



An  
Bord  
Pleanála

## Inspector's Report ABP 313943-22

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<b>Development</b>	Demolition of dwelling and construct 2 no. semi-detached dwellings and associated works.
<b>Location</b>	Tall Trees, Claremont Road, Foxrock, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0632
<b>Applicant</b>	FWNH Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. grant
<b>Appellant</b>	Brian & Paula Harrison
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16/08/22
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.87 hectares, is located on the west side of Claremont Road in Foxrock opposite the entrance to Claremont Pines housing estate. The site is bounded by Four Ferns nursing home to the south and a detached, two storey dwelling 'Rosbeg' to the north. It comprises part of a large plot on which there is a detached two storey dwelling served by a garden with outbuildings (pool house). The house is known as 'Tall Trees'. The site to which the application refers is the north-eastern section on which the two storey dwelling is located.

The roadside boundary onto Claremont Road is delineated by a stone wall backed with hedging with a low stone wall backed with mature trees to the front garden area with Rosbeg. The boundary to the rear of the dwelling with Rosbeg is delineated by mature planting.

The vicinity of the site is largely comprised of large, detached dwellings on large plots. As noted the Claremount Pines housing estate is opposite the appeal site.

The Board is advised that there is a concurrent appeal for an extension to the Four Ferns nursing home which will extend into the western section of the overall larger plot. File ref. ABP 312975-22 refers.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 05/07/21 with further plans and details, including revised public notices, submitted 23/05/22 following a further information request dated 26/08/21.

The proposal entails the demolition of the existing two storey, detached dwelling and construction of 2 no. 2 storey, 4 no. bedroom semi-detached dwellings each with a stated floor area of 146 sq.m. The dwellings are to be served by a shared vehicular entrance with 2 no. parking spaces per dwelling to be provided.

The application is accompanied by:

- Design Report
- Arboricultural Assessment

- Civil Engineering Report (amended by FI)
- Bat Fauna Survey
- Screening Statement for Appropriate Assessment
- Preliminary Construction Environmental Management Plan
- Technical Note on Transport Planning

### 3.0 Planning Authority Decision

#### 3.1. Decision

Grant permission for the above described development subject to 24 conditions including:

Condition 3: Opaque glazing to be used in 1<sup>st</sup> floor windows in north and south elevations.

Condition 4: Flat roof area to rear of dwelling not to be used as a balcony or terrace.

Conditions 5 & 6: Services of arboricultural consultant to be retained to ensure protection of trees listed for retention and tree protection requirements.

Condition 9: Retention of landscape consultant.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The **1<sup>st</sup> Planner's** report in the Record of Executive Business Chief Executive's Orders dated **26/08/21** notes:

- Internal council reports and reports from prescribed body noted.
- The dwellings' height of 9.660 metres would be consistent with the existing dwelling being demolished. The dwelling design is acceptable.
- The dwellings would be appropriately setback from the various site boundaries.

- The proposal is not considered overdevelopment and would not be overbearing.
- It would not negatively impact 'Rosbeg' by way of overshadowing. The nearest proposed dwelling would be c 6 metres from the ground floor south facing windows of its rear family room.
- Rear windows in the existing dwelling already face west. The proposal would not introduce an inappropriate level of overlooking.
- The proposal would be an appropriate design response and is in keeping with the height and massing of the dwelling to be demolished.
- The dwelling design is appropriate and would not detract from the existing streetscape character or visual amenity of the area.
- Details of the boundary walls required.
- It is sited an appropriate distance from the protected structures on adjoining sites so as not to have any detrimental impact nor would the proposal impact on the ACA.
- Justification for demolition and replacement of dwelling required to comply with section 8.2.3.4 (xiv) of the development plan.

A request for further information recommended.

The **2<sup>nd</sup> Planner's** report dated **15/06/22** following further information notes:

'Tall Trees' is not deemed to be of architectural merit, is not included in the NIAH, nor the Record of Protected Structures and is not within the Foxrock ACA. Its demolition is accepted.

The issues arising in the further information request have been addressed.

A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

**Transportation Planning** in a report dated **25/08/21** notes that the maximum allowable width for a shared access is 4 metres. Sight lines at the entrance to meet DMURS requirements. Compliance with development plan requirements for vehicular entrances and hardstanding area required. A request for further

information recommended. **2<sup>nd</sup> report** dated **08/06/22** following further information has no objection subject to conditions.

**Drainage Planning** in a report dated **05/07/21** recommends further information on the soakaway/gravel driveway infiltration system. **2<sup>nd</sup> report** dated **01/06/22** following further information has no objection subject to conditions.

**Environmental Health Officer** in a report dated **04/08/21** recommends further information seeking a demolition management plan and a construction environmental management plan. **2<sup>nd</sup> report** dated **04/06/22** following further information recommends conditions should permission be granted.

### 3.3. **Prescribed Bodies**

**Irish Water** in a report dated **17/08/21** recommends further information requiring the applicant to make a pre-connection enquiry to it to determine the feasibility of connection to water and waste water services. **2<sup>nd</sup> report** dated **02/06/22** following further information has no objection subject to conditions.

### 3.4. **Third Party Observations**

Objections to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below.

## 4.0 **Planning History**

ABP 312975-22 (D21A/0507) – current appeal for extension to Four Ferns nursing home.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Dun Laoghaire Rathdown County Development Plan 2022**

The site is within an area zoned A the objective for which is to provide residential development and improve residential amenity while protecting the existing residential amenities.

#### *Policy Objective PHP19: Existing Housing Stock - Adaptation*

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

#### *Development Management Standards*

Section 12.3.7.7 Infill In accordance with Policy Objective PHP19. Infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

#### *Section 12.3.9 Demolition and Replacement Dwellings*

The Planning Authority has a preference for and will promote the deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers, only, but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

#### *Section 12.4.8 Vehicular Entrances and Hardstanding Areas*

General Specifications Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4 metres. Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary.

Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed.

#### *Section 12.4.8.3 Driveways/Hardstanding Areas*

A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties - such as small, terraced dwellings this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public. Where unbound material is proposed for driveway, parking and hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

*Table 12.10 Private Open Space* - sets out a requirement of 75 sq.m. for 4 bedroom + dwelling

### *Section 12.8.11 Existing Trees and Hedgerows*

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps). The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan.

## **5.2. Natural Heritage Designations**

None in the vicinity

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The 3<sup>rd</sup> Party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- The dwellings are excessive in terms of height, bulk, scale, mass and form. The proposal constitutes overdevelopment of the site.
- It would adversely impact on property values.
- The proposal has no regard to the setting of the appellants' dwelling. No consideration has been given to setting the dwellings in a similar position to that of the existing dwelling. The nearest section of the existing dwelling to their dwelling is single storey with the 1<sup>st</sup> floor level 12 metres distant. The nearest dwelling will be 3.26 metres from their side elevation and will be two storey. The proximity will adversely impact on their residential and visual amenities.
- The privacy the single storey rear extension to their dwelling currently enjoys will be significantly reduced. At 9.6 metres high the dwellings will tower over same.
- Fire safety requirements in terms of 6 metre distance between dwellings.



- No shadow analysis has been submitted.
- The proposed boundary treatments to their property are unacceptable. There is significant fenestration in their extension facing onto the boundary. It fails to retain features such as trees that are an intrinsic feature of the site which is in close proximity to Foxrock ACA. Whether tree protection along the northern boundary can be ensured is queried.
- The existing boundary wall to the front of Rosbeg is very low and will afford little privacy when the parking spaces for the dwellings are provided.
- The dwelling design and form is incongruous and will have a negative impact on the streetscape at this location on the edge of the Foxrock ACA.
- The new entrance and carparking to the adjoining nursing home, coupled with the proposed development to be served by shared access and 4 parking spaces where sightlines are deficient, would constitute a traffic hazard. The road is well trafficked with the site within 120 metres of a heavily trafficked junction.
- The proposed entrance for the dwellings is almost opposite the entrance to Claremont Pines which could essentially make a crossroads on a busy and narrow section of road.
- The footpath is narrow. The proposal will raise further safety concerns.
- Negative impact on flora and fauna. No bat survey undertaken.
- Cumulative impacts with the proposed nursing home extension have not been assessed.

## 6.2. Applicant Response

The submission by Simon Clear & Associates can be summarised as follows:

- The design response to context was fully considered by the planning authority and was considered to be appropriate to the area in general and to the neighbouring context such that overbearance and overshadowing would not arise.

- The proposed dwellings do not extend beyond the rear extension of the appellants' house to any greater extent than the existing dwelling to be demolished.
- The side boundary is tree lined and the existing situation is shadowed with limited outward aspect.
- The planning authority's condition requiring implementation of landscaping proposed and protection of trees is accepted by the applicant.
- There are no planning standards or Government Section 28 Planning Guidelines that require 6 metre lateral separation between houses in a suburban context.
- The access provision has been fully assessed by the Traffic and Transportation Section of the County Council. The appellants have not provided any technical professional evidence to sustain allegations of traffic hazard.

### **6.3. Planning Authority Response**

The grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

### **6.4. Observations**

None.

### **6.5. Section 131 Notices**

Due to the proximity of protected structures and the ACA certain prescribed bodies were invited to make a submission/observation on the appeal.

No responses received.

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Nature of development and development plan provisions
- Amenities of Adjoining Property
- Access and Traffic
- Architectural Heritage
- Other Issues
- Appropriate Assessment

### 7.1. Nature of development and development plan provisions

- 7.1.1. The site subject of this appeal forms part of a larger plot comprising of a detached two storey dwelling served by a large rear garden in which there is a swimming pool and pool house. The house does not appear to be occupied. The plot is to be subdivided. The section of the site subject of this appeal pertains to the north-eastern portion on which the existing dwelling is located. The remainder of the site is to be subsumed into the site of the Four Ferns nursing home that bounds the site to the south on which there is a concurrent appeal with the Board for its extension under ref. ABP 312975-22.
- 7.1.2. The site is within the mature residential area characterised, in the main, by large, detached dwellings on large plots. The site is opposite the entrance to Claremont Ferns residential estate and, as noted above, immediately adjoins the Four Ferns nursing home to the south. It is zoned A in the current County Development Plan, the objective for which to provide residential development and protect and improve residential amenities. Whilst the adaption of existing building stock is encouraged policy objective PHP19 seeks to densify existing built-up areas in the County through small scale, infill development having due regard to the amenities of existing established residential neighbourhoods. By way of further information and in line with the requirements of section 12.3.9 of the development plan the applicant has submitted a justification for the demolition of the existing dwelling and its replacement. The submission states that the dwelling was likely built in the

1950s/1960s with little or no insulation and is in a dilapidated state. The house is not considered to be of architectural merit or significance.

- 7.1.3. On the basis that the dwelling is not of architectural or historical significance, is not listed in the National Inventory of Architectural Heritage, is not a protected structure, is not within the Foxrock Architectural Conservation Area and is to be replaced with two dwellings which will accord with the above policy objective to densify existing built up areas through small scale infill development I consider that the proposal for demolition is acceptable in principle.
- 7.1.4. The existing detached dwelling is to be replaced by 2 no. semi-detached dwellings each with a stated floor area of 146 sq.m. and rear gardens of 89 sq.m. and 96 sq.m. respectively exceed the development plan requirements of 75 sq.m. for such sized residential units. The ridge height of the dwellings, at 9.660 metres, is comparable to that of the existing dwelling at 9.468 metres.

## **7.2. Amenities of Adjoining Property**

- 7.2.1. The appellants' property bounds the site to the north with concerns expressed as to the adverse impact on the setting of their dwelling and impact on their residential amenities.
- 7.2.2. The single storey side annex of the existing dwelling to be demolished has a setback of 4.6 metres from the shared boundary with the appellants' property with the two storey element of the dwelling having a setback of approx.11 metres. The setback of the dwellings to the said boundary is to be reduced to approx. 1.6 metres.
- 7.2.3. Whilst the proposal brings the two storey element closer to the boundary than hereto exists this, of itself, does not render the proposal unacceptable. Such juxtaposition of dwellings side onto to each other is prevalent throughout the city. Having regard to the existing mature planting which is to be retained and augmented along the shared boundary which will provide for effective screening I do not consider that the proposed dwellings, which are domestic in scale, height and size, could reasonably be considered to be overbearing. Whilst I note that the appellants' living space to the rear has windows in the southern elevation I also note its proximity to the existing boundary along which there are mature trees which are to be retained which would already impact on the levels of overshadowing to the said windows. I note that the said extension is also served by window openings in its western elevation.

- 7.2.4. In view of the domestic scale of the development, the footprint of the dwellings and the existing mature trees along the boundary overshadowing is not a material concern.
- 7.2.5. I note that there are no Tree Preservation Orders on or in the immediate vicinity of the appeal site but, as extrapolated from the relevant development plan map, there is an objective to 'protect and preserve trees and woodlands' along the site boundaries. As per section 12.8.11 of the county development plan new developments are required to be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. Whilst regard must be had to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps) the tree symbols on the maps are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan.
- 7.2.6. An Arboricultural Assessment accompanies the application and is supplemented by landscape and planting plans submitted by way of further information with details given as to tree protection measures to be used. As noted therein no trees are proposed to be removed from the northern boundary with the appellants' property.
- 7.2.7. In view of the importance of the existing trees to the amenities of the area and the relevant development plan objective to secure their protection I recommend that a condition requiring the retention of the services of a suitably qualified arboriculturist to oversee the works to ensure the protection of the trees is appropriate.
- 7.2.8. The appellants express concern as to the absence of screening afforded by the existing low stone wall to the front of the dwellings. This wall is backed by mature trees which are to be retained. As it stands there is intervisibility between the front garden and parking areas of the existing dwellings. This would, in effect, not change.
- 7.2.9. The existing dwelling on site with windows at 1<sup>st</sup> floor level allow for a level of oblique overlooking of rear gardens which is pervasive in such a suburban location and the proposed development would give rise to any additional concerns in this regard. The windows serving ensembles at 1<sup>st</sup> floor level in the northern and southern elevations are clearly delineated as having opaque glazing on the plans accompanying the application.

7.2.10. On balance, given the site context, including its location in a built-up urban area, the separation distances involved, the overall design, scale, height and siting of the dwellings and their positioning relative to both the site boundaries and surrounding properties, I am satisfied that the subject proposal does not constitute overdevelopment and would not be overbearing or domineering in appearance as to adversely impact on the residential amenities.

### **7.3. Access and Traffic**

7.3.1. Claremont Road from which access is proposed is approx. 5.6-6 metres wide with a footpath on one side, only. The location of the access is approx. 120 metres from the four arm signalised junction of Claremont Road, Brighton Road, Brennanstown Road and Glenamuck Road. It is opposite the entrance to the Claremont Pines residential estate. The 50 kph speed limit applies.

7.3.2. The dwellings are to be served by a shared entrance 4 metres wide, with sightlines of 49 metres attainable in either direction in accordance with DMURS. Parking for 4 no. cars are to be provided. A low stone wall similar to that in place will delineate the roadside boundary.

7.3.3. The layout and positioning of accesses in proximity to each other including access to Claremont Pines directly opposite and the signalised junction in the north is ubiquitous in such a suburban location and does not raise any unique layout arrangements would give rise to specific concerns. Coupled with the predicted low vehicular movements from both the proposed access to the nursing home, the 2 no. dwellings subject of this appeal would not give rise to traffic safety concerns as to warrant a refusal of permission. I note that the Transport Planning Section of the County Council raised no such concerns in its assessment of the case.

### **7.4. Architectural Heritage**

7.4.1. As noted above the dwelling to be demolished is not of architectural or historical significance, is not listed in the National Inventory of Architectural Heritage, is not a protected structure and is not within the Foxrock Architectural Conservation Area. It is bounded by the recently constructed 3 storey Four Ferns nursing home to the south and is at a removed from the nearest protected structures to the south-east and south-west.

7.4.2. I note that whilst the area is characterised by dwellings on large plots there is no unifying architectural style in the vicinity. I consider that the proposed house design is restrained with appropriate use of the materials and finishes. They would not detract from the character or visual amenities of the area.

## 7.5. **Other Issues**

7.5.1. A Bat Fauna Survey accompanies the application. The detectors survey was undertaken during the active bat season with weather conditions noted to be good. Regard is had to the previous survey undertaken on the site of the existing nursing home resulting in bat boxes installed on site. 2 no bat species were noted on site with low activity. No bats were detected emerging from any of the on site trees or buildings. However it is expected that the large mature trees on site have the potential to act as bat roosts. As noted above the trees on site are to be retained.

## 7.6. **Appropriate Assessment**

7.6.1. The application is accompanied by a Screening Statement for Appropriate Assessment which has regard to designated sites within a 15km radius of the proposed development.

7.6.2. Having regard to the separation distance of the site to the nearest designated site at 5.4km (Rockabil to Dalkey Island SAC), the location of the site within a suburban area, the pattern of development in the immediate vicinity including the nursing home to which the proposal is to form part, the fully serviced nature of the site and to the nature and scale of the development, 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.

## 8.0 **Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the residential zoning of the site and the relevant policies and objectives of the current Dun Laoghaire Rathdown Development Plan, 2022, regarding infill development and densification of suburbs, it is considered that the proposed development, subject to compliance with the following conditions would not seriously injure the visual and residential amenities of property in the vicinity and would not give rise to a traffic hazard. 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 to the planning authority on the 23<sup>rd</sup> day of May 2022, 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. Details of materials, colours, and textures of 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.

3. The flat roof area to the rear of the dwellings shall not be used as a balcony, terrace or similar amenity area.

**Reason:** In the interests of residential amenity



4. The Landscape Plan (Drawing No. LP-01-RFI) and Planting Plan (Drawing No. PP-01-RFI) as submitted to the planning authority on the 23<sup>rd</sup> May 2022 shall be carried out within the first planting season following substantial completion of external construction works. The developer shall retain the services of an Arboricultural Consultant throughout the life of the site development works to ensure the protection of all trees shown for retention.

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

**Reason:** In the interest of residential and visual amenity

5. The construction of the development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

6. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

7. 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 amenity.

8. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

9. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

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

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 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.

11. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**August, 2022**