



An
Bord
Pleanála

Inspector's Report ABP-309894-21.

Development	Construction of an entrance, dwelling house, garage and associated site works
Location	Beechfield, Monaleen, Castletroy, Limerick.
Planning Authority	Limerick City & County Council.
Planning Authority Reg. Ref.	20/891.
Applicant(s)	Cormac Finn
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Multiple Third Party
Appellant(s)	Paul & Siobhan Corcoran William & Laura DeLucia Maura Ashe Clancy & Others
Observer(s)	Mr. Niall Collins TD Catherine Duffy & Declan O'Dwyer.
Date of Site Inspection	03/07/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in an established cul-de-sac residential development adjacent to Monaleen National School, Castletroy, to the east of Limerick City. The residential estate of Beechfield comprises a development of two storey detached houses. The area is located within easy access of the M7 motorway to the south, the National Technology Park to the north and a variety of amenities including the Castletroy Golf Club to the west. Monaleen National School lies immediately to the west of the site.
- 1.2. The site has a stated area of 0.126 hectares and access to the site is over the existing estate roads associated with the wider Beechfield estate. The site lies at the end of a cul-de-sac and on the date of my site inspection, the area to the front of the site was occupied by 4 parked cars. I also noted a car parked in the turning head to the west of the estate road. I could not gain access to the site as it is bound by palisade fencing and a locked gate. The site is currently overgrown. The levels of the site appear to be higher than those houses located to the east, with the site sloping from west to east.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the construction of an entrance, dwelling house, garage and associated site works all at Beechfield, Monaleen, Castletroy, Limerick.
- 2.2. Following a request for further information, the applicant submitted a revised house design to ensure no overlooking or overbearing of adjacent properties and revised surface water proposals were submitted. The FI response was readvertised.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The initial Planning Report concludes that further information is required in relation to the development in terms of siting and design in terms of the impact on neighbouring dwellings and surface water proposals.

Following the submission of a response to the FI request, which was re-advertised, the final planning report noted the receipt of 6 further submissions. The report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 11 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Water Services: No soakaway should be allowed, and the development should connect to the surface water system on the road.

3.2.3. Prescribed Bodies

TII: No observations to make on the application.

Irish Water: No objection

MWNRDO: No observations to make in relation to the application.

3.2.4. Third Party Submissions

There are 3 no. initial third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- The house is out of character with the other houses in the Beechfield Estate.
- Height of the house is much higher than other houses in the estate.
- Traffic implications for existing residential properties in the area.

- Opposed to the opening of the cul-de-sac to provide access.
- The development will result in overlooking of adjacent properties to the east and will result in overshadowing of garden and house.
- Concerns that the drainage locations are above the level of adjacent house which may result in flooding.
- Impacts of construction works and noise on frontline workers.

3.2.5. Following the submission of the response to the FI request, 6 further submissions were made to the Planning Authority. The issues raised are summarised as follows:

- Impact on the character of the neighbourhood in terms of the size of the house proposed.
- Privacy will be impacted in terms of gardens and houses.
- Impact on light in gardens and houses.
- Roads and traffic implications associated with the opening of the cul-de-sac.
- The land swap with Monaleen School is not necessary to facilitate the development of the new school building.
- The ffl of the house will tower over adjacent properties.
- The orientation of the house on the site should reflect that of the other houses in the area.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 12/762: Permission granted for the provision of a new playground and all planting, landscaping and site works associated with this project including temporary site road access and electrical services to Monaleen School.

PA ref: 08/2148: Permission granted for the construction of 15 detached 2 storey houses to the south of the subject site.

This decision was not appealed to the Board. The permission was not implemented.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.3. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. **Development Plan**

The Limerick County Development Plan 2010 – 2016, is the relevant policy document relating to the subject site.

The Castletroy Local Area Plan 2019-2025 includes the site area which has a zoning of Existing Residential afforded to the eastern area of the site and Education & Active Open Space to the west.

Established Residential

The purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing development areas.

It is the policy of the Council to:

- Promote development that supports the predominant land use in the surrounding area;
- Accommodate a range of other uses that support the overall residential function of the area where an acceptable standard of amenity can be

maintained and where the amenities of existing residents/occupiers are protected;

- Encourage a high standard of residential design in new residential developments and to improve permeability and accessibility;
- Discourage the expansion or intensification of existing uses that are incompatible with residential amenity; and
- Have regard to the Urban Development Framework outlined in Section 6 in proposed new developments and appropriate densities as set out in the DEHLG document 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' (December 2008).

Education/Active Open Space

The objective of this land use zoning will be to ensure the provision of adequate community and education facilities including health centre/clinics; places of worship; cultural uses; schools; community halls; sports clubs; recreational buildings and parks/playgrounds.

5.5. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which is located approximately 1.4km to the east of the site. The River Shannon and River Fergus Estuaries SPA (& pNHA, Site Code: 002048) (Site Code: 004077) lie approximately 5.3km to the west of the site.

5.6. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

1. Paul & Siobhan Corcoran

- The development will have a detrimental impact on the amenities of existing residential development adjoining the site by reason of overbearing design and height.
- The difference of 3.6m in site levels between the site and the appellants home will create an imposing and overbearing structure which will dominate the appellants' private open space.
- The development will result in overshadowing and overlooking.
- The design of the house is not appropriate to the site due to its topography and elevated position.
- The development contravenes the Castletroy LAP as a shed and car parking area are to be provided within the space zoned 'Education & Community Facilities'.
- The extant permission on the site for the playground associated with the school is more in accordance with the LAP development objectives.

2. William & Laura De Lucia

- Impact of the development on privacy of their recently purchased home due to the size of the house.
- The impact will be felt both internally and externally.
- Impact of the development on light.
- The style of the house proposed is not in character with the rest of the surrounding properties in terms of size and appearance.

- A grant of permission will set a precedent which will impact on the entire estate and impact the value of homes.
- Height of the house a concern given the site levels.
- The development is contrary to the Castletroy LAP.
- Impact of the development on the privacy and safety as well as the health and safety of residents in the cul-de-sac.

3. Maura Ashe Clancy & Others

- As far as the long-standing residents of the area were aware, the subject site was earmarked for a playground for the school.
- The applicant has swapped another piece of land adjacent to the school for the subject site, to facilitate the expansion of the school.
- The development will overshadow front gardens and does not conform with the layout of the wider estate.
- Design and scale of the house is completely different from all other houses in the estate.
- Impact of machinery on the estate roads.
- The original house design should be turned and placed more centrally on the site or pushed back on the site with both front and back gardens.
- The proposed façade should be in keeping with other houses on the row.

6.2. Applicant Response

The first party submitted a response to the third-party appeal. The submission is summarised as follows:

- Contrary to the appeal submissions, the proposed development does not result in:
 - An overbearing impact by reason of design and height;
 - Overlooking and overshadowing having regard to proximity to site boundaries;

- A traffic hazard;
 - A development that is out of character with the surrounding area; and
 - A material contravention of the zoning objectives for the site.
- Following a request for FI, the overall height of the house was reduced, the house was relocated and redesigned affording greater separation distance between the northern and eastern boundaries, first floor windows were omitted, and the redesign reduced the massing on the eastern elevation.
 - The height and finished floor level of the house are similar to those in Beechfield. The ffl can be reduced should the Board consider it appropriate to discharge surface water into a soakpit rather than the public sewer as requested by the Council.
 - It is submitted that the proposed development generally complies with provisions of the LAP.
 - While the scale of the house is bigger than other houses in the estate, it must be noted that so too is the size of the site.
 - Having regard to the proximity of the National School, it is submitted that the design and size of the proposed house assimilates into its urban setting.
 - The 3.6m difference in site levels identified in appeals is graduated over a distance of 26.7m.
 - Landscaping proposals will obstruct any direct overlooking into neighbouring properties.
 - The dwelling has been designed to address the challenges of the elevated site and to ensure that no overlooking and overshadowing occurs.
 - Given the urban location and juxtaposition of existing buildings, it is submitted that existing houses already experience an element of overshadowing within the rear gardens. The location of the proposed house on the site will not give rise to significant overshadowing such that at least half of the rear gardens can receive at least 2 hours of sunlight on March 21st.
 - Traffic associated with one house will not give rise to a traffic hazard or compromise public safety.

- It is acknowledged that part of the site is zoned for education and community purposes. The applicant engaged in a land swap with the school to provide them with more appropriate lands for their needs.
- The proposed shed and parking area for the house will be located on the education zoned lands with the remaining site zoned residential. There is no material contravention of the LAP.
- If the Board considers otherwise, these elements can be omitted from the overall development.

6.3. Planning Authority Response

None.

6.4. Observations

There are two observers noted on the file.

Mr. Niall Collins TD requested that he be informed of the outcome of the appeal.

Ms. Catherine Duffy & Mr. Declan O'Dwyer have submitted an observation. The issues raised are summarised as follows:

- The height of the dwelling and the location of it.
- Issues with the finished floor level and potential impact of the development on afternoon and evening sun to the front of their home.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts

3. Water Services
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The subject site is located within the built-up area of Monaleen, Castletroy, Limerick, and comprises a vacant site at the end of a cul-de-sac within the Beechfield estate. The site covers an area of 0.126 hectares and is rectangular in shape. The site slopes from the west downwards towards the east, with a change in site levels ranging from 44.0 AOD on the western boundary to 38.0 AOD on the eastern boundary. The wider area comprises two-storey detached houses and Monaleen National School is located immediately to the west.
- 7.1.2. The Board will note that the subject site is fenced and was part of a land swap between the applicant and the national school whereby an area of 0.155ha was exchanged for the subject site. The site of 0.155ha was deemed more appropriate for the needs of the school.
- 7.1.3. The subject site is located on lands which are predominantly zoned for residential purposes, while a small area to the north-west of the site is zoned for educational purposes in the Castletroy Local Area Plan 2019-2025. The site can connect to all relevant public services. The principle of the proposed development is acceptable and in general compliance with both national and local policy with regard to the provision of housing.

7.2. Residential Amenity & Visual Impacts

- 7.2.1. The proposed development seeks to construct a two-storey house at the end of an existing cul-de-sac within a residential estate in Monaleen, Castletroy, Limerick. The primary concerns arising in relation to the proposed development include the visual impacts and the impact on existing residential amenities. It is noted that the site levels are higher than those of the existing properties to the east and local residents have raised concerns in terms of overlooking and overshadowing of private amenity spaces. While I acknowledge the third-party submissions in this regard, the Board

will note that the existing houses in the wider estate follow this pattern, with the houses fronting the cul-de-sac road to the west, being located at a higher elevation to those houses fronting the Beechfield estate road to the east. I also note the planning history of the lands to the immediate south of the site, whereby permission was granted for 15 additional houses to the rear of houses facing east.

- 7.2.2. The proposed design was amended following the request for further information and I note that the site layout plan provides for a separation distance of 11m between the building and the eastern site boundary. I also note that the amended design excludes first floor windows, other than a window on the half landing of the stairs, on the eastern elevation and as such, I am satisfied that the issue of overlooking does not arise. Having regard to the topography of the garden to the east of the proposed house, I am satisfied that the plans are acceptable and minimise the potential for overlooking of adjacent properties.
- 7.2.3. In terms of the scale of the proposed house, I note that the overall height of the amended design rises to approximately 8m, which is comparable to the existing houses within the estate. While the floor area of the house may be larger, I would note that the site area is such that it can accommodate the house as proposed.
- 7.2.4. The Board will note that condition 3 of the PAs decision to grant requires that the footprint of the dwelling shall be set back 5 from the northern boundary, and that the existing palisade fencing shall be replaced by a 1.2m high plastered and capped wall. The set back is required to minimise the overbearing impact of the dwelling on the existing house to the north and to ensure that the house to the north enjoys the winter evening sun. I consider these requirements to be reasonable. The Board will note the concerns of the appellant that this requirement may impact on the development of the lands to the south in the future with regard to minimum separation distances. However, I consider it appropriate to protect the existing residential amenities in this instance. This condition should be retained in the event of a grant of permission.
- 7.2.5. Overall, I am satisfied that the proposed development is acceptable in the context of the subject site and the zoning afforded to same. I am generally satisfied that the amended proposed development has considered the existing amenities of the adjoining properties and if permitted, represents an appropriate form of residential

development within this existing residential estate, and with minimum impacts on existing residential amenity arising.

7.3. Water Services

- 7.3.1. The proposed development will connect to existing public services within the wider estate. I note no objections from Irish Water in this regard.
- 7.3.2. The Board will note the concerns raised in relation to the proposal to provide an on-site soakpit to address surface water at the site. There is an existing surface water sewer system on the road outside the site within the Beechfield estate and following a request for further information, the applicant amended their proposals to discharge to the public services rather than provide the soak pit. As part of the response to the third-party appeals, the applicant has noted that the finished floor level of the proposed house could be reduced from 41.95m to 41.40m if the soakpit was permitted.
- 7.3.3. In the event of a grant of planning permission in this instance, I do not consider it appropriate that the development would deal with surface water by way of a soakpit given the proximity and availability of a public surface water drainage system. As such, a clear condition requiring connections to all public services should be included.

7.4. Other Issues

7.4.1. Material Contravention:

The Board will note that third-party appellants have raised concerns in terms of the zoning afforded to the subject site. Part of the site has an Education / Community / Active Open Spaces zoning afforded to it, while the majority of the site is zoned Existing Residential. It is submitted by a number of the third parties that the proposed residential development does not accord with the zoning objective in this regard.

Section 37(2)(b) of the Planning and Development Act 2000, as amended, provides that the Board is precluded from granting permission for development that contravenes materially the development plan, except where it considers that:

- (i) The proposed development is of strategic or national importance;
- (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) Permission should be granted having regard to regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

In terms of the above, I would accept that the subject application is not of a nature or scale as to warrant consideration as a development of strategic or national importance. As such, I do not consider that the proposed development might reasonably be considered as meeting the requirements of Section 37(2)(b)(i) of the Act.

Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Act relates to instances where there are conflicting objectives in the Development Plan or where objectives are not clearly stated as well as having regard to relevant guidelines and national policies. The Board will note that the NPF, as well as national guidelines and policies, seek to increase residential densities on zoned and serviced lands, subject to the site meeting all the cited criteria for such development. In this context, it might be considered that the provision of a single house on zoned and serviced lands is not within the spirit of the national guidelines in terms of density.

Section 37(2)(b)(iv) relates to the pattern of development in the area and permissions granted in the area since the making of the Plan. I would accept that the context of the site, within the wider residential estate and located at the end of a small cul-de-sac, a higher density of development here would run contrary to the established character of this residential area. While I also note that a section of the site is covered by the Education zoning, and where residential development is not generally permitted, the Board will note that the zoning line does not follow any

established boundary within the site. In addition, the submitted site layout provides that the house is to be located within the residential zoned lands, with the proposed domestic shed and parking area proposed within the Education zoned lands. In order for this area of the site to become accessible to the adjacent education zoned lands, existing mature trees and boundaries would have to be removed.

I am satisfied that the provisions of Section 37(2)(b)(iv) have been met and in this regard, I consider that the Board can consider a grant permission for the proposal.

7.4.2. Roads & Traffic

The Board will note that third parties have raised concerns in terms of the impact of the proposed development on roads and traffic, and in particular, the potential for traffic hazards and impacts on public safety during the construction phase. In considering this matter, I am satisfied that the site is appropriate for development and that the existing public road network in the vicinity can accommodate the additional traffic generated from one house. I am further satisfied that the construction phase, and associated impacts, will be temporary.

I am satisfied that the proposed development is acceptable in terms of roads and traffic.

7.4.3. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.4.4. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which is located approximately 1.4km to the east of the site. The River Shannon and River Fergus Estuaries SPA (& pNHA, Site Code: 002048) (Site Code: 004077) lie approximately 5.3km to the west of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the

nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also 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

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Limerick City & County Development Plan 2016 and the Castletroy Local Area Plan 2019-2025, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants 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, as amended by the further plans and particulars submitted on the 16th day of February 2021, 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 house shall be set back 5 metres from the northern boundary of the site (presently 3.633m on drawing: Planning FI Sheet No. 1 revision B, submitted on the 16th of February 2021)

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 interest of clarity, public safety and residential amenity.

3. Prior to the commencement of any development on the site, full details of the proposed boundary treatment and landscaping plan shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of visual and residential 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. No surface water shall discharge onto adjoining property of the public road.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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.

A. Considine

Planning Inspector

04/07/2021