



An  
Bord  
Pleanála

## Inspector's Report PL27.247126

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<b>Development</b>	Demolish and redevelopment of existing discount foodstore
<b>Location</b>	Blacklion Centre, Blacklion, Coolegad, Greystones, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council
<b>Planning Authority Reg. Ref.</b>	16/177.
<b>Applicant</b>	Lidl Ireland GmbH
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	(1) Derek Mitchell (2) Temple Carrig School (3) RGDATA
<b>Observers</b>	none
<b>Date of Site Inspection</b>	30/11/16
<b>Inspector</b>	Siobhan Carroll

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at Blacklion to the north of Greystones. The site has a stated area of 1.35 hectares and it forms part of the Blacklion neighbourhood centre. It comprises the existing Lidl supermarket and the car parking area to the north and west of the building and the grassed area to the north of the car parking area. It is access via a distributor road off the R761.
- 1.2. Blacklion neighbourhood centre also contains a pharmacy, café, arts and craft shop, coffee shop, hairdressers, dentist, Chinese medical clinic, and a pizza shop. The Lidl and the other retail and commercial premises are served by surface car parking containing 200 no. spaces.
- 1.3. The neighbourhood centre is accessed via a distributor road which also serves three schools located on the opposite side of the road. The three schools are Temple Carrig Secondary School, Greystones Educate Together and Gael Scoile na gCloch Liatha.
- 1.4. There is residential development Blacklion Manor to the south of the neighbourhood centre and the housing developments Rathdown Park and Redford Park are situated to the east of the neighbourhood centre.

## **2.0 Proposed Development**

- 2.1. Demolition and redevelopment of existing licensed discount foodstore, construction of new mono-pitched two storey licensed discount foodstore, signage, 181 car parking spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 12 no. conditions

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- Following the submission of further information in relation to landscaping, vehicular and pedestrian traffic and surface water details the Planning Authority were satisfied with the details provided and recommended that permission be granted.

### 3.2.2. Other Technical Reports

Roads Department: no objections subject to conditions.

Municipal Engineer: further information required.

### 3.2.3. External report

Inland Fisheries Ireland: no objections subject to conditions.

Irish Water: no objections

## 3.3. Prescribed Bodies

An Taisce: The Planning Authority should ensure that the proposed scale of convenience offer is *“appropriate to the size of the town, the catchment of the neighbourhood centre and the impact on the vitality and vibrancy of the town centre and other neighbourhood centres in the locality.”*

## 3.4. Third Party Observations

The Planning Authority received 4 no. submissions/observations. The main issues raised are similar to those set out in the appeals.

## 4.0 Planning History

There is an extensive planning history relating to the area which is detailed in the Planner's report. The relevant decisions relating to the subject site are;

**Reg. Ref. 14/20143 & PL27.244883** – Permission was granted for a Café(McDonalds), health and fitness studio, commercial unit, two storey drive-thru

restaurant, car parking spaces, pedestrian accesses, bicycle parking, lighting, signage, canopies, associated works.

**Reg. Ref. 06/6903** – Permission was refused for two storey flat roofed retail unit of c. 2,000 sq. m. net floor area and c. 2809 sq. m. total floor area to accommodate comparison retail goods, comprising of ground floor lobby, sales and storage area, sales area and welfare area, elevator, an enclosed dock leveller, 2 no. building mounted signage and boundary treatments with connection to all existing services, replacing previously granted planning permission for a leisure centre (ref. 04/1354 and PL.27.209412) with 16 car parking spaces.

**Reg. Ref. 04/1354 & PL27.209412** – Permission was granted for a discount foodstore, leisure and fitness centre, retail and office units, parking and associated works.

## 5.0 Policy Context

### 5.1. Development Plan

Wicklow County Development Plan 2010-2016

- Chapter 10 refers to retail

Greystones-Delgany-Kilcoole Local Area Plan 2013-2019

- Section 4 refers to retail
- The site is zoned NC: To protect, provide for and improve a mix of neighbourhood centre services and facilities, which provide for the day to day needs of the local community.
- Roads Objective -RO16 -To improve, subject to further feasibility studies, detail design and traffic impact assessment, the capacity of the R761/new Blacklion junction.

## 5.2. Natural Heritage Designations

- The site is located approximately 2.1km from Bray Head SAC Site Code (000714).
- The site is located approximately 2.7km from the Glen of the Downs SAC Site Code (000719).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

(1) A third party appeal was submitted by Councillor Derek Mitchell on the 19<sup>th</sup> of August 2016. The main issues raised concern the following;

- The proposed development represents a 59% increase in the floor space of the convenience store. The site at the north-eastern corner will be retained for future commercial buildings and there will be a reduction in the amount of car parking available.
- The proposed road improvements should be implemented before the development can commence.
- It is stated that traffic at Blacklion is very severely congested in the AM two hour period and also in the PM peak. It is noted that during the day there are long delays for traffic turning right from Lidl.
- It is noted that a number of external factors will increase traffic in the area. The construction of 370 at the Harbour scheme and two further schemes each with 200 houses close to Lidl. The increase in numbers attending the schools is also noted. Changes to the operation of the Dart and train services will also impact traffic.
- It is noted that traffic often diverts from the N11 when there are traffic jams.
- It is stated that no further development should take place until the roads Objective RO3 between Delgany and Blacklion has been

completed due to the narrow nature of the middle section of the exiting road.

- Objective RO16 refers to the expansion of the R761 junction with Redford Park. It is recommended that at least 1 extra lane going north is provided and that the bus stop is inset. Buses stopped at Blacklion on the R761 block the flow of traffic in both directions.
- The permission granted by the Planning Authority states that the applicant must provide land to inset the bus stop and provide a left turn, this is important and necessary at this location. This development must be carried out before any further commercial development and traffic is allowed.

(2) A third party appeal was submitted by Temple Carrig School on the 25<sup>th</sup> of August 2016. The main issues raised concern the following;

- The proposed development would have a material impact upon Temple Carrig School particularly in terms of traffic considerations.
- It is stated that the local road network has insufficient capacity to cater for the traffic generated by the schools and also the existing Lidl store and the associated retail and office facilities.
- There is congestion at peak traffic times. The proposed development is premature until new traffic measures are introduced at the junction of the access road and the R761.
- The appellants welcome the condition attached by the Planning Authority which requires that lands be reserved for a cycle lane, bus bay and left turn into Blacklion. It is considered that the applicant should pay a contribution towards the works.
- The scale of the development proposed is larger than normally accommodated in a neighbourhood centre.
- The intensification of use of the site by the applicant will give rise to traffic safety issues. The proposed pedestrian routes through the site from the road should take full account of the pedestrian traffic pattern and ensure that pedestrians are adequately protected.

(3) A third party appeal was submitted by RGDATA on the 31<sup>st</sup> of August 2016.

The main issues raised concern the following;

- The area of the proposed convenience supermarket is 2,752sq m this would result in an overall increase of 59% in the size of the premises. This would have a negative impact on the existing designated town centre.
- Blacklion neighbourhood centre contains the existing supermarket, a pharmacy, café, office, coffee shop and dentist. To permit a supermarket of this scale would attract customers from a broader catchment area.
- It is recommended that a full Town Centre Health Check is carried out in Greystones Town Centre before any new retail development is considered.
- The proposed scheme includes 181 car parking spaces which will encourage car borne journeys.
- Traffic volumes will be further increase with additional deliveries.
- Having regard to the existing development in the area including three schools and the existing neighbourhood centre it is considered that the proposal is premature pending new traffic measures.

## 6.2. Applicant Response

A response to the third party appeals has been submitted by Tony Bamford Planning on the 26<sup>th</sup> of September 2016. The main issues raised concern the following;

- In relation to the scale of the proposed convenience store the retail policy associated with the Development and the Local Area Plans relevant to the application make it clear that:

“Blacklion will be allowed to have larger stores as a result of its proximity to a growing community in the area.”

- The Local Area Plan notes that *“in order to provide for a target population in Greystones-Delgany of 24,000, the plan must provide for an increase in the amount of housing units from 6,637 in 2011 to a total of 10,402 in 2022, representing a total increase of 3,765 units. Additional land (has been) zoned for residential use at Coolagad, being within walking distance of Blacklion neighbourhood centre and schools.”*
- The proposed increase in sales floor area is considered relatively modest. The centre is earmarked to accommodate a larger supermarket due to its proximity to the major housing growth area in the town.
- RGDATA has focussed on the gross floor area of the store. The gross floor area has increased to provide more storage in store and reduce the need for HGV trips.
- The neighbourhood centre is designed to cater for the day to day needs to localised populations within the settlement. The diversity of retail and services is limited. More people will shop in the centre but it will be a result of the growing population over time.
- The traffic report prepared by Stephen Reid Consulting addresses the more technical aspects of the traffic and access issues.
- The proposed development has a left turn lane off the R761. The Board granted permission for the McDonalds and Leisure Centre under PL27.244883 that scheme also included a left turn lane.
- The Board in determining PL27.244883 accepted that LIDL would cede the lands to the council as part of the overall project. Condition no. 5 as issued by the Planning Authority requires that no development shall take place on the lands setback from the R761 as per drawing Drawing No. SRC-054-101 submitted to the Planning Authority on the 8<sup>th</sup> of July 2016. This is consistent with the approach already permitted by the Board.
- The proposed scheme provides 173 car parking spaces and 8 disabled spaces. Therefore a total of 181 is provided.
- The key benefit of focusing development at this location is the proximity to existing and new housing, new schools and services. Therefore, the



proposed development meets the challenges of proper planning and sustainable development and Smarter Travel.

- The development is consistent with the Development Plan it respects the total quantum of convenience space required for the town.
- The proposed layout will result in a reduction of car parking but it accords with the minimum standards as set out in the Development Plan.
- The proposed development is different to the Enniscorthy Lidl case which the Board determined under PL26.246524. The existing store's front façade faces the Blacklion Link Road and the R761. The proposed replacement store retains the same perspective but with an enhanced façade. The applicant is proposing substantial perimeter of landscaping and additional planting.
- The appeal lodged by Temple Carrig School requested that LIDL pay for the upgrade works to the junction of the R761 and Blacklion Link Road. The works to the junction are part of the works covered by the Development Contribution Scheme.
- It is noted that Board did not require the applicant to fund the left turn lane as part of the previous McDonalds permission, despite the greater traffic volumes. The reservation of the land for a future turn lane was accepted by the Board.
- In conclusion the additional net sales space will be 399sq m and it will be 80% convenience sales. The 399sq m of net sales space can be accommodated by the projected capacity of the retailing as set out in the Local Area Plan.
- Overall the development is a positive addition to the area and it is requested that the Board grant permission.

### **6.3. Planning Authority Response**

- None received

## 6.4. Further Responses

A further submission was received from Councillor Derek Mitchell on the 22<sup>nd</sup> of September 2016. The main issues raised concern the following;

- The traffic at the junction between Blacklion and Redford Park is very severe. There are a total of 12 no. scheduled buses which stop there in the Northbound peak hour. Due to the substantial number of people boarding the buses they stop for a considerable time.
- Following a request from Councillors Dublin bus is considering putting on extra 184 buses to deal with the school demand.
- Additional commercial traffic from the development which increases the floor area by 59% should not be permitted until the junction is improved, this is in accordance with Roads Objective RO16.
- Both the appeals have expressed concerns regarding traffic congestion.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Planning History
- Vehicular Access and Traffic
- Appropriate Assessment

### 7.1. Principle of Development

- 7.1.1. The subject site at Blacklion, Greystones, Co. Wicklow is located within the plan area of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019. The site is zoned NC Neighbourhood Centre in the LAP with the objective "To protect, provide

for, and improve a mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community". The Neighbourhood Centre at Blacklion is one of four neighbourhood centres which serve Greystones. The other neighbourhood centres are Bellevue Road (Tesco/Donnybrook Fair), Mill Road (spread over 2 sites) and Charlesland (Supervalu). Section 4.1 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 refers to retailing it sets out the policy for retail provision for Greystones and states that between 2006 and 2022, Greystones is allocated a total of up to 3,500m<sup>2</sup> convenience space and 12,000m<sup>2</sup> comparison space. It is stated that having regard to the retail space which has been constructed or is permitted and which is awaiting commencement or completion, there is a need for approximately an additional 1,300m<sup>2</sup> convenience floorspace and 8,000m<sup>2</sup> of comparison space, to be provided between 2013 and 2022 in Greystones-Delgany. These areas apply to all the centres within the plan boundary.

- 7.1.2. The existing supermarket has a gross floor area of 1,730sq m and a net retail sales area of 1,286sq m. The proposed development comprises a gross floor area of 2,752sq m and a net retail sales area of 1,685sq m. This would result in an increase in the net retail area of 399sq m. I note that currently the retail floor space represents 75% of the total floor area while the proposed scheme would result in the retail floor space representing 60% of the gross floor space. The first party in their response have stated that additional floor space is required for storage and this will mean a reduction in the number of deliveries.
- 7.1.3. The third party appellants RGDATA consider that the proposed development would have a negative impact on the existing designated town centre in Greystones. They recommend that the Board consider the impact upon the town centre in determining the appeal.
- 7.1.4. On inspection of the subject site I also reviewed the current situation with regard to retail provision at the other neighbourhood centres in Greystones and along Greystones Main Street. There are currently no vacant retail units along Greystones Main Street. Furthermore, there are no vacant units in the Meridan Point Centre which caters for comparison shopping. There are no vacant units at the Tesco neighbourhood centre at Bellevue Road and also at the Charlesland neighbourhood centre. There is a vacant unit adjoining the Aldi supermarket on Mill Road. The

situation regarding retail and commercial activity in Greystones both along the Main Street and in the neighbourhood centres appears to be very strong with a good mix of convenience and comparison retailing. Accordingly, I do not consider that the provision of an additional 399sq m of net convenience floor space would impact the vitality and viability of Greystones town centre.

7.1.5. In conclusion, having regard to location of the site within an existing neighbourhood centre, the relatively limited increase in net retail floor space and having regard to Section 4.1 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 which provides for additional 1,300m<sup>2</sup> convenience floorspace up to 2020, I consider the proposed development would be acceptable.

7.1.6. In relation to the design of the building, the front elevation of the building addresses the distributor road to the west. There is a mix of glazing, plastered finish and cladding to this elevation. While the front elevation has a length of 68m, I consider that there is adequate variety in the elevational treatment. The northern side elevation is in line with the front of the adjoining retail/commercial units within the neighbourhood centre. This elevation is also directly visible from the R761 to the east. The elevation contains predominately glazing with the signage proposed to the top corner. This is similar to the existing elevation. Overall, I consider the building is acceptable in terms of siting and design.

## 7.2. Planning History

7.2.1. The Board should note the recent relevant planning history on the site. Under Reg. Ref. 14/20143 & PL27.244883 permission was granted on the 30<sup>th</sup> of September 2015 for a McDonalds two storey drive-thru restaurant and a health and fitness studio with associated parking on the north-eastern section of the site. This development has not been carried out and I understand that McDonalds have confirmed that they will not go ahead with the scheme.

## 7.3. Vehicular access and traffic

7.3.1. The three third party appeal all raise the issue of traffic. The proposed development involves the redesign of the car parking area. The parent permission for the Blacklion neighbourhood centre (PL27.209412) provided a total of 234 car parking spaces. Further amendments to the scheme have resulted in the current layout

which provides 200 car parking spaces. The car parking serves the entire neighbourhood centre including the Lidl supermarket.

- 7.3.2. The proposed scheme would result in a reduction of car parking from the existing 234 to 181 spaces. The 181 spaces includes 8 no. for disabled parking. The total number of car parking spaces proposed exceeds the Development Plan requirement. The total floor space including the existing retail development is 4,082sq m. The Development Plan requires 4 car parking spaces per 100sq m. Therefore, a minimum of 163 spaces are required to serve the neighbourhood centre. While the proposed scheme results in a reduction of car parking space it is in excess of the Development Plan standards.
- 7.3.3. In relation to the matter of traffic generation, I note the appeal submission from Stephen Reid Consulting in response to the traffic issues raised in the third party appeals. The additional traffic the proposed scheme would generate is set out in the submission as 58 traffic movements during the peak evening time of 17.00-18.00 and 60 traffic movements during the peak Saturday hour of 14.00-15.00. This does not represent a significant increase in traffic movements. The recent development of the three schools on the western side of the distributor road have resulted in additional traffic movements around the school opening and closing times. It is likely parents dropping off and collecting children may also use the Neighbourhood Centre. There were a few examples of this when I inspected the site.
- 7.3.4. The scheme permitted by the Board on the north-eastern section of the site for the commercial unit including the drive-thru restaurant and fitness studio had an area of 1,114sq m. The Inspector in his assessment of that case consider that the traffic generated by that development was not at a level which would give rise to queuing either within the neighbourhood centre or on the adjoining regional route. The proposed development is comparable in terms of the increase in gross floor area which would be from the existing 1,730sq m to 2,752sq m i.e. an increase of 1,022sq m. Therefore, I consider that the existing road network can accommodate the additional traffic movements which would be generated.
- 7.3.5. The appellants have referred to the traffic at the junction between the R761 and the distributor road serving Blacklion. Roads Objective RO2 as set out in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 refers to the

completion of the new road from the R761 at Blacklion to Chapel Road, with an upgraded road continuing southwards to link up with the alignment of road objective R03. Objective RO3 refers to the realignment of Chapel Road in the vicinity of St. Laurence's School as necessary, to provide a more direct and efficient route to Blacklion from Delgany. Objective RO16 relates specifically to the junction between the R761 and the road at Blacklion it requires its improvement subject to further feasibility studies, detail design and traffic impact assessment, the capacity of the R761/new Blacklion junction. The appellants request that the applicant carry out these junction improvements prior to commencement of the development.

- 7.3.6. Drawing No: SRC-054-101 as submitted with the further information indicates a setback reserve on the R761 for future cycle lanes, bus bay and a left turn into Blacklion. Condition no. 5 as attached to the current permission issued by the Planning Authority requires that no development shall take place on the lands setback from the R761 as per the drawing. This was also required under the provisions of the permission granted under Reg. Ref 14/20143 & PL27.244883.
- 7.3.7. There are residential zoned lands to the west of Blacklion Centre and the development of these lands will necessitate the roads and junction improvements as set out in Objectives RO2, RO3 and RO16. The Local Authority will carry out these road schemes as and when they deem appropriate and when funding is available.
- 7.3.8. The proposed scheme also includes the relocation of the entrance to the car park from its existing location to the west of the Lidl supermarket to northern side of the site. This relocation is preferable as it moves the entrance further from the three school entrances. The Planning Authority attached a condition requiring the provision of a footpath within the car park to facilitate pedestrian movement between the parking spaces on the northern and western sides of the foodstore. I consider this is appropriate to improve pedestrian safety.
- 7.3.9. I am satisfied with the proposed scheme having regard to roads, traffic and parking considerations subject to the attachment of conditions requiring the provision of a footpath within the car park and the reservation of the required area to provide the junction upgrade.

#### 7.4. Appropriate Assessment

Having regard to the nature of the proposal a redevelopment of an existing convenience retail unit and car parking and the zoning of the site for neighbourhood centre development in the LAP which itself included an Appropriate Assessment, the history of permitted development on the site and the material submitted with the application and appeal which I consider adequate in order to issue a screening determination I conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the European Sites identified in the application documentation or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### 8.0 Recommendation

8.1. I recommend that planning permission should be **GRANTED**, subject to conditions, for the reasons and considerations as set out below.

#### 9.0 Reasons and Considerations

Having regard to the zoning of the site for Neighbourhood Centre uses in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 and to the mix of retail, office and residential uses close to the proposed development, to the access and parking provision set out in the application, it is considered that the proposed development, subject to compliance with the conditions set out in the schedule hereto, would not give rise to injury to visual amenity, would be acceptable in terms of traffic safety and convenience to road users, and would accord with the provisions of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 and with the proper planning and sustainable development of the area.

## 10.0 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 8<sup>th</sup> day of July 2016, 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 lands delineated for future road widening on the R761 including the Left Turn into Blacklion, Future Cycle lanes and Bus Bay as indicated on Drawing No. SRC-054-101 submitted to the Planning Authority on the 8<sup>th</sup> of July 2016, shall be kept free from any development.

**Reason:** In order to ensure a satisfactory standard of development in the interest of road safety.

3. A footpath with a minimum width of 1.8m shall be provided to facilitate pedestrian movement between the parking spaces on the northern and western sides of the foodstore, Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic and pedestrian safety.

4. Details of all signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



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

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - (a) Location of the site and materials compound including an area identified for the storage of construction refuse.
  - (b) Location of areas for construction site offices and staff facilities.
  - (c) Details of site security fencing and hoardings.
  - (d) Details of on-site car parking facilities for site workers during the course of construction.
  - (e) Measures to obviate queuing of construction traffic on the adjoining road network.
  - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
  - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
  - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
  - (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

6. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development, including samples, shall be submitted to and agreed in writing with the planning authority. In this regard, a panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency, and high maintenance detailing shall be avoided.

**Reason:** In the interest of orderly development and the visual amenities of the area.

7. Bicycle parking, that is, a minimum of 20 spaces, shall be provided at the site. Prior to commencement of development revised plans in this regard shall be submitted to and agreed in writing with the planning authority.

**Reason:** in the interest of public safety.

8. 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 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.

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.

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Siobhan Carroll  
Planning Inspector

14<sup>th</sup> December 2016