



An  
Bord  
Pleanála

## Inspector's Report 315310-22

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<b>Development</b>	Demolition of 2-storey house and construction of new two-storey dwelling, garden store, parking area, front boundary wall, revised vehicular entrance and 2.0m rear wall
<b>Location</b>	Seafort Anastasia Lane, Sorrento Road, Dalkey
<b>Planning Authority</b>	Dun Laoghaire Rathdown Co. Co.
<b>Planning Authority Reg. Ref.</b>	D22A/0705
<b>Applicant(s)</b>	Niall & Ruth Scannell
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Niall & Ruth Scannell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> July 2023
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on a private laneway off Sorrento Road which is to the east of the village centre in Dalkey. This is a residential area, the character of which is mixed with period houses and more modern houses of varying sizes, shapes, architectural styles and plots. Anastasia Lane is accessed off the southern side of Sorrento Road. It is a short cul-de-sac with approx. 10 houses, most of which are detached two-storey houses most of which are located on the south-western side of the lane.
- 1.2.** The site is located towards the end of the lane. It is a long site which extends as far as the Dart line to the rear. It is bounded to the north/northwest by a large 2-storey detached house ('Nicosta') and to the south/southeast by two detached houses, ('Ella House' and 'Anya'). There are two houses opposite the site on the other side of the lane.
- 1.3.** The site area is given as 0.0665m<sup>2</sup>. 'Seafort' is a 2-storey period dwelling with a pitched main roof and faces the northwestern boundary. It has two single-storey rear returns which back onto the south-eastern boundary and a further single storey return which is attached to the southern side elevation. The north-eastern side elevation faces the lane. The private rear garden is located to the south of the side return. The front elevation has two projecting bay windows, one on either side of the front door.

## **2.0 Proposed Development**

- 2.1.** It is proposed to demolish the existing house (198.7m<sup>2</sup>) and to construct a 2-storey detached dwelling with a single storey return. The proposed dwelling would be repositioned on the site, being slightly more distant from the south-eastern boundary and closer to the northwestern boundary. It would have three bedrooms on the first floor and a study bedroom on the ground floor. It is of a contemporary design with a double-pitched roof with gable ends facing the front (lane) and rear, with a flat roof and roof lights in the valley between the pitched roofs. The proposal includes a single-storey flat roof return at the rear.
- 2.2.** It is proposed to provide off-street parking to the front with a new vehicular entrance and motorised sliding gate, together with restored and new sections of stone

boundary walls and hedging. The restoration and rebuilding of the boundary walls includes a new 2.0m high section of wall at the rear, adjoining the railway cutting. The rear garden would incorporate a patio terrace with a plant room/garden store adjacent to the northern boundary.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to refuse permission for one reason which principally related to inadequate access by reason of the substandard nature of the lane and overdevelopment of the site. The reasons for refusal read as follows:

1. The proposed development, which includes the demolition of an existing dwelling and its replacement with one new single dwelling, and considering the proximity of the application site to high frequency public transport links at Dalkey Dart Station, it is considered that the proposed development would be contrary to section 12.3.9 Demolition and Replacement Dwellings and to section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings, whereby it is a policy objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. The proposed development would also be contrary to Policy Objective PHP19 Existing Housing Stock - Adaptation and Policy Objective HER 20: Buildings of Vernacular and Heritage Interest of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report noted the planning history on the site including (D18A/0913) - a *refusal* of permission for demolition of the house and construction of 2 no. 2-storey houses on the site with 3 no. parking spaces and a subsequent permission (D21A/0466) *granted* for demolition of the existing house and the construction of 2 no. 2-storey houses (as a 'reduced proposal to D18A/0913').

The planning report considered that by comparison with the previous permission, which was for two smaller, more modest dwellings (62m<sup>2</sup> and 140m<sup>2</sup>, respectively), the current proposal, although for just a single house, is for a much larger dwellinghouse (288m<sup>2</sup>). It was noted that the scale of the previously permitted two houses would have been more in line with the houses in the vicinity. Notwithstanding this, it was considered that the proposed development would comply with private amenity space standards as well as separation distances. However, there was some concern that the proposal may result in overshadowing of 'Nacosta' to the north.

Concerns were raised regarding the demolition of what appeared to be a habitable house, which would be contrary to the Development Plan policies to retain and refurbish buildings and to adapt them for a new use. It was also noted that the replacement of a single house with another single house would not be in line with the density aims for an area that is so well served by public transport, as there would be no net increase in housing stock. In the absence of any evidence justifying the demolition of the house, refusal was recommended.

**Refusal** was, therefore, recommended on the above grounds.

### **3.2.2. Other Technical Reports**

Transport - Planning – stated no objection subject to conditions including retention of the granite setts kerbing and that a section of the entrance walls be no more than 1.25m high.

Drainage – Planning – stated no objection subject to the implementation of SuDS measures and all new hardstanding areas not to be discharged to the sewer but to be infiltrated locally via gravel or with a specifically designed permeable stone system.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party observations**

3.4.1. None

## 4.0 Planning History

### Subject site

**D19A/0496** – Planning permission **granted** for demolition of the existing house and for construction of 2 no. new two-storey, 3-bedroom houses, with 2 parking spaces each, a new driveway and 2 crossovers. It was stated as a ‘reduced proposal’ following the previous refusal of D18A/0913.

**D18A/0913** – Permission **refused** for demolition of the existing house and construction of 2 no. two-storey, 3-bedroom houses with 3 parking spaces each, a new driveway and 4 crossovers. Refused for two reasons. The first reason related to overdevelopment of the site by reason of siting, scale, massing and insufficient boundary setbacks which would result in overshadowing, overlooking and an overbearing presence to adjoining properties. The second reason was based on traffic hazard by reason of the additional turning movements associated with the proposed two further dwellings on the lane.

### Properties in the vicinity

**D21A/0063 - No. 2 Anastasia Lane** -- P.A. decided to grant permission for a ground floor front extension and for a first-floor extension over existing stores to the side of the house.

**D04B/0241) – House to south of ‘Seafort’** – Permission refused for a single-storey double garage to front elevation.

### 4.1. Dun Laoghaire Rathdown County Development Plan 2022-2028

4.1.1. The site is zoned Objective A for which the objective is to “To provide residential development and improve residential amenity while protecting the existing residential amenities”. Relevant policies contained in Chapter 4 Residential Development and Chapter 12 Development Management include the following.

#### 4.1.2. Chapter 4 - Neighbourhood, People, Homes and Places

**4.3.1.1 Policy Objective PHP18: Density** – Promote Compact Growth through consolidation and re-intensification of infill/brownfield sites. It seeks to encourage higher densities provided that proposals provide for high quality design and ensure a

balance between the protection of existing residential amenity and the established character of surrounding area, with the need to provide for high quality sustainable residential development.

**4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation** – seeks to conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF. It is also sought that existing built-up areas are densified through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

**4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity** – Ensure that the residential amenity of existing homes in the built-up area is protected where they are adjacent to proposed higher density and greater height infill developments.

**11.4.3.2: Policy Objective HER20: Buildings of Vernacular and Heritage Interest** – Retain, where appropriate, and encourage the rehabilitation and suitable re-use of older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.

**3.4.1.2: Policy Objective CA6 Retrofit and Reuse of Buildings** – requires the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (DoEHLG, 2009). Consistent with RPO 7.40 and 7.41 of RSES. For new build and repair or retrofit, the P.A. will support the use of materials that are sustainably sourced and the reuse and recycling of existing materials wherever possible.

#### **4.1.3. Chapter 12 Development Management**

**12.3.9: Demolition and Replacement Dwellings** – Encourage and promote the deep retrofitting of structurally sound, habitable dwellings as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The P.A. will assess single replacement dwellings within an urban area on a case-by-case basis and may only permit such developments where the existing dwelling is uninhabitable.

## 4.2. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 5km to the northwest.

Dalkey Island SPA (004172) lies approx. 500m to the east.

Rockabill to Dalkey Island SAC (003000) lies approx. 500m to the east.

## 5.0 The Appeal

### 5.1. Grounds of Appeal

The first-party appeal may be summarised as follows:

- **Previously permitted house greater impact on amenity** – the planner’s assessment indicates that the main difference between the current and previous proposals is that two replacement dwellings were permitted previously whereas only one is being proposed currently. It is stated that the CDP requires that higher densities can only be considered where it balances the reasonable protection of residential amenities. It is submitted that the previously granted permission (D19A/0496) was not significantly different to the prior refusal on the site (D18A/0913) in terms of the impact on the residential amenities of neighbouring dwellings by reason of overlooking and overshadowing.
- **Improved relationship with adjoining dwellings** – The previous permission involved one house that would constitute ‘backland’ development with a consequently poor relationship with neighbouring houses. It is also pointed out that there would be no increase in volume of building as the combined gross floor area for the two houses (D19A/0496 – 289m<sup>2</sup>) was virtually the same as that for the current house (288m<sup>2</sup>), and that the Area Planner had sated the floor areas in error. The site is best suited to a single dwelling and the proposed dwelling house is positioned on the footprint of the original dwelling, which respects the relationship with adjoining properties. (Appendices 2 and 3 of the grounds of appeal include more detailed comments on the two schemes).

- **Design, scale and mass of dwelling appropriate** – the design, scale and mass of the proposed dwelling is more suited to those of the existing development in the vicinity. It compliments existing pattern of development on the lane by maintaining the front building line, creating a double gable elevation which is similar in style to ‘Nacosta’. This compares favourably to the design of the previous scheme with a flat roofed dwelling.
- **Development Standards** – the proposal complies with all development standards in the Development Plan including internal floor space areas, private amenity space and separation distances. There is very little difference in terms of shadowing created by the original dwelling and the proposed structure (Appendix 4 of grounds of appeal includes a comparison). It also complies with the CDP policy on infill development (12.3.7.7).
- **Demolition and Replacement and Density** – The CDP requires the assessment of replacement dwellings on a case-by-case basis and may only permit demolition and replacement where the original dwelling is uninhabitable. The CDP also states that the P.A. will encourage the retention and deep retrofit of “structurally sound habitable dwellings in good condition”. The applicant has commissioned a Structural Report, and this is attached at Appendix 5. It clearly states that the house is in poor condition, structurally unsound and uninhabitable and that it is only fit for demolition and replacement. Notwithstanding the good location relative to public transport, the site is not suitable for a higher density given its shape and complex relationship with adjoining houses.
- **Energy Report** – an Energy Report has been commissioned by the appellant comparing the demolition and replacement of the house with its retention and retrofitting (Appendix 7). It was concluded that the proposed replacement dwelling provides a more energy efficient option with a significant saving in CO<sub>2</sub> predicted after 6 years.
- **Transportation/Drainage** – The Transportation Dept. has raised no objection subject to conditions and adequate parking is provided. The Drainage Dept. has raised no objections subject to conditions.



## 5.2. Planning Authority Response

6.2.1 The P.A. responded to the grounds of appeal on the 16<sup>th</sup> of January 2023. It was stated that -

'Notwithstanding the applicant's appeal statement, including additional details and the appeal submitted report regarding the building stated conditions/fabric etc. it is still considered that the Planning Authority report considerations, reasons for refusal and concerns remain overall, and noting also the context of the recently adopted County Development Plan 2022-2028, and notwithstanding the site planning history.'

## 6.0 Planning Assessment

6.1. It is considered that the main issues arising from the appeal are as follows: -

- Principle of development
- Justification for demolition and replacement
- Residential amenity and character of area

### 6.2. Principle of development

6.2.1. This is a first party appeal against refusal of planning permission. The single reason for refusal contained two distinct elements which are based on different but complimentary policies in the current County Development Plan. These policies are based on climate action, sustainable neighbourhoods and preservation and enhancement of the built environment.

6.2.2. Firstly, the proposed demolition and single replacement dwelling was considered to contravene the policies in the CDP which seek to densify the existing built-up environment and to minimise the embodied carbon/energy of the development by retaining and adapting existing building stock and improving it. Secondly, the proposal for demolition and a single replacement dwelling was considered to contravene the policies which seek to retain and enhance vernacular and heritage assets.

6.2.3. Policy objective **PHP19** seeks to conserve and improve existing housing stock in preference to replacement and also to maintain/achieve increased density on sites

that are located in urban areas close to good quality public transport. This is in line with the overall objective to achieve compact growth and sustainable (15 minute) neighbourhoods which helps to encourage modal shift to more sustainable modes of travel. Policy Objective **CA6** also seeks to retain existing buildings as opposed to demolition and replacement as the embodied energy in existing buildings is recognised and this would help to reduce the overall embodied energy/carbon associated with such development.

**6.2.4.** Given the location of the site in a densely developed and highly accessible residential area, within 500m of the Dalkey Dart Station, and a range of services and facilities in Dalkey village, the retention of the dwelling seems a reasonable objective in principle, as it would accord with the planning policies for the area which seek to consolidate residential development in such areas, minimise embodied energy use and conserve vernacular heritage.

**6.2.5.** However, these policy objectives sit within an overall policy framework which seeks to protect and enhance the residential amenities and established character of residential neighbourhoods. Thus, the proposed development should not adversely affect existing residential amenities and should ideally improve the residential amenity of the properties in the vicinity. In addition, the objectives favouring the retention of existing dwellings for refurbishment and repair are grounded in the premise that they are structurally sound, in reasonable condition and are habitable. These matters will be discussed further below.

### **6.3. Justification for demolition and replacement**

**6.3.1.** Section 12.3.9 Demolition and Replacement of Dwellings is strongly in favour of retention and the 'deep retrofitting' of dwellings. HER20 also seeks to retain vernacular heritage assets. However, it is stated that such buildings should be 'structurally sound, habitable dwellings in good condition' and it allows for the submission of 'strong justification' for the demolition and replacement option. The P.A. considered that the dwelling appeared to be habitable. However, the first party appellant submitted a series of documents including a Structural Engineers Report and photographs of the building as well as an Energy Performance Report assessing both the existing and proposed dwellings.

**6.3.2.** The SGR Structural Engineers Report (dated 05/12/22) indicates that the main 2-storey dwelling, and the single storey extensions are in a very poor condition. The building is structurally unsound due to a variety of reasons including -

- Moisture penetration due to missing/broken slates, rising damp and moisture ingress through external walls. This has caused significant deterioration over a long period of time.
- Significant movement in the walls indicating that the foundations are not suitable for the applied loads. Main walls are out of plumb, there are large cracks evident in external walls, and the bay window structures are pulling away from the main structure.
- Roof slates, flashings and timber are in poor condition throughout, with evidence of moisture in the timber and excessive deflection, indicating that the roofs are no longer fit for purpose. Gutters, fascias and soffit also in poor condition.
- The suspended timber ground floor is in very poor condition with high levels of rot and excessive deflection, indicating that the support joists are rotten and no longer support the floorboards.
- The first-floor timber joists were in very poor condition with significant movement and large permanent deflections, indicating movement in the main support walls and deterioration of the timber structure itself.
- All ceilings, which are lath and plaster, are in very poor condition due to moisture penetration and need to be supported to prevent collapse.
- The external ground level is high relative to the internal floor level and the rear garden falls towards the walls of the dwelling, indicating that surface water may be ponding along the walls during heavy rainfall.
- Given the recorded condition and the likely extent of structural works required to stabilise the existing structure before retrofitting could take place, it is more sustainable to demolish the existing structure and replace it with a modern structure built to a high standard.

- 6.3.3.** It is clear from the submitted report that the existing house is in very poor condition and is both structurally unsound and uninhabitable. As such, I would agree with the conclusions that its demolition and replacement is justified in this instance.
- 6.3.4.** The Energy Performance Report (Johnston Reid & Associates), also dated December 2022, carried out an assessment of three scenarios. Firstly, the original building itself, secondly the original building following a deep retrofit and thirdly, a replacement building, including the CO<sub>2</sub> and energy used out to 60 years, (in accordance with the current COP). The ratings achieved with 'G' for the original house, 'C2' for the retrofit and 'A2' for the newbuild. Based on the calculations for the embodied CO<sub>2</sub> and for the CO<sub>2</sub> used for running the property, the newbuild, would have a nett CO<sub>2</sub> positive effect in 6 years. The new building would have a nett positive saving in CO<sub>2</sub> over the renovated retrofit house of 517,945kg of CO<sub>2</sub> over 30 years. Thus, although there is an immediate impact from demolition and building materials, the increase in energy efficiency mitigates them in a very short time compared with the reasonable usage period of the original dwelling.
- 6.3.5.** It is clear therefore that the proposed replacement dwelling would provide a more energy efficient option with a significant saving in CO<sub>2</sub> predicted after 6 years. It is further noted that any refurbishment/retrofitting would require significant levels of demolition due to the unsound condition of the structure. It is considered, therefore, that the proposed demolition and replacement option is justified in this instance.

#### **6.4. Residential amenity and character of area**

- 6.4.1.** Notwithstanding the desire to retain and improve existing housing stock, the CDP policy objectives also seek to strike a balance between protecting the amenities of established residential neighbourhoods and to ensure that the character of residential areas is not adversely affected by a proposed development. The appellant has pointed out that the previous permission on the site (D19A/0496), which permitted the demolition of the original dwelling and its replacement with two dwellings, would not have resulted in any reduction in the overall gross floor area and would have provided for a backland site which would have had consequent effects on the amenities of adjoining properties by reason of overlooking and overshadowing. This is considered to be a reasonable observation.

- 6.4.2.** The site of the proposed development is a long and narrow site with a wedge-shaped back garden which rises in ground level towards the railway embankment at the rear. It is surrounded on both its northern and southern sides by a pair of existing houses, i.e., frontage and backland developments on each side. 'Nacosta' fronts onto the lane to the north-east and this site abuts the entire northern boundary of the appeal site. However, there is a further large house 'Livornio' which is located to the rear of the building line of Nicosta. To the south, there are two detached houses, 'Elle' fronts onto the lane and 'Anya' is located to the rear. Thus, it is a restricted site with a peculiar configuration, which is complicated by the proximity of large houses adjoining it on both sides.
- 6.4.3.** The existing house on the site is orientated to the north (towards 'Nacosta') and away from the street. It is likely that the house originally faced the village and in subsequent years, infill development along the lane addressed the lane and the original house is now out of kilter with the rest of the development in the vicinity. As a result, a blank gable wall addresses the lane, the rear of the building directly abuts the driveway of the houses to the south and the front main elevation faces the boundary wall and fence to the north. The layout of the site is therefore less than ideal and, together with the poor quality of the surrounding environment adjoining the site, result in a poor level of residential amenity.
- 6.4.4.** It is considered that the retention of the original house and its rehabilitation would result in a poorer quality of development for the site. Furthermore, the replacement of the original house with the proposed single dwelling is considered to be a better solution in terms of protecting the residential amenities of the adjoining properties to the north and south. It is noted that the appellant has provided comparison drawings with commentaries and comparison shadow drawings with the appeal submission. I would generally concur with the conclusions in these documents which indicate that the optimum solution for the site is to demolish the original building and to replace it with one single dwelling which would front onto the lane and provide for a good quality private amenity space at the rear. The separation distances from the boundaries would be improved and it is proposed to reconstruct the sections of stone wall that have collapsed or been removed over the years. It is further noted that there were no third-party submissions to the planning authority or the Board, but previous applications had attracted objection from adjoining neighbours.

**6.4.5. In conclusion**, it is considered that given the poor condition and structural state of the original dwelling, the restricted site configuration and existing site layout which relates poorly to its neighbours, there is no justification for requiring the building to be retained rather than demolished and replaced. It is further considered that the proposed development for a single replacement dwelling would be consistent with the established pattern of development in the area, would result in a modern family home which would have a better quality of amenity and would not adversely impact the residential amenities of neighbouring properties.

## **7.0 Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development, 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.

## **8.0 Appropriate Assessment**

Dalkey Island SPA (004172) and Rockabill to Dalkey Island SAC (003000), respectively lie approx. 500m to the east. South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 5km to the northwest. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## **9.0 Recommendation**

**9.1.** It is recommended that planning permission be granted for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

Having regard to the character and the established pattern of development of the laneway and the lands in the vicinity of the site, to the poor structural and uninhabitable condition of the existing dwelling on the site which is poorly laid out, to

the previous planning history on the site and to the design and layout of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of properties 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.

## 11.0 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of protection of residential amenity.

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

**Reason:** In the interest of visual amenity.

4. 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.

5. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. 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. Details of drainage arrangements including SUDS measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

8. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Mary Kennelly  
Planning Inspector

16<sup>th</sup> July 2023