



An  
Bord  
Pleanála

## Inspector's Report ABP 302430-18

---

<b>Development</b>	Development of 49 no. dwelling houses
<b>Location</b>	Skevanish, Innishannon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/7138
<b>Applicant</b>	Compass Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	1. Orla McCarthy 2. Barry O'Driscoll
<b>Observers</b>	Veronica Roche Olga Murphy & Adrian McEntee Ann Roche McCarthy
<b>Date of Site Inspection</b>	17/12/18
<b>Inspector</b>	Mary Kennelly

## 1.0 Site Location and Description

- 1.1.1. Innishannon is a key village which is situated on the N71 between Cork and Bandon. The village is located c.6km to the east of Bandon and has a good range of facilities and services including a small supermarket, shops, churches, cafes, pubs and restaurants and a petrol station. The site, is located within the townland of Skevanish in the north-western part of the village and is within the development boundary for the village. Innishannon village is within the Bandon river Valley and the river meanders through the settlement, generally following the line of the N71. The main built-up part of the village is located to the north of the N71 and the river flows east-west to the south of the national road, and crosses it further to the west at Innishannon Bridge. The site is located on the northern slopes of the valley and there is a forest with amenity walks and the ruins of a castle on the southern slopes, to the south of the N71. The shops and other facilities are mainly concentrated along the N71 (Main Street) to the south-east of the appeal site.
- 1.1.2. The site, which is roughly rectangular in shape, has a stated area of 2.61 hectares. It is accessed via a local road which branches off the N71 just to the west of the petrol station. The local road is steeply sloping at the south-eastern end before levelling off and serves a number of one-off houses, a large landscaped estate with stables (Dundaniel Estate) and farms. The gradient of the site is c.1:10 and there are panoramic views from the northern part of the site of the Bandon River Valley through the trees to the south. It is a large agricultural field which is bounded by groups of trees and hedgerows. The southern end partially bounds the local road, but the south-eastern corner is bounded by a small cluster of houses. Mid-way through the site, there is a farmhouse which lies outside the red line boundary, to the west, the access to which runs along the western boundary of the site. There is a further farmyard adjoining the site mid-way along the eastern boundary.
- 1.1.3. There is a small stone ruin within the site, immediately to the east of the western farmhouse. The ruin is surrounded by a cluster of mature trees. The entrance to the site is via an agricultural field entrance midway along the southern boundary, which is just beyond the 50 kph zone. The site is above the level of the adjoining road and

is bounded by mature trees and hedgerows on this boundary. Dundaniel Estate, which is bounded by stone walls and mature trees, is opposite this boundary.

## 2.0 Proposed Development

- 2.1.1. The application was lodged with the planning authority on the 1/12/17 with further plans and details received 22/05/18 and 12/07/18 following a request for further information dated 02/02/18 and clarification of further information dated 15/06/18. As amended, the proposal entails the construction of 16 no. Detached dwellings, 32 no. semi-detached dwellings and 1 no. terraced dwelling. The detached dwellings are all 4-bedroomed with floor areas ranging from 148.6m<sup>2</sup> to 158.6m<sup>2</sup>. The semi-detached dwellings are comprised of 12 no. 3-bedroomed (floor area of 104m<sup>2</sup>-117.5m<sup>2</sup>) and 20 no. 4-bedroomed units, (of which 10 are split level and 10 are not split level, ranging in floor area from 141.8m<sup>2</sup> to 148.6m<sup>2</sup>). The terraced dwelling has a floor area of 104m<sup>2</sup> and is 3-bedroomed. All of the proposed dwellings would be 2-storey in height.
- 2.1.2. The proposed development includes internal access roads with access gained from the local road to the south via a new entrance, which would be further to the west than the existing agricultural entrance. It is proposed to retain most of the existing boundary landscape screening around the perimeter of the site and to plant further native trees and shrubs as part of the landscaping plans. The layout is stated to have been influenced by the sloping topography of the site, with dwellings arranged in smaller groups along the contours of the slope resulting in shallower gradients for pedestrians and vehicles. In addition, it incorporates a number of split level houses to allow them to step down with the slope where necessary. There would be three main areas of open space, one to the south of the enveloped farmhouse, the second to the east of that farmhouse and the third at the northern end of the site.
- 2.1.3. The application is seeking a 10-year permission. The density of the proposed development is 19 units/ha. A mix of housing units is proposed and 10% would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. All private gardens would be in excess of 60sq.m per unit. The proposed development includes a lighting scheme and a substation.

2.1.4. It is proposed to connect to the public water supply and to the public wastewater system. It is noted that a letter from Irish Water accompanied the application which referred to the lack of capacity in the existing WWTP, but had also advised that the system is scheduled for upgrade, to be completed by 2020. It was advised that extensions would be required to facilitate connections by IW, at the applicant's expense. Surface water will be disposed by gravity sewer to the public system, following attenuation

2.1.5. The application is accompanied by:

- Planning Statement (Cunnane Stratton Reynolds)
- Architectural Design Statement (O'Mahony Pike)
- Engineering Report (Horganlynch)
- Recreation Amenity Strategy (Forestbird Design)
- Tree Survey Report (Cunnane Stratton Reynolds)
- Ecological Report (Karen Banks)
- AA Screening Report (Cunnane Stratton Reynolds)
- Copy of Derogation Licence from NPWS

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The P.A. decided to grant planning permission subject to 37 conditions including:

**Condition 2:** 10 year permission.

**Condition 3:** Omit ensembles from first floor of Part V units and incorporate space into bedrooms.

**Conditions 5 -12:** Various conditions regarding public lighting.

**Condition 14:** Retaining walls – the location, design and construction of any proposed retaining walls to be submitted to the P.A. for agreement.

**Condition 16:** Phasing – the development shall be phased and a development programme including a detailed comprehensive site layout showing all proposed

phases to be submitted and agreed prior to commencement of development, and to include construction traffic plan for each phase.

**Condition 19-20:** Requirements to enter connection agreement with IW and no dwelling to be occupied until water and sewage services in place.

**Condition 32:** no vegetation or structure to exceed 1m height within sight distance triangle.

**Condition 35:** €217,750 Special contribution towards works proposed to be carried out to provide new footpath and public lighting to service the development.

**Condition 36:** Development contribution of €119,097.32 – GDSCS.

**Condition 37:** Part V agreement.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The first Planner's report dated 02/02/18 notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary of Innishannon, which is expected to accommodate up to 150 new residential units over the lifetime of the LAP (2023). It was further noted that the recommended scale of individual housing developments is 25 units, but in light of the current housing crisis, the high demand for housing in the village, and the proposed phasing and 10-year permission, the proposed 49 no. housing development was considered acceptable. The density was also considered appropriate given the proximity to the village amenities. It was noted that there is a direct hydrological link to the Bandon River and Innishannon pNHA via the ditch alongside the eastern boundary. The bat roost survey was noted but it had not included the ruin on the site.

3.2.2. FI was requested regarding 33 no. items, which related to a wide variety of issues. These included a CEMP, a further bat roost survey, a TIA and a Road Safety Audit of the impact of the proposed development on the junction of the local road with the N71, revised sight distances at the entrance, revisions and further information regarding the internal road network, the proposed drainage system, the parking layout, water supply and public lighting. In addition, further clarity was required in

respect of the proposed connection to the public WWTP and extensions required. A revised layout was required in respect of the proposed wayleave for the 10kV electricity line crossing the site. Further information was also sought in respect of the proposed phasing plan together with the construction management proposals, including the means of addressing the significant cut exercise to be carried out on the site.

- 3.2.3. The Response to the FI submitted on 22/05/19 included inter alia additional ecology reports, traffic impact and road safety audit reports, further drawings and documentation regarding drainage and revisions to the layout of the development.
- 3.2.4. The second report dated 15/06/18 following FI noted that a CEMP would not be available until a contractor had been appointed, but that mitigation measures in accordance with best practice would ensure no contamination of runoff. It was confirmed that no topsoil would be stored on site and that there is no evidence of bat roosting in the ruined stone structure. It was noted that the Road Safety Audit did not include the junction of the local road with the N71 as it had been considered to be outside the remit of the audit. This was considered to be unacceptable. The Estates Dept. was satisfied with the FI response, but the Area Engineer and the Public Lighting engineer required further details. Clarification of FI was recommended.
- 3.2.5. The third report dated 07/08/18 following clarification of FI noted that the Estates Engineer and the Area Engineer were satisfied with the further information received, but that a special contribution was recommended in respect of the provision of footpaths.

A grant of permission (for 10 years) subject to conditions was recommended.

### 3.3. Other Technical Reports

- 3.3.1. **Area Engineer's report (22/01/18)** recommends deferral of the application pending the submission of FI in respect of sight distances, a TIA on the impact on the junction of the L6069 with the N71, a Road Safety Audit of this junction and specific matters relating to the internal road network and the surface water/storm water drainage system for the development. Concern was expressed that the proposed sight distances are based on a 50kph zone, but given that the site is just outside this zone, it was considered that the appropriate sight distances should be provided, as revision of the speed limit is a public statutory matter which is subject to a separate

approval process. Thus, a 50m (to SE) and 90m (to NW) to be provided. A significant impact is likely on the junction with the N71 due to the increase in traffic volumes, especially at peak times.

**Second Area Engineer's Report (08/06/18)** – Clarification sought regarding road safety audit, road junction/alignment layout and footpath details. It was noted that the RSA had stated that the junction with the N71 was outside of its remit, but this was considered to be unacceptable, given the likely impact both during construction and after completion of the works. It was further noted that the RSA had identified a number of measures required to be addressed but had failed to identify any implementation measures.

**Third Area Engineer's Report 30/07/18** following clarification of FI considers the matters raised previously to have been addressed and raised no further objection. It is noted, however, that the applicant's engineer had responded to the issue of a road safety audit of the junction of the L6069 and the N71 by stating that a recommendation can only be issued in respect of the lands in the control of the applicant, and that it can only make comments regarding the said junction. In this respect, it was pointed out that the National Roads Design Office had recently carried out improvements to the junction by providing additional footpaths, buildouts, new signalised crossing and improved signage and road markings. It was further stated that the works had been carried out to the latest design standard and had addressed all of the road safety issues of the old junction.

3.3.2. **Housing Officer report (02/01/18)** – It was considered that the site is located on the outskirts of the village in a location that is within walking distance of the village centre, and is suitable for social housing. The Council has a strong level of housing demand in Innishannon and has a need for the four 3-bed units proposed to be provided under Part V. The unit size (104m<sup>2</sup>) is greater than the minimum required, but is suitable. The units are pepper-potted in blocks of two within the proposed phases which will help integration of the social units. Accordingly, there is no objection s.t. conditions.

3.3.3. **Estates report (04/01/18)** - considers that the levels on the site are quite challenging and concern was expressed regarding whether optimum use was being made of the contours with a significant amount of cutting required. The road and footpath layout

is poor and revisions to the layout must be made to comply with the Traffic Management Guidelines 2000. The parking provision is welcome but some adjustment required to the layout. A special contribution would be required for footpaths as it would require purchase of lands etc.

The need for clarification regarding the proposed wastewater and storm water drainage proposals was also identified by the Estates Engineer, and a special contribution was suggested to provide a closed storm water system. It was suggested that the application may be premature given that it is likely to be 2020 before the upgrade to the WWTP would be completed. The size of the watermain was also queried. It was noted that the diversion of the electricity line and access to same would be incorporated into the landscape/open space strategy, which needs to be addressed. A revised layout is required incorporating the ESB wayleave corridor. Concern was raised regarding the open space provision in terms of size and usability. Issues were also raised in respect of boundary treatment, phasing, construction access and disposal of spoil. **Further information was recommended (22 items).**

The **Second Estate Engineer's Report (07/06/18)** states that there is no objection subject to conditions. It was noted that pre-connection enquiries with Irish Water had been carried out and that IW will carry out the extension works required. It was further noted that ESB shall reroute cables underground. The issues regarding open space, boundary treatment, drainage and layout had been addressed to the Estate Engineer's satisfaction. A third report (23/07/18) referred to the report of 07/06/18.

3.3.4. **Public Lighting Reports** dated 12/12/17, 25/05/18, and 16/07/18 detail conditions to be attached should permission be granted.

#### 3.4. **Prescribed Bodies**

3.4.1. **Irish Water** in a letter dated 17/01/18 requested Further Information in respect of the design of the proposed water and wastewater infrastructure and requested further engagement with the developer.

3.4.2. **Inland Fisheries Ireland** in a letter dated 19/12/17 stated that the public sewerage system in Innishannon is currently overloaded, both organically and hydraulically. It was noted that it is proposed to upgrade the system and it was requested that a



condition be attached to any planning permission preventing occupation of any units until these works have been completed and fully commissioned. It was further requested that there be no interference with bridging, draining or culverting of the adjacent stream, its banks or bankside vegetation without prior approval of IFI.

### 3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> Party appeals and observations received and summarised in section 6 below.

## 4.0 **Planning History**

4.1.1. No planning history on site.

## 5.0 **Policy Context**

### 5.1. **Cork County Development Plan 2014**

Chapter 3 – Housing – Existing Built-Up Areas include all lands within a development boundary which do not have a specific zoning objective. It sets out the housing policies and objectives including the following:

**HOU 3-1** Sustainable Residential Communities – reference to national guidance on achieving high quality neighbourhoods.

**HOU 3-2** Urban Design – high quality design and layout required.

**HOU 3-3** Housing Mix – Intention to seek a mix of house types and sizes in accordance with the Joint Housing Strategy and National Guidelines.

Notwithstanding the desire to achieve higher densities (as set out in the Sustainable Residential Development in Urban Area Guidelines), it is acknowledged that there is a need to allow some lower density development in order to achieve a broader range of house types, particularly where there is a high demand for development in unserviced rural areas.

**HOU 4-1** Housing Density on zoned lands – The site is designated as 'Medium Density B', with a recommended minimum of 12/ha net density and 25/ha maximum.

## 5.2. **Bandon Kinsale District Local Area Plan 2017**

Innishannon is designated as a 'Key Village'. The strategic aim is to establish Key Villages as the primary focus for the development of rural area and to facilitate population growth at a scale, layout and design that will allow for the provision of services as well as reflect the character of each village, where water services and wastewater infrastructure is available.

The overall aim for Innishannon is to encourage consolidation of the village within its rural setting and to promote sympathetic development in tandem with the provision of services. One of the key considerations for the future development of the village is the provision of wastewater treatment facilities. Specific Development Objectives for Innishannon include encouraging the development of up to 150 additional dwelling units during the plan period (DB-01). It is noted that at the time of writing the LAP, the number of existing houses was stated to be 315. The appropriate scale of development for Key Villages (Table 4.1) is 25 units. However, it is further stated that

Individual schemes in excess of the recommended scale set out in the above table may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.

## 5.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order

to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

#### 5.4. **National Planning Framework (2018)**

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

#### 5.5. **Natural Heritage Designations**

Courtmacsherry Bay SAC (site code 001230) and Courtmacsherry Bay SPA (Site code 004219) approx.. 12km to the southwest.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

6.1.1. Third Party Appeals have been received from:

1. W.F. Barry O'Driscoll
2. Orla McCarthy

6.1.2. The submissions can be summarised as follows:

- **Location of development at odds with LAP** - The lack of appropriate pedestrian connectivity with the village is contrary to CCC Design Guide for Residential Estate Development. Development should occur in a lateral format and the primary location is north of the village. There are a number of recent developments north of the village currently serviced by a footpath, with additional undeveloped lands within the development boundary.
- **Scale of development exceeds LAP recommended** – It is specified that 25 units would be an appropriate scale for any development in Innishannon. 49 houses exceeds this scale and is unsympathetic to the character of the

village. Although it is proposed to develop in two phases with each phase within this realm, the impact of phasing is unacceptable as outlined above.

- **Density of development not in accordance with LAP** – At present there are 315 dwellings in the village and an additional 49 would represent an increase of 15%. There are at least 90 other dwellings either under construction (10) or permitted (80). The combined total of 454 would bring the number of dwellings to within 6 of the 2023 target. The density is not in keeping with the sustainable growth of the area, which is characterised by mature residences on a minor access road.
- **Local amenities are at capacity and are strained** – Primary School at capacity and the amenities listed by the applicant are overstated.
- **Non-compliance with housing standards** - The proposal fails to meet the minimum separation distance of 22m between opposing windows, (required by the Design Guide for Residential Development 2011), in several areas which would result in overlooking. The layout, orientation and topography exacerbate this with overlooking from a height and houses facing each other in parallel. The proposed development fails to incorporate a variety of room sizes which acts against the creation of varied communities. The split-level dwellings do not meet the accessibility requirements of Quality Housing for Sustainable Communities.
- **Layout fails to respond to site conditions** – The County Design Guide advises against aligning roads along or diagonally across the contours on steeply sloping sites as it results in unsightly and unmanageably steep slopes or retaining walls. The proposed layout contravenes this advice. Open space is incidental and not overlooked. The layout fails to incorporate the heritage feature on the site, the stone shed, which is sited within an open space area.
- **Traffic impact** – The site is accessed via the N71, which is the main road through Innishannon connecting Cork City with Bandon/West Cork. Innishannon already suffers from congestion and tail-backs leading to a poor pedestrian environment on the Main Street. The local road is used as access for heavy vehicles and agricultural machinery as well as for residential properties. The proposed development of 49 houses is going to greatly

increase the vehicular and pedestrian traffic volumes and it should not impede the accessibility of existing properties and road users.

- **Traffic hazard** - The proposal would result in a traffic hazard. The road access between Innishannon and the site is substandard and the sightlines are inadequate. It is a minor roadway with an average width of 5.5m, complete with sharp/blind bends and private walled estates lining the roadway. Although junction improvements have taken place at the junction with the N71, the local road L6069 remains unaltered. The proposed development includes works outside the entrance to increase the width of the road and provide a footpath, but the footpath would not be available to pedestrians until the development is completed (10 years) and would lead nowhere. Should the P.A. decide to provide a footpath to the village, it would have to meet DMURS, which would reduce the width of the road even further.
- **Inadequate infrastructure** – water supply is at maximum capacity and the WWTP is overloaded. The LAP states that upgrading of these systems is required before any further development takes place in Innishannon. Although a new WWTP has been approved at Dromkeen, there is no guarantee that this will be in place on time. The applicant’s response to this issue in the FI is considered to be inadequate.
- **Ten-year permission** - The grant of permission for a ten-year period will result in disruption and adverse impact on the quality of life of existing residents during construction for an exceptionally long period. Completing 5-10 units per annum will not impact greatly on the housing crisis but will disrupt people’s lives for a long time.
- **Construction management plan** - The lack of a CEMP means that it is not possible to review details of traffic management plans, access to the site for construction vehicles and mitigation measures to reduce environmental and noise impact. The proposed construction hours of 8am – 6pm Mon to Sat is unacceptable, particularly over a decade.
- **Flooding** – The proposed scheme may contribute to flooding as the drainage ditch along the eastern side of the site currently contributes to instances of flooding on the L6069 via an overflowing drain to the southeast of the site.

- **Removal of hedgerows** – upgrading the road will affect wildlife habitats.

## 6.2. Applicant Response

The submission from Cunnane Stratton Reynolds on behalf of the applicant (20/09/18) is mainly in the form of a rebuttal of the grounds of appeal. The submission can be summarised as follows:

- **Planning policy** - The site is entirely within the Development Boundary and zoned as existing built-up area, which has a presumption of being developed. The proposal is in accordance with the Council's objective to deliver sustainable residential communities in order to address the current housing crisis, as it is in an appropriate and sustainable location close to the village, where it is an objective to increase the number of housing units by 150.
- **Traffic impact** – The applicant carried out a comprehensive TTA (by MHL Engineers), the conclusions of which are set out in the response. The development will not have a significant impact on the adjacent road network. The two junctions that were assessed, which were the L6069 with the proposed entrance and with the N71 respectively, will operate within capacity for the design year.
- **Accessibility and road safety** - a Road Safety Audit was carried out by MHL, which had outlined a number of measures that have been incorporated into the revised layout. The 2m wide footpath in front of the site, together with the widening of the road to 5.5m, were requested by the P.A. and will facilitate pedestrian connectivity with the village. In addition, the P.A. has requested a special contribution which has been costed to include purchase of lands etc. to make provision for public lighting and a footpath to the village. The applicant has agreed to this request. The footpath will not be available until taken in charge for safety reasons. The sightlines have been amended as required by the P.A (see Drg. No. OM20-005-Rev B).
- **Ten-year planning permission** – this was requested to allow for a progressive build-out of the site and to allow for the necessary infrastructure to service the entire site. It is anticipated that 5-10 units would be constructed per annum. A CEMP will be submitted for approval prior to commencement of

development, once a contractor has been appointed. It is not possible to do so in advance. Conditions 16 and 31 of the P.A. decision address this issue.

- **Non-compliance with LAP and density** – Individual schemes of greater than 25 units are allowed for with appropriate phasing and layout. No housing has been constructed in Innishannon in the last decade and has in fact registered a loss in housing stock. Thus, there is an urgent demand for housing in the village. The proposal complies with the LAP in terms of location, scale and density. It is also in accordance with the Sustainable Residential Development in Urban Areas Guidelines in terms of Small Towns and Villages which allows for densities of less than 15-20 dw/ha along or inside the edge of small towns to counteract the demand for one-off houses in the countryside.
- **Water supply/waste water** – Irish Water was granted permission (17/4595) for a new 2200 PE wastewater treatment plant at Dromkeen, Innishannon. A letter attached from IW states that it is scheduled for completion by 2020 and the proposed development will be connected as soon as practicable thereafter. The P.A. has also attached conditions to address the capacity issues (Nos. 19 and 20).
- **Lack of amenities in village** – The comments regarding lack of amenities is disputed. The school is not at capacity, as the LAP states that at present there is no requirement to accommodate further pupils. For a settlement of this size, it is well provided for in terms of facilities.
- **Non-compliance with housing design standards** – The development makes provision for a range of 3 and 4 bedroomed units in a variety of styles. All of the bedrooms are well above the minimum room sizes in the Quality Housing for Sustainable Communities Guidelines 2007. It also incorporates good quality social housing units. The 22m separation distance is only a guideline. There are no living spaces at first floor level that are less than 22m apart. The layout seeks to provide attractive streetscapes where the streets generally follow the natural contours of the site, so that the rows of housing and car parking are at gentle gradients. The steeper stretches of road are used where no dwellings are directly accessed from the road. All houses are designed to be fully compliant with Part M.

- **Heritage and ecological impact of scheme** – The small stone structure on site has no heritage value. It is an abandoned derelict structure.
- **Flooding** – the site is not within Flood Zone A or B. Measures will be put in place to ensure that there will be no run-off from the drainage ditch.

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

The P.A. responded on 2<sup>nd</sup> October 2019. The response was in the form of an email from the Senior Executive Engineer. It was stated that his report had addressed the issues of road widths and accessibility. It was pointed out that a special contribution of €217,750 has been included to provide footpaths and public lighting between the village and the development. It was considered that the said contribution should address the facilities for pedestrians.

### 6.4. **Observations**

6.4.1. Observations were received from Veronica Roche, Ann Roche McCarthy and from Olga Murphy & Adrian McEntee. Both submissions concur with the contents of the third-party appeals.

6.4.2. The main points of these observations may be summarised as follows:

- The proposed development is inconsistent with the Bandon Kinsale Municipal District LAP in respect of the scale and density of development. The overall scheme would damage the existing character of the rural village as it is intensively laid out as a housing estate that would be better suited to a larger settlement.
- The existing completed developments in Innishannon have been developed at a much lower density, 6-9 dwellings per hectare, (details contained in Table 1) the proposed density of 19 units/ha is not in keeping with the pattern and grain of existing development.
- A ten-year permission is wholly unacceptable due to the prolonged period of disruption and the narrow access road serving the site.
- The road serving the site is substandard and dangerous to both vehicle users and pedestrians. The exclusion of the junction with the N71 is disappointing



as the observers have witnessed cars accessing the petrol station forecourt directly from the L6069 and vice versa since the junction improvement works have been completed. This road junction should be fully upgraded before any development proceeds.

- The demolition of stone walls to widen the road, which are identified as part of the character of the village, would be contrary to the stated objectives of the LAP to preserve the character of the village.
- The proposal does not include a Multi-Use Games Area. The developer's justification for this is the steepness of the site. This is disputed as the developer could have either accommodated it on site with a reduced number of houses or paid a special contribution towards the provision of this facility elsewhere in the village.
- There is no planned orderly pedestrian linkage from the proposed development to the school and the Catholic Church.

## 7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Appropriateness of design, layout, density and scale of development
- Access and Traffic
- Adequacy of water and wastewater infrastructure
- Construction impacts and ten-year permission
- Other matters
- Environmental Impact Assessment
- Appropriate Assessment

### 7.1. Principle of Development

- 7.1.1. Innishannon is a designated Key Village with a good level of services and facilities for a village of its size (population of 767), with a number of shops, cafes and pubs as well as churches, a school and sports facilities. It is a long-established attractive

settlement with a rich built heritage and is situated in a scenic rural area along the Bandon River Valley with associated riverside amenities and attractions. The LAP has identified that it is somewhat constrained by its topography, with ground levels rising steeply to the north, by the Bandon River which forms a natural boundary to the south, and by the N71 to the east and south. As a result, most development to date has occurred to the north and the lands within the development boundary which remain undeveloped are largely located to the north and northwest of the village. The LAP also recognises that there has been very little development in the village, mainly due to infrastructural constraints, but its attractive setting, range of community facilities and proximity to Cork City are considered to be positive factors which make it suitable for development. The Specific Objective is to increase the housing stock by 150 units during the life of the LAP, from 315 to 465. It is stated that development will focus mainly on low lying lands located close to the village.

7.1.2. It is considered that the location of the site within the development boundary and in close proximity to the village centre makes it a suitable location for a residential development. The village is earmarked for additional housing development with a substantial increase in the number of units envisaged. There is a well-established nationwide shortage of housing units and the Housing Section of the L.A. has identified a high demand for social housing units in Innishannon. It is acknowledged that there is a problem with the capacity of the water and waste water infrastructure, which needs to be addressed. The LAP has stated that the primary school has 270 children and “at present there is no requirement for further accommodation to cater for incoming pupils”. It is noted that the LAP intends to increase and expand local community facilities and to improve infrastructure. It is considered, therefore, that the proposed development is acceptable in principle.

## 7.2. **Appropriateness of Density, Scale, Design and Layout of development**

7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. However, it is noted that in the review of the Cork County Development Plan, it was recognised that where required densities in urban developments were too high, there was a tendency for a corresponding increased demand for one-off houses in the countryside. For this reason, the current CDP

makes provision for lower densities of 15-20dw/ha in an effort to counteract this demand. Medium Density B is 12-25 dwellings per hectare. It is considered that the location of the site in an area which would have a high demand for one-off housing, given its proximity to Cork City and to Bandon, the proposed density of 19dw/ha on this edge of village is appropriate.

- 7.2.2. The scale of a single development in a key village is recommended as up to 25 dwellings/ha. However, where it is considered that the development would reinforce the existing character of the village and the layout and phasing is appropriate, a more flexible approach can be taken. The existing density, character and grain of the village is quite varied. The Main Street and other village streets are characterised by densely developed terraces which front directly onto the street. There has been some residential development to the north of the Main Street, some of which seems to be quite low density, e.g. The Spires, and other more recent development (e.g. Barr na Cloise and Ard Aoibhin) which are of a higher density and more uniform in nature. At the other end of the scale, there is a peppering of one-off housing developments which are at a very low density, with individual designs and set within mature landscaped sites.
- 7.2.3. It is considered that the proposed development, which is of a more contemporary architectural style, but which borrows elements of design from the existing vernacular, responds well to the character of the existing development in the village. The phasing of the development, which would result in two distinct phases of roughly 50% of the 49 houses being constructed at a time, each of which would meet the scale envisaged for developments in key villages. The scale and density of the development are therefore considered to be appropriate in this context.
- 7.2.4. The configuration of the site combined, with the steeply sloping topography, have strongly influenced the layout and design of the development. It is a long narrow site with a pinch-point in the middle, which effectively results in a development of two parts. The northern section is elevated with proposed floor levels some 20 metres above the levels proposed at the roadside boundary to the south. The layout is stepped down the slope with a terraced effect. The upper level with a group of 14 houses would occupy a fairly even ground level before dropping down sharply to the next level at the pinch-point, some 10m lower. The decline in gradient would be managed by an internal street, steeply sloping from NW to SE, with an area of open

space and 7 no. houses stepping down the street, followed by a further steep drop to the next level. There is a further cul-de-sac street of c.10 houses at this level with an even ground level, interspersed by two areas of open space and two play areas. The next layer of houses fronts onto the internal road near the entrance, which rises steeply from SW to NE. The design and layout makes effective use of the topography with the use of split level houses where appropriate.

- 7.2.5. A main element of the landscaping plan for the site is to retain the existing boundary screening as far as possible and to build up and enhance this screen planting with native woodland trees, particularly on the eastern boundary. It is proposed to retain the northern the northern hedgerow without fencing and the trees and ditches along the southern boundary, which would help the development to blend into the rural and semi-rural surroundings. Another main element is the provision of a series of open space areas with different roles and threading them through the site with multiple levels responding to the sloping topography. The southern open space area is tiered with a green space at the northern end, an orchard in the central sloping section and a play area at the southern end. The open space areas are also positioned to maximise views through the site towards the river valley to the south. It is considered that the landscape and open space strategy would facilitate the integration of the development into the character of the village in this edge of village location.
- 7.2.6. The gardens generally meet or exceed the minimum standards and the upper floor windows meet the 22m separation distances. The applicant stated in response to the grounds of appeal that the lower ground floors, where the 22m distance is not achieved, have been designed so that habitable rooms do not face each other. It is considered, based on the layout combined with the proposed landscaping scheme, that issues of overlooking and/or loss of privacy are unlikely to be of material concern. It is noted that most of the proposed dwellings would have south-facing gardens. There is a variety of house types provided, although they are generally semi-detached or detached. Despite the split-level design for many of the houses, the developer has confirmed that all meet Part M requirements.
- 7.2.7. On balance, it is considered that the proposed development would not detract from the character of the village, would not adversely affect the residential amenities of the surrounding area, and is responsive to the conditions on site and is respectful of

the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants.

### **7.3. Traffic, access and road safety**

- 7.3.1. Access is proposed via the L6069, which is a local road of mixed character serving mainly single houses, farm houses and agricultural lands. It branches off the N71 at the western edge of the village, immediately to the west of the Topaz/Centra petrol station. At the time that the application was first submitted to the P.A., this junction was substandard and ill-defined, with a car sales yard separated from the local road by a palisade fence. It is noted from submissions on the file, that the junction was improved and re-aligned in June 2018 with a pedestrian build-out, bollards, a new boundary wall and a pedestrian crossing in front of the petrol station. These works have improved the vehicular and pedestrian safety at the junction and in the vicinity of the petrol station/shop.
- 7.3.2. The L6069 leading to the site, however, remains substandard in width and alignment. It is narrow and steep in parts and contains several sharp bends. However, it should be noted that the section leading to the site is within the village speed limit (50kph), with the 80kph sign being immediately adjoining the proposed entrance. In response to further information requested by the P.A., the developer intends to provide sightlines at the entrance (50m to SE and 90m to SE) and to provide road markings and signage in accordance with NRA guidelines. The P.A. Engineer has confirmed that these sightlines are appropriate to the existing speed limits, and noted that the speed limits may be altered in the future to reflect the development carried out along this road. It is further proposed to widen the road and to provide a 2m wide footpath directly outside the site and to pay a special contribution towards the provision of a footpath link between the site and the village. This will facilitate pedestrian connectivity with the village.
- 7.3.3. It is noted that the applicant has provided a Traffic Impact Assessment and a Road Safety Audit of the proposed development. The TIA concluded that both the junction with the N71 and the junction to be created at the entrance would operate well within capacity in the design year. It is considered that, in light of the foregoing, the additional vehicular movements that would be generated by the proposed development could be accommodated without adversely affecting the local road

network in terms of its capacity or vehicular and pedestrian safety. It would also help to facilitate good pedestrian connectivity with the village in due course.

#### **7.4. Adequacy of water and wastewater infrastructure**

- 7.4.1. The LAP has identified that the resolution of the lack of capacity of the water and wastewater treatment infrastructure in the village is a key consideration in terms of future development. It has identified a need to extend the watermains at the western part of the village and to upgrade the waste water treatment plant prior to any future development. It is stated that these are critical long-standing infrastructural issues that need to be addressed in order for the village to expand and achieve its target population growth.
- 7.4.2. Irish Water advised the applicant (7/06/17) in response to a pre-connection enquiry regarding the proposed development that on the basis of the information provided and the capacity currently available as assessed by IW, subject to a valid connection agreement being put in place, the proposed connection to the IW network can be facilitated. However, it pointed out that upgrade works would be required to the WWTP, which it stated would be resolved once completed. It was further pointed out that the water and wastewater network would have to be extended to the site, the costs of which the applicant would have to bear.
- 7.4.3. The P.A. granted permission on 20/11/17 to Irish Water (Ref. 17/4595) for a new WWTP at Dromkeen Innishannon. This would have capacity for up to 2200PE. I note that the IW letter dated 7/06/17 states that the Innishannon plant is on its current Investment Plan, and that the upgrade works are scheduled for completion in 2020. It is noted that a further letter from IW (17/01/18) had advised the P.A. that it had a number of queries regarding the water and wastewater design and requested the applicant to further engage with IW. The applicant advised in the FI response (22/05/18) that pre-connection enquiries were made to IW and that proposed water and waste water designs have been prepared in accordance with IW advice. It was confirmed that services connections will be provided to the site by IW or its agents.
- 7.4.4. The P.A. was satisfied with the FI response and attached conditions to its decision to address the matter. Condition 19 prohibits the occupation of any dwelling until the water and sewage services serving the dwellings are installed and functioning in

accordance with the IW connection agreement. Condition 20 requires that the developer enters into a connection agreement with IW prior to the commencement of development. It is considered that this is satisfactory and should the Board be minded to grant permission, that similar conditions be attached to any such permission.

#### **7.5. Construction impacts and ten-year permission**

7.5.1. The third parties have raised concerns regarding the proposed ten-year duration of permission, particularly in the absence of a construction management plan. I would agree with these concerns and consider that the residential amenities of both the established residents and of those who would occupy the earlier completions would be adversely affected to an undue degree by a ten-year permission. The applicant's response to this issue is that it wishes to be able to progressively build the scheme at a rate of 5-10 units per annum. Thus, it is considered that a ten-year permission is not justified in this instance. Although it is proposed to construct the development in two phases, it is considered that the construction of 49 units within the normal timeframe of five years is not unreasonable.

7.5.2. The applicant has agreed to provide a detailed construction management plan, which will also address the detailed phasing of the development. The phasing plans submitted to date are merely indicative. Should the Board be minded to grant permission, it is considered that the submission of a construction management plan, including a traffic management plan and mitigation measures to control environmental emissions, for the approval of the planning authority, prior to the commencement of works on the site should be required as a condition of any planning permission.

#### **7.6. Other Issues**

7.6.1. One of the third parties raised the issue of flooding in respect of the local road, which periodically floods due to surface water run-off. The site is located outside of the areas identified as being susceptible to flooding and falls within Flood Zone C. Although there is a drainage ditch which runs alongside the eastern boundary of the site, it is not proposed to discharge surface water to this or to carry out any works to this drain. A detailed surface water drainage scheme has been designed for the site which include large attenuation ponds which are generally stored underground,

beneath the areas of public open space. It is proposed to attenuate to current green-field run-off, controlled by a hydro-brake, and to connect to the existing public storm drainage system. It is further noted that additional road gullies will be provided at the entrance to the site to prevent surface water flowing onto the public road. I am satisfied that sufficient detail has been provided to support the assertion that the proposed development would not be at risk or give rise to flooding.

- 7.6.2. Part V requirements have been complied with to the satisfaction of the housing Section of the planning authority.

#### 7.7. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within the development boundary of Innishannon village on serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 7.8. **Appropriate Assessment**

- 7.8.1. The application is accompanied by an AA-Screening Report. The site is located approx. 12km to the north of two European sites, Courtmacsharry Bay SAC and Courtmacsharry Bay SPA.

**Courtmacsharry Bay SAC (Site Code 001230)** - The Estuary consists of a drowned valley of the Argideen River, which is now filled with sediment. This results in extensive mudflats and areas of saltmarsh. Most of the mudflats are unvegetated.

Qualifying interests include Tidal Mudflats and Sandflats, Annual Vegetation and Drift Lines, Perennial Vegetation of Stony Banks, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows, Embryonic Shifting Dunes, Marram Dunes and Fixed Dunes.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

**Courtmacsharry Bay SPA (Site Code 004219)** – The site is largely estuarine in nature and consists of the drowned river valley (Argideen) which is filled with sediment with extensive areas of mudflats and saltmarshes.



Qualifying interests include – Great Northern Diver, Shelduck, Wigeon, Red-breasted Merganser, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, curlew, Black-headed Gull and Common Gull.

#### 7.8.2. Assessment of Likely Effects

As the site is not within a designated site no direct impacts will arise.

The site is located within the development boundary for Innishannon on lands zoned Built-Up area. The proposed development will be connected to the public mains for storm water and foul water. There is no hydrological link or any other source-pathway receptors between the site and the two European sites identified in the Screening Assessment, which are located c.12 km to the south. As a consequence, there is no potential for indirect effects from emissions during the construction phase. I would concur with the conclusions of the Screening report submitted that no indirect impacts are envisaged.

In terms of the operational phase, the development would connect to existing services in Innishannon. The storm sewer is by gravity to an attenuation tank which will discharge via flow control to the storm sewer. The proposed surface water system is designed to attenuate to green field runoff controlled by a hydrobrake. The site is to connect to the foul sewer. Although the Innishannon wastewater system does not have sufficient capacity to accommodate the additional loading arising from the proposed development at present, the planning authority has recently granted permission to Irish Water for a new WWTP to the south of the village, which is expected to be completed by 2020. The proposed development will be connected to the public system by Irish Water. Given the remote distance from the European sites there is no potential for indirect effects during the operational phase.

In terms of cumulative impacts, I have had regard to the location of the site within the development boundary for the village, on serviced, zoned lands. I am not aware of any large planned or permitted development in the vicinity. The proposed development therefore is not considered to result in cumulative effects.

#### 7.8.3. Screening Statement and Conclusions

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Courtmacsharry Bay SAC (site code 001230) and Courtmacsharry Bay SPA, in view of the Conservation Objectives for these sites. It is considered, therefore, that a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the location of the site within the development boundary for Innishannon and to the specific objective as set out in the Bandon Kinsale Municipal District Local Area Plan 2017 to encourage the development of up to 150 additional dwelling units within the development boundary during the plan period, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact on the rural character of the village and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 to the planning authority on the 22<sup>nd</sup> day of May 2018 and 12<sup>th</sup> day of July 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) The first floor ensuite in the Part V units shall be omitted and the resultant floorspace shall be incorporated into the adjoining bedrooms.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of occupants of the proposed dwellings.

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

**Reason:** To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

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

**Reason:** In the interest of public health.

6. 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.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the details standards of the planning authority for such road works.

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

8. The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site including the required sightlines and the road markings shall be carried out in accordance with detailed standards of the planning authority for such works prior to the occupation of any dwelling. No vegetation or structure shall exceed 1 metre in height within the sight distance triangle.

**Reason:** In the interest of road and public safety and visual amenity.

9. A minimum of two parking spaces shall be provided and maintained within the curtilage of each dwelling unit.

**Reason:** To ensure adequate off-street parking provision is available to serve the proposed development.

10. 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 house.

**Reason:** In the interest of amenity and public safety.

11. 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 interest of visual and residential amenity.

12. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with

the details submitted to the planning authority on the 22<sup>nd</sup> May 2018.

- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of visual amenity and public safety.

13. Proposals for an estate/street name, housing numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 22<sup>nd</sup> day of May 2018. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

16. 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 within each house plot 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.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. 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.

18. The construction of the development shall be managed in accordance with a Construction and environmental 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.

19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

20. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of a new footpath, drainage and public lighting. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

21. 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.

---

**Mary Kennelly**  
**Senior Planning Inspector**

**26<sup>th</sup> March, 2019**