



An
Bord
Pleanála

Inspector's Report ABP-301663-18

Development

The demolition of 2 existing structures and the construction of a Gas DRI Structure and a three storey over car park building, which would accommodate 6 apartments, and all ancillary site development works.

Location

Assumption Road, off Watercourse Road, Blackpool, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

17/37681

Applicant(s)

Frank Sheahan and Box Hedge (Commercial) Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 27 conditions

Type of Appeal

Third party -v- Decision

Appellant(s)

Liam Hickey

Observer(s)

None

Date of Site Inspection

26th September 2018

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1 km north of the River Lee within the valley of the River Kiln. This site lies beside the North City Link Road (N20) at a point to the south of its junction with the North Ring Road (R635). It is accessed from the west off Watercourse Road via the western portion of Assumption Road, which has been severed from its eastern portion by the construction of the North City Link Road.
- 1.2. The site is triangular in shape and it extends over an area of 0.0796 hectares. The North Link Road bounds this site to the east at an appreciably higher level and so it effectively encloses the site. To the west the site is bound by the rear boundaries of residential properties on Watercourse Road, the majority of which comprise the terrace of street-fronted two storey dwelling houses known as Arthur Villas. Elsewhere along this Road there are examples of retail and commercial uses, too. To the north, the site is bound by the aforementioned western portion of Assumption Road, which rises to the east where it is laid out as steps and ramps that rise up to meet the North Link Road. A four-storey office building has been constructed on the northern side of Assumption Road from which it is also accessed.
- 1.3. At present, the site itself is vacant, except for a Gas District Regulating Installation (DRI) Structure, and it is overgrown with vegetation. Walls and steel palisade security fencing denote its boundaries.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of two sheds and a Gas District Regulating Installation (DRI) Structure on the site, which between them have a floorspace of 128 sqm.
- 2.2. The proposal would also entail the construction of a replacement Gas District Regulating Installation (DRI) Structure and a three storey over 6-space car park building with a floorspace of 761 sqm. This building would accommodate 6 apartments, i.e. 1 one-bed, 3 two-bed, and 2 three-bed units, and it would be stepped back over successive stories from the south.
- 2.3. The building would be sited on the eastern side of the site and it would “fit” into the north-eastern corner of the same. The new DRI structure would be sited in the north-

western corner of the site. The existing site entrance would be re-sited, and the adjoining western portion of Assumption Road would be either paved or re-surfaced. On-site, a paved area would accompany the ground floor car park, beyond which an area of communal open space would be laid out.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 27 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought concerning safeguarding the pedestrian nature of Assumption Road, the durability of proposed timber wall panels and louvre screens and the degree of privacy that these screens would afford, and landscaping and boundary treatments.

3.2.2. Other Technical Reports:

- Irish Water: No objection, observations made.
- Drainage Division: No objection, subject to conditions.
- Transport & Mobility: No objection, subject to conditions.
- Roads Design: Following receipt of further information, no objection, subject to conditions.
- Environment: No objection, subject to conditions.

4.0 Planning History

- 03/26901: Three storey over basement car park building, which would have accommodated a showroom at ground floor and offices on the upper floors: Refused on the grounds of over-development, residential amenity, and land use.

- Pre-application consultations occurred on 30th March 2016 and 4th May 2017.

5.0 Policy Context

5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within an area that is zoned Z09 (neighbourhood centres), wherein the objective is “To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services.” The accompanying commentary, under Paragraph 15.16, states that “residential uses are also acceptable within this zone.” Paragraph 16.59 addresses infill housing. Under the CDP, the western and southern reaches of the site are, also, shown as lying within the Blackpool ACA. The adjacent Nos. 1 – 6 Arthur Villas are recognised in the NIAH, reg. no. 20862038.

5.2. Natural Heritage Designations

Great Island Channel SAC (site code 001058)

Cork Harbour SPA (site code 004030)

6.0 The Appeal

6.1. Grounds of Appeal

- Attention is drawn to an existing storm water culvert, which runs to the rear of Arthur Villas and underneath the western boundary wall of the site. Returns to the Villas are suspended over this culvert on iron girders. Consequently, demolition works and excavations on the site could threaten the structural stability of these returns.
- A soil water pipe is attached to the aforementioned culvert and so it, too, could be adversely affected.

- The western side elevation of one of the two buildings proposed for demolition forms the shared boundary wall between the site and the appellant's property. No consent has been given for such demolition.
- Notwithstanding CDP parking standards, the proposed level of provision would be grossly inadequate and would be likely to lead to overspill parking within the surrounding area, wherein parking is already an issue.
- Attention is drawn to drawing no. PL020 and to the notation, which cites separation distances between the proposed western elevation and the western boundary of the site rather than to corresponding windows in Arthur Villas. The omission of the same raises a question mark over the validation of the application.

Notwithstanding this omission, the appellant estimates that the separation distances would be 17.65m with respect to the first and second floors of the proposed building and 19.69m with respect to the third floor, distances well below the customary 22m. The efficacy of the proposed screening in the long term is doubted. Likewise, proposed tree planting fails to take into account the aforementioned culvert.

6.2. Applicant Response

- With respect to the storm water culvert, the applicant states that the western boundary wall appears to be continuous with the eastern side of this culvert. The pile foundations of the proposed building would be set back 6m from this wall. When piling is taking place, vibration monitors would be employed. Likewise, the applicant proposes to undertake a dilapidation survey on Arthur Villas and any cracks found therein would be, subsequently, checked. The existing building on the western boundary would be dismantled by hand.
- In accordance with condition 24 attached to the draft permission, a CCTV survey of the existing public foul and storm water sewer would be undertaken prior to construction works and any subsequent damage caused by these works would be remedied by the developer.

- The proposal would entail the retention of the western boundary wall and, subject to the consent of the appellant and other relevant neighbours, the addition to it of a concrete coping.
- Under the CDP, the site lies within Car Parking Zone 3 and, for the proposed 6 apartments, the maximum provision of car parking spaces allowable would be 9.5. The appellant seeks the provision of 13 spaces, whereas the applicant proposes 6, which would be appropriate given the proximity of the city centre and the accessibility of public transport.
- While validation is a matter for the Planning Authority, the applicant expresses confidence that the submitted plans are in their own right valid.
- Attention is drawn to the level of the site, which is significantly lower than the N20 to the east. The design challenge, which the proposal meets, is to address this road well, while being compatible with the residential amenities of Arthur Villas to the west. The Sustainable Residential Development in Urban Areas Guidelines advise that “the careful positioning and detailed design of opposing windows can prevent overlooking even with shorter back-to-back distance(s)” than 22m. The proposed western elevation would thus be of stepped format with high level windows and screened balconies. Under condition 3 attached to the draft permission, landscaping would be undertaken in accordance with the scheme submitted as further information.

6.3. Planning Authority Response

No further comments.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use and development standards,
- (iii) Visual and residential amenities,
- (iv) Access and parking,
- (v) Water, and
- (vi) Screening.

(i) Legalities

7.2. The appellant questions the validity of the application on the basis that while the notation on drawing no. PL020 cites the separation distance between the proposed western elevation and the western boundary of the site, it does not cite the separation distance between this elevation and adjacent rear elevations of dwelling houses in Arthur Villas. He also draws attention to the absence of consent from adjoining landowners to the demolition of the existing shed, the western elevation of which forms part of the common boundary wall between the site and adjoining residential properties to the west.

7.3. The applicant draws attention to the Planning Authority's validation of the application and they express confidence that such validation is warranted. They also state that, insofar as the elevation in question forms part of the common boundary wall, it would be retained in-situ and, subject to the consent of adjoining landowners, a coping would be added to the entire boundary wall.

7.4. I note the foregoing exchanges. I note, too, that the appellant has cited the "missing" separation distance in his appeal.

7.5. I conclude that there are no legal impediments to the Board proceeding to assess the proposal in the normal manner.

(ii) Land use and development standards

- 7.6. Under the CDP, the site is shown as lying within an area zoned Z09 (neighbourhood centres). Residential uses are acceptable within this area and “on the ground” such uses, along with retail and commercial uses, are present within it. As the proposal is for the construction of 6 apartments, it would be acceptable, in principle, from a land use perspective.
- 7.7. To the west of the site lies Arthur Villas, a terrace of street-fronted two-storey dwelling houses, which lie within the Blackpool ACA and which are identified in the NIAH as being of regional interest.
- 7.8. Under the CDP, the site is located in Zone 3 for car parking and other purposes. Within this zone a good mix of dwelling sizes is sought. Under the proposal, the 6 apartments would comprise 1 one-bed unit (59 sqm), 3 two-bed units (82, 82 and 84 sqm), and 2 three-bed units (106 and 116 sqm) and so a good mix would be achieved of apartments with overall floor areas in excess of the minimum floor areas cited in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (March 2018). Other minimum floor areas and dimensional standards cited in this Appendix would be met, with the exception of unit no. 6, wherein no storage internal space is shown, and units nos. 1, 3, and 4, wherein insufficient internal storage space is shown. The proposal would however include outdoor storage space, which would be capable of being allocated to each unit. As the inclusion of additional internal storage space may be to the detriment of the submitted apartment layouts, I consider that it would be reasonable to regard this outdoor storage space as compensating for the said shortfalls, but not the complete absence of internal storage space, which would need to be addressed by means of a condition.
- 7.9. Under the aforementioned Appendix 1, private and communal amenity space standards would be met.
- 7.10. Qualitatively all of the proposed apartments would be dual aspect and they would be served by balconies with either southerly or westerly aspects. Habitable room windows would be inserted in the western elevation, which would be immediately adjacent to the North City Link Road (N20). Habitable room windows and glazed doors would occur elsewhere on the remaining elevations, which would either be

adjacent to or in the vicinity of the said elevated Road. I am thus concerned that traffic noise would detract from the amenities of the proposed apartments. This concern does not appear to have been addressed heretofore. In these circumstances, a prudent approach would be to condition the installation of triple glazing to ensure that such noise would be capable of being satisfactorily mitigated.

7.11. I conclude that the proposal would be appropriate from a land use perspective and that quantitative and qualitative development standards would be capable of being achieved, subject to conditions that address the absence of internal storage space in unit no. 6 and the need for triple glazing to mitigate traffic noise.

(iii) Visual and residential amenities

7.12. The proposed apartment building would be sited in the eastern portion of the site. It would “step up” in a northerly direction from one to two to three to four storeys. A combination of the elevated North City Link Road and the accompanying 2m high boundary wall to this Road would mean that the ground floor and part of the first floor would not be visible from vantage points to the east and so this building would “read” as being of a similar height to the adjacent office building to the north.

7.13. The proposed apartment building would be of contemporary design, which would incorporate rectangular forms and features and flat roofs. The western elevation would be tapered back in a southerly direction and it would be extensively finished in horizontal boarded panels with accompanying horizontal boarding employed as a means of screening balconies and roof terraces.

7.14. The scale of the proposed apartment building would be visible from vantage points to the west. In contrast to the previous proposal for the site (03/26901), the mass of the current proposal would be relieved by its stepped and tapered form and its verticality would be balanced by finishes with a strong horizontal emphasis. The resulting appearance would be of an elongated building that “fits” the site and bridges the marked difference in levels across its width.

7.15. The appellant expresses concern that the proximity of the western elevation of the proposed apartment building to the rear elevations of adjacent dwelling houses known as Arthur Villas would lead to overlooking and a loss of privacy. In this respect, the durability of the proposed screening measures is questioned.

- 7.16. The applicant responds by referring to the urban context of the site, wherein conventional suburban separation distances may have limited application. Attention is drawn to the screening measures incorporated within the design of the western elevation and to landscaping along the western boundary of the site. Overlooking and a consequent loss of neighbour privacy would thereby be mitigated.
- 7.17. I note the above exchanges. I note, too, that the horizontal boarding was re-specified, under further information, from timber to a wood plastic composite in order to address durability concerns, and that proposed landscaping could be conditioned to ensure that failure of species in the early years is remedied by replacement planting.
- 7.18. I conclude that the proposed apartment building would be compatible with the visual and residential amenities of the area.

(iv) Access and parking

- 7.19. The site is accessed from Watercourse Road via the western portion of Assumption Road. Sightlines and forward visibility at the junction between these two Roads is good. Assumption Road affords access to the site on its southern side and to an office building on its northern side. It also forms part of an east/west pedestrian route across the North City Link Road, which incorporates a signalised pedestrian crossing and steps and ramps at either end of it.
- 7.20. Under further information, the applicant brought forward a proposal to repave or resurface the western portion of Assumption Road adjoining the site in order to signal the shared surface nature of usage on this Road. The existing access to this site would be re-sited slightly further to the east and the site would be laid out to provide 6 car parking spaces, along with accompanying manoeuvring space. Three of these spaces would be sited at ground floor level underneath the proposed apartments and three in the open in the western portion of the site. Six cycle parking spaces would also be provided in an enclosed space at ground floor level.
- 7.21. The appellant expresses concern that the proposed level of car parking provision would, in practise, prove inadequate and that overspill car parking would occur within a locality that is already under pressure to cope with the demand for on-street car parking.

- 7.22. The applicant has responded by drawing attention to the location of the site within the CDP's Car Parking Zone 3 and to the accompanying standards, in Table 16.8, which compute to a maximum of 9.5 spaces for the current proposal. Given the proximity of bus routes to the site, the provision of 6 spaces is considered to be appropriate.
- 7.23. I note the above exchanges. I note, too, that the site is 1 km from the River Lee and the functioning city centre and so walking and cycling would be realistic commuting options for future residents who may work in the city centre. In these circumstances, I consider that the level of car parking provision proposed would be appropriate.
- 7.24. I conclude that the proposed access and parking arrangements for the site would be satisfactory.

(v) Water

- 7.25. The proposal would be served by the existing public water mains and the existing public foul and storm water sewers, all of which are sited in the western portion of Assumption Road. On-site, the applicant would install a surface water drainage system, which would be capable of attenuating flows generated by a 1 in 100-year storm event to the required degree, i.e. a discharge rate to the public system of no more than 2 litres per second.
- 7.26. The OPW's flood maps do not identify the site as being the subject of an identified flood risk. These maps do show flood events on 28th June 2012 at some remove to the north and south of the site and these events affected Watercourse Road. In this respect, I note that the site is appreciably higher than this Road and it adjoins the western portion of Assumption Road, which slopes downwards to join with the same. Accordingly, I do not consider that this site is at any identified risk of flooding.
- 7.27. The appellant draws attention to an existing storm water culvert, which runs to the rear of Arthur Villas and underneath the western boundary of the site. He expresses concern that, as the returns to the Villas are suspended over this culvert on iron girders, demolition and excavation works could compromise the structural stability of the culvert and these returns. Furthermore, a soil water pipe is routed through the culvert, too.
- 7.28. The applicant has responded to this concern by stating their awareness of the culvert, the eastern side of which evidently coincides with the western boundary wall

of the site. They undertake to demolish the existing shed on this boundary by hand. The proposed apartment building would be constructed by means of pile foundations, which would be sited a minimum of 6m away from the culvert. During piling, vibration monitors would keep a check on the culvert, the western boundary wall and Arthur Villas. Prior to the commencement of piling, a dilapidation survey of the Villas would be undertaken so that a baseline is available to facilitate the identification of any subsequent worsening of cracks. The applicant expresses confidence that with proper care and attention the proposed apartment building would be capable of being constructed without damage to either the culvert or Arthur Villas.

- 7.29. I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory. The site is not the subject of any identified flood risk. The proposed apartment building would be capable of being constructed without damage to an adjacent culvert of dwelling houses comprised in Arthur Villas.

(vi) Screening

- 7.30. Having regard to the nature and scale of the proposal, there is no real likelihood of significant effects on the environment arising from the proposal. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.31. The site is an urban one that is fully serviced. Having regard to the location of the site and the nature and scale of the proposal, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork City Development Plan 2015 – 2021 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for

Planning Authorities, it is considered that the proposal would, subject to conditions, comply with the Z09 zoning objective for the site and all relevant development standards designed to ensure that an adequate standard of amenity would be achievable for future residents. This proposal would be compatible with the visual and residential amenities of the area. Access and parking arrangements and water supply and drainage arrangements would all be satisfactory. The site is not the subject of any identified flood risk and no sub-threshold EIA or AA issues would arise. The proposal would thus accord 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 29th day of March 2018, 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) All glazed openings to the apartments shall be fitted with triple glazing.
 - (b) Unit no. 6 shall be provided with internal storage space.

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 order to afford a satisfactory standard of amenity to future residents.

3. Details of the materials, colours and textures of all the external finishes to the proposed apartment building 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. 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.

Prior to the commencement of development and on the substantial completion of development, a CCTV survey of the public sewerage system shall be undertaken. The scope of this survey shall be agreed in writing with the Planning Authority and it shall be submitted to the Planning Authority.

Reason: In the interest of public health.

5. Prior to the commencement of occupation of any of the apartments, the repaving or resurfacing of the road adjoining the site shown on drawing no. 4723_0010A shall be undertaken.

Reason: In the interest of pedestrian safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. Proposals for a scheme name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all scheme signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the

planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of the car park, open space and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this

development in the interest of residential amenity.

14. The landscaping scheme shown on drawing no. TMS/JC//05-A, as submitted to the planning authority on the 29th day of March, 2018, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established.

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 in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. The developer shall pay to the planning authority a financial contribution of €46,084 (forty-six thousand and eighty-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, 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. 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 An Bord Pleanála to determine.

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.

16. The developer shall pay to the planning authority a financial contribution of

€8725 (eight thousand, seven hundred and twenty-five euro) in respect of Cork Suburban Rail in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority for this project under section 49 of the Planning and Development Act 2000, as amended, on 13th November 2017. 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. 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 An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Hugh D. Morrison
Planning Inspector

23rd October 2018