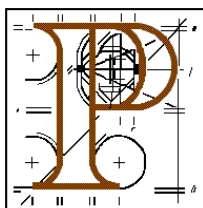


An Bord Pleanála



Inspector's Report

Appeal Ref. PL 61.245657

Location: 1 Montpellier Terrace, Sea Road, Galway.

Proposed Development: Two storey 3 bedroom mews house and associated site works.

Planning Application

Planning Authority: Galway City Council.

Planning Authority Reg. Ref.: 15/141

Applicant: D Ryan

Application Type: Planning permission

Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Edwin and Eleanor Ryan.

Observers: Diane and Simon Heaslip.

Date of Site Inspection: 27th January, 2016

Inspector: Stephen Kay

1.0 Site Location and Description

- 1.1 The appeal site is located in the Sea Road area of the inner suburbs of Galway City, only c. 1km to the south west of the city centre. The area is characterised by large dwellings and sites and the dwellings in the vicinity of the appeal site the dwellings fronting onto Sea Road comprise 2 storey terraced properties dating from the mid-19th century.
- 1.2 The appeal site comprises a backland site located to the rear of the properties on Sea Road. The site is accessed via an archway at ground floor level in No. 2 Sea Road and the site is located to the rear of Nos. 1 and 2 Sea Road. Both of these properties are included on the Record of Protected Structures for Galway City. While it would appear that the appeal site would originally have formed part of the site of Nos. 1 and 2 Sea Road, the layout to the rear of the properties currently comprises a yard area which has a number of single and two storey outbuilding clustered around it. Access to the appeal site is from the northern side of this courtyard. The site comprises a area that is enclosed on three sides by walls varying between 2 and over three metres in height. The south eastern boundary where the site addresses the courtyard to the south is formed by the gable end of a two storey outbuilding and by metal gates.
- 1.3 The stated area of the appeal site is 0.0274 ha. and the site which is the subject of the proposed development would appear to have relatively recently been separated from an area to the north by the construction of a 2.0 metre high block wall.
- 1.4 The site is bounded to the south by the courtyard area which separates the site from Nos. 1 and 2 Montpellier Terrace. To the east the site immediately adjoins a sports hall that is constructed to the rear of the Columbian Hall, which is also a protected structure. The sports hall building is of a scale that it projects c. 2.5 – 3.0 metres above the existing boundary wall in this location. To the west, the site adjoins structures that are located to the rear of Nos. 1-4 Devon Place, The Crescent.

2.0 Proposed Development

The proposed development comprises the construction of a two storey three bedroom dwelling on the site. The dwelling is described in the public notices as comprising a mews dwelling and is proposed to be located at the north eastern side of the site adjoining the boundary with the adjoining sports hall. The ground floorplan is L shaped with the building addressing a courtyard located at the western side of the site.

As will be set out in the following sections, the scale of the dwelling was reduced following a request for further information and the number of bedrooms reduced from three to two. The basic design of the dwelling and footprint location remained the same as that originally proposed.

3.0 Planning History

The following planning history relates to the appeal site and surrounding lands:

Appeal Site

Galway City Council Ref. 04/900; ABP Ref. PL61.210922 – Permission refused by the Planning authority and decision upheld on appeal for the demolition of No.15 Palmyra Park and the reconstruction of a building fronting Palmyra park with similar features to original and access to lands to the rear via an archway. Development to the rear to consist of 3 no. three bedroom townhouses on lands that comprise the current appeal site / site of proposed dwelling and the contiguous lands to the north west located behind the block wall. Permission was refused by the Board for two reasons relating to the adverse impact on the frontage to Palmyra Park and the impact on this architectural conservation area and secondly inadequate provision of private amenity space to serve the development.

Galway City Council Ref. 92/614 – Permission granted by the Planning Authority for the construction of a two storey extension to the rear of No.1 Montpellier Terrace.

Other Sites

Galway City Council Ref. 09/501 – Permission granted for retention and completion of alterations to previously approved sports hall (ref. 05/866) located to the rear of the Columbian Hall and immediately to the north east of the current appeal site.

Galway City Council Ref. 05/866 – Permission granted for the demolition of an existing club house and for the construction of a new club house on the site to the north east of the current appeal site.

Galway City Council Ref. 07/324 – Permission granted for the conversion of existing mews building located to the rear of existing dwelling at No. 3 Devon Place Galway to residential use.

4.0 Planning Authority Assessment and Decision

4.1 Internal Reports

Planning Officer – Notes the planning history of the site and the submissions received. Initial report raises some concerns regarding the level of open space provision, proximity of first floor windows to boundaries and the legal interest of the applicant to undertake the development. Following submission of further information a grant of permission consistent with the Notification of Decision which issued is recommended.

Drainage Division – No objection subject to conditions including requirement that the .

Planning and Transportation – Notes No objection subject to conditions.

4.2 Request for Further Information

The following issues were raised in the request for further information issued by the Planning Authority:

1. Comment of the submissions stating that there is insufficient legal interest to undertake the development.
2. Revisions to the development to address the excessive plot ration and inadequate provision of private amenity space.
3. Noted that the private amenity space would appear to be shared with parking.
4. That the separation distance between first floor windows and site boundaries is below the 11 metres minimum specified in the plan. Also noted that apparent discrepancy in the drawings.
5. Clarification is sought regarding the ownership of an additional area located to the north west of the appeal site which was included within the blue line on previous planning applications (04/900) and where it may be possible to provide a wider mews development consistent with Policy 2.8 of the Plan.
6. Note that any development must have regard to any existing built form and character of the area and satisfy all relevant development management standards. Clarification of the ownership of the mews / shed structures surrounding the site is sought.
7. Demonstrate that the proposed access is capable of accommodating the development and would not compromise pedestrian or vehicular safety.

The following is a summary of the main issues and information contained in the response:

- Extracts from deed of ownership submitted.
- Revised proposals for dwelling with reduced floor area and reduced plot ratio. Floor area is now proposed to be 158 sq. metres with two bedrooms provided. Plot ratio is 0.58:1.0. The level of private amenity space has been increased to 137 sq. metres. The private amenity space equates to 86 % of the floor area even excluding the parking space.

- The revised design does not have any first floor window that is located within 11 metres of any boundary.
- Regarding the discrepancies in dimensions this is stated to be the result of alternative construction techniques being shown in the drawings and these discrepancies have now been clarified.
- That the applicant is confirmed as the same person as that in application ref. 04/900. Stated that the extent of lands indicated as owned by Ms Ryan in that application was not accurately indicated. Also stated that the balance of the site (the area to the north of the appeal site) was sold in December 2014. Also stated that Ms Ryan did not own No.15 Palmyra Park at the time of the 2004 application.
- Regarding access, the applicant states that the current access via the arch from Montpellier terrace is used by residents and commercial use. The addition of an additional dwelling and parking space on the site would not materially affect the pedestrian or vehicular safety.

4.3 Notification of Decision

A Notification of decision to Grant Permission was issued by the Planning Authority subject to ten conditions of which the following are most significant:

Condition No. 5 requires the omission of the proposed on site car parking space and Condition 3 requires the payment of a financial contribution in lieu of this space.

Condition No.4 requires the submission of details of the external windows and doors and the south eastern elevation of the balcony to be fitted with opaque glazing to a height of 1.75 metres.

Condition No. 10 requires the submission of a construction traffic management plan.

5.0 Grounds of Appeal

A third party appeal has been submitted which focusses mainly on commenting on the applicant's response to further information. The following is a summary of the main issues raised in this appeal submission:

- That the gate erected and referred to in the FI response was erected to prevent unauthorised parking at night time.
- That the site is not serviced and never was.
- That the other owners of the right of way have never consented to access and connections to services has not been agreed.

- That the discrepancies in the submitted drawings need to be rectified.
- That the revised drawings do not meet with the development plan standards.
- That the proposed development will block the entrance to mews 2 which contains an artist and a musical instrument maker. In total 4 persons work out of the mews buildings and park there on a regular basis. The further intensification of parking in this area would be unworkable.
- Will the proposed omission of the car parking space result in the reinstatement of the wall.
- That the proposed development would seriously affect pedestrian and vehicular safety along the right of way which is only 2.3 metres in width.
- That the proposed soak way will cause significant impacts on stone mews building 2 as well as old mews structures located to the rear of Devon Place.
- That the creation of an opening in the wall to the yard, the sub division of the site and the undertaking of works at the site has resulted in significant damage to the yard area and resulted in damage to existing drainage and flooding of the yard area.
- The road accessing the site has also been the subject of damage.

6.0 Observer to Appeal

An observation of the third party appeal has been submitted by the resident of No.7 Montpellier Terrace, the dwelling located at the junction of Sea Road and Devon Place and which has vehicular access to the rear via the right of way which is the access to the appeal site. The following is a summary of the main issues raised in this appeal:

- That the corner where the observer's house is located is a heavily trafficked location where traffic travels very fast.
- That the parking of cars on the road at the front is hazardous. The dwellings all have access to a shared area at the rear where parking is possible. It is the understanding of other residents that this area is shared. This area is shown on the deeds of our property and has been verified by a solicitor (copy submitted).
- That the courtyard area to the rear of Nos. 1 and 2 is a useful parking area for all residents. It has until recently mostly been used by Ms Dorie Ryan, the applicant in this case.

- That given the dangers of parking on the road the observer approached the first party (Ms Ryan) about parking to the rear in the courtyard area. This is despite the fact that this area is shared and was done as a courtesy. Ms Ryan never responded to this request. That subsequent to this a hole was knocked in the historic wall which forms part of the boundary of the current appeal site and steel gates erected.
- That the construction and use of the development will interfere with the use of the shared yard and parking in this location.
- That access to the site involves the crossing of a shared yard area and no consent from the other owners to this access route has been obtained.
- That the description of the yard area and route to the site as a right of way is not accurate as it has never been a right of way to anywhere prior to the opening of the access to the appeal site which does not have permission. This wall should be reinstated.
- That there is significant wear and tear on the access laneways to the rear of the houses. The construction of a dwelling on this site would make this worse.
- That the observer and other residents has taken out an insurance policy to cover the laneways and parking areas. The first party has not contributed to this and the construction activity would increase the risk and premium for insurance of these shared areas.
- That the address of the site is properly Palmyra Avenue as this is the route historically where access to the site was available. There was never access to the site via Montpellier Terrace. Access should be via the applicant's property on Palmyra Avenue.

7.0 Response Submissions

7.1 Planning Authority Response to Grounds of Appeal

The planning authority have responded to state that the development is amended on foot of the further information request issued and is now considered to be acceptable. The scale of the dwelling is reduced and the grant of permission issued omits the parking space. The planning authority note the provisions of s.34 of the Act which mean that nobody is entitled by virtue of a grant of permission to undertake development which is not within their legal power or control to undertake.

7.2 First Party Response to Grounds of Appeal

The following is a summary of the new issues raised in the response submission made on behalf of the first party:

- That the issues raised regarding use of the shared yard area and claims of damage to the area in terms of surface water runoff and materials are submitted not to be planning related issues and that the appeal should be returned as invalid.
- That the appellant raises issues regarding the processing of the file and the fact that amended drawings and layout were assessed by the Planning Authority. The appellant does not appear to appreciate the procedure that was followed regarding the further information request, the revised notices and submissions and the revisions to the proposed development.
- That notwithstanding the issues raised by the appellant regarding title, that the first party can get access to the site without recourse to the shared courtyard area via a section of land that runs along the north east boundary of the site and which is c. 4.5 metres in width. This area also includes the foul sewer and connection is possible in this location.
- That the planning process allows for the correction of any errors or discrepancies in drawings.
- That the appeal devotes a section to arguing against parking but this is not proposed in the development.
- That the reference to underutilised derelict courtyard relates to the appeal site and not the yard area to the south.
- That the claims regarding damage to drainage and surfaces is refuted.
- That the applicant clarified with the planning authority that the site does not come within the curtilage of a protected structure.
- That the solicitor for the first party advises that there is no issue regarding title or legal interest to undertake the proposed development (letter attached with response submission).

8.0 Development Plan Policy and Guidance

8.1 Galway City Development Plan, 2011-2017

The appeal site is zoned as an Inner residential Area under the provisions of the Plan.

With regard to infill development and mews dwellings, policy 2.8 of the plan states that the development of mews housing must be done in a co-ordinated manner and can only be achieved where there is no impact on existing residential amenity.

Policy 2.8 goes on to state that areas of the city with potential for infill and mews development will be examined by the council and that infill development will only be permitted where a co-ordinated plan for such areas has been prepared.

The plot ratio for development in the inner suburban area is 0.46 and section 11.3.1c states that a minimum of 50 percent of the floor area of the dwelling must be provided as private amenity space.

11.3.1(d) relates to overlooking and states that dwellings shall not overlook adjoining sites from above ground floor level by less than 11 metres.

The site is located within the boundary of the Sea Road / Crescent ACA. Regarding this area the plan states that The Crescent is a very pleasant sweep of late Georgian style houses with gardens to the front and with further gardens and ancillary buildings and mews buildings to the rear. Most of the houses on Sea Road date from the mid and late 19th century. This is an area of distinct urban form and visual richness, worthy of ACA designation.

The structures fronting onto Sea Road, Nos. 1 and 2 Montpellier terrace are included on the record of protected structures for Galway.

8.0 Assessment

The main issues arising are considered to be as follows:

- Principle of Development
- Design and Impact on Residential Amenities
- Access and Parking Provision
- Other Issues

8.1 Principle of Development

8.1.1 The appeal site is located on lands that are zoned residential under the Galway City Development Plan. The principle of residential use in this location is therefore permissible.

8.1.2 The City Plan contains a number of policies with regard to infill residential development and mews development. The form of development proposed in the current application is not mews development in the traditional sense in that it is not accessed via a rear

laneway. The policies are however somewhat relevant. Policy 2.8 of the Plan states that the council will identify certain locations for their potential for mews development however it is stated in the report of the planning officer that no such examination has been undertaken in the area of the appeal site. The wording of policy 2.8 states that any mews development must have regard to the existing built form and the character of the area, impact on residential; amenity and access to the site. Similarly, regarding infill development, the plan states that regard shall be had to the existing pattern of development, building lines, and scale and proportion of existing buildings. These issues will be considered in more detail in the sections below.

- 8.1.3 With regard to the potential impact of the proposed development on the historic and architectural character of the area, the appeal site is located adjacent to Nos. 1 and 2 Montpellier Terrace which are included on the record of protected structures and is also located within the Crescent / Sea Road ACA.
- 8.1.4 The first party states that as part of discussions with the planning authority it was agreed that the appeal site does not form part of the curtilage of the protected structures on Sea Road and specifically No.1 Montpellier terrace. From an examination of the site and the map of the site and environs it would appear to me that the appeal site and the adjoining site to the north west would originally have formed part of the one site. In the case of the appeal site, the outbuildings located to the rear of the protected structure and which are clustered around the courtyard to the south east of the current proposed development serve as a break between the main structure and the appeal site. They also however are clearly part of the curtilage and would be considered to form part of the curtilage of the main structure. On the basis of the above, I am not convinced that the appeal site lies outside what could reasonably be considered to constitute the curtilage of the protected structure at No.1. Notwithstanding this, I do not consider that the location and scale of the proposed infill dwelling is such that it would impact on views of the protected structures or on their character or setting. In this I note the impact of the separation of c. 45 metres between the structures and the visual separation resulting from the buildings in the courtyard.
- 8.1.5 The appeal site is located within the Sea Road / the Crescent Architectural Conservation Area (ACA). The plan does not provide any detail with regard to the exact features of merit within the ACA however it is noted that there is reference to the Crescent containing *'a very pleasant sweep of late Georgian style houses with gardens to the front and with further gardens and ancillary buildings and mews buildings to the rear'*. The proposed development would not have any adverse impact on the character of the ACA as viewed from public areas and as noted above, I do not consider that the development would adversely affect the character or setting of any of the protected structures located in the vicinity. Views of the proposed development would be limited from adjacent sites within the ACA area. For these reasons I do not consider that the proposed development would have a significant adverse impact on the character of the ACA.

- 8.1.6 A significant part of the objections to the development submitted by the appellant and observer relate to the legal interest of the first party to undertake the proposed development and the impact of past works on the condition of the area as well as drainage and services. Regarding ownership, as part of the request for further information the first party was asked to provide evidence of ownership of the site and entitlement to undertake the proposed works. The first party submitted deeds of ownership and evidence that they are the beneficiary of a right of way to the site. Whether this right of way or right to access is valid for access to a new or additional dwelling is not clear however this is not considered to be an issue which can be determined by the Board. On the basis of the information presented and on file I do not consider that there is sufficient clarity on this issue such that permission should be refused on the basis of insufficient legal interest to undertake the proposed development.
- 8.1.7 Regarding the concerns expressed by the third party appellants relating to the damage done to the surface of the access and yard and also the damage to drainage and existing services, it is not possible to verify these statements as it was not possible to inspect the site prior to the undertaking of the relevant works. In any event, it is my opinion that issues regarding damage to shared areas which predate the assessment of this application are matters between the parties to the appeal.
- 8.1.8 With regard to the legality of the works undertaken to date on the site comprising the opening of an access and the sub division of the site through the construction of a block wall at the north western boundary of the site, the Planning Authority as enforcement authority for the area has not initiated any enforcement proceedings relating to these works. The new wall and access are included as part of the current proposal which is the subject of this appeal and are assessed below.
- 8.1.9 It is noted that the appellants raise an issue regarding discrepancies in the drawings submitted with the application. This discrepancy was noted by the Planning Authority and was included in the request for further information which issued. The revised plans for a reduced scale of development on the site which were submitted do not contain any obvious discrepancies in terms of dimensions.

8.2 Design and Impact on Residential Amenities

- 8.2.1 The design of the proposed dwelling is modern with shallow monopitch and flat roof elements. Finishes are proposed to be a mixture of render and cladding, details of which have not been provided. The basic design of development is, in my opinion acceptable for this location and as set out above I do not consider that it would have a significant adverse impact on the ACA or on protected structures in the vicinity. I would however have some concerns with regard to the proposed cladding material and while details are not provided I consider that these areas would be better finished in render or stone.

- 8.2.2 Regarding the scale and layout of accommodation proposed, on foot of the further information request issued, the scale of the dwelling has been reduced such that it is now proposed to be a two storey structure of c. 158 sq. metres. The level of private amenity space proposed now exceeds the minimum development plan requirement of 50 percent of the floor area, coming in at c. 137 sq. metres.
- 8.2.3 The layout of the first floor has also been amended and reduced in scale. The window to the first floor bedroom is now proposed to be 11.3 metres from the south western site boundary and no overlooking issues would arise in this direction. To the north east, the proposed dwelling adjoins the boundary with the sports hall structure on the adjoining site. There are roof lights in this structure however the scale of the proposed dwelling and the set back of the sports hall from the boundary is such that there would not be a significant loss of light arising. There would be no overlooking issues arising to this adjoining structure.
- 8.2.4 The internal layout and room sizes are all considered to be acceptable and would be in accordance with normal standards. A separate bin storage area is proposed at the south east corner of the site.

8.3 Access and Parking Provision

- 8.3.1 The development initially proposed the provision of a car parking space on site accessed via the existing laneway to the courtyard over which the first party contends they have a right of access. As part of the response to further information the Site Plan still indicates a car parking space however the response of the applicant states that this is to show how the development plan could be complied with and that it is not considered that a car parking space is required having regard to the central location of the site. Permission was granted by the Planning Authority subject to a condition omitting on-site parking. Given the scale of the dwelling with 2 bedrooms and the location of the site within 1km of the centre of Galway City I would agree that the provision of an on-site car parking space is not required to serve this dwelling.
- 8.3.2 The appellants and observers to the appeal have raised concerns with regard to the viability and safety of on street parking in the area and also additional parking demand being placed on the courtyard area adjoining the site and the access laneway from Sea Road. Ideally the future occupants of the site would park on Sea Road however it would appear that the occupants may have entitlement to park in the courtyard and to access the site via the existing laneway. I would agree with the first party that the impact on an additional car accessing the site via the laneway would not have a significant impact on vehicular or pedestrian safety. I also do not have any objection to the future occupants of the dwelling parking on Sea Road and using the laneway as pedestrian access to the site.

8.3.3 The existing opening in the stone wall that forms the south west facing boundary of the site would not be required in the event that on site car parking is not permitted. I consider that the on-site parking is not required and that the area indicated on the revised Site Plan submitted as further information would better be used as private amenity space to serve the dwelling. I also consider that the omission of the on-site car parking would facilitate the reinstatement of the wall to the courtyard area post construction and would have the effect of visually separating the site from the courtyard. For these reasons it is recommended that in the event of a grant of permission that a condition requiring the reinstatement of the south east site boundary other than what is required for pedestrian access would be attached.

8.4 Other Issues

8.4.1 No screening for appropriate assessment was submitted with the application and no screening assessment was undertaken by the Planning Authority. In my opinion given the relatively limited scale of the proposed development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.4.2 The s.48 development contribution scheme allows for the levying of a contribution of €2,500 in circumstances where no parking is proposed to residential developments in the inner city area. In the event of a grant of permission it is recommended that this amount be added to the €10,831 per residential unit above 125 sq. metres provided for in the scheme giving a total contribution of €13,381.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area, to the pattern of development in the area and the relationship of the site to the protected structures on adjacent sites, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character or setting of any protected structure or Architectural Conservation Area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th day of November, 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. The proposed development shall be amended as follows:
 - (a) The onsite car parking space shall be omitted from the development and integrated into the landscape private amenity space to serve the development.
 - (b) With the exception of a pedestrian entrance to the site, on completion of development on the site, the south eastern boundary of the site facing the existing yard area shall be reinstated with a stone boundary wall to match the existing. Details of the wall and opening to include materials and pedestrian access location and gate shall be submitted for the written agreement of the planning authority.
 - © The proposed 'proprietary cladding' to the elevations of the dwelling shall be omitted and replaced with stone.
 - (d) The south east facing side of the first floor terrace shall be fitted and thereafter permanently maintained with opaque glazing to a minimum height of 1.75 metres above the internal floor level of the terrace.

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 interests of residential amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 09.00 to 13.00 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.

5. 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 order to ensure that a reasonable amount of private amenity space is retained for the benefit of the occupants of the dwellings.

6. All service cables associated with the proposed development shall be located underground.

Reason: In the interests of visual and residential amenity.

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

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

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9. The developer shall pay to the planning authority a financial contribution of €13,331 (thirteen thousand three hundred and thirty one euro) 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. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Stephen Kay

Inspectorate

30th January, 2016