



An
Bord
Pleanála

Inspector's Report

ABP-317313-23

Development	Retention of as built modifications to house involving an additional 20sqm at ground floor, revisions to site boundary wall on Waterstown Avenue
Location	1 Grey Gables Cottages, Old Lucan Road, Waterstown Avenue, Dublin 20
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23B/0125
Applicant(s)	Brendan Grogan
Type of Application	Retention
Planning Authority Decision	Split decision
Type of Appeal	First Party
Appellant(s)	Brendan Grogan
Observer(s)	Declan and Jennifer O'Dowd
Date of Site Inspection	09 th of September 2023
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located within an established residential area on the corner of Waterstown Avenue and Old Lucan Road in Palmerstown, Dublin 20. While Waterstown Road appears as a cul de sac it is noted it serves as access to Waterstown public park and a sports and leisure facility.
- 1.2. The site has been recently developed to provide one detached infill house in the side garden of a house facing directly to the Old Lucan Road. The subject house will have its primary entrance/vehicular entrance and front elevation to Waterstown Avenue with its primary area of private amenity space to the Old Lucan Road.
- 1.3. The site comprises a dormer style house with single storey side annex directly adjoining the inside of the western boundary wall. The boundary wall is designed with a low level plantar style wall fronting the higher level main boundary wall providing a recessed area with landscaping.
- 1.4. The boundary to the Old Lucan Road includes a high plastered boundary wall and an unsightly wooden fence/ trellis inside a low level wall.
- 1.5. The site has a stated area of 0.0733ha.

2.0 Proposed Development

- 2.1. The proposed development comprises of retention permission for the following-
 - Modifications to the development permitted under ABP-302202-18
 - an additional 20sqm at ground floor (increased from 108sqm to 128sqm)
 - Revisions to the western side boundary wall on Waterstown Avenue including entrance and
 - Associated works

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a split decision on the 17/05/23

3.1.2. The permitted grant was subject to three conditions. The following are relevant-

- C1. *Development to be in accordance with submitted plans and details.*

The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within 6 months of the grant of permission, save as may be required by other conditions attached hereto.

REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.

- C2. *Amendments.*

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

- (a) The kitchen/utility extension and western boundary wall are not permitted. Revised floor plans are required to confirm the most accurate as built (and permitted) development.*

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3.1.3. The refusal reason states-

- 1. *The applicant has failed to comply with specific conditions attached to ABP-302202-18. In so doing, the applicant has undertaken works that were specifically omitted from the previous permission on the grounds of traffic hazard. In order to satisfy the safety concerns of the SDCC Roads Department and to provide pedestrian forward visibility, the boundary wall/piers would be required to be reduced to no higher than 1.2 metres for approximately 7 metres along the front boundary (up to the boundary wall defining the rear garden), thus precluding the provision of the single storey kitchen/utility extension that has been constructed, abutting this boundary. The development as built presents a traffic hazard and this is not acceptable to the Planning Authority.*

The boundary wall, as constructed, is not compliant with necessary sightline requirements to ensure safety and avoid traffic hazard. In addition, works to the boundary wall appear to have been undertaken outside the redline boundary of the applicant's ownership, without due permission. The Planning Authority cannot grant permission for works where the relevant landowner consent has not been sought.

By extending the kitchen/utility room, the applicant has constructed elements of the scheme previously refused and omitted by condition. To subsequently grant permission for the works, despite serious concerns in relation to traffic safety, would set an unacceptable precedent for similar works to be undertaken despite previous refusals and in contravention of planning conditions. Permission for these works would therefore be contrary to the proper planning and sustainable development of the area.

The kitchen/utility extension, constructed up to the western site boundary, results in the overdevelopment of a prominent corner site, breaking with the established nature of setback development along Waterstown Avenue, to the detriment of the visual amenity of the area. The works therefore seriously injure the residential amenities of the area and are contrary to the proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (Record of Executive Business and Chief Executive's Orders) reflects the decision of the Planning Authority. The following is noted from the report:

- The additional 20 sq.m floor area comprises a utility room to the side (west) elevation, constructed up to the site boundary, an extension to the main living area and elevational alterations to the ground floor bedroom.
- The applicant has constructed the plans, almost as submitted under SD18A/0158, despite the concerns raised, the reasons for refusal of the Planning Authority and in specific disregard of Condition 2(a) of the ABP

decision. The reason for the omission of this element of the scheme, and the pre-commencement agreement of the boundary treatment, was to ensure visibility from the vehicular entrance, thereby ensuring traffic safety. The concerns regarding the works and the reason for refusal/omission remain. On this basis, permission should be refused.

- The ground floor bedroom has been extended, reducing the size of the internal courtyard. This is not considered a significant loss and the works would not be visible from the street. Private open space in excess of 60 sq.m would be provided. This is considered acceptable.
- The Roads Department have reviewed the submission and have stated there are no issues of significance, recommending the following conditions in the *event of a grant of permission*:
 1. *The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
 2. *The vehicular access point shall not exceed a width of 3.5 meters.*
 3. *Any gates shall open inwards and not outwards over the public domain.*
 4. *All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*
 5. *The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*
- Following further offline discussion with the Roads Department, it was noted that adequate sightlines cannot be achieved from the development as built and there are serious concerns regarding traffic safety as a result of the as built development. It is the considered opinion of the Planning Authority that the works represent a significant traffic hazard and the original reasons for refusal remain.

- The development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.
- The need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.
- Development Contribution applicable.

4.2. Other Technical Reports

- Roads
 - 20/04/23- “Access & Roads Layout: No issues of significance arise for Roads Department”. no objection subject to conditions including-
“The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
The vehicular access point shall not exceed a width of 3.5 meters.”
- Parks/Public Realm
 - Not dated- no comment/conditions
- Water Services-
 - 03/05/23- no objection subject to conditions

4.3. Prescribed Bodies

- Irish Water/Uisce Eireann-
 - 05/05/23 No objections

4.4. Third Party Observations

- One submission was received by the Council on this application. The main issues raised are generally those as detailed in the observations to the Appeal and as set out in section 7.3 below.

5.0 Planning History

- Enforcement S8918: potential non-compliance with Condition No. 2 of ABP-302202-18.
- ABP-302202-18 / SD18A/0158 - one house, refused by SDCC, **grant by ABP** 27/11/2018 subject to 10 Conditions. The following conditions are of note-
 - 2- The proposed development shall be amended as follows:
 - (a) The originally permitted footprint of the house only is hereby permitted. No permission is granted for the extended kitchen/utility area.
 - (b) The proposed ground floor en-suite bedroom and courtyard are permitted as detailed on the plans submitted to the planning authority on the 10th day of May, 2018, drawing number 15136-204 rev PP.01

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of residential amenity

- 8- Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area

- SD16A/0073- new dwelling to the side of the existing dwelling, **grant** subject to the following conditions of relevance:

3 (i) The boundary wall along Waterstown Avenue shall be no higher than 1.2m (including pillars) from the north end for approximately 7m (as far as the internal wall defining the back garden) to allow for

pedestrian forward visibility. The lowered boundary wall shall be finished in render.

Reason: In the interest of traffic and pedestrian safety.

6.0 Policy Context

6.1. South Dublin County Council Development Plan 2022-28

- As per Table 12.1 and Zoning Map 2, the site is zoned 'Existing Residential (RES) to which Objective RES 'To protect and/or improve residential amenity' applies.
- Section 6.8.2 Residential Extensions

- Policy H14: Residential Extensions

Support the extension of existing dwellings subject to the protection of residential and visual amenities.

- H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)

- Section 12.6.7 Residential Standards

Table 12.20: Minimum Standards for Housing-

Type of Unit	House Size	Private Open Space
One bedroom	50 sq m	48 sq m
Two bedrooms	80 sq m	55 sq m
Three bedrooms	92 sq m	60 sq m
Four bedroom or more	110 sq m	70 sq m

6.2. Natural Heritage Designations

- Not relevant

7.0 The Appeal

7.1. Grounds of Appeal

A first-party appeal has been lodged by BMA Planning on behalf of the applicant. The grounds of appeal can be summarised as follows-

- It appears the case planner has taken a view that the decision has been based on the assessment that a grant would be inappropriate where the applicant has constructed elements of the scheme previously refused and omitted by condition.
- There are material changes in this application and mitigating circumstances. There is no evidence that due weight has been given to these factors. The fact the application is for retention is not in itself a basis for refusal.
- Contrary to the Planers Report a compliance submission for Condition 2 of SD18A/0158 (ABP-303303-18) was submitted on the 23rd of June 2020. No response was received.
- Concerns overworks to the boundary wall outside the red line application site boundary should not be a concern for the Board i.e. legal title. The applicant will address this with SDCC to regularise issues affecting ownership.
- The Board are asked to consider the design merits of the boundary treatment at the south west corner.
- The refusal element has been based on the 2016 and 2018 applications in which reports do not tally with the Roads Department report on the current application. There are two reports on the current file with the same content and signatures but with different dates. The report unambiguously concludes “no issues of significance arise for Roads Department”. Recommended conditions are detailed.

- The appeal states these conditions are acceptable to the applicant and a drawings is shown on page 10 of the section of wall to be reduced to 0.9m with pillars not more than 1.2m.
- The entrance is not currently in operation.
- The Planners Report details “offline discussion with the Roads Department” have influenced the refusal reason. Such discussion cannot be relied upon as a basis for refusal on traffic safety grounds. The most recent Roads report 17/05/23 post-dates the Planners Report and does not support the discussions.
- DMURS does not appear to specific guidelines or standards on pedestrian forward visibility.
- NRB Consulting Engineers have advised the more appropriate standard is contained in the National TII Road Design Guidance, Geometric Design of Junctions (DNCEO-03060)- section 5.6.3.7. Excerpt included. A Letter from NRG also accompanies the appeal.
- The Appeal requests permission be granted with a suggested Condition in line with the Roads department recommendation.
- Following SDCC’s refusal of SD18A/0158 ABP overturned 5 refusal reasons and granted permission subject to a condition in light of concerns expressed in relation to pedestrian forward visibility. Condition 4 omitted the northern boundary extension element and requested revised plans.
- A number of material considerations and mitigating circumstances have presented themselves including-
- Site boundary errors in relation to the size of the wedge out of the site at the south western corner. This error was significant factor behind the ABP Inspectors assessment of the proposal submitted. No positive consideration was given to this in the Planning Authority’s assessment.
- Presentation of private open space has been improved on in the current application. The permitted application was for 3 bedrooms and the subject retention one is only for two bedrooms with a study office.

- The garden of the new house has been enlarged as a result of the boundary wall being moved on the eastern side increasing the size of the rear garden.
- The rectification of the boundary error has increased the available garden area.
- The proposal now submits c. 80 sq.m of private amenity space in the main garden area and courtyard which is well in excess of the 55 sq.m standard for a two bedroom house.
- During the build it was decided the ground floor area was suboptimal without the utility area for service need purposes. Alternative designs to accommodate Part L requirements seemed overly contrived.
- There is now a more favourable policy position for a high quality infill development in the current CDP and elsewhere. Policy H17 and section 13.5.8 'Residential Consolidation' refers to 'Corner/Side Garden sites' .
- The architectural design concept is strong and provides a better visual and architectural solution than the 2016 and 2018 permissions. The single storey utility/kitchen is largely concealed behind the boundary wall and there is no overlooking, overshadowing or loss of light to the subject houses or any neighbouring house.
- It is requested permission be granted subject to suggested conditions.

7.2. Planning Authority Response

- None received

7.3. Observations

One observation has been received from Declan and Jennifer O'Dowd which can be summarised as follows-

- The extension of the kitchen utility room would remain an obstacle in the line of sight for pedestrians even if the boundary walls are reduced as per the appeal. Who will monitor reverse parking?

- The footpath is busy with regular use of nearby Stewart's Hospital and children attending the sports centre at the end of Waterstown Avenue.
- The house significantly steps out on Waterstown Avenue.
- Planning has been refused on several occasions. Consistency with previous decisions is sought.
- The planning process and delays are irrelevant to other residents. Permission was not adhered to.
- Part of the site is not within the applicants ownership.
- The new boundary wall incorporating planters is serving as a dumping area. There is no guarantee the planters will be maintained.
- Errors in the drawings should not provide assumed permission to deviate from permitted development. A utility room is not a necessity for two people.
- The site is now overdeveloped.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I have examined the application details and all other documentation on file including the Appeal and Observation. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the substantive issues for this appeal are as follows-

- Principle of Development
- The Extended House to be retained and condition 2
- Road Safety and the Refusal Reason
- Other Matters
- Appropriate Assessment

8.2. Principle of Development

- 8.2.1. The site is zoned 'Existing Residential (RES) to which Objective RES 'To protect and/or improve residential amenity' applies. As per Table 12.2 of the CDP Residential development is a use class permitted in principle in such zoning.
- 8.2.2. The application is essentially for retention of an extension to the side of the house and ancillary amendments including to the entrance. The application is acceptable in this context subject to further assessment.

8.3. The Extended House to be Retained and Condition 2

- 8.3.1. The application proposes retention of 20 sq.m of modification to the house permitted under ABP-302202-18 / SD18A/0158. This provides an extended kitchen and utility area to the west side of the house.
- 8.3.2. In the subject application the Planning Authority have conditioned "*the kitchen/utility extension and western boundary wall are not permitted*". The rationale for this appears to relate to the planning history and condition 2 of ABP-302202-18 / SD18A/0158 which detailed "*the originally permitted footprint of the house only is hereby permitted. No permission is granted for the extended kitchen/utility area.*" The original footprint is that permitted under SD16A/0073. ABP-302202-18 also proposed a third bedroom to the north east of the site at ground level which was permitted.
- 8.3.3. I have reviewed the Inspectors Report for ABP-302202-18 and it seems the Inspectors recommendation to ensure the original footprint under SD16A/0073 and the Board's decision was based on the provision of private amenity space below the minimum requirements for the then proposed three bed house i.e.

*"As proposed, the development would not appear to accord with the minimum private open space required for a three bed roomed house"*¹.

The Inspector accordingly recommended the footprint of the previously permitted house should be retained, with a grant of permission for the construction of the third bedroom extension to the north of the site. This was to ensure that adequate private open space is provided for the house and site as a whole.

¹ <https://www.pleanala.ie/anbordpleanala/media/abp/cases/reports/302/r302202.pdf?r=956256> Paragraph 7.3.3 (accessed 09/09/23)

- 8.3.4. The Appellant seeks to justify the circumstances for the current application including inaccuracies in the original drawings and changes to the house from three bedroom to two bedroom. I struggle to accept the bona fides of the suggestion the bedroom now shown as an office forms a reasonable basis to allow for a reduction the required minimum private amenity space for a three bedroom house. However I note submitted drawing no. 15136 206 RP. 01 details the provision of 80.5 sq.m of private open space in the main area bordering Old Lucan Road and the small courtyard to the north east of the site. An examination of the scaled drawing suggests in excess of 60 sq.m to the main area to the south of the house. In this context, I am satisfied the house complies with Table 12.20 of the SDCC CDP as regards Minimum Standards for Housing- i.e. 55 sq.m for a two bed house and 60 sq.m for a three bed house.
- 8.3.5. I note under ABP-302202-18 the Board further restricted Class 1 and Class 3 exempted development provisions e.g. typical extensions and sheds etc. i.e. condition 8. While that calls into the question the circumstances involving the need for a retention application, it does not in itself preclude the Board from considering the merits of the proposal and to grant retention permission if they decide it is appropriate.
- 8.3.6. Having considered the above I am satisfied the only other consideration of the modification/extension to the house to be retained is the visual impact of the structure on the amenities of the area. I note SDCC's refusal reason details
- “The kitchen/utility extension, constructed up to the western site boundary, results in the overdevelopment of a prominent corner site, breaking with the established nature of setback development along Waterstown Avenue, to the detriment of the visual amenity of the area. The works therefore seriously injure the residential amenities of the area”*
- 8.3.7. Having inspected the site I am satisfied the structure could simply be considered as retention of a modest single storey side annex extension adjoining the boundary wall. The extension is shown on drawing 15136 203 RP.01 as 3.3m high, behind a boundary wall of c. 2.2m high. On the ground, the extension does not present as an unduly obtrusive or overbearing structure located in close proximity to the public path. It does not have a negative visual impact on the area and it does not

significantly break with the established nature of development setback along Watertown Avenue to an extent that warrants refusal.

- 8.3.8. I do not consider the site to be overdeveloped at this time and as per the submitted drawings. Subject to a further condition restricting general residential exemptions, I am satisfied condition 2 of SDCC (split) decision is not warranted and retention permission can be granted for the kitchen/utility extension/modification.

8.4. Road Safety and the Refusal Reason

- 8.4.1. The Planning Authority's refusal reason refers to the Applicants non-compliance with ABP-302202-18 and in so doing, the applicant has undertaken works that were specifically omitted from the previous permission on the grounds of traffic hazard. They consider the development as built including the boundary wall presents a traffic hazard.

- 8.4.2. I note the Roads Report dated 20/04/23 details "*no issue of significance arise*" and recommends 5 conditions including-

"The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles."

- 8.4.3. The applicants have indicated in the appeal they would be happy to accept this condition and have shown such on a drawing on page 10 of the Appeal.
- 8.4.4. Having visited the site, noting the width of the footpath along the western boundary, the fact an entrance is permitted at this location already and the Appellants submission, I consider a reduction of the existing boundary wall from the point of the boundary wall adjoining the kitchen utility area to the entrance (c. 2.5m) would provide for adequate pedestrian visibility of the entrance in this context.
- 8.4.5. While every entrance or point of vehicular turning manoeuvres presents a risk of a traffic hazard to some degree, I am satisfied such a boundary reduction in this context would not provide for a significant traffic hazard and permission can be granted.

8.5. Other Matters

8.5.1. I note concerns raised in the appeal, the observation and the refusal as regards works to the south west corner of the site that may not fall within the application site or the ownership of the applicant.

8.5.2. The applicants have indicated in question 10 of the application form they are the owner of the site and therefore have legal interest to make the application. The Planning Authority have accepted and validated the planning application as presented in accordance with the provisions of the Planning and Development Regulations 2001-23 (as amended).

8.5.3. Section 5.13 of the Development Management Guidelines 2007 deals with issues relating to title of the application site land and clearly states-

“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.”

8.5.4. Section 5.13 goes on to state-

“Only where it is clear from the response² that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.”

8.5.5. Having considered all of the above I am satisfied the applicant has demonstrated sufficient legal interest to make the application. Any matters relating to the unauthorised nature of the works are ones for South Dublin County Council.

² ‘Response’ refers to Further Information (FI). I note the Planning Authority did not seek FI in this application.

8.6. Appropriate Assessment

- 8.6.1. Having regard to the nature and scale of the proposed development, the distance from the nearest European site and permitted connection to existing public services such as water supply and drainage, no Appropriate Assessment issues arise, and it is not considered that the development to be retained would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the pattern of development in the area, the nature and scale of the development to be retained and the RES zoning objectives for the site, it is considered that, subject to compliance with the conditions set out below, the development to be would not seriously injure the visual or residential amenities of the area, would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development to be retained shall be completed in accordance with the plans and particulars lodged with the application on the 23rd day of March 2023 and by the further plans and particulars received by An Bord Pleanála on the 19th day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development to be retained shall be amended as follows:
- (a) The boundary wall to Waterstown Avenue shall be reduced to 0.9m from the northwest most point of the external boundary wall of the utility to the entrance.
 - (b) The entrance piers and any gate shall not exceed 1.2m in height
 - (c) The entrance shall not exceed 3.5m in width.
 - (d) The entrance driveway and dishing of kerb to the road edge serving the development to be retained shall comply with the detailed requirements of the planning authority for such works.
 - (e) The existing wooden fence to the southern boundary shall be removed. The low level wall to this boundary shall be built up or replaced with a boundary wall plastered, in keeping with the height and render of the existing boundary wall to the southern elevation, while ensuring adequate visibility remains from the entrance of the property with Eircode D20 AC84 all to the satisfaction of the Planning Authority.

Revised drawings and proposals showing compliance with these requirements shall be submitted to, for agreement in writing with, the planning authority. All works to the site shall be completed within 6 months of the date of this order unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place, without a prior grant of planning permission.

Reason: In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

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 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.

Adrian Ormsby
Planning Inspector

09th of September 2023