



An  
Bord  
Pleanála

## Inspector's Report ABP 303730-19

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<b>Development</b>	Dwelling-house, garage, proprietary effluent treatment system, percolation area and, associated services.
<b>Location</b>	Cahergowan, Claregalway, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>P. A. Reg. Ref.</b>	18/1662
<b>Applicant</b>	Thomas Noone
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Michael Owen Shaughnessy
<b>Date of Inspection.</b>	7 <sup>th</sup> May 2019
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

The site is formed from agricultural land at Cahergowan and has a stated area of 248 square metres. It is located on the south west of side of the L6214 circa 250 metres from the junction with the N 83, formerly the N17 route linking Tuam with Galway. There is continuous road frontage development between the site location and the junction on the south west side of the road. The area is characterised by residential development and agricultural lands.

Claregalway through which the N 83 passes is a short distance to the north east. There are 60 kph maximum speed limit signs on the N83 circa 300 metres to the south west and immediately to the north east of the junction with the L6214. A bus lane is located along the carriageway adjacent to the public footpath.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority comprises proposals for construction of a two-storey dwelling with a stated floor area of 235 square metres, a detached garage with a stated floor area of 60 square metres, installation of a proprietary effluent treatment system and percolation area a new entrance off the L6214, and associated site works and services. Also included with the application are a completed site characterisation form, copies of folio documentation relating to family landholdings, birth certificate, school attendance, sports club involvements, copies of some remittances relating to agricultural activity and revenue calculations for a Mr. Thomas Chris Noone. (Some details are blacked out.)

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 23<sup>rd</sup> January, 2019 the planning authority decided to grant permission subject to conditions of a standard nature. Condition No 2 is an

'enurement' or occupancy condition in which a minimum period of occupancy of seven years is indicated.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer having considered the application indicated that she considered that the proposed development was satisfactory.

#### 3.2.2. Other Technical Reports

There are no internal technical reports available on the file.

#### 3.2.3. Prescribed Bodies

There are no submissions available on the file. Third Party Observations

An observation was submitted to the planning authority by the Appellant Party. The issues raised are outlined in para. "The Appeal".

## 4.0 Planning History

There is no record of a planning history for the subject site. However, there is a record of prior grants of planning permission for single house development in the immediate vicinity of the application site to members of the applicant family. (P. A. Reg. Refs. 01/1097, 03/3085, 02/1035, 03/097, 04/450, 17/317refer.)

**P. A. Reg. Ref.17/1603/PL 301331** is the most recent application which was lodged by the current applicant with the planning authority. Following third party appeal, the planning authority decision to grant permission to the applicant for a dwelling-house, garage, proprietary effluent treatment system, percolation area and, associated services, was overturned based on three reasons.

Reason 1 relates to variance with national policy for the control of development on national routes as set out in *Spatial Planning and National Roads: Guidelines for Planning Authorities*, 2012, to secure the efficiency, capacity and safety of the national road network.

Reason Two relates to endangerment of safety by reason of traffic hazard due to intensification of the substandard access route at the junction with the N83 where sightlines are inadequate.

Reason Three relates to undesirable substandard ribbon development.

Comments in the report of Transportation Infrastructure Ireland, (TII) on this prior application for a dwelling in the name of the applicant for a site with frontage on a minor road to the south west which has a junction with the N 83 included conflict with the official policy providing for control of development with access onto national routes where the maximum speed limit applies as outlined Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 and, that it would set undesirable precedent.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Galway County Development Plan, 2015-2021.

Claregalway is within the 'strategic development corridor'. According to Policy Objective DS 11 it is the policy of the planning authority to provide for coordination of growth within key settlements along the strategic corridor creating sustainable development patterns and optimising investment to support appropriate development on the strategic economic corridor.

The site location is within an area identified as a Rural Area under strong urban pressure" which is within the area of the Galway Transportation Planning Study Area. (GTPS) and – Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure) for which Objective RHO1 applies according to which 1(a) "*Those applicants with Rural Links, (defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life) to the area through long standing existing and immediate family ties seeking to develop their first home on existing family farm holdings*".

The application site is within an area classified as Landscape Category 1, the lowest sensitivity rating on a categorisation scale of 1-5.

Objective T16 provides for protection of the capacity and safety of the national and regional strategic road network with development not being permitted if direct access or intensification of use of accesses onto these routes outside the 60 kph limit.

DM Standard 18 provides for policy objectives according to which residential development along national roads will be restricted outside the 50-60kmh speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines 2012. However, the standard also provides for consideration of access to new dwelling development from National and other Restricted Roads if access off local roads the preferred option, is not feasible. Consideration will be given to the need of farm families to live on the family landholding, on a limited basis where it has been demonstrated a functional need to live at the location. Combined use of an existing access is the preferred option but for a new access to considered. It must be demonstrated to be technically unsuitable.

## 5.2. **Spatial Planning and National Roads: - Guidelines for Planning Authorities, DOECLG, 2012. (The Guidelines)**

Avoidance of creation of additional entrances onto or adjoining national routes where the maximum speed limit exceeds 60 kph is provided for in the Guidelines for incorporation into County Development Plans in order to protect the free flow and operational capacity of national strategic route and provide for public safety.

## 6.0 **The Appeal**

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

6.1.1. An appeal was received from Leahy Planning on behalf of the appellant, Mr Michael Owen Shaughnessy on 15<sup>th</sup> February, 2019 according to which:

- The applicant has not established genuine housing need in accordance with the CDP and, '*Sustainable Rural Housing. Guidelines for Planning*

*Authorities'*. The proposed development is urban generated housing. The submitted folio shows small irregularly shaped pieces of land mostly of rocky outcrop ranging in size from one to three hectares and is not indicative of the applicant being involved in farming or of a need to live at the location. A total landholding of 9.5 hectares is insufficient to provide for a working farm. The income from the land would be marginal, the applicant relying on Policy RHO 1 (b) of the CDP to support his application. He is employed as a construction supervisor based in Galway and his employment does not amount to a reason for residing, for employment reasons, close to his native community at the site. The applicant's need for close proximity can be met by locating in Claregalway which is less than a mile from the site. The applicant parents reside beside the site.

- Significant ribbon development has resulted from one off house development involving the Noone family. Planning Permission (with occupancy conditions) has previously been granted to members of the Noone family for four individual one off houses in the immediate area of the site, the current proposal being for a fifth house for a family member. Two of these houses are no longer occupied by members of the Noone family.
- Development at the subject location is urban generated and in breach of the policies in the CDP for the GTPS (Galway Transport Planning Study Area) which is recognised as a Rural Area under Strong Urban Pressure, close to an existing settlement and the strategic development corridor between Galway and Tuam and beyond. The group of houses on the private lane do not form a cluster identified as suitable for consolidation or expansion in the CDP as provided for in the Guidelines so the proposal is not compliant with the guidelines in this regard. The guidelines indicate that a clear distinction is required between urban and rural generated housing and the current proposal does not facilitate the genuine housing requirements of a rural community.
- Cumulative impact of over proliferation of waste water treatment systems in the area which has extreme vulnerability for ground water would be exacerbated. There is an unacceptable proliferation of one off house treatment plans within a confined area which is defined as Extreme Vulnerability in the GIS maps and confirmed in the site characterisation form.

An additional treatment system in such close proximity cannot be permitted. Furthermore, there are a multiplicity of one-off house development on individual treatment systems to the west of Claregalway which contribute to the extreme vulnerability of the ground water source. The proposal is not in accordance with standards for protection of water quality and does not meet with EPA Code of Practice which recommends a desk study to assess the extreme vulnerability of ground water conditions and inclusion of details on a sketch of existing systems in the surrounding area. (P. 16 and 17 refer.) There is also no evidence that a dilution assessment was undertaken. The assessment of the proposed development does not take these issues into consideration and there is insufficient evidence of compliance with EPA Code of Practice.

- The proposed development constitutes ribbon development leading to increased demands for unsustainable provision of public services which is in contravention of the guidelines.
- There is prohibition on ribbon development in excess of five units on a side of the road over two metres of road frontage in the Guidelines. There are ten houses along the road and five immediately adjacent to the south east over 130 metres increasing probability of groundwater pollution and uneconomic demand for urban services.
- Access from the local road and in turn to the national secondary road where the 60 km speed limits apply is in contravention of Transportation Infrastructure Ireland (TII) recommendations.
  - Seventy metre sightlines, if achievable would seem acceptable but for the very sharp bend, and the now, secondary road which is heavily trafficked. There is no internal traffic report or assessment submitted by the applicant and there are no comments from the TII, which has a role of protecting integrity of national primary and secondary routes, on the application.
  - The 60 kph speed limit applies at the junction with the national secondary route, which is classified as a transitional zone, according to "*Spatial Planning and National Roads: Guidelines for Planning Authorities*" for which a road safety audit would be required but was not provided for new



development to determine the capacity of the junction to accept additional traffic. The proposal is neither orderly or urban.

- The house design which is 'two storey' is injurious to visual amenity and incompatible with surrounding development. Most houses on the L6214 are either single storey or dormer houses and the two-storey house would be prominent and discordant on the road.

## 6.2. Applicant Response

6.2.1. A submission was received from the applicant on his own behalf on 15<sup>th</sup> March, 2019 attached to which are several appendices/exhibits. According to the submission the appeal is an expansion of the original objection to the planning application and the claims have been exaggerated and the appeal is vexatious, without substance and has no bearing on the appellant. An account of the applicant's observations on the original objection to the application is set out below followed by the response to the appeal.

- Observations on the objection to the application.
  - The appellant incorrectly quoted sightline requirements. The sightline requirement complies with all standards set by the local authority and TII.
  - The soakpit is easily located and accords with EPA requirements. All wastewater and stormwater disposes to the groundwater and are not reused for water harvesting.
  - The building line is agreed with neighbours whose enjoyment of visual amenities is not affected.
  - The site size is 245 square metres and accords with the CDP standards. The attic is only to be used for storage, the head height not exceeding 1.650 mm. The proposed floor area of 231 square metres is sufficient. The house design is simple and accords with the guidelines for rural houses issued by the County Council.
  - With regard to the planning history relating to the applicant and his family copies of documentation relating for former applications are provided with the appeal. It is submitted that.

Objection, (by another party) to the applicant's previous proposal under P. A. Reg. Ref. 17/1603 was frivolous and related to demands for rights over lands. This party intended to sell land to the appellant's family. Proposals made to the third party were not agreed culminating in the appeal lodged and determined under PL 301131-18 and permission was refused, overturning the decision of the planning authority.

The appellant then sought permission under P. A. Ref. Ref. 18/1100 on land owned by the appellant who lodged the appeal under PL 301131-18 but withdrawn the application. There was a subsequent dispute between the appellant and the current applicant over a stone wall, to be relocated which formed a 'Right of Way' has led to legal proceedings. It is not possible to relocate the wall.

The appeal therefore is vexatious, and the proposal has no impact on the appellant's quality of life. A sky view is provided for the locality shown the site, the appellant's rental property and his family home. It is submitted that the appellant resides and works in the UK and occasionally resides at rented accommodation at No 96 Riveroaks Estate in Claregalway. His family home is on the N83 in the townland of Cahergowan. The location of the application site is along the local side road (L6214) off the N83 which has no adverse impact on the appellant.

- Observations on the Appeal
  - As regards housing need, the only objection the appellant has made to one off housing development applications which are closer to his home in the locality, is to the applicant's proposal. (a list is provided.) The appeal represents double standards because in the application which the Appellant lodged and then withdrew, there are issues that the location was unserviced and is unsustainable, groundwater would be affected, ribbon development would be created, the access onto the N83 from the lane is where the 60 kph speed limit applies and the design and size would not accord with the design guidelines for single rural houses. (P A. Reg. Ref. 17/1100 refers.)

- According to the submission, the applicant fulfils the housing need criteria, he resides at his family's house on the adjoining site with his fiancé and has done so all his life. His main income is from farming, but it is supplemented by earnings in the construction sector. The farm holding is 27.70 hectares. Various copies of certificates and correspondence are included in the submission.
- The L6214 is a fully serviced road with water supply refuse collections and access to Claregalway on bus routes.
- The applicant's family dwelling is drained to the original septic tank and percolation area. It is proposed that the P. E. of four persons between the existing and proposed dwellings will be split. The new modern packaged effluent treatment system and percolation area are more than acceptable to the EPA. The site was fully assessed under the site characterisation process.
- The proposed development's site location on the L 6214 is classed as part of Claregalway Village within the 60 kph zone and does not constitute ribbon development.
- The L 6214 was originally subject to the 80 kph speed limit but this limit was reduced to 60 kph on 1<sup>st</sup> March, 2019. The proposed development meets with standards for sightlines within an 80 kph limit as was assessed by the planning authority. The junction on the N 83 has full sightline visibility.
- The dwelling design is a simple two storey design and accords with the guidelines for single rural houses issued by the Council.
- It is submitted that the sole reason for the appeal to have been lodged is to delay or prevent the development and secure right to services and lands.

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

6.3.1. There is no submission available on file from the planning officer.

## 6.4. Observations

- 6.4.1. The application and appeal were referred to Transportation Infrastructure Ireland (TII) to which a response was received on 17<sup>th</sup> April, 2019. In the response it is confirmed that has no observations and that it is appropriate for the relevant issues regarding the proposed development to be addressed by the local authority. It is confirmed that the access to the site is onto the local road network, which in turn has a junction with the N83 where the 60 kph speed limit applies on the N83.

## 7.0 Assessment

- 7.1. The issues considered central to the determination of the decision and which are considered below are that of:

Settlement Policy

Traffic Safety and Convenience on the N83 at the junction.

Sightlines at the entrance on L6214

Drainage Arrangements.

Visual Amenities and Dwelling Design.

Environmental Impact Assessment.

Appropriate Assessment.

### 7.2. Settlement Policy

- 7.2.1. The characteristics of the area is consistent with the designation as an area, “under strong urban pressure” is evidenced by the extent of single house development along the minor roads off the N83 to the south of Claregalway. Notwithstanding the transitional peri-urban characteristics on the approach to Claregalway owing to the extent of single house residential development there is no provision within the development plan that would provide for positive consideration of development that is not consistent with the criteria for consideration of single house development within areas under strong urban pressure. Furthermore, as Claregalway is within the ‘strategic development corridor’ it is questionable as to whether further development of this nature is consistent with Policy Objective DS 11 which provides for coordination of growth within key settlements along the corridor creating

sustainable development patterns and optimising investment to support appropriate development on the strategic economic corridor.

7.2.2. There is continuous ribbon development along one side of the L6214 at the end of which, on farmland close to a bend the proposed dwelling would be located. It is also noted that other members of the applicant's family have benefitted from permitted single house development in the immediate area. The concern expressed by the inspector who considered the applicant's prior application which was subject to appeal that there is insufficient evidence that the applicant has a functional need to reside at the site location having regard to his employment and income is considered reasonable. (PL 301131 refers.) A note that the Board was dissatisfied in this regard in connection with this prior proposal is recorded on the Order but not included, among the reasons for the refusal of permission.

### **7.3. Traffic Safety and Convenience on the N83 at the junction.**

7.3.1. The Junction of the L6214 with the N83 is within a section of this national secondary route where the maximum speed limit of 60 kph applies. The maximum speed was reduced in March 2019 by the local authority and this has been confirmed in the submission of Transportation Infrastructure Ireland. As such the national policy restrictions on additional or intensification of use of entrances to development on national primary or secondary road outside the 50-60kph speed limit zone of towns and villages and the corresponding objective DM within the CDP is not directly applicable.

7.3.2. Nevertheless, the proposed development which involves intensification of turning movements on and off the N83 at the junction with the L6214 which has potential for impeding and obstructing of the safety of and unobstructed flow of public transport on the bus corridor along with cyclists and pedestrians and of other traffic the volumes of which were noted to be considerable at the time of inspection. In this regard, the proposed development and any further precedent it might set for single house development serviced by minor routes with junctions with the N83 outside Claregalway, on the strategic economic corridor within or outside the 60 kph maximum speed limit is undesirable. While this is undesirable, there is no direct material conflict with this strategic policy.

#### **7.4. Sightlines at entrance on the L6214.**

- 7.4.1. It is not clearly apparent, based on examination of the details shown on the lodged site layout plan as to whether achievement of adequate sightlines for an entrance onto a public road where the maximum speed limit of 60 kph applies is achievable. It is not apparent as to measurement from a two metres setback at the frontage to the edge of the carriageway and there are no available details as to the design, splays and materials for the entrance or frontage included in the application or consent to any required alterations to road frontage boundaries in third party lands.
- 7.4.2. It would be advisable that details to demonstrate the achievement of satisfactory standards in this regard be made available for consideration, in the event of possible favourable consideration of the proposed development. It is noted that an internal report containing the observations of the Roads Department was not available at application stage.

#### **7.5. Drainage Arrangements. Private effluent treatment systems drainage.**

- 7.5.1. Notwithstanding the proposed use of a proprietary wastewater treatment system as recommended in the Site Characterisation form submitted with the application, the proliferation of proprietary wastewater treatment systems serving properties on the L6214 and in the immediate vicinity to which the proposed system would be an addition is a matter of concern. The case made by the applicant that the volume of discharge to the existing septic tank system serving the applicant's parent's dwelling would be reduced due to the installation of the private treatment system to serve the proposed development is acknowledged but that it cannot be accepted as a material consideration on an indefinite basis in that the proposed development is for a three bedroom with potential for use as a four bedroom dwelling.
- 7.5.2. It is agreed with the appellant that some details are deficient and/or incomplete within the application having regard to the recommendations in EPA's Code of Practice: *Wastewater Treatment Systems for Single Houses*, and that outstanding details are of importance, having regard in particular to the aquifer vulnerability and the high concentration of existing private effluent treatment systems. It is noted that an internal report containing the observations of the Environmental Health Officer was not available at application stage.

## **7.6. Visual Amenities and Dwelling Design**

- 7.6.1. The site location is not within any views designated as protected views within the CDP and also that the landscape categorisation is “1” on the scale of 1-5 where “1” is the least sensitive. The landscape character along the L6214 along a distance of 250 to 300 metres from the junction with the N83 and along other minor roads that intersect with the N83 in the area while formerly rural has become characterised by suburban type urban generated ribbon development interspersed with some road frontage lands remaining in agricultural use. The proposed dwelling which has a stated floor area of 245 square metres is relatively large.
- 7.6.2. However, the existing road frontage dwellings on the L6214 between the junction and the application site are also relatively large, dwellings with habitable accommodation on two floors with roof profiles and ridge heights typical for two storey houses. Therefore, in terms of visual impact, it is relatively immaterial as to whether the dwellings are two storey or dormer having regard to their sizes, form and heights. The proposed dwelling is compatible with the existing dwellings in this regard but would add to and intensify and extend the suburban, ribbon development landscape characteristics that have already developed further along the L6214. The detached garage structure which has a stated floor area of sixty square metres is somewhat large for a domestic garage for use ancillary to the residential use of the dwelling.

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

- 7.7.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. 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. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Notwithstanding some concerns and reservations about aspects of the proposed development as indicated in the foregoing assessment, some of which, notably the entrance arrangements and outstanding detail on the proposed drainage arrangements could be addressed in supplementary submissions further to a section 131 notification, for further consideration, or compliance submissions a draft order for a grant of permission subject to conditions follows.

## 9.0 Reasons and Considerations

Having regard to the established pattern and character of development in the vicinity it is considered that, subject to compliance with the conditions set hereunder, the proposed development would not be seriously injurious to the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would 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 lodged with An Bord Pleanala on 15<sup>th</sup> February, 2019, 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 dwelling shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall



remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with this agreement and the date of such occupation.

3. The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.

**Reason:** In the interest of clarity, the amenities of the area and the proper planning and sustainable development of the area.

4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

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

5. The front boundary wall shall be constructed in local stone which shall not exceed one metre in height when measured from the outer side or in indigenous hedgerow which shall be maintained at a maximum height of one metre.

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the side and rear boundaries details of which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, following 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 visual and rural amenity.

7. The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on 21<sup>st</sup> November, 2018 and in accordance with the requirements of “Wastewater Treatment Manual: Treatment Systems for Single Houses, (p.e. less than or equal to 10)”, published by the EPA in 2010. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

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

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

**Reason:** In the interest of orderly development and public health.

9. The detached garage shall be used for purposes ancillary to the residential use of the dwelling and shall be sold, sublet subdivided or used for human habitation.

**Reason:** In the interest of clarity and amenity.

10. 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.

**Jane Dennehy**  
Senior Planning Inspector  
13<sup>th</sup> May, 2019.