



An
Bord
Pleanála

Inspector's Report ABP 310497-21.

Development

Demolition of the existing dwelling and associated structures. Construction of a new two storey pitched roof dwelling with part single storey elements. Alterations to existing vehicular dwelling to increase to 3.5M in width. All associated demolitions, site, landscaping, drainage and ancillary works.

Location

Cloneen, Enniskerry Road, Kilternan, Dublin 18, D18DK61.

Planning Authority

Dún Laoghaire-Rathdown Co. Council

Planning Authority Reg. Ref.

D21A/0234

Applicants

John and Yvonne Mercer

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellants

John and Yvonne Mercer

Observers

None

Date of Site Inspection

22/9/2021

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The application site is located at Cloneen, Enniskerry Road, Kilternan, Dublin 18. It has a stated area of 0.1065 ha and is located on the eastern side of Enniskerry Road the R117. Stepside village is situated circa 500m to the north-west. The housing along this section of Enniskerry Road comprise a mix of large detached two-storey and single storey properties with separate vehicles entrances onto the public road. Cairnsfort housing development is situated to the east of the site. Jamestown Golf Course is located on the opposite side of Enniskerry Road from the site.
- 1.2. The existing dwelling on site is a detached single storey property with a floor area of 106sq m. There is a shed of 29sq m to the rear of the dwelling. It was constructed in the 1940's. The dwelling is finished in block which is painted white. The roadside boundary is formed by a low stone wall and high mature hedgerow which screens the dwelling from view from the public domain.
- 1.3. The neighbouring property to the west 'Dronmore' is single storey dwelling of contemporary design. The neighbouring property to the east 'Beechfield' is a large two-storey dwelling with a red brick finish.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - Demolition of the existing dwelling and associated structures.
 - Construction of a new two storey pitched roof dwelling with part single storey elements. Floor area of the dwelling is 240sq m.
 - Alterations to existing vehicular dwelling to increase to 3.5M in width.
 - All associated demolitions, site, landscaping, drainage and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refuse permission for the following reason;

1. The Planning Authority is not satisfied that on the basis of the information provided by the Applicant the existing dwelling is beyond repair due to structural defects. Therefore, the requirements of section 8.2.3.4(xiv) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in relation to demolition and replacement dwellings. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer detailed the rationale provided by the applicants for the existing dwelling to be demolished and replaced by a new dwelling. It was stated that the house was built in the 1940's and currently achieves an 'E' BER rating, that the house is poorly insulated with dampness and mould issues and that works required to achieve a five bedroom house including the removal of the roof, windows, internal walls, demolition of rear extension and strengthening of the foundations to facilitate the construction of a first floor. The applicants concluded that following consultation with a Quantity Surveyor that the costs of extending and renovation of the property would exceed a new build. The Planning Officer considered, notwithstanding the basis of the rationale provided by the applicant to justify the demolition of the main structure of the house that the house does not suffer major defects and its retention and reuse would be possible. It was concluded that the applicant did not demonstrate compliance with the requirements of section 8.2.3.4 (xiv) of the Development Plan in relation to demolition and replacement of dwellings and it was recommended that permission be refused on that basis.

3.2.2. Other Technical Reports

Transportation Planning Section – No objection subject to conditions.

Drainage Planning Section – No objection subject to conditions.

Environmental Health Officer – No comment on the proposal.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None received

4.0 Planning History

- None on site

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

5.1.2. The site at Cloneen, Enniskerry Road, Kiltarnan, Dublin 18 is located on Map 9 of the Dún Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

5.1.3. Chapter 6 – Built Heritage Strategy

5.1.4. Policy AR5 – It is Council policy to: (i) Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

5.1.5. Chapter 8 – Principles of Development

5.1.6. Section 8.2.3.4 (xiv) refers to Demolition and Replacement Dwellings

5.1.7. The planning authority will assess single replacement dwelling within an urban area on a case-by-case basis and may only permit such developments where the existing

dwelling is beyond repair due to structural defects. For all applications relating to replacement dwellings a strong justification/rationale shall be provided by the applicant. Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (sections 6.1.3.5 and 6.1.3.8) In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

5.2. Ballyogan & Environs Local Area Plan 2019 – 2025

- 5.2.1. The site lies within the Stepside Quarter and the in the Stepside East Neighbourhood. The character of the area is predominantly established mid-density housing at a remove from high-capacity public transport. In relation to building heights it is noted that this Neighbourhood has a mix of low and medium height buildings which sets the context for additional buildings.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 sites are;
- 5.3.2. Knocksink Wood SAC is 4.3km to the south of the appeal site
- 5.3.3. Ballyman Glen SAC is 5.5m to the south-east of the appeal site.
- 5.3.4. Wicklow Mountains SAC is 4.6km to the west.
- 5.3.5. Wicklow Mountains SPA is 5.1km to the west.

5.4. EIA Screening

- 5.4.1. Having regard to the nature of the proposed development the demolition of an existing dwelling and the construction of new dwelling and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A first party appeal was submitted by Bright Design Architects on behalf of the applicants John & Yvonne Mercer. The issues raised are as follows;

- The applicants John & Yvonne Mercer commissioned a detailed energy report in response to the refusal of planning permission issued by Dún Laoghaire-Rathdown County Council. The content of the report compares the approach favoured by the Planning Authority, the retention of the existing dwelling to the proposal by the applicants to demolish the dwelling and replace it with a new dwelling.
- It is noted that it is set out in the development that “for all applications relating to replacement dwellings, a strong justification/rational shall be provided by the applicant”. It is asserted that the submitted energy report by virtue of the detailed calculations and study shows that there is a clear rationale and justification for the demolition of the dwelling. It is expected that the demolition and construction of a new dwelling will improve the energy rating from B2 with a renovation to an A1 rating with a new build.
- The design process involved the investigation of options to retain the dwelling. Due to the siting of the existing house, the placing a large two-storey extension to the rear would significantly impact on the private open space and also had potential to impact on the neighbouring properties.
- The report submitted from the consultant engineers confirms that the existing foundations are not capable of taking the loading of an additional floor. Furthermore, given the condition of the existing dwelling and the works to upgrade it, there would be a point where all the existing fabric of the house would be removed leaving only four walls which even then likely need work to provide damp proofing etc.
- It is submitted that given that the property has no architectural merit that it is considered justified to take the additional step to remove all the walls and

construct a new dwelling. This proposal will enhance the long environmental impact over the lifetime of the dwelling.

- It is confirmed that any materials including blockwork and masonry would be retained and recycled on site.
- The Council have refused permission for the demolition of the dwelling. A number of precedent cases are cited where permission was granted for demolition of an existing dwelling and replacement with a new dwelling. Reg. Ref. D19A/0425 – 26 Whitehall Road, Dublin 14. Reg. Ref. D19A/0609 – 29 Woodside Drive, Dublin 14. and Reg. Ref. D17A/1032 – 66 Braemor Road, Dublin 14.
- A letter from PCA Consulting Engineers dated the 8th of June 2021, has been included with the appeal. It states that PCA Consulting Engineers have assessed the existing structure and the existing foundations and confirm that it will not be possible to use the existing structures/foundations as part of the proposed development. It is stated that the existing masonry is poorly constructed and that sections of the mortar are friable. PCA Consulting Engineers advised that the existing foundations are inadequate to support the proposed new loadings. By retaining the existing footings this would require mass concrete underpinning which is at least three times the quantity of concrete which will be used for the proposed footings. It is stated that from an energy perspective that this is not viable. It is proposed to demolish the existing masonry and use the rubble for the construction of soakaway pits and non-structural build up in the garden.
- The energy report was prepared by A1 Energy Consultations Limited. It is set out in the report that the cited precedents for similar decisions to grant permission for the demolition of dwellings and a replacement with a new dwelling which are Reg. Ref D19A/0425, Reg. Ref. D19A/0609 and Reg. Ref. D17A/1032 should be considered relevant to the current case.
- The report from Paul Cuddy, Chartered Structural Engineer with PCA Consulting Engineers sets out that it is not viable to retain external walls of the existing dwelling as part of the proposal to construction the two-storey dwelling on site.

- A1 Energy Consultations Limited carried out a BER Assessment of the dwelling Cloneen, Enniskerry Road, Kiltarnan, Dublin 18 on the 3/6/2021. The existing uninsulated house was constructed in 1942, achieved a BER rating of G. This falls short of the current living standards and internal comfort levels. The findings of A1 Energy Consultations Limited were that although the carrying out of a deep retrofit of the building could achieve the require B2 energy rating and giving a very good 77% reduction in energy, it would be impossible to remove most of the thermal bridges inherent in the type of construction which was originally used in the existing 79 year old dwelling. They found that the reuse of the existing external and internal blockwork as recycled content on site in the proposed new dwelling would offset any embodied carbon in the demolition. When modelled, A1 Energy Consultations Limited found that the proposed new replacement A rated dwelling achieves a 97% reduction on current energy usage and 96% on Carbon Emissions. The approximate running cost is €528 per year which saves 42,320kWh of energy per year. This represents a saving of approximately €7,618 based on an average cost per kWh of 0.18 cent. Therefore, A1 Energy Consultations Limited strongly recommend that the existing dwelling be replaced by the proposed A1 rated house.
- The option to retrofit the existing dwelling is guided by the 2019 TGD Part L major renovation to a cost optimal level which is set at BER B2 rating, an energy model shows that a complete deep retrofit of the dwelling would give a very good 77% reduction on current energy usage saving 34,763kWh of energy per year with an approximate annual running cost of €1,889. However, in this instance the viability for renovating the existing structure to meet this minimum BER B2 rating is shown to be not feasible as building a new replacement house is better both in economic and energy terms.
- The Carbon Analysis provides data in respect of the original dwelling, a retrofit of the dwelling and a new dwelling. The original dwelling has a BER rating of G and would generate 108.78kgCO₂/m²/yr. The retrofit dwelling would generate 21.07kgCO₂/m²/yr which represents a reduction of 81% from the original dwelling. The new dwelling would generate 4.66kgCO₂/m²/yr which represents a reduction of 96% from the original dwelling.

- It is submitted that the proposal to demolish the existing house is justified as set out in the energy report. It is also submitted that there is considerable precedent for similar decisions by the Planning Authority and that a grant of permission would be in accordance with these decisions.

6.2. Planning Authority Response

- The Board is referred to the report of the Planning Officer.
- It is considered that the grounds of the appeal do not raise any new matters which would in the opinion of the Planning Authority justify a change of attitude to the proposed development.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal, and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle and development plan policy
- Appropriate Assessment

7.1. Principle and development plan policy

- 7.1.1. The Planning Authority refused permission for the proposal on the basis that they were not satisfied that on the basis of the information provided by the applicants that the existing dwelling is beyond repair due to structural defects. They considered that the proposal would not be in accordance with the requirements of section 8.2.3.4(xiv) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in relation to demolition and replacement dwellings. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.
- 7.1.2. Section 8.2.3.4(xiv) of the plan refers to Demolition and Replacement Dwellings. It is set out in this section of the plan that the Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit

and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. In relation to proposals concerning a single replacement dwelling within an urban area, it is set out in this section of the plan that the Planning Authority will assess these proposals on a case by case basis and may only permit such developments where the existing dwelling is beyond repair due to structural defects. It is required under this section of the plan that for all applications relating to replacement dwellings, a strong justification / rationale shall be provided by the applicant.

- 7.1.3. Having inspected the site, I would concur with the assessment of the Planning Officer which states that the main structure of the house is in good condition. Therefore, I would note that the existing dwelling is not “beyond repair due to structural defects”. The applicant’s case for the proposed demolition and replacement is based a number of factors, firstly that the demolition of the existing dwelling and its replacement with a new dwelling would be justified on the basis of energy efficiency and sustainability and secondly that it is not viable to retain external walls of the existing dwelling as part of the proposal to construction the two-storey dwelling on site.
- 7.1.4. It is set out in the appeal that the submitted energy report by virtue of the detailed calculations and study shows that there is a clear rationale and justification for the demolition of the dwelling. I note the findings of the energy report prepared by A1 Energy Consultations Limited. In relation to the existing dwelling the report found that the property which was built in 1942 achieved a BER rating of G. It is detailed in the report that the carrying out of a deep retrofit of the existing dwelling would achieve the require B2 energy rating. This would provide a 77% reduction in energy requirements for the property. However, I note that it is stated in the report that it would be impossible to remove most of the thermal bridges inherent in the type of construction which was originally used in the existing 79 year old dwelling. Therefore, the retention of external walls in a retrofit of the existing dwelling would result in pathways remaining where heat would transfer out of the building.
- 7.1.5. It was concluded in the energy report that the construction of a new dwelling with a BER rating of A1 would achieve a 97% reduction on current energy usage and a reduction of 96% in relation to Carbon Emissions. In relation to the cost of heating of the new dwelling it is estimated in the report that it would be approximately €528 per

year which would save 42,320kWh of energy per year. It is clear from the findings of the energy report that the proposed demolition of the existing dwelling and its replacement with a newly constructed dwelling is the most sustainable and practical proposal.

- 7.1.6. In relation to the proposed demolition of the existing dwelling it is proposed to reuse the existing external and internal blockwork as recycled content on site in the proposed new dwelling and that this would offset any embodied carbon in the demolition.
- 7.1.7. The report prepared by PCA Consulting Engineers, submitted with the appeal, dated the 8th of June 2021, states that the existing structure and the existing foundations have been assessed and they confirm that it will not be possible to use the existing structures/foundations as part of the proposed development. The Consulting Engineers confirm that the existing masonry is poorly constructed and that sections of the mortar are friable. Therefore, they advised that the existing foundations are inadequate to support the proposed new loadings including a new first floor. The retention of the existing footings would require mass concrete underpinning which would mean that at least three times the quantity of concrete would be needed. The Consulting Engineers therefore advise that from an energy perspective that this is not viable. It is clear from the recommendation from PCA Consulting Engineers that it is not viable to retain external walls of the existing dwelling as part of the proposal to construction the two-storey dwelling on site.
- 7.1.8. In relation to the precedents referred to the appeal, they are Reg. Ref D19A/0425, Reg. Ref. D19A/0609 and Reg. Ref. D17A/1032.
- 7.1.9. Under Reg. Ref D19A/0425 and ABP 305807-19, permission was granted for the demolition of the existing house and reconstruction of new house on the footprint of original structure at 26 Whitehall Road, Churchtown, Dublin 14. The Planning Authority in their assessment of the application sought further information. They required that the applicant submit a strong justification for the proposed development including an Energy Statement and report which set out the energy performance of the existing house, the existing house if upgraded and the proposed new dwelling. The applicant submit a response to the further information requested. The Planning Authority noted that the submitted Energy Statement set out that the existing

dwelling on the site has a G Energy rating and would achieve a C1 energy rating if upgraded. The proposed dwelling would achieve an Energy rating of A3. The Planning Authority concluded having regard to the foregoing that the applicant had provided an acceptable justification for the demolition of the existing dwelling and the construction of a replacement.

- 7.1.10. A third party appeal was lodged in respect of the decision. The Inspector in assessing the case considered that the principle of development was acceptable on the basis that the existing dwelling a bungalow was not of any architectural merit and that its contribution to the streetscape lay mainly in its consistency in terms of form, scale and style, with the row of bungalows to the north and elsewhere in the vicinity. The Inspector noted the content of the Energy Rating Report which stated that the demolition and rebuilding of the dwelling house would result in a significant improvement in the energy rating compared to retention and upgrading of the house and the proposal also afforded the opportunity to incorporate sustainable elements into the design such as a green roof, solar panels etc. Therefore, the Inspector considered that the demolition and replacement of the dwelling was acceptable in principle.
- 7.1.11. In relation to Reg. Ref. D19A/0609 permission was granted for the removal of the existing dwelling and the construction of a new replacement detached two-storey dwelling. The report of the Planning Officer noted that in order to facilitate the development it is proposed to demolish the existing house. The report stated that the applicant's cover letter refers to the existing house's failure to meet current living standards and that in order to upgrade the existing structure to meet the need of the applicants and the family, the economic viability of renovating the existing house is not feasible. It was noted by the Planning Officer that the proposed house will exceed the current minimum standards under Building Regulations and that the existing house though attractive is considered not to be of significant architectural merit. Therefore, it was concluded that the proposed demolition and replacement would be acceptable.
- 7.1.12. Under Reg. Ref. D17A/1032 permission was granted for the demolition of an existing two storey habitable dwelling house and the construction of two semi-detached houses at 66 Braemor Road, Churchtown, Dublin 14. In relation the principle of the development the report of the Planning Officer stated that it was considered

acceptable having regard to the history of the site and relevant development plan policies including RES: Existing Housing Stock and Densification.

- 7.1.13. In relation to the examples cited in the appeal, I would consider that Reg. Ref. D19A/0425/ABP 305807-19 and Reg. Ref. D19A/0609 are of relevance in assessing the current proposal. In both cases the Planning Authority considered that the existing properties were not of significant architectural merit and that their replacement with a new dwelling would be acceptable in principle. In the case of Reg. Ref. D19A/0425 the Planning Authority considered that the demolition and rebuilding of the dwelling house would result in a significant improvement in the energy rating compared to retention. In relation to Reg. Ref. D19A/0609 the Planning Authority were satisfied that the applicants had demonstrated that the economic viability of the renovating the existing dwelling was not feasible.
- 7.1.14. In relation to the current proposal, as detailed in the report of the Planning Officer the existing dwelling is not considered to be of particular significant architectural merit, I would fully concur with this assessment. Having regard to details provided by the applicants specifically the energy report prepared by prepared by A1 Energy Consultations Limited and the report prepared by PCA Consulting Engineers, I consider that the applicants have provided an acceptable justification for the demolition of the existing dwelling and the construction of a replacement dwelling. Furthermore, I note the similar cases cited in the appeal and I consider that the current proposal should be afforded a similar flexibility in respect of the application of the provisions of section 8.2.3.4 (xiv) of the development plan.
- 7.1.15. In relation to the design of the proposed new dwelling, it is two-storey with an area of circa 240sq m and a ridge height of 7.76m. The dwelling features a standard pitched roof and contemporary design windows with a vertical emphasis. I note that there is a mix of house types and design along this section of Enniskerry Road including the neighbouring property to the east which is a large two-storey redbrick dwelling and the neighbouring property to the west which is a single storey dwelling of contemporary design. Accordingly, I am satisfied that the proposed dwelling would integrate successfully into the built environment. Regarding the siting of the dwelling and the separation distances provided in respect of the surrounding properties, I am satisfied that that the proposed development will not unduly impact upon the amenity of adjoining property by reason of overlooking, overshadowing or overbearing.

7.1.16. In conclusion, I am satisfied with regard to the provisions of section 8.2.3.4 (xiv) of the Development Plan, that applicants have provided a justifiable rationale for the proposed demolition of the existing dwelling and its replacement with a new dwelling from the perspective of the interests of sustainable development. I consider that the proposed replacement dwelling is fully compatible with the existing surrounding development's character and layout and in accordance with development management standards provided for in Chapter 8 of the development plan.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development comprising the demolition of an existing dwelling and the construction of new dwelling on serviced land within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

9.1.1. Having regard to the location and zoning of the site and its established residential use, and to the design and scale of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with and would satisfactorily integrate into the built environment and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

3. The developer shall enter into waste and water connection agreements with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including roof slates/tiles, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Details of all landscaping and boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be fully implemented to the satisfaction of the planning authority with the first planting season following occupation of the development.

Reason: In the interest of clarity and residential amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

7. 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. The plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

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.

Siobhan Carroll
Planning Inspector

5th of October 2021