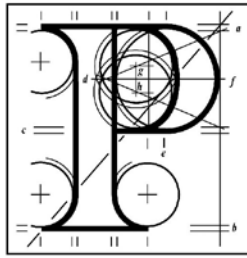


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: PL03.245613

Development: Demolition of existing dwelling house and construction of two detached dwelling houses, garages and connection to public sewer.

Planning Application

Planning Authority:	Clare County Council
Planning Authority Reg. Ref.:	15/515
Applicant:	Eoin Keating
Type of Application:	Permission
Planning Authority Decision:	Refusal

Planning Appeal

Appellant(s):	Eoin Keating
Type of Appeal:	First Party
Observers:	None
Date of Site Inspection:	20 th of January 2016
Inspector:	Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located on the northern side of the Tobartascain Road, Clonroadmore, to the east of the roundabout on the R458 Limerick Road and on the southern side of the urban area of Ennis. The area of the site is given as 0.1536ha and it is currently occupied by a detached bungalow and a large detached garage at the north western side of the site. There is a hedgerow and low plastered capped wall along the roadside boundary with the footpath and there is currently a single access from the site to the busy Tobartascain Road. The site is within the 50km/ph speed limits of the Ennis urban area. Sightlines to the west are better than to the east which is closer to the bend.

There are detached bungalows on either side. There are high hedgerows along the east and western site boundaries. However there is a gap in the hedge along the side boundary with the bungalow to the west and this has side and rear windows that can be seen from the rear of the site. There are different styles of detached houses in the area including a dormer bungalow opposite. The houses in this part of the Tobartascain Road are on larger more generous plot sizes. There is an undeveloped green area to the rear of the site and an access gate from the subject site to this area. The housing estates Carrig an Oir is to the north east and Dún na Rí to the north west. These comprise a much denser cul-de-sac housing development of predominantly semi-detached houses. The Ennis/Limerick railway line is further to the northwest.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the demolition of the existing dwellinghouse and garage on the subject site and the construction of 2no. detached dwellinghouses and garages, the creation of one additional entrance to the public road and one additional connection to sewer and water services.

A Site Layout Plan showing the existing development and proposed subdivided site, floor plans, sections and elevations have been submitted.

A letter has been submitted from Patrick Keating providing that he has no objection to his son Eoin applying for permission for the proposed development on his site.

3.0 PLANNING HISTORY

Relevant to the subject site:

Reg.Ref.10/48 – Permission granted by Clare Co. Co. subject to conditions to Patrick Keating to demolish the existing dwellinghouse and construct new dwelling house, garage, with ancillary site works, and use existing connections to the public sewer and water supply.

Reg.Ref.P.15/21 – Permission granted to Patrick Keating by Clare Co.Co. to extend the appropriate period to demolish existing dwellinghouse and construct new dwellinghouse on the subject site.

To date this permission has not been enacted. Copies of these decisions are included in the History Appendix.

4.0 PLANNING AUTHORITY APPLICATION

External reports

Irish Water: They have no objection subject to conditions.

Submissions from local residents include the following concerns:

- The proposed development would not comply with the zoning policies 'other settlement lands' in The Ennis and Environs Plan 2008-2014 as varied.
- Overshadowing, overlooking and loss of residential amenity for adjoining residents.
- The proposed house types would not be in character with adjacent dwellings along the road.
- Traffic safety issues relative to the construction of an additional entrance onto this busy road.
- There is no objection to the construction of a replacement dwelling as permitted on this site.

Planner's Report

This has regard to the planning history and policy relative to the subject site and to the submissions made. They noted that the lands do not have Phase 1 status in the Ennis and Environs Development Plan 2008-2014 as varied and considered that the proposed development would be contrary to Objective SS7 of this Plan. They also note the zoning matrix as contained in the Plan, under which housing on lands which are zoned 'Other Settlement Lands' is not normally permitted. They also have some traffic concerns regarding sightlines at the proposed new entrance. While there may be issues of overshadowing or overlooking, they note this could be addressed by revisions. They include photographs of the site and noted that the proposed development is different to the prevailing pattern of development, but do not consider that it would be detrimental to the character of the area. They include a Habitats Directive Project Screening Assessment and provided that an Appropriate Assessment is not required.

5.0 PLANNING AUTHORITY DECISION

On the 23rd of September 2015, Clare Co. Co. refused permission for the proposed development for the following reason:

The subject site is located on lands zoned as 'Other Settlement Land' in the Ennis and Environs Development Plan, 2008-2014 as varied. Under this zoning objective, multiple units of houses or apartments will not be permitted on such zoned lands, except where these lands are designated as 'Phase 1' zoned lands. As the subject site is located outside the 'Phase 1' zoned lands, it is considered that the proposed development would be premature by reference to the order of priority for development as indicated in the Development Plan. The proposed development would therefore be contrary to the proper planning and development of the area.

6.0 GROUNDS OF APPEAL

A First Party Appeal has been submitted by the applicant Eoin Keating and this includes the following:

- Each site has an area of approx.0.076ha which is four times the area of high density sites located to the north of the proposed development.
- There is a precedent going back 30years of permission being granted for the subdivision of sites and they provide reference nos. of permissions granted, one of which is within the lifetime of the 2008-2014 Ennis & Environs Development Plan.
- It could be concluded that those sites were not considered to be contrary to the proper planning and sustainable development of the area. They attach a map showing the location of these sites relevant to the subject site and a number of photographs showing the housing development on these sites.
- They have regard to the third party submission made to the planning application and consider that overshadowing will not occur and that overlooking could be mitigated by the construction of a suitable fence of 1.8m high along the western boundary of the proposed development.
- Regarding traffic safety, there are ramps and speed restrictions on the access road.
- The proposed house design reflects the mixed design of single storey, dormer, storey and a half and two storey in the area.
- Given the history of development in the area, the proposed development respects the existing prevalent character of the surrounding area and would not be contrary to proper planning and sustainable development of the area.

7.0 RESPONSES

Clare County Council

The Planning Authority response provides that: *The subject application was assessed having regard to the Ennis & Environs Development Plan 2008-2014, as under that Plan, the subject site is zoned Other Settlement Lands, and is not included with Phase 1 status. The P.A considers that to permit the proposed development would materially contravene the Development Plan and would not be in the interests of proper planning and sustainable development of Ennis. Furthermore, it would establish an undesirable precedent for other similar type development on lands which do not have 'Phase 1' status. The P.A respectively request that planning permission is refused in this instance.*

8.0 PLANNING POLICY

8.1 **Clare County Development Plan 2011-2017**

Chapter 3 refers to Urban and Rural Settlement Strategy. Section 3.2.2 provides that the Strategy for Ennis is provided in the Ennis & Environs Development Plan 2008-2014.

Chapter 4 refers to Housing and Sustainable Communities and seeks to provide for high quality and sustainable housing in appropriate locations. Section 4.1 provides that it is a strategic aim to ensure that sufficient land is zoned for various types of housing need over the lifetime of the plan.

Appendix 1 provides Development Management Guidelines and Section A1.2 refers to Residential Development and A1.2.2 to Urban Residential

Development. Section A1.3 seeks to promote SUDS systems in the design of new developments.

Section 21.5 and Appendix 6 provide the Zoning Matrix.

Volume 3 includes in Part 11 regard to the Habitats Directive Assessment and Part 111 regard to the Strategic Flood Risk Assessment. *The Flood Risk Assessment Guidelines*.

Volume 7 includes the Housing Strategy.

8.2 Ennis and Environs Development Plan 2008-2014 (as varied)

Chapter 3 contains the Core Strategy promoting the strong urban settlement of Ennis and noting that it is designated a hub town in the NSS. Section 3.4 provides the Core Strategy for Ennis and Environs. Section 3.5 refers to the Settlement Hierarchy and Strategy and this seeks to ensure that sufficient lands are zoned at appropriate locations for housing. Core Strategy Policy CS1 refers. Section 3.7 refers to the Housing Strategy.

Chapter 4 provides the Settlement Strategy within the area. Ennis Hub is the main growth area where sustainable development is to be primarily directed and concentrated. Section 4.3 refers to Managing the Growth Settlements and this includes regard to (1) Residential zoning and (2) Other Settlement Zoning. Policy SS6 relates to Phase 1 lands and Policy SS7 to Other Settlement Land. Maps C and D refer to the designations.

Section 7.5 refers to Controlling Housing Developments, Policy H13 to the Conversion of Property into Smaller Units. Section 7.6 refers to New Residential Development – Policy H17 refers.

Section 19.3 and Table 19.2 contain the Indicative Land Use Zoning Matrix. Section 19.8 Policy ZL6 provides the Car Parking and Cycle Standards (Table 19.3 refers). Section 19.9 and Policy ZL7 refers to Residential Density.

Appendix 1 has regard to Development Standards and A1.10 refers to Urban Residential Development and A1.12 to Urban Infill Housing. A1.21 refers to Roads, Cycle Routes and Footpaths.

9.0 ASSESSMENT

9.1 Principle of Development and Planning Policy

The Council's reason for refusal is based on the proposed development being premature on these lands zoned *Other Settlement Lands*, rather than being located on designated *Phase 1 lands*. This has regard to multiple housing units and the sequential approach to sustainable forms of residential development.

The Core Strategy is contained in Section 3.5 of the Ennis and Environs Development Plan 2008-2014 as varied. This includes objectives to promote Ennis as a strong urban centre Core Strategy Policy CSI refers. *The strategy is to locate most of phase 1 lands at locations which will consolidate the urban form, rather than using greenfield sites. Having regard to existing services and planned investment over the coming years, the extent, location and phasing of*

zonings will comply with the assigned population targets thus providing the evidenced-based plan-led framework for ensuring adequate land to meet the population targets is provided throughout the plan area. Map C and D refers.

Section 4.3 refers to Managing the Growth Settlements and this includes regard to (1) Residential zoning and (2) Other Settlement Zoning. Policy SS6 relates to Phase 1 lands i.e. *It is the policy of the Development plan to concentrate all new multiple residential developments for the lifetime of the Development Plan in the designated Phase 1 areas, as outlined on maps C 'Ennis and Environs Plan Area - Zonings and Land Use Designations' and D 'Ennis Settlement Area - Zonings and Land Use Designations', subject to availability of infrastructure and amenities and environmental considerations. The Council will monitor and review the take up of such zoned phase 1 lands during the life time of the Ennis and Environs Development Plan 2008-2014.*

These areas are outlined on Settlement and Zoning Maps C and D. The subject site is within the Map C2 and Map D3 area which relate to the southern part of the town.

As shown on the Land Use Zoning Map the subject site is located on Other Settlement Land Policy SS7 refers i.e. *It is the policy of the Development plan to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development that is appropriate to the sustainable growth of the settlement. Multiple units of houses or apartments will not be permitted on lands zoned as O.S.L. Exceptions to this include:*

- (a) O.S.L. which has phase 1 status in Ennis.*
- (b) O.S.L. within Barefield (phase 1) and Toonagh where small scale low density residential development may be considered in line which policies SS2 and SS3.*

It is provided that in order to achieve the objectives as outlined for the Settlement Hierarchy and Strategy, appropriate monitoring and management of development in the settlements within the plan area must take place. Lands are currently zoned as *Other Settlement Land* in Ennis/Clarecastle where it comprises of existing mainly residential development and also comprises large areas of undeveloped land. The subject site is not included in the exceptions above. It is also not a greenfield site but located in a serviced residential area where there are varieties of house type and residential densities.

Section 7.6 of the current Ennis and Environs DP refers to New Residential Development, Policy H17 refers. This includes that should be no significant reduction in amenity of existing, new or replacement residential accommodation and reference to the core strategy and phasing objectives as noted above. It also provides that new residential development must comply with the development control standards outlined in Appendix 1 and includes compliance with the following: a) *The proposal is in an area zoned for residential use or other settlement land.*

Section 19.3 (Policy ZL1 and Table 19.2 refer to the Zoning Objective Matrix) of the current Ennis & Environs DP contains the Indicative Land Use Zoning

Matrix. This notes that *Housing* is not normally permitted on *Other Settlement Land*. Section 19.9 and Policy ZL7 refer to Residential Density. This includes a Table that provides that the Density on Other Settlement Lands will be decided on a case by case basis.

The issue in this case is whether the proposal would be out of character with the pattern of development in the area and whether a material contravention would occur. Also whether the proposed development would be sustainable having regard to design and layout, impact on adjoining residential amenities and on traffic and road safety. These issues are discussed further in the context of this assessment below.

9.2 Material Contravention

Section 34(6) of the Planning and Development Act 2000 as amended sets out the procedure under which a planning authority may decide to grant permission for such a development. Section 37(2) of the 2000 Act as amended provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc, where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.

Having regard to the discussion of relevant planning policies above, I would consider that in this case that there is some conflict in their interpretation. This includes whether the scale of the current proposal for the subdivision of this single site which currently contains one detached dwelling and garage and is located not on a greenfield site or undeveloped area but within an existing residential serviced area, would materially conflict with the *Other Settlement Lands* Policy having regard to the land use zoning in the urban area and to the existing pattern of residential development in the area. I would consider that having regard to the policies if a multiple housing scheme or apartment development were being proposed on *Other Settlement Lands* not included in Phase 1 that it would be in material contravention however considering the small scale of the current proposal for one additional house a material contravention would not occur.

9.3 Design and Layout

The existing bungalow and detached garage proposed for demolition appear in reasonable condition and the bungalow which is in a central position on site is currently occupied. However there is no particular architectural merit and I would have no objection to their demolition.

While it is noted that permission has been granted (and is still current as noted in the History Section above) for a larger replacement house on this site, this has not been enacted. The current proposal is for a subdivision of this site and the construction of two detached dormer style houses and detached garages and includes separate entrances.

Floor Plans, Sections and Elevations including Contiguous Elevations of the existing and proposed developments have been submitted. The existing bungalow to be demolished is 146sq.m. and is shown 6.2m to ridge height. The proposed houses are of similar dormer house type and are shown 143sq.m in floor area, i.e 90sq.m ground floor and 53sq.m at first floor level. Two bedrooms are shown on ground and first floor levels i.e. 4 bedrooms. The ridge heights are shown 7.1m with the dormer windows to the front elevations and rooflights to the rear. Proposed external finishes include smooth plaster, selected stone facing on the front porch area and roof slates. It is not considered that such finishes would be out of character with the area. The proposed FFL is shown on the drawings as 101.25.

The proposed fenestration includes 6no. windows to the west side elevation at ground floor level. The Third Party submission from the bungalow to the west is concerned that the location of these windows shown on the side elevation within 4m of the party boundary will lead to overlooking and loss of privacy for their property. It is noted that there are hedgerows along the rear and side garden boundaries but that there is a gap in the western boundary hedge which could lead to some direct overlooking and loss of privacy for this property. In response the First Party provide that they will erect a 1.8m fence along the boundary. Such a fence/wall would also need to be erected along the boundary between the proposed properties. If the Board decide to permit it is recommended that it be conditioned that such fencing be erected and that the existing boundary rear hedgerows be retained and augmented.

There is an existing sizable garage at the north western corner of the site. It is proposed to demolish this and to construct a smaller garage c.27sq.m and 4.5m to ridge height in this location and another on the subdivided site to the east. There is no objection to the proposed garages.

Regard is had to the current Ennis and Environs Development Plan and to Section A1.10 in Appendix 1 which provides that a high quality of design will be expected taking full account of the context of the area within which the development proposal will be set. This notes that the site frontage will be related to the design of the development and the type and nature of the residential accommodation being proposed. The proposed dwellings are to be sited on a similar building line to the bungalows on either side. It is considered that the proposed design and layout is not out of character with the area.

9.4 Access and Road Safety issues

As shown on the Site Layout Plan the existing site would be divided in two and there would be two separate vehicular entrances i.e one for each site with access onto the Tobartascain Road. It is also noted that each house would have a garage. As per the Parking Standards noted in Table 19.3 of the Ennis and Environs DP a 4 bedroom house requires 2 on-site parking spaces. The entrance to the site to the west appears to be approx. in a similar position to the current entrance to the site. The other for the plot to the east as shown on the plans submitted is a proposed new entrance. This is shown close to the existing entrance for the adjoining site to the east. Therefore this creates one additional entrance. The Planner's concerns regarding the creation of the additional vehicular entrance in this location have been noted.

This is a busy road with footpaths along each side and there are some speed ramps located in this area, including one which while not shown on the plans submitted appears to be (as shown on the photographs taken during the site visit) approx. centre way along the site frontage i.e. between the existing and proposed entrance. The sightlines to the west are better than those to the east due to the location of the corner. However the site frontage is within the urban area restricted speed limits of 50km/h and it is not considered that the creation of an additional vehicular entrance for the site in this location would lead to road safety issues. This also takes into account that there are 3no. other entrances from existing properties to the east between this site and the corner of Tobartascain Road. There are also vehicular entrances for the existing houses on the opposite side of the road.

Section A1.7.2 of Appendix 1 of the Clare County Development Plan has regard to Sight Distances. For a road with a design speed of 60km/h this is 90m and for 50km/h it is given as 70m. However it is recommended that if the Board decide to permit that it be conditioned that revised drawings be submitted showing the location of the speed ramp and adequate sightlines either side of the proposed entrance.

9.5 Infrastructural issues

It is proposed to connect to existing public water mains and sewer and services. These connections are indicated on the Site Layout Plans submitted. It is noted that Irish Water does not object to this proposal and recommends conditions. Section 13.5 of the current Ennis and Environs DP, Policy W10 supports the provision of SUDS as part of development proposals. It is recommended that if the Board decide to permit that proposed development incorporate SUDS in the management of stormwater and comply with current standards relative to drainage.

9.6 Impact on the Character and Amenities of the Area

As noted on the application form the existing site area is 0.1536ha. Each of the proposed sites is approx. 0.076ha. It is noted that this is considerably more than the semi-detached houses located in the estates to the north east and west and further east along the Tobartascain Road towards the roundabout with the R458. This proposal is for the sub-division of the site and it could be considered that the proposed dwellings would comprise Urban Infill Housing in the context of Section A1.12 of the current Ennis and Environs Development Plan.

There is an area of greenfield undeveloped land to the rear of the site which has two separate access gates one from the road and the other from the rear of the subject site. This land is currently undeveloped backland. It is unclear whether the Land Registry Map submitted appears to show this land included in the Folio no. It is noted that as per section 34(13) of the Planning and Development Act 2000 that: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development.”* However this backland is not included within the subject site and there are currently no plans to develop that area.

There is a dormer bungalow on the opposite side of the road and a variety of house types in the area so it is not considered that the proposed design of the pair of houses which respect the existing building line will be out of character with the area. Provided the boundary treatment is augmented and established as noted in the Design and Layout Section above it is not considered that the proposed development will have an adverse impact on neighbouring properties.

9.7 Regard to Precedent Cases

The First Party Appeal refers to a number of precedent cases relative to the subdivision of sites in the area and includes a map showing the location of these relative to the subject site. The most recent referred to by the applicant is Ref.08/174 where permission was refused by Ennis Town Council and subsequently granted subject to conditions by the Board (Ref.PL58.233087 refers) for the construction of a dwellinghouse and garage with associated site works at Tobartescain, Ennis. This concerned an infill site on a narrow piece of land between the road and the railway line some distance to the east of the subject site. The new property which comprises a flat roofed structure has now been built.

Each site presents different issues and each application is dealt with on its merits and it is not considered that these cases are particularly relevant to the subject appeal. However if the Board decides to permit the current application this could set a precedent for more subdivision of the more generous plots in this area of Tobartescain Road.

9.8 Appropriate Assessment

A Habitats Directive Project Screening Assessment has been included with the Planner's Report. This does not consider that the proposal will impact on Natura 2000 sites. It is considered that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.9 Other Issues

External Finishes: Should the Board be minded to grant permission I consider that it reasonable that a condition regarding external finishes be included having regard to the City Development Plan standards for such a development at this site sensitive location.

Construction Works: The main impact that would arise to the amenities of this area would result from the construction phase. During this phase the construction works would inevitably result in noise, dust, building debris and so forth. There is also potential for obstruction of traffic movements along the public road during deliveries, notwithstanding, such nuisances would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission.

Development Contribution: Having examined the terms of the Council's applicable development contribution scheme (Policy DC1 of the current Ennis and Environs DP refers) it is noted that the proposed development sought under this application is required to pay a S48 financial contribution in the event of a grant of permission.

10.0 CONCLUSIONS AND RECOMMENDATION

Having regard to all of the information submitted including submissions made and to the Assessment above, to relevant planning policy and the First Party grounds of appeal and to the responses made and having visited the site, it is considered that the principle of residential development is acceptable on these zoned lands within the urban area of Ennis. In view of the small scale of the development i.e. the provision of one additional house, and having regard to the pattern of development in the area and the merits of the proposal it is not considered that this proposal would materially contravene policy relevant to *Other Settlement Lands* which are not included with 'Phase 1' status.

It is therefore recommended that permission be granted subject to the conditions below.

11.0 REASONS AND CONSIDERATIONS

Having regard to the limited scale of the proposed development and the residential land use of the site in this zoned urban area of *Other Settlement Lands*, and to the character and pattern of development of the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of surrounding dwellings or the visual amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 13th day of October, 2015, 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. Prior to the commencement of development details of the external finishes shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of visual and residential amenity.

3. Prior to the commencement of development revised drawings and details shall be submitted for the written agreement of the planning authority showing the following:
 - a) The location of the traffic ramp at the site frontage and sightlines at the proposed entrance.
 - b) The footpath and kerb shall be dished at the access and the new entrance provided in accordance with the requirements of the planning authority.
 - c) The gate posts and finishes on the new entrance shall match that of the existing and any gates shall open inwards.
 - d) The front boundary wall and hedgerow shall be maintained except where it is proposed to facilitate the new entrance.

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

4. The sites shall be landscaped in accordance with a scheme of landscaping details of which shall be submitted for the written agreement of the planning authority before the development commences. This shall include:
 - a) The retention and augmentation of existing boundary hedges;
 - b) The erection of a 1.8m fence/capped and rendered wall along the western boundary and along the boundaries between the proposed dwellings.

Reason: In the interest of visual and residential amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton
Planning Inspector
Date: 26th of January 2016