

An Bord Pleanála



Inspector's Report

PL15.246126

DEVELOPMENT:-

Construction of 4 no. two-storey terraced dwellings and the demolition of an existing dwelling together with ancillary and associated site works at Hale Street/Dawson Demesne, Ardee, County Louth.

PLANNING APPLICATION

Planning Authority: Louth County Council
Planning Authority Reg. No: 15/487
Applicant: McConnon Construction
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellants: Josephine and Patrick Malone
Types of Appeal: 3rd Party -v- Grant
Observers: None
DATE OF SITE INSPECTION: 28th April 2016

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL15.246126 relates to a third party appeal against the decision of Louth County Council to issue notification to grant planning permission for the construction of 4 two-storey terraced dwellings and the demolition of an existing dwelling on site at Hale Street, Ardee, County Louth. The grounds of appeal argue that the proposed dwellings will adversely impact on surrounding residential amenity.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the corner of Hale Street and Dawson's Demesne, (also known as Campbell's Park) in central Ardee, County Louth. The corner site occupies an area of approximately 890 square metres (0.22 acres) and accommodates a single-storey end of terrace dwelling which is to be demolished to make way for the proposed development. The remainder of the site is currently overgrown. The southern boundary of the site faces onto Hale Street while the western boundary of the site faces onto the southern end of Dawson Demesne near its junction with Hale Street. Lands to the north of the site which, according to the maps submitted, are under the applicant's ownership. These lands accommodate a vacant dwelling which is set to be demolished as the recent site to the north has recently benefitted from a grant of planning permission for 5 dwellings. Contiguous lands to the east accommodate a rear garden associated with the existing dwellinghouse which fronts directly onto Hale Street. This adjacent house of occupied by the current appellants. Residential dwellings with on-street parking to the front are provided on lands directly opposite the site on the southern side of Hale Street. Residential development is also located on the western side of Dawson Demesne directly opposite the site.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the construction of 4 terraced dwellings on the subject site. These two-storey dwellings accommodate living accommodation at ground floor level and three bedrooms including one en-suite bedroom and a bathroom at first floor level. The dwellings rise to a ridge height of approximately 7.5 metres and incorporate a blue/black slate tile finish and a painted render finish on the front and rear elevation.

The terraced dwellings face southwards directly onto the public road on Hale Street, no front gardens are provided. Four on-street car parking spaces are to be provided to the front of the dwellings. In terms of private open space, each house incorporates a rear garden ranging in size from 68 sq.m to 83 sq.m. A small paved area of open space is to be located adjacent to Unit No. 4 on the western side of the site. A communal bin area is also to be located within this area. A small laneway is proposed along the northern boundary of the site providing rear access to each of the gardens.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged with Louth County Council on 24th July, 2015. A planning information report and drainage report was submitted with the application.

A letter of objection to the proposal from the current objectors was submitted in respect of the application, the contents of which have been read and noted.

A submission from Irish Water states that there is no objection to the proposed development subject to conditions.

An internal Infrastructure Planning Report requested further information in relation to surface water drainage and car parking arrangements. A report in respect of appropriate assessment made a finding of no significant effects arising from the proposed development.

4.1 Additional Information Request

On 15th September, 2015 Louth County Council requested additional information in relation to:

- New arrangements in respect of watermains serving the proposed development.
- Redesign of external elevations on the proposed dwellinghouses.
- The applicant is requested to submit further details in relation to how the proposed demolition work can be carried out while safeguarding the chimney of the adjoining property.

- Further details are required to ensure that the proposed car park arrangements do not obscure sight line provisions at the junction between Dawson Demesne and Hale Street.
- Further details are required in respect of surface water discharge arrangements and hard and soft landscaping proposals.
- Finally the applicant is requested to submit revised newspaper notices.

4.2 Further Information Submission

Further information was received on 21st December, 2015. The information received included the following:

- Revised site layout showing revised watermain layout to the dwellings.
- Revised elevations and site layout including the redesign of ground floor windows on the front elevation.
- Further details in relation to the method statement to be employed in the construction of the new gable end to the adjoining dwelling. It is noted that it is not intended to demolish the existing party wall between the proposed and existing properties.
- New car parking arrangements and sight line provisions at the junction of Hale Street with Campbell's Park (Dawson Demesne) have been designed in accordance with the provisions of DMURS.
- Revised stormwater layout arrangements to the front of the dwellings were also submitted as were details of the proposed hard and soft landscaping to be incorporated into the design.
- Finally it is stated that it is not considered that the further information as submitted, represents a significant alteration from the original proposal and therefore it is not considered that a revised site notice and newspaper notice is required in this instance.

4.3 Further Assessment by the Planning Authority

A further submission from the Executive Engineer from the Infrastructure Directorate states in the case where planning permission is granted a number of conditions should be attached.

The planner's report assesses the proposed development and considers the further information submitted addresses the concerns of the

Planning Authority and therefore recommends that planning permission be granted for the proposed development.

In its decision dated 14th January, 2016 Louth County Council issued notification to grant planning permission for the proposed development subject to 14 conditions.

5.0 PLANNING HISTORY

One appeal file is attached PL15.245128. it is not relevant to the current application and appeal before the Board.

Details of one application, Reg. Ref. 14/539 is contained on file. Under this application planning permission was granted for the construction of four semi-detached dwellings and one detached two-storey dwelling together with the demolition of an existing dwelling on the site to the immediate north of the current application site. According to the information contained on file, these lands are also under the ownership of the current applicant. Planning permission was granted on the 11th May, 2015 subject to 13 conditions.

6.0 GROUNDS OF APPEAL

The appellants are the owners of the adjoining house to the immediate east of the subject site facing onto Hale Street. It is stated that the appellants' home and the adjoining property which is to be demolished dates from 1903. The appellants are elderly and live in the house with their two daughters and granddaughter and have mobility problems. In the absence of an appropriate survey, it is argued that it is impossible to ascertain the potential effects that the proposed development could have on the structural integrity of the appellants' dwelling and in particular the common party wall.

No consultation had taken place with the appellants in respect of the proposed development prior to issuing the request for additional information. It is acknowledged however that following the additional information request, consultation did take place and a survey of the appellants' property was carried out on behalf of the applicant. However the appellants still have a number of concerns. In particular it is stated that, notwithstanding the information submitted, the reality is that, the effect of carrying out such works to a structure which is over 110 years

old become clear when work has commenced. Therefor the potential impact is not fully understood.

Reference is made to Section 9.3.10 of the Development Plan which states that, in general, all new development should be consistent with the height of adjoining structures. The proposed development in this instance will exceed the height of the appellants' house by 0.9 of a metre. It is suggested that many of the elevational and design changes requested by the Planning Authority were simply ignored in the amended plans and specifications submitted in response to the further information request.

Should planning permission for the proposed development be granted, it is suggested that there are implications in terms of the Land and Conveyancy Law Reform Act 2009 and in particular Section 44 of this Act.

The appellants remain unconvinced as to the functionality of the shared chimney breast following the demolition and construction works to be undertaken. The chimney plays a very important role in the living room and the fireplace forms a core element of the amenity value of the room. If significant works are required to the chimney breast, the fireplace may become unusable and there is no alternative accommodation to facilitate the specific needs of the elderly appellants within the house.

The proposed development would include windows which would overlook the rear garden of the appellants' house and would seriously impact on the amenity value of the garden.

The applicant should also have been required to submit daylight and shadow projection diagrams to ascertain the amenity on adjoining gardens. The Planning Authority did not request that this be undertaken.

The applicant in acquiring the property adjacent to the appellants' house has also blocked up a right of way where the appellants have exercised the right to pass and repass over the rear of the adjoining property by foot for the purpose of gaining access to their own property and also by means of moving items to the front street including refuse bins.

If the Board decide to grant planning permission it is suggested that a number of conditions be altered or attached in any revised consent. These are set out in the grounds of appeal.

7.0 APPEAL RESPONSES

7.1 Planning Authority's Response

Louth County Council have not submitted a response to the grounds of appeal.

7.2 Applicant's Response

A response was submitted on behalf of the applicant by Stephen Ward and Associates, Town Planning Consultants. The response is briefly set out below.

The response sets out site location and description and makes reference to a recent National Housing Agency Report which identifies the need for a new housing in the Ardee area. It is estimated in this report that approximately 137 units are required in the Ardee area over a four year period from 2014. Reference is also made to the development plan in which Table 2.4 specifies that there is a need for approximately 48 residential units over the plan period 2015 – 2021. The response goes on to outline the various policies and provisions contained in the statutory development plan and the local area plan in respect of car parking, energy requirements, residential density, open space provision and housing layout and design principles. It is stated that the proposed development complies with or exceeds the standards referred to.

The grounds of appeal go onto set out the Planning Officer's assessment and the decision of the Planning Authority in respect of the proposed development. It is noted that the proposed development, including the additional information submitted, were deemed to be acceptable to the Planning Authority and thus the Authority issued notification to grant planning permission for the proposal subject to 14 conditions. The response then goes specifically on to address the issues raised in the grounds of appeal.

With regard to the issue of the party wall, it is noted that the applicant has complied fully with the FI request and the Planning Authority were satisfied with the Method Statement submitted.

It is requested that An Bord Pleanála follows the same approach as in the case of Reg. Ref. PL06F.245524 which also proposed the demolition of a dwelling which adjoined an existing dwelling. A condition

was attached which is set out in the grounds of appeal and this condition is deemed to be appropriate in the case of the current appeal before the Board.

With regard to the issue of the variation in building heights between the dwellings, it is noted that there is a variety of roof pitches over the full length of Hale Street and that the Planning Authority noted the variation in building heights. However the Planning Authority did not consider that while the proposed ridge height does not match the adjoining property it the proposal was inconsistent with the adjoining property.

With regard to Section 44 of the Land and Conveyancy Law Reform Act, it is stated that the applicant will ensure that any works conducted will be in compliance with all legal issues. It is also noted this is not a matter for the planning system. Reference is made to Section 34(13) of the Planning and Development Act 2000, as amended.

With regard to impacts on overshadowing, reference is made to the first report of the Planning Officer and notes that the appellants' dwelling has a single storey extension to the rear and the projection of the proposed development, adjacent to the shared boundary, matches this projection. It is not considered that the proposed dwelling will overshadow the appellants' property and it is noted that the Planning Authority on foot of this conclusion did not request the requirement for daylight and shadow projections be requested in this instance. Furthermore the proposal contains no windows which directly face another dwelling and this should be considered acceptable in terms of overlooking. It is considered that the development will add value to the appellants' property by providing houses on a vacant brownfield site.

The applicant has provided copies of the Land Registry documents showing the extent of the existing right of way and it is noted that it does not extend into the applicant's land. It is further submitted that this is a legal issue and the planning system is not the forum in which to resolve it.

7.2 Further Submissions

A further submission from the appellant reiterated concerns raised in the original submission in relation to daylight, sunlight and overshadowing, height of the building and the issue of revised conditions.

A submission from the planning authority stated that it had no further comments.

8.0 DEVELOPMENT PLAN PROVISION

8.1 County Development Plan

Louth County Development Plan 2015 – 2021. Ardee is identified as a moderate sustainable growth town within the County Plan.

8.2 Ardee Local Area Plan 2010 – 2016

The subject site is zoned for residential development under this Plan with the objective to “protect and/or enhance residential communities and provide for new residential communities”.

The following policies are important.

DEV 3 - to facilitate the orderly and sustainable development through the implementation of the overall phasing strategy of the Plan as follows:

1. Phase 1 residential development comprises of committed dwelling units, residential development in the town centre (as per zoning) where residential is provided as part of mixed use development within commercial uses and infill housing, where it is a permitted use or a use open for consideration and providing that the necessary physical and social infrastructure is available.

In terms of car parking requirements, new dwellings will require one car parking space per dwelling in an urban/brownfield location. In terms of plot ratio, the maximum plot ratio should be 2:1. In town centre sites site coverage shall not exceed 80%.

In terms of building lines it is stated where there are established building lines, particularly on infill sites, these should be respected.

In terms of private amenity space with houses in town centre and brownfield sites, the minimum private open space shall be 50 square metres.

In terms of internal space requirements all new developments should be required to comply with DoEHLG Guideline Standards.

9.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider that the most pertinent issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Compliance with Residential Standards
- Potential Impact on Party Wall between the Proposed Dwelling and the Appellants' Dwelling
- Impact on Amenity
- Right of Way Issues

9.1 Principle of Development

The subject site is located on lands zoned for residential development. The proposed land use therefore is acceptable in principle. Furthermore the surrounding land uses are predominantly residential development and the proposed development is deemed to be compatible with these land uses. Finally the Ardee Local Area Plan 2010 – 2016 sets out residential phasing in respect of future residential development to be accommodated within the town. The subject site is located on lands which could be considered to be 'Phase 1 Residential Development' which comprises of committed dwelling units and infill houses on brownfield sites within the town centre. This again in my opinion makes the site very suitable for residential development such as that proposed. I therefore consider that the principle of residential development on the subject site should be accepted subject to qualitative safeguards and these are dealt with in more detail below.

9.2 Compliance with Residential Standards

Section 9 of the Ardee Local Area Plan sets out development management standards required for all new developments including residential development. In relation to residential density, the plan requires brownfield town centre sites to accommodate 30+ units per hectare in town centre locations and in the case of edge of centre sites should accommodate between 20 and 30 units per hectare. The

proposal in this instance seeks permission for four residential units on a 0.089 hectare site. This equates to approximately 45 units per hectare which is above the standards set out in the Development Plan. It is my opinion that the Board could consider granting planning permission for a small scale infill development such as that proposed notwithstanding the fact that it exceeds the standards set out in the Development Plan provided the proposal achieves other qualitative standards as set out in the Plan.

Furthermore I would refer the Board to the Guidelines set out in the Department of the Environment, Heritage and Local Government Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area. I note that in Chapter 6 which relates to small towns and villages such as Ardee (population ranging from 400 to 5,000 persons) that densities of 30 to 40+ dwellings per hectare are deemed to be acceptable in centrally located sites.

In terms of private open space, the local area plan requires a minimum of 50 square metres per dwelling regardless of size in town centre/brownfield sites. In the case of the current application the Board will note that private open space is provided to the rear of each dwelling ranging in size from 68 square metres (House No. 3) to 83 square metres (House No. 1). The proposal therefore fully accords with the standards set out in the local area plan.

In terms of car parking spaces four on-street car parking spaces are provided on site. This is in accordance with the development plan standard, which requires one space per unit.

In terms of roof height, the development will result in a slightly higher ridge height than the adjoining house. While the Ardee LAP requires that all new development should be consistent in height with adjoining structure. The increase in ridge height by less than 1 meter is not significant or material in my opinion. It results in a development that is consistent with the overall character along the street. I do not consider that the statement contained in the LAP requires the Planning Authority or the Board to slavishly adhere to the exacting ridge heights of adjoining buildings.

Overall therefore I am satisfied that the proposed development accords with the standards set out in the development plan. Issues in relation to private amenity in terms of overlooking and overshadowing are dealt with under a separate heading below.

9.3 Potential Impact on Party Wall between Proposed Dwelling and Appellants' Dwelling

The appellants have expressed significant concerns that the proposed development will interfere with the structural integrity of the existing gable wall on the western side of the appellants' house. This issue was raised by the Planning Authority by way of additional information. In response the applicant submitted a detailed Method Statement for the removal of the existing dwelling and the construction of a new gable wall. It states that the existing party wall between the dwellings will not be removed or disturbed and will remain intact. The sequencing of works are set out. A new independent gable wall is to abut the existing gable wall and chimney breast associated with the existing dwelling. A 300 millimetre void is to be left between both gable walls. The existing chimney breast on the western gable of the appellants' house will not be affected by the proposed development. The layout and configuration of both party walls are indicated on Drawing No. C1302-P10(02).

Based on the information submitted, and in particular the Method Statement submitted, I am satisfied that the proposed development can be carried out without adversely impacting on this structural integrity of the appellants' gable wall. Furthermore I do not consider that the proposed adjoining development will in any way affect the chimney breast or fireplace associated with the appellants' dwelling and will not result in the closing off of the fireplace during the extent of works to be undertaken and as such I do not consider that the appellants' amenity will be any way affected in this regard.

9.4 Impact on Amenity

Concerns are expressed that the proposed development could adversely impact on the appellants' amenity in terms of overlooking and overshadowing.

In terms of overlooking, I note that the houses in question are dual aspect with the front elevation of the houses directly overlooking Hale Street while the rear of the dwellinghouses directly face onto the private rear gardens of the proposed dwellings granted permission under Reg. Ref.14/539. No windows are proposed on the western or eastern gable ends of the terrace. The orientation of the fenestration will not in my opinion have any significant or material adverse impact on the appellants' amenity in terms of overlooking. Oblique views of the

appellants' rear garden will be available to the future occupants of the dwelling from the first floor rear bedrooms windows. Inevitably some oblique overlooking will occur in urban/town areas where houses are located in close proximity. However I do not consider that this will have a significant impact on the appellants' amenity in terms of overlooking. The appellants' garden is particularly long, c.90 metres in length, and the proposed development will not result in a significant impact in terms of direct overlooking of the rear garden. Furthermore I note that the houses granted planning permission to the immediate north of the site face westwards and the rear elevation of the proposed houses face onto the gable ends of these dwellinghouses. Therefore I consider that the proposed development does not represent a significant threat to the amenity of either existing or proposed dwellings on surrounding sites in terms of overlooking.

In terms of overshadowing, I consider that the proposed development will not have a significant impact on the appellants' amenity. The area that will be most affected in terms of overshadowing will be the rear gardens of the dwellings proposed as these lie directly north of the buildings proposed. I note that the appellants' house has a rear extension and the proposed dwellings do not protrude to any material extent beyond the appellants' rear extension. The proposed development is therefore unlikely to give rise to any significant overshadowing issues. Again I would refer the Board to the fact that the existing garden to the rear of the appellants is c.90 metres in length and only a small proportion of the garden is likely to be affected in terms of overshadowing during the evening time in the winter months and this impact will be negligible. I would concur with the Planning Authority that there is no need for detailed shadow casting analysis in respect of the proposed development.

9.5 Right of Way Issues

The grounds of appeal argue that the proposed development will impinge on an existing right of way leading to the rear of the appellants' property. No details were provided in the grounds of appeal in terms of land registry maps etc. that such a right of way exists. The applicant in his response to the grounds of appeal, provided an extract from the Property Registration Authority which indicates that no such right of way exists across the subject site. It appears therefore, based on the information contained on file that the proposed development no way impinges on an existing right of way. However I acknowledge that this is

a legal issue and is a matter for a court of law and not An Bord Pleanála.

10.0 Appropriate Assessment

The nearest Natura 2000 site to the proposed development is the Stabannan – Braganstown SPA (Site Code: 004091) which is located approximately 5 kilometres north-east of the subject site. The Dundalk Bay SPA and SAC are located a further 12 kilometres north-east of the subject site. There are no other Natura 2000 sites in closer proximity than the aforementioned designated sites. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on European sites in the vicinity.

11.0 CONCLUSIONS AND RECOMMENDATION

Arising from my assessment above, I consider that the Board should uphold the decision of Louth County Council and grant planning permission for the proposed development on the grounds that the proposed development is fully in accordance with the land use objectives associated with the site and the proposed development will have a negligible adverse impact on the amenity of surrounding residential dwellings in the area.

12.0 DECISION

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the subject site, it is considered that subject to conditions set out below, the proposed development will not adversely affect or seriously injure the residential amenities of the area, would not be prejudicial to public health and would generally 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 received on the 21st day of December 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. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. Four car parking spaces shall be provided. The locations and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate parking provision is available to serve the development.

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.

Reason: In the interests of visual and residential amenity.

7. (a) Screen walls should be provided along the western boundary of the site bounding the public road and along the eastern boundary of the site along the common boundary with the adjoining residential property to screen rear gardens from public view. Such walls shall be 1.8 metres in height above ground level.
(b) The screen walls shall be constructed in blockwork and shall be capped and rendered on both sides in accordance with the requirements of the planning authority.

Reason: In the interest of residential and visual amenity.

8. All rear gardens shall be bounded by block walls 1.8 metres in height, capped and rendered on both sides to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

9. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
(b) This plan shall provide for screened bin stores, which shall accommodate not less than 8 standard-sized wheeled bins within the curtilage of the site.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. The hard landscaping as detailed by Drawing C1302-P09(02)b submitted on 21st day of December shall be completed prior to the occupation of any of the houses.

Reason: In the interest of visual and residential amenity.

11. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details submitted to the planning authority as per Drawing C1302-PO9(02)b.

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

Reason: In order to screen the development and in the interest of visual amenity.

12. Prior to the commencement of development the applicant shall apply for a licence from the planning authority for proposed hoarding and footpath diversion as may be required in accordance with the requirements of Section 254 of the Local Government (Planning and Development) Act 2000 as amended. The developer shall abide by the conditions set out in the said licence.

Reason: In the interest of orderly development and traffic safety.

13. Prior to the commencement of the development the developer shall make all necessary arrangements in order to obtain road opening licences from the planning authority for the construction of watermain pipelines, drainage pipelines and all other services in the public roadways and footpaths. The developer shall abide by the conditions in the road opening licence.

Reason: In the interest of orderly development.

14. All necessary measures shall be taken by the developer/contractor to prevent the spillage or deposit of clay, rubble other debris on adjoining public road or footpaths during the course of development works. The developer shall be responsible for the full cost of carrying out road/footpath cleaning work.

Reason: In the interest of orderly development.

15. The developer shall pay to the planning authority a financial contribution of €29,234 (twenty nine thousand two hundred and thirty four 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.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

**Paul Caprani,
Senior Planning Inspector.**

**28th April, 2016.
sg**