no objection subject to standard conditions including the provision of a separate system, the incorporation of SUDS, and compliance with the Greater Dublin Regional Code of Practice for Drainage Works. I note that the appellant has raised concerns about flooding at the site entrance and on the adjoining playing pitches to the east. I have reviewed OPW mapping on 'Past Flood Events' and there is no record relating to the subject site or adjoining lands. Whilst the appeal does include a photograph which appears to show flooding of the adjoining playing pitches, I would consider that any such events are temporary and localised occurrences which would not necessitate a flood risk assessment. Such events are outside the control of the applicant and I am satisfied that, subject to appropriate conditions relating to surface water management and disposal, the proposed development will not contribute to drainage problems or flooding.

7.7 Other issues

- 7.7.1 The appellant raises issues relating to the erection of the Site Notice. I note that DCC planner's report confirms the Site Notice was checked on 27th August 2020 (within the statutory 5-week period) and no objection was raised in this regard. I am satisfied that this matter did not prevent the appellant from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.
- 7.7.2 The appellant raises concerns in relation to health and safety and the construction-related impacts of the proposed development. Whilst I would acknowledge that, as with any urban construction project, there will be some level of traffic and noise disturbance at construction stage. However, I am satisfied that these matters can be satisfactorily dealt with through conditions relating to a construction management. I

consider that health and safety concerns will be appropriately addressed by the relevant legislation and guidance in this field.

7.7.3 I acknowledge the planning history relating to the site, including two previous decisions to refuse permission. I consider that the most recent refusal (Ref. WEB1277/19) involved a significantly different proposal for the construction of a detached house in the rear/backland south-eastern portion of the site. Regarding the previous proposal refused by the Board (ABP Ref. PL 29N.230352, 4th February 2009), the reason for refusal largely related to the proximity of the proposed detached dwelling (including openings) to site boundaries. And whilst I acknowledge that the Board did not accept the Inspector's recommendation to grant permission subject to conditions, including changing the proposal from a detached to a semi-detached house, I am satisfied that the Board's objection was from a procedural point of view, rather than any fundamental objection to a semi-detached house. I consider that the proposed development has satisfactorily addressed the concerns raised in previous applications and I have no objection in this regard.

7.7.4 I note that the appellant has raised concern about the recent 'idle' nature of the existing property (No. 26) and the potential that both properties may become rental properties. I do not consider it appropriate or feasible to address the occupancy or tenure of these properties in the context of the current application.

8.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development, comprising the construction a dwelling within a built-up and serviced urban area, and the location of the site at a significant distance from the nearest Natura 2000 sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

9.0 Recommendation

Having regard to the above, I recommend that permission be granted, subject to conditions, based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Dublin City Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties, and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 19th day of November, 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 interests of clarity.

2. The proposed en-suite window on the front elevation shall be permanently fitted with opaque glazing.

Reason: In the interest of protecting residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. Proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

9. Prior to commencement of development and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In order to provide a satisfactory standard of development.

10. 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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen Ward
Senior Planning Inspector

1st March 2021