



An
Bord
Pleanála

Inspector's Report ABP-303849-19

Development	Part demolition of existing bungalow; and development of 2 no. two-storey, detached houses.
Location	The Grove, Louisa Valley, Leixlip Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18/1056
Applicant(s)	Berenice Flattery
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Louisa Valley Residents
Observer(s)	Catherine Murphy TD
Date of Site Inspection	17 th May 2019
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.094ha, is located within suburban Leixlip, Co. Kildare. It forms part of the curtilage of a small bungalow – with access off a short cul de sac, off a now redundant section of Station Road. [For ease of reference, I will refer to the entire cul de sac as Old Station Road]. The road gets narrower towards the head of the cul de sac – it not being possible to pass two cars for the final 80-100m. It serves some 9 houses – many of which have alternative vehicular access points.
- 1.2. The site is rectangular in shape, is relatively flat (sloping almost imperceptibly downhill towards the northeast) and has recently been cleared of all vegetation – with topsoil mounded on the site. The roadside boundary of the bungalow with Station Road, was an old stone wall – 1.4m high (but this has since been demolished). There is a two-storey, construction site office erected on the appeal site.
- 1.3. To the northeast, the site abuts a suburban street – The Grove – the boundary with which is a 3.0m high concrete block wall, which is capped with brick, and is plastered/dashed on the outward-facing side. There are semi-mature trees within the narrow grass margin between this wall and the edge of the carriageway. There is no footpath on this side of The Grove. To the northwest, the site abuts the remainder of the bungalow curtilage (half of which is to be demolished to facilitate this application), and the recently-cleared area around it – the boundary with which is undefined. To the southwest, the site abuts the head of Old Station Road and the rear gardens of houses in Rockingham Green. To the southeast, the site abuts the curtilage of a large, two-storey house of recent construction – the boundary with which is a 2.5m high concrete block wall, which is capped, but not plastered.

2.0 Proposed Development

- 2.1. Permission sought on 30th August 2018, for residential development as follows-
 - Part demolition of an existing bungalow (60m²) on the site.
 - Construction of 2 no. detached, two-storey, four-bedroom houses of 150m² each – with individual access for each house from The Grove.

- Two curtilage parking spaces for each house.
- New foul sewer to be constructed to connect to existing public foul sewer in The Grove – linear run of approximately 100m.
- Surface water to be discharged to soakways within the rear gardens of houses.
- Water connection to public main in The Grove.

2.1.1. The application is accompanied by an Infrastructure Provision Report – dated August 2018.

2.2. Following a request for additional information, a response was received on 23rd November 2018, containing the following points of note-

- Landscape drawings.
- Letter of consent from Mulberry Properties, to works proposed to the dwelling-house and boundary on this site.
- Land Registry details relating to the right-of-way on The Grove, to access site.

2.3. Following a request for clarification of additional information, a response was received on 9th January 2019, containing details from the Property Registration Authority relating to this site, and access to it.

3.0 **Planning Authority Decision**

By Order dated 4th February 2019, Kildare County Council issued a Notification of decision to grant planning permission subject to 17 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars received on 30th August and 23rd November 2018, and 9th January 2019.
- 3.a Relates to protection of trees on site during the construction phase.
15. Requires compliance with Section 96(3) (a) or (b) of the Planning and Development Act, 2000 (as amended).
16. Bond condition for €8,000.
17. Development contribution of €14,980.

4.0 Planning History

Ref. 17/1118: Retention permission granted to Fergal & Bernice Flattery on 15th March 2018, for a detached house on a site to the southeast – with access from Old Station Road. This development was not the subject of an appeal to An Bord Pleanála; and is completed.

Ref. 18/905: Permission granted to Mulberry Properties Ltd. on 12th December 2018, to build 8 no. semi-detached houses on adjoining site to the northwest, and to demolish the other portion of the bungalow on the site. Access to the proposed houses was from The Grove. This decision was the subject of a 3rd Party appeal to An Bord Pleanála (**ABP-303432-19**). By Order dated 7th May 2019, The Board confirmed the grant of permission.

5.0 Policy and Context

5.1. Development Plan

The relevant document is Kildare County Development Plan 2017-2023. Chapter 16 contains development control standards. Within this document, the Leixlip Local Area Plan 2017-2023, is also of relevance. The site is zoned 'B' – Existing residential and infill, with an objective – “To protect and enhance the amenity of established residential communities and promote sustainable intensification”.

5.2. Natural Heritage Designations

The site is neither within nor immediately abutting any natural heritage designation.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Marston Planning Consultancy, agent on behalf of Louisa Valley Residents, received by An Bord Pleanála on 4th March 2019, can be summarised in bullet point format as follows-

- The development has been split, in order to avoid the requirements of Part V of the Planning and Development Act, 2000. It may not be possible to comply with condition no. 15.
- The development will impact negatively on amenity of existing residents.
- This site has to be viewed in conjunction with the application for 8 houses on the remaining part of the bungalow site, to the northwest.
- No. 6 The Grove, is used by Stewarts Hospital, to house people with intellectual and physical disabilities. On-street parking is needed to serve this development.
- Houses on the opposite side of The Grove are set at an angle to the road, and this is now the established pattern of development.
- The proposal to create a foul sewer connection through existing public open space is ill-considered. Whilst this area has been taken-in-charge by KCC, this does not entitle the applicant to use the land – and the developer, Saltan Properties retains a legal interest. There is no legal consent to lay this sewer, and the application is, therefore, premature. There is no condition requiring the developer to reinstate the public open space once the sewer has been laid. The sewer could be rerouted into the road.
- Public open space provision is inadequate. Existing public open space is maintained by local residents. The Development Plan requires 10% open space for new housing developments. The existing open space within The Grove is just below 10% of the area of the 26 houses it serves. The subject site has been split in two/three. The united area of the two sites which form the current bungalow site is 3,900m² – requiring public open space of 390m².

An appropriate financial contribution condition should be attached to any grant of permission, in lieu of the provision of on-site public open space.

- This proposal represents project-splitting in conjunction with the sites to the northwest and southeast, with whom the applicant has connections.
- On-street parking will have a negative impact on residential amenity. Old Station Road currently serves just four houses – and has significant spare capacity. Access to the site should be from this road.
- All construction traffic should use Old Station Road – as this gives more direct access to the wider public road network.
- The first floor of houses should be finished in painted render, to match the façades of existing houses within The Grove.
- This infill development, due to poor design, does not meet the requirements of the Urban Design Manual – A Best Practice Guide (2009), or the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- The recently-constructed, two-storey house to the southeast, will overlook the rear gardens of the two new houses.
- The proposed development would result in devaluation of property in the area.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

The response of KCC, received by An Bord Pleanála on 14th March 2019, indicate that the site is an infill one. Appropriate conditions have been attached in relation to Part V.

6.4. Observations

There is one observation from Catherine Murphy TD, received by An Bord Pleanála on 15th March 2019, which can be summarised in bullet point format as follows-

- The observer supports the appeal from Louisa Valley Residents.
- The development comprises project-splitting, and has implications for Part V.
- The public open space within The Grove remains vested in the original developer of the housing estate. The maintenance of the open space area falls on residents. The sewer line should not run through this area. The quantum of open space within this development has not been added to by this development and reduces the standard of living for those already using it.
- There has been insufficient consultation with residents in relation to this infill development. Whilst the location can support new housing, it must be done in sympathy with adjacent developments.
- Enabling works for 18/905 were commenced without any prior notice. There was no traffic management plan. A condition should be attached by the Board in relation to construction phase works.
- There is already a parking deficit in this area.

7.0 Assessment

The principal issues of this appeal relate to residential amenity, vehicular access (both during construction and operational phases), public open space, and Part V.

7.1. Development Plan & Other Guidance

The site is zoned for residential development in the Leixlip LAP 2017-2023. This is an infill site, and the proposed development is in accordance with the zoning. The development is in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) – issued by the Department of Environment, Heritage and Local Government in May 2009. The density of development, at 28 units per ha, reflects the density of development within The Grove and Rockingham Green adjacent developments.

7.2. Design & Layout

- 7.2.1. The shape of the site, to some extent, dictates the layout of development – with houses addressing The Grove. The Grove is a small development of 26 no. detached, two-storey houses. The proposed detached houses are of equivalent size (at 150m² each). The ridge-line height of the proposed houses is roughly similar to houses within The Grove. The appellant urges that the façades of the houses should reflect the brick and plaster finishes of the existing houses within The Grove. I would be satisfied that the red-brick façades proposed are acceptable. I note that nearby houses in Rockingham Green have red-brick façades. A new footpath is to be provided along the length of the site frontage, to link the footpaths in front of nos 4 & 6 The Grove, and the eight no. houses recently permitted on the site to the northwest. Rear gardens are large; and will provide for good-quality private open space for residents. The separation distance from the rear elevations of houses in Rockingham Green is more than adequate to ensure that there will be no unacceptable degree of overlooking. The rear gardens of the proposed houses will not be overlooked to any unacceptable degree by the recently-constructed, two-storey house on the site to the southeast. This house is situated at right angles to the proposed new houses; and is set back approximately 13.5m from the common boundary. A 2.5m high wall separates the properties; and will help to secure privacy for occupants on both sides of it. Both new houses will abut an area to the rear which would once have formed part of Old Station Road. There is no indication given of any proposed rear access – (pedestrian or vehicular). I note that one house on Rockingham Green appears to have rear access to Old Station Road at present.
- 7.2.2. The proposal involves the demolition of part of an habitable house. I note that an application on the adjoining site sought to demolish the remainder of this habitable house (permission for which was recently confirmed by the Board). In the event that only one of the grants of permission was confirmed by the Board, the remaining portion of the bungalow on site would have to be shored-up and made good, to retain the standing part of an habitable house. Similarly, even if permission were confirmed by the Board for both residential schemes; and where only one scheme was to proceed; the remaining portion of the bungalow on site would have to be shored-up and made good, in order to retain the standing part of an habitable house. This is a less than desirable situation in relation to an habitable house. A condition

would need to be attached to any grant of planning permission to issue from the Board, to cover the above-referenced eventualities.

- 7.2.3. The 3rd Party appellant argues that the proposed development makes no provision for public open space: and this is undeniably true. The planning authority has not applied a financial contribution in lieu of such provision. It would seem that the existing open space within The Grove, will end up being used by future residents of this proposed development. To apply the 10% requirement to this site, would result in a piece of ground of 94m². Such a piece of ground would be of limited open space use – and could, at best, perform a visual amenity function. There is no logical place to locate such an area of open space. Perhaps if the site abutted an existing area of open space, it could be extended; but in this instance, it does not.
- 7.2.4. The 3rd Party appellant is concerned that foul sewer pipe-laying will result in damage to the open space within The Grove. I note that where the pipeline traverses the existing open space area – the ground is sloping gently down towards the road – and so is not suitable for active amenity use. The alternative to using the open space area, is to run the pipeline within the road – as suggested by the 3rd Party. This would involve more expense and disruption, than excavation within a grassed area. I note that the recent Board decision to grant permission for eight houses on the site to the northwest, shares the same sewer line. A condition of that permission required the relocation of the sewer line into the public road space; and a similarly-worded condition should be attached to any grant of permission in relation to this current appeal. The pipe-laying would be of limited duration.
- 7.2.5. Recent site clearance has resulted in the removal of most of the vegetation from this site. A number of ivy-clad, deciduous trees have been retained along the southwestern boundary of the adjoining site. These trees are indicated as being retained on drawings submitted. The current appeal site has been entirely stripped of vegetation. Additional information drawings submitted on 23rd November 2018, provides for two trees to be planted along the rear boundary wall of each of the two houses. I would see no difficulty with the removal of semi-mature deciduous trees within the grass margin along The Grove site boundary. Such removal is necessary to create vehicular accesses for the two houses. Front gardens of the new houses will be landscaped – and will represent a more attractive feature than the existing 3m high concrete wall which forms the boundary at present.

7.3. Access & Parking

- 7.3.1. The current vehicular access to the site is from Old Station Road – an older cul de sac road. This access serves the bungalow on the wider site. I do not see that access need necessarily be replicated on this side of the site. The estate road serving The Grove is more than adequate to serve an additional two houses (plus the eight already granted permission by the Board). The proposed development will not constitute a traffic hazard – sight distance is adequate on this residential cul de sac. The applicant has indicated that there is right-of-way access from the site to The Grove.
- 7.3.2. Provision is made for two parking spaces within the curtilage of each house site. This is in accordance with development plan standards. I would be satisfied that the proposed development will not result in indiscriminate parking on The Grove: houses on the street have their own curtilage parking. Reference is made to parking requirements of Stewarts Hospital, which runs sheltered accommodation at no. 6 The Grove: this is not a relevant consideration. No. 6 has its own curtilage parking – like other houses within the estate. There are no parking restrictions in place on this residential street. If no. 6 requires on-street parking (cars/minibuses) from time to time, then this would be no different to intermittent on-street parking requirements for other houses within The Grove.
- 7.3.3. The Notification of decision to grant planning permission did not make any reference to construction traffic. There is vehicular access to the site from Old Station Road. There will be vehicular access to the site from The Grove (the applicant company indicating that it has right-of-way access to this road). I would be satisfied, having regard to the limited duration of the construction phase, for a development limited in area such as this one, would not result in the creation of traffic hazard; and the decision on which road(s) access to use, is a matter for the developer. Old Station Road is a narrow carriageway. It is not possible to pass two vehicles along a considerable portion of its length. Notwithstanding this, it was recently used to import site-clearance machinery of considerable size. It currently serves as access to 9 houses – a number of which have alternative road access. Certainly, The Grove would be a more appropriate access for construction traffic. However, such was not required by way of condition attached to the Notification of decision to grant planning

permission, and it would be unreasonable to require such by way of condition attached to any grant of permission to issue from the Board. I note that the Board, in its recent decision relating to the eight houses on the adjoining site to the northwest, did not require construction access from Old Station Road.

- 7.3.4. The Roads and Transportation Section of KCC had no objection to the proposed development. CBR tests of the proposed distributor roads was required – prior to commencement of development. This requirement was reflected in condition no. 9 of the Notification of decision to grant planning permission. There are no distributor roads proposed with this development.

7.4. **Water**

7.4.1. Water Supply

Water supply is to be from an existing IW main, located within The Grove. The Water Services Section of KCC and IW, raised no objection to the proposed development.

7.4.2. Foul Waste

It is proposed to discharge foul waste to the IW network in the area. This will involve the construction of a 100m length of sewer to connect to an existing sewer to the northeast – in the corner of The Grove housing development. The Water Services Section of KCC and IW, raised no objection to the proposed development. The Board, in granting permission for an adjoining development of eight houses to utilise this same sewer, required that it be relocated into the public road.

7.4.3. Surface Water

Surface water is to be discharged to individual soakways within the rear gardens of the houses. Soakway tests were carried out by excavating two trial holes on the wider bungalow site. Groundwater was encountered at 2.0m below ground level in one of the holes. The percolation was deemed suitable. The Environment Section of KCC had no objection to the proposal.

7.4.4. Flooding

The site is not subject to any flooding. OPW Floodmaps do not indicate any incidence of fluvial flooding in the area.

7.5. Other Issues

7.5.1. Financial Contribution

Condition 17 of the Notification of decision to grant permission required payment of a development contribution of €14,980. The applicant has not appealed this condition. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.2. Bond Condition

Condition 16 of the Notification of decision to grant planning permission required the developer to pay a bond of €8,000, for the completion of the development. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.3. Part V

Section 16 of the planning application form submitted to KCC, indicates that the application is one to which Part V of the Planning and Development Act, 2000, as amended, applies. The response of KCC to the grounds of appeal submitted, which response was received on 14th March 2019, indicated that the Council considered that an appropriate condition had been attached in relation to Part V. Condition 15 of the Notification of decision to grant planning permission states-

Prior to the lodgement of a Commencement Notice within the meaning of Part II of the Building Control Regulations, 1997 the Applicant and any other person with an interest in the land to which this Permission relates shall enter into an Agreement with the Planning Authority providing for the matters referred to in Section 96(3) (a) or (b) of the Planning & Development Acts, 2000-2015.

This Agreement shall provide for the reservation of 10% (or such lesser percentage, if any, as may be provided for in the Planning Authority's Housing Strategy/Development Plan at the time of such Agreement) of the lands to which this Permission relates for the provision of housing of the type referred to in Section 94(4)(a) of the Planning & Development Acts, 2000, (as amended), **UNLESS** an alternative arrangement as permitted by Section 96(3)(b) of the said Acts is agreed with the Planning Authority. Where any

such alternative arrangement provides for the transfer of dwelling units to the Authority such units shall conform with the Department of the Environment, Community & Local Governments [sic] minimum design standards as set out in “Quality Housing for Sustainable Communities” and any subsequent amendments applicable at the date of the Grant of Planning Permission and must have registered title at the time of transfer to Kildare County Council.

Reason: To comply with the requirements of Part V of the Planning & Development Acts, as amended, and the policies and objectives of the Kildare County Housing Strategy as contained within the Kildare County Development Plan 2017-2023.

I note that the Board attached a condition requiring compliance with Part V to the grant of permission for eight houses on the adjoining site to the northwest; and it would be prudent to attach a similarly-worded condition to any grant of permission for this development.

7.5.4. Appropriate Assessment

Screening for appropriate assessment was carried out by KCC. The closest European site is the Rye Water Valley/Carton SAC (Site code 001398) – located some 260m to the northwest (as the crow flies), on lower ground. Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, no Appropriate Assessment issues arise; and it is not considered that the proposed development would be likely to have a significant effect individually, or in combination with other plans or projects, on an European site.

7.5.5. Devaluation of Property

The appellant claims that the proposed houses will devalue property in the vicinity. No evidence has been submitted to substantiate this claim. I would be satisfied that the proposed houses, which are similar in size and scale to existing houses within The Grove, will not have any significant impact on property values in the area.

7.5.6. Numbering

Condition 7 of the Notification of decision to grant planning permission required submission of a naming and numbering scheme for the written agreement of the Council. This would appear to be reasonable; and a similarly-worded condition

should be attached to any grant of permission to issue from the Board. I note that numbering may prove difficult; where no's 4 & 6 already exist on either side of a site for two houses (with permission granted by the Board for a further eight houses).

7.5.7. Site Clearance

It is open to any property owner to clear vegetation and rubbish from a site, without the requirement for planning permission (except in certain limited circumstances relating to ecological protection or relating to Protected Structures) – circumstances which would not appear to apply in this instance. The site has been substantially cleared of vegetation and topsoil stripped and mounded on the most recent date of site inspection by this Inspector. No demolition work has taken place on the bungalow – and no construction work has commenced on houses.

7.5.8. Archaeology

There was no archaeological monitoring condition attached to the Notification of decision to grant planning permission which issued from KCC. There is no indication of any archaeological sites in the immediate vicinity. Extensive site clearance and removal/mounding of topsoil may have damaged any archaeological deposits which might have existed within the site – which was largely green-field in nature.

7.5.9. Site-Splitting

The 3rd Party appellant and the Observer contend that the bungalow site has been deliberately split. This argument relates to the potential impact on Part V. However, I note that the proposed development is in no way dependent on planning application ref. 18/905 for the remainder of the bungalow curtilage; and could proceed without it. I have elsewhere in this report commented on the implications of demolishing part of the bungalow on the overall site. I would be satisfied that the splitting of the bungalow site in two, would not have any planning implications for this current appeal.

8.0 **Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the current development plan for the area, the pattern of development in the vicinity, and the design and layout of the proposed scheme; it is considered that, subject to compliance with the attached conditions, the proposed development would not be detrimental to the residential amenities of the area, would not be prejudicial to public health, would not result in a devaluation of property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 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 30th day of August 2018, the 23rd day of November 2018, and the 9th day of January 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, no surface water from roof areas or driveways shall be discharged to the road drainage network within The Grove or within the Old Station Road cul de sac to the rear.

Reason: In the interest of public health.

3. The vehicular entrances from the public road, including footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority. Roof colour shall be slate-grey or blue/black only, including ridge tiles.

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

5. The foul sewer connection through the public open space within The Grove shall be omitted; and the connection shall take place within the public road, with reinstatement following excavation carried out at the developer's expense, in accordance with the construction standards of the planning authority.

Reason: In the interest of the residential amenities of the area.

6. Prior to commencement of development, proposals for a naming/numbering scheme shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Following demolition of part of the bungalow on this site, the remainder of the house shall be made good, and returned to residential use within one month of demolition; unless redevelopment of the adjoining site proceeds.

Reason: To safeguard the remaining portion of an habitable house; in the interest of residential and visual amenity.

10. 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 current Development Plan for the area.

11. 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.

12. 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 the 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.

**Michael Dillon,
Planning Inspectorate**

24th May 2019.