



An
Bord
Pleanála

Inspector's Report ABP-303680-19

Development	Change of house plans and revised site layout reducing density from 76 units to 70 units and associated site works and services
Location	Gortnamona, Headford, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181615
Applicant(s)	Sathel Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eric and Deirdre Van Der Zee
Observer(s)	None.
Date of Site Inspection	14 th May 2019
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	3
3.3. Prescribed Bodies.....	3
3.4. Third Party Observations.....	3
4.0 Planning History.....	4
5.0 Policy and Context.....	4
5.1. Project Ireland 2040 – National Planning Framework	4
5.3. Development Plan.....	5
5.4. Natural Heritage Designations.....	6
5.5. EIA Screening	6
6.0 The Appeal.....	6
6.1. Grounds of Appeal.....	6
6.2. Applicant Response	7
6.3. Planning Authority Response	8
6.4. Observations	8
7.0 Assessment.....	8
8.0 Recommendation.....	14
9.0 Reasons and Considerations	14
10.0 Conditions	15

1.0 **Site Location and Description**

- 1.1. The appeal site is located approximately 0.5km north of Headford town centre. It is accessed off an existing housing estate, which is in turn accessed off the N84 Road. The site has been partially hard surfaced with gravel. It is surrounding to the north-west and south-west by agricultural land and GAA sports grounds to the south-east.

2.0 **Proposed Development**

- 2.1. Change of house plans and revised site layout reducing density from 76 units to 70 units and associated site works and services.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission. There are no conditions of particular note.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Amendments in terms of house design and layout are considered acceptable.

3.2.2. Other Technical Reports

None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

- 3.4.1. One submission received. The issues raised are covered in the grounds of appeal.

4.0 Planning History

17/1264 –EOD – Grant

12/411 – EOD – Grant

07/518 – Extension to existing residential development consisting of 82 No. units and crèche. – Grant. The number of units permitted was 76 units.

5.0 Policy and Context

5.1. Project Ireland 2040 – National Planning Framework

- 5.1.1. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Section 28 Ministerial Guidelines

- 5.2.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:
- Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018)
 - 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (May 2009)
 - 'Design Manual for Urban Roads and Streets'

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

5.3. Development Plan

Galway County Development Plan 2015-2021

5.3.1. The core strategy identifies Headford as ‘Other Villages (<1500 Pop). Other Villages are at the 5th tier of the settlement strategy with populations <1,500. These are described within the plan as having strong settlement structures and have the potential to support additional growth, offering an alternative living option for those people who do not wish to reside in the larger key towns and do not meet the housing need requirements for the rural area.

5.3.2. The following development plan objectives apply.

- Objective SS 6 – Development of Other Villages
- Objective UHO 7 – High Quality/Mix and Sensitive Design
- Objective UHO 8 – Urban Design
- Objective UHO 10 – Sequential Development
- Objective UHO 11 – Development Densities

Headford Local Area Plan 2015-2021

5.3.3. The majority of the appeal site is zoned R ‘Residential’ (Phase 2) save for the portion of the site to the north (where the access road is proposed), which is not zoned.

5.3.4. The key policies objectives of the LAP, as relates to this appeal, are as follows:

- Policy RD 2 – Phased Development on Residential Zoned Lands - general presumption against residential development on lands zoned R - Residential (Phase 2) within the lifetime of the Local Area Plan, subject to the exceptions provided for under the Residential Development Objective RD1.
- Objective RD 1- Support the development of lands designated as R - Residential (Phase 1) within the lifetime of the Local Area Plan, subject to normal planning, environmental, access and servicing requirements, and reserve the lands

designated as R - Residential (Phase 2) for the longer term growth needs of the town. Development on Residential-Phase 2 lands will normally only be considered where 50% of the lands in Residential-Phase 1 are committed to development.

- Objective RD 3 – Housing Options - Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs.
- Objective RD 5 – Open Space in Residential Areas

5.4. Natural Heritage Designations

5.4.1. None.

5.5. EIA Screening

5.5.1. Having regard to the nature and scale of the proposed development, a change of house plans and revised site layout reducing density from 76 units to 70 units, 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Third Party Grounds of Appeal are as follows:

- Traffic safety issues – construction traffic utilising the road/no consideration to this given by the developers/no road safety audit has been carried out.
- Likely to result in a doubling of traffic on the existing estate road and at the junction with the N84/has been some minor accidents and near misses at this junction.
- Regard should be given to Road Safety Audit Volume 5, Section 2 Part 2 NRA HD 19/12

- A Traffic and Transport Assessment is required and Road Safety Audit is required as per the Headford LAP (2015-2021).
- Galway County Council Planning Department has requested that this be provided in recent planning applications (18/355 – 28 additional units, 18/1015 – 38 additional units) some consistency should be required.
- Proposed development includes for the removal of 2 stands of existing mature trees (5 trees in total) on the site boundary/Development Plan seeks to protected important trees/retain natural boundaries/Similar objective in the Headford LAP (2015-2021).
- Design should seek to incorporate existing mature trees.
- Application (07/874) was required to remove 2 houses to facilitate retention of an existing mature tree on site.
- Some of the landscaping is incompatible with the location of the storm water management areas.

6.2. Applicant Response

6.2.1. The First Party response to the appeal is summarised below:

- The original application was accompanied by a Traffic and Transport Assessment – therefore is no requirement for such an assessment as part of this planning application.
- There is no requirement for a Road Safety Audit due to the proposed development using the existing Ashthorn Avenue entrance.
- An Outline Construction Traffic Management Plan is enclosed in Appendix No. 2.
- Includes a number of recommendation to ensure the safe and orderly movement of traffic during the construction phases.
- Planning Authority has imposed a number of conditions relating to road safety.
- Five No. mature Ash Trees are located on the south-western boundary.
- Applicant is proposed to plant native trees such as Alder, Hazel, Birch and Whitebeam throughout the site.

- None of the trees to be removed are the subject of a tree preservation order or of particular quality.
- No issues were raised in relation to these trees in previous applications.
- There will be an overall net gain in trees on site due to replacement planting.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. An Observation on the appeal has been received from Galway Childcare Committee.

This is summarised as follows:

- Sets out existing Childcare provision in the area.
- Note that if the development is populated by young families, this would demonstrate demand for additional childcare places.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Transport Related Matters including Road Safety
- Development Strategy
- Other Issues
- AA screening

7.2. **Principle of Development**

7.2.1. The site is zoned Residential Phase 2 in the Headford Local Area Plan 2015-2012. Policy RD 2 – Phased Development on Residential Zoned Lands stated that there general presumption against residential development on lands zoned R - Residential

(Phase 2) within the lifetime of the Local Area Plan, subject to the exceptions provided for under the Residential Development Objective RD1.

- 7.2.2. Objective RD 1 seeks to reserve the lands designated as R - Residential (Phase 2) for the longer term growth needs of the town. Development on Residential-Phase 2 lands will normally only be considered where 50% of the lands in Residential-Phase 1 are committed to development.
- 7.2.3. There is no evidence within the appeal documentation in relation to the quantum of residential development that has come forward on Phase 1 Zoned Lands.
- 7.2.4. However a material consideration in this instance is the extant permission on the site for 76 residential units (Planning Reg Ref 07/518 as extended under Planning Reg Refs 12/411 and 17/1264) which extended the expiry date to 31/12/2021. As such there is a permission for a housing development on the site which can be implemented and as such the principle of the housing development here is acceptable, subject to the considerations below.

7.3. Transport Related Matters including Road Safety

- 7.3.1. The Third Party Appellant has raised the issue of traffic impacts on the existing estate and cites road safety concerns arising from the additional traffic movements, including from movements of construction traffic. It is contended that Traffic Impact Assessment should have been submitted as well as a Road Safety Audit.
- 7.3.2. The First Party Applicant as submitted a Response to the Grounds of Appeal , which includes an Outline Construction Traffic Management Plan and a Response to Road and Traffic Issues, prepared by Alan Lipscombe, Traffic and Transport Consultants.
- 7.3.3. The Outline Construction Traffic Management Plan outlines a number of construction traffic management measures for construction traffic traversing the roads of the existing residential housing estate, including a maximum speed limit for HGVs within the estate and temporary fencing surrounding two areas of green space that have been identified as popular play areas for children.
- 7.3.4. The Response to Road and Traffic Issues states that given that no new access onto the external road network is proposed, a Road Safety Audit is not required. It is further noted that a Traffic and Transport Assessment was prepared for the original

planning application, with the Assessment concluding that the junction of the estate roads with the N84 would operating well within capacity.

- 7.3.5. Of note is the extant permission for 76 dwellings which will generate a similar amount of traffic movements, both from future occupiers and from construction related traffic movements. I do not consider then that the development as currently proposed, would give rise to any traffic safety concerns subject to conditions being imposed relating to the submission of a detailed Construction Traffic Management Plan and related to permitted hours of development works.

7.4. **Development Strategy**

- 7.4.1. The issues of Development Strategy (including density, mix and layout) is considered a **New Issue** in the context of the appeal.

Density

- 7.4.2. The stated site area is 3.13ha. The density of the revised scheme is 22.36 units/ha. The previously permitted density was 24.3 units/ha.

- 7.4.3. A key consideration in the assessment of this scheme is SPPR 4 as outlined in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure;

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines;

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- 7.4.4. Given the nature and location of the site, it can be argued that the site forms an edge of town centre site, given that it is an approximately 10 min walk into the town centre from the appeal site. For locations such as this one, the Sustainable Residential Development in Urban Areas (2007) densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached

dwellings to terraced and apartment style accommodation. While there is a reduction in density, the density is still in line with the guidelines, albeit at the lower end.

Unit Mix and Typology

7.4.5. The mix, as granted and as now proposed, is set out below

	Permitted	Proposed
	No	No
2 bed	42	12
3 bed	34	44
4 bed	0	14
Total	76	70

7.4.6. The main variation to the approved plans is the omission of the terraced units arranged in a crescent form to the south of the site. The application submission notes that these units had restricted parking spaces and no pedestrian access to the rear gardens.

7.4.7. The revised proposal significantly reduces the number of 2 bed units, increases the number of 3 bed units and now proposes 14 no. 4 bed units. While no socio-economic justification is set out for revisions to the housing mix, the proposal does have a variation in 2 and 3 bed unit types and having regard to the fact that there is an extant permission on the site for a broadly similar development typology, the mix is considered acceptable.

Layout

7.4.8. The Sustainable Residential Development in Urban Areas and the companion design manual shows how design principles can be applied in the design and layout of new residential developments. In particular it sets out a series of 12 criteria which should be applied in the assessment of planning applications and appeals, and I have had regard to same.

7.4.9. The layout of the housing scheme has been amended by virtue of the decreased density. While there were relatively large areas of open space with the permitted

scheme, this current proposal increases these size and extent of these areas of open space and loses any sense of enclosure or creation of a sense of place that was present in the extant permission, and does not respond to the context of the existing built out estate.

7.4.10. As such it is my view that the revised design has lost some of the elements that were of positive note in the permitted scheme, and does not follow the design principles as referred to above.

7.4.11. However an overriding consideration in my view is the extant permission on the site and I do not consider that the revised proposal diverges to such an extent from the permitted scheme to warrant a refusal in this instance, notwithstanding the concerns in relation to density, mix and layout above.

7.5. Loss of Trees

7.5.1. The Third Party Appellant has raised the issue of loss of mature trees on the site, namely five No. mature Ash Trees are located on the south-western boundary and it is contented that the loss of trees is contrary to Development Plan policy.

7.5.2. The appellants states that none of the trees to be removed are the subject of a tree preservation order or of particular quality and it is proposed to plant native trees such as Alder, Hazel, Birch and Whitebeam throughout the site, with overall net gain in trees on site due to replacement planting. It is further stated that no issues were raised in relation to these trees in previous applications.

7.5.3. I note the extant permission does not preserve the 5 no. Ash Trees and that they are not subject to a Tree Preservation Order. Replacement planting is proposed. As such I do not consider that the loss of trees would result in a loss of visual amenity nor result in a loss of biodiversity, subject to conditions relating to tree planting and landscaping.

7.6. Other Issues

7.6.1. Flooding – The submitted Flood Risk Assessment highlights that the site is at risk from Pluvial Flooding. Finished floor levels are above predicted pluvial flood levels when climate change is taken into account and water management measures are proposed in order to further reduce the risk. A condition should be imposed ensuring that the mitigation measures outlined in the Flood Risk Assessment are put in place.

7.6.2. Foul and Storm Water – Will connect to the existing sewers on the wider Ashthorn Avenue development.

7.6.3. Childcare Provision – I note the observation received from Galway Childcare Committee. I note a crèche is proposed as per the extant permission and I do not consider that the demand for places resulting from this development would be materially different from that arising from the 76 unit scheme.

7.7. **Appropriate Assessment**

7.7.1. Legal protection is provided for habitats and species of European importance under the Habitats Directive 92/43/EEC, which established a network of designated conservation areas known as Natura 2000 or European sites, which include Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive (Directive 2009/147/EC). Article 6(3) of the Habitats Directive requires Appropriate Assessment to be carried out for any plan or project not directly connected with or necessary to the management of a European site (or sites) concerned, but that it likely to have a significant effect thereon, on its own or in combination with other plans or projects, in view of its conservation objectives.

7.7.2. The proposed development is not directly connected with or necessary to the management of any European site.

Stage 1 Screening

7.7.3. Stage 1 is concerned with determining whether a described development, not being a development directly connected with or necessary to the management of a European site, in itself or in-combination with other described projects or plans, has the potential to have significant effects on any European site.

7.7.4. The Planning Authority carried out an Appropriate Assessment Screening report at application stage and it was concluded that the proposed development will not have a significant effect on the Natura 2000 network and a Stage 2 Appropriate Assessment is not required

7.7.5. The site is neither in nor near to a Natura 2000 site. The closest Natura 2000 sites to the appeal site is the Lough Corrib SAC and Lough Corrib SPA the closest which are 1.5km to the north-east of the site, at their closest extent. There is no obvious direct

pathway from the appeal site to the above site, nor to any other Natura 2000 sites beyond.

- 7.7.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced edge-of-town location, and the proximity to the nearest European Sites and the lack of an apparent pathway to same, it is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Grant permission.

9.0 Reasons and Considerations

Having regard to: -

(a) The National Planning Framework and relevant Section 28 Ministerial Guidelines including Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018); 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (May 2009);

(b) The policies and objectives of the Galway County Development Plan 2015-2021 and the Headford Local Area Plan 2015 - 2021

(c) the pattern of development in the area;

(d) the nature, scale and design of the proposed development; and

(e) the extant permission on the site for 76 dwelling units

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an increased flood risk on the site and surrounding areas, and

would be acceptable in terms of traffic safety. 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 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 grant of permission shall expire on the expiry date of the parent permission under planning reference numbers 07/517, 12/411 and 17/1264, unless before that date the development has been completed on site.

Reason: In the interest of proper planning and development.

3. (a) Screen walls shall be provided at such locations to screen rear gardens from public view. Such walls shall be 2 metres in height above ground level. The screen walls shall be constructed in brick to match the brick used in the dwellings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the dwellings.

Reason: In the interest of residential and visual amenity.

4. 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.

5. The public lighting, roads, footpaths, sewers, watermains and open spaces shall be constructed in accordance with the requirements of the Planning Authority.

Reason: In the interest of road safety and the environment.

6. All mitigation measures as set out in Flood Risk Assessment submitted to the Planning Authority on the 13th November 2018 shall be implemented in full.

Reason: To minimise flood risk.

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

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

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(ii) Details of screen planting

(iii) Details of roadside/street planting

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation.

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.

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. The colour of the roofs, including ridge tiles and hip tiles, shall be blue/black, dark grey or brown.

Reason: In the interest of visual amenity.

11. All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.

Reason: In the interest of proper planning and development.

12. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

Reason: In the interest of road safety.

13. Overhead and underground poles and lines shall be set back in line with the new fenceline at the developer's expense and no obstructing poles shall be left in the layby.

Reason: In the interest of proper planning and development.

14. The wheels of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheelwashing facility, which shall be located a minimum distance of 30 metres from the public road and shall be constructed to the written satisfaction of the planning authority.

Reason: In the interest of proper planning and development.

15. 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 and for the ongoing operation of these facilities, 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.

16. Proposals for an estate/street name, house 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

Reason: In the interest of urban legibility.

17. Prior to the commencement of development, the developer shall submit full details to the satisfaction of the planning authority of a property constituted management company specific to this permission which shall be solely responsible for maintenance and operation of all common services and landscaping.

Reason: In the interest of orderly development.

18. 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 satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 agreement.

Reason: To ensure the satisfactory completion of the development.

19. 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

Rónán O'Connor
Planning Inspector

30th May 2019