



Development	Extension to and change of use from 3 no apartments to office use and associated elevation alterations at third floor and b) an additional floor containing four apartments. (1 x 2 bedroom and 3 x 1 bedroom) and associated external works
Location	37 Merchants Road , previously known as No 43a, 43b and 44) , Merchants Road, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18373
Applicant(s)	Mergal Property Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Merchant's Dock Management Ltd
Observer(s)	Woodland Contractors Ltd.
Date of Site Inspection	27 th June 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site 0.06885 hectares is located on the north-eastern side of the junctions between New Dock Street and Merchants Road and encompasses Merchant's Square, 37 Merchants Road, Galway. The area comprises the city centre mixed commercial district between the commercial dock area and the medieval core. Mixed use development surrounds with three and four storey commercial buildings as well as retail, restaurant and residential uses. Merchant's Road is a vehicular one-way linear street with a consistent building line and provides a strong sense of enclosure as it is flanked by building forms while New Dock Street is more varied in character.
- 1.2. Merchant's Square comprises a 4-storey flat roofed structure with three floors currently in use as commercial offices by professional services business Grant Thornton. At third floor level there are 3 apartments. consistent
- 1.3. The site is bounded by a four-storey office building Seville House to the southeast on New Dock Street and a five-storey mixed use office and residential building Merchant's Dock to the northeast on Merchants Road with Niland house an apartment complex occupying a historic warehouse structure to the northeast of this. There is a three-storey building, Commerce House, on the opposite side of Merchants Road and opposite this with frontage onto New Dock Street and Merchants Road Lower is the three and four-storey House Hotel. To the south fronting onto New Dock street are residential properties a mix from two to four stories.

2.0 Proposed Development

- 2.1. The proposal relates to the current residential penthouse level. The proposal consists of an extension and change of use of the current residential development on the third floor for office use and development of an additional fifth floor for residential use. The development as described in the public notices involves.

“a) extension to and change of use from three no apartments to office use and associated elevation alterations at third floor and

b) an additional floor containing four no apartments (1 x 2 bedroom and 3 x 2 bedroom) and associated external works.”

2.2. The plan involves the creation of an additional 440m² of floor space. A total of 356m² of office space will be provided. A total of 4 no residential units comprising 237m² of floor space are proposed on the fourth-floor level. The mix of unit type is 1 no 2 bed apartments and 3 no 1 bed apartments. The height of the overall development will increase from 21m to 24.54m

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 22 March 2019 Galway City Council issued notification of decision to grant permission and to which 10 conditions were attached which included the following:

- Condition 2. Development Contribution €8,639 in accordance with the Development Contribution Scheme.
- Condition 3. Development Contribution €20,000 towards provision of public transport facilities in accordance with the development contribution scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's initial report sought further information to enable full assessment including a visual impact assessment, photomontage series and a sunlight daylight and overshadowing analysis. It was noted that the existing third floor has a ceiling height of 2.5m and comment was invited on the adaptability of this floor to cater for modern office accommodation.

3.2.1.2 Following submission of additional information the planner's report concludes that the existing built form allows for an additional level without compromising or providing significant negative impact on the amenity of the local area and no significant overshadowing or overlooking issues arise. Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

Building Control report indicates no objection. Fire Safety Certificate and Disability Access certificate will be required.

3.3. Prescribed Bodies

Irish Water Submission no objection subject to connection agreement.

3.4. Third Party Observations

3.4.1 Submission by O Turirisg Associates Ltd on behalf of Merchants Dock Management Companies, owners of the various units within the adjoining Merchants Dock Development. Objection to the development is set out on grounds of

- Overshadowing and loss of light to apartments facing the courtyard. Reduction in natural light in the afternoon/evening time considerable. Proposal equates to two floors given proposal to develop amenity space and level above.
- Overlooking – Amenity space will overlook Merchant’s Dock apartment and courtyard.
- Site disturbance and construction impacts. Proposal will require accommodation from Merchants Dock occupiers and no agreement has been reached in relation to this.
- Planning History - 07/797, PL227093 additional floor refused by Galway City Council and also on appeal to An Bord Pleanála on grounds that it was visually excessive.
- Following response to further information request reiterate concerns regarding light impact, overlooking and negative visual impact. Montage at page 21 of landscape and visual impact assessment does not accurately reflect the current profile of the east wall of the existing development. Additional information does not consider impact which is likely to be considerable on the light well of the neighbouring Merchants Dock, development. The visible crack in the east wall raises concern as to whether the load bearing capacity of the existing foundation at Merchant’s Square has been considered for the construction of an additional floor.

3.4.2 Submissions from Woodland Contractors Ltd. owners and occupiers of the second floor of Merchant’s Dock. Additional height is excessive in an area where there is reasonable uniformity at present except for the nearby House Hotel. Additional

height will create an oppressive corner and further shade building diminishing daylight. Proposal will also create significant disruption to the work environment.

4.0 Planning History

4.1 There have been a number of planning applications in relation to the site including :

10/166 Permission granted for new high-level glazing to the rear of existing ground floor office / retail unit.

09/363 Permission granted for revisions to previously granted mixed use development (PL06/240, 07/204 and PL61.223184) as follows: Change of use at ground floor from retail to office. b) retention of minor revisions to internal circulation including provision of additional fire escape stair and associated elevational changes.

PL61.227093 07/797 Refusal of permission for revisions to previously granted mixed-use building (06/240, 07/104PL61.223184) to include (a) construction of additional floor of office accommodation (255.6m²) at 3rd floor level (b) Revised residential accommodation now at 4th floor level (revised from 1x1 bed and 2x2bed apartments to 1x3 bed and 1x 2 bed apartments (c) revised elevations (minor internal alterations and all associated works.

The Board's reason for refusal was as follows:

“Having regard to the planning history of the site and to the pattern of development in the vicinity, particularly the heights of nearby and adjoining property, it is considered that the proposed increase in height would result in an overbearing form of development at this location which would damage the architectural integrity of the streetscape. Accordingly, the proposed development would seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.”

07/104 Permission refused for the addition of an upper ground floor level consisting of 413m² of office space.

PL.61.223184 (07/104) The Board overturned the decision of the Planning Authority and granted permission for addition of an upper ground floor level of office space to mixed development (06/240)

06/240 Permission granted for demolition of existing commercial units and construction of five storey building of mixed development accommodating retail 511.8 sq.m at ground floor, offices 742.9 sq.m at first and second floors and three residential units (1 no 1bed apartment and 2 no 2bed apartments) 208sq.m at penthouse fourth floor with associated external works.

03/332 Permission granted for use of first floor as theatre events venue to comply with condition 2 of 731/01 and PL61.129220

01/731 Permission granted for part demolition (43A, 43B and 44 Merchant's Road) and construction of (1) Service basement (2) Ground floor bar /restaurant (3) First floor night club(4) 3 no apartments on 2nd floor.

99/606 Permission refused to demolish building and construct office block and 4 no penthouse apartments and basement at the corner intersection.

5.0 Policy Context

5.1. National Policy

5.1.1 National Planning Framework. Project Ireland 2040 - Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work.

5.1.2 Section 28 Ministerial Guidelines.

- Urban Development and Building Height Guidelines. Department of Housing Planning and Local Government. December 2018.
- Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities. Department of Housing Planning and Local Government. March 2018.

5.2. Development Plan

5.2.1 The Galway City Development Plan 2017-2023 is the operative plan. The site is zoned for 'City Centre' Development the objective is "*To provide for city centre*

activities and particularly those which preserve the city centre as the dominant commercial area of the city.”

Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines.

Chapter 8. Built Heritage and Urban Design.

5.3. Natural Heritage Designations

The following Natura 2000 sites are within a 15km radius of the site.

Galway Bay Complex cSAC (Site Code 000268).

Lough Corrib cSAC (Site Code 000297).

Inner Galway Bay SPA (Site Code 004031).

Lough Corrib SPA (Site 004042)

Lough Fingal Complex cSAC (Site Code 000606).

Ross Lake and Woods cSAC (Site Code 001312).

East Burren Complex cSAC (Site Code 001926).

Connemara Bog Complex SAC (Site Code 002034).

Creganna Marsh SPA (Site Code 04142).

5.4 EIA Screening

5.4.1 Having regard to the nature and scale of the proposed development on zoned and serviced land, and to 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 and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by O Tuarisg Associates Ltd on behalf of Merchants Dock Management Company representing owners of apartments and office units within Merchants Dock adjacent to the proposed development. Grounds of appeal are summarised as follows:

- Proposal results in adverse impact on owners/occupiers of the Merchants Dock building.
- Overshadowing and loss of natural light particularly afternoon and evening.
- Overbearing impact.
- New amenity space of the proposed top floor apartments will overlook windows of Merchants Dock apartments and courtyard.
- Site disturbance during construction. No legal obligation to facilitate construction. Significant disruption, noise and dust.
- Planning history of refusal ABP PL61.227093. Development excessive. Visually obtrusive.
- Minor changes in response to further information request do not address the issue of the entire floor being constructed on top of the tallest building.
- Overlooking of residential spaces by offices
- What solutions are proposed in regard to construction phase ? Screening and proposals for cleaning during and post development.

6.2. Applicant Response

6.2.1 The response by McCarthy Keville O Sullivan Planning and Environmental Consultants on behalf of the first party is summarised as follows:

- Regarding overshadowing and loss of natural light the shadow diagrams shown in Appendix 2 show the impact of the proposed development on both Spring (21 March) and Autumn (21 September) equinox and summer (21

June) and winter solstice (21 December) at approximately 9am, 12pm, 3pm and 6pm. The shadow studies indicate low impact shadow increase relative to the neighbouring building up to late morning. The notable variation would be likely between 2pm and 3pm for equinox and between 4pm and 5 pm for summertime. For wintertime there is little variation because of the already long shadows.

- No substantial impact in terms of overlooking.
- In relation to construction disturbance condition 4 of the permission requires agreement in respect of a construction programme prior to commencement of development.
- Permitted development has plot ratio of 2.7:1 and proposal is marginally higher 3.3: 1 and is justified on basis of significant contribution to the urban character of the local area.
- Transportation levy applies in lieu of car parking. €20,000.
- Refusal reasons by the board no PL61227093 are no longer consistent with the emerging National Policy context which seeks to increase density and height particularly in city centre locations.
- The narrow streets surrounding the site will ensure that the additional floor will not have a significant impact from street level.
- In relation to the mix of uses while the change of use proposed on the third floor with additional floor provides for an increase in residential units within the development from 3 no units to 4 no units with the gross floor spaces of residential use increasing from 224sq.m to 237 sq.m. In addition to providing additional residential units the development also provides additional office space within the commercial core of the city achieving an increased density of development that prove a more sustainable approach to the development of a city centre brownfield site without any significant impacts.
- There is a strong demand for the proposed development and it is the applicants clear intent to commence construction should the decision be upheld.
- Location at the junction of New Dock Street, Merchants Road and Merchants Road Lower will contribute to a sense of place at this individual street junction.

6.3. Planning Authority Response

6.3.1 The response of planning authority asserts that the issues raised have been given due regard and consideration as part of the planning assessment. Development was modified to take account of the various issues raised in further information request including issues of visual impact, bulk, height, design, visual appearance and residential amenity.

6.4. Observations

6.4.1 Observations are made by John Phelan Woodland Contractors Limited, owner/occupiers of the second floor on the adjoining property at No 3 Merchants Road.

- Proposed additional height will significantly impact on the lightwell of Merchants Dock premises. Part of the east wall of the Merchants Square Development forms one wall of the lightwell and the proposed extra height has not considered the impact.
- Concern arises that the load bearing capacity of the existing structure of Merchant's Square has not been considered for an additional floor. (Notable cracks are evident on east wall)
- Visually intrusive.
- Merchant's Square building was welcomed at time of construction as an iconic structure which helped the streetscape, but the proposed additional height would negate significantly the currently pleasant skyline from Flood Street through New Dock Street to the Dock Area as well as potentially providing precedent for other property owners in the vicinity.

7.0 Assessment

7.1. I propose to assess the appeal under the following broad headings.

- Principle of Development
- Height, Design and Visual Impact
- Residential and other amenities

- Other matters

7.2 Principle of Development.

7.2.1 The appeal site is located on lands zoned Objective City Centre; *“to provide for city centre activities and particularly those which preserve the city centre as the dominant commercial area of the city.”* under the provisions of the Galway City Development Plan 2017-2023. The proposed extension of the office use on the site is consistent with this zoning objectives. Section 11.4.3 of the Development Plan relates to residential content *“Where appropriate, a residential content of at least 20% of the proposed gross floor area will be required for all new development. Change of use of recently constructed purpose-built residential accommodation on upper floor level in areas zoned CC will not normally be permitted”*. The proposal provides for an increase in number of the number of residential units from 3-4 (224sq.m existing to 237 sq.m proposed) thereby respecting the residential content requirement.

7.2.2 On the matter of Plot ratio, the measure of density to avoid the adverse effect of overdevelopment, it is set out at 11.4.2 of the Galway City Development Plan *“In general for new development, the maximum plot ratio permitted will be 2:1.” “ In the CC zone consideration will be given to development proposals in excess of the normally permissible plot ratio where such proposals would contribute to urban regeneration or make a significant contribution to urban character. This excess will be interpreted as a proportional increase only.”* The proposal represents an increase from the existing plot ratio of 2.7:1 to a proposed plot ratio of 3.3:1 which is not insignificant. As noted by the first party the Board has recently permitted a plot ratio of 3.75: 1 in respect of a nearby development within the Inner Harbour Area.¹ I also note that the previous refusal PL61.227093 the Board did not cite plot ratio exceedance as grounds for refusal and in the consideration of the case the reporting Inspector also focussed on the specific nature and qualitative elements of the proposal particularly height, design, visual impact and impact on established adjacent buildings. On this basis I consider that it is appropriate to address the broader factors. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design and visual impact.

¹ ABP300275-17 Bonham Dock Development.

7.3 Height, Design and Visual Impact.

7.3.1 The proposal involves increase in height from 21.1m to 24.54m. This in contrast to adjacent buildings Seville House on New Dock Street (ridge level 21.6m) and the Merchant's Dock Building on Merchant's Road (roof level 21.66m). At 8.7 Urban Design within the Galway City Development Plan 2017-2023 it is noted that the scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from the city's skyline and impinge on strategic views. In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height, however it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities. The development plan sets out four key principles to be considered when assessing capacity for height as follows:

- Protection of existing built and natural heritage and residential amenity.
- Creation of landmarks that enhance the city's legibility without eroding its innate character
- Retention of existing benchmark heights to retain strategic views and to protect and enhance the general character of sensitive locations.
- Promotion of higher density at centres / nodes of activity on large scale infill sites and along public transport corridors.

7.3.2 I note that the site context occupying a prominent corner site provides the opportunity to be viewed as a landmark site and therefore the capacity for height increase is acknowledged.

7.3.3 I also note the wider strategic and national policy parameters set out in the national planning framework and the Urban Design and Building height guidelines for Planning Authorities, Department of Housing Planning and Local Government December 2018. The Urban Development and Building Heights Guidelines 2018 at 1.10 outlined the rationale for consolidation and densification in meeting our accommodation needs into the future. It requires that densification must be applied in relation to locations that development plans and local area plans would regard as city and town centre areas; for example, within the canal ring in Dublin and analogous areas in Cork, Limerick, Galway and Waterford and other major towns as identified and promoted for strategic development in the National Planning Framework and Regional Spatial and Economic Strategies. In such areas, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria laid out in Sections 2 and 3 of these guidelines, for example on suitably configured sites, where there are particular concentrations of enabling infrastructure to cater for such development, e.g. very significant public transport capacity and connectivity, and the architectural, urban design and public realm outcomes would be of very high quality.

7.3.4 In relation to the broad principles for assessment in considering development proposals taller than the prevailing building heights, I consider that the proposal meets the relevant criteria. The proposal positively supports the National Strategic Objective to deliver compact growth in the urban centres and the proposed height increase is in my view justified subject to detailed matters.

7.3.5 On the matter of urban design, visual impact and impact on the character of the streetscape, I note the landscape and visual Impact Assessment by McCarthy Keville O Sullivan submitted in response to the request for additional information. It notes that there is no visual impact arising from the proposed development on protected views in the vicinity and in terms of visibility the site has limited and localised visibility. The density and height of buildings immediately adjacent and in the intervening streetscape obscure the majority of possible views. A total of 5 photomontage locations were selected to demonstrate visual impact arising. I note all five are proximate views. Viewpoints 2 and 5 were deemed to be sensitive due to

residential character. Viewpoints 1, 3 and 4 were given medium sensitivity due to the nature of the streets. The assessment predicts that landscape and visual impacts are low, and the overall landscape character of the area will not be affected.

7.3.6 Having reviewed the submitted assessment and the site context I consider that the visual impact of the proposal is acceptable and the additional level does not give rise to significant visual impact. I would concur with the view of the area planner that the corner junction location of the site provides an appropriate context for the increased height without creating imbalance on the streetscape. The use of set-backs, extensive glazing and recessed canopy further reduce the massing and mitigate against the visual bulk and dominance while appropriately providing contemporary urban character. (I note this is in contrast to the previous proposal refused by the Board PL61.227093). Having assessed the proposal I consider that it is appropriate in terms of its design and visual impact.

7.4 Residential and other amenities

7.4.1 The third-party appellants and observer raise concerns with regard to overshadowing and overlooking if adjacent residential and office development within the Merchant's Dock Building. I note the shadow analysis diagrams submitted in response to the City Council's request for additional information. The diagrams show the impact of the proposed development on both the spring and autumn equinox and summer and winter solstice at approximately 9am, 12pm, 3pm and 6pm. The shadow studies indicate a low impact shadow increase relative to the neighbouring building up to late morning. The notable variation would be likely between 2pm and 3pm for the equinox and between 4pm and 5pm for summertime. In wintertime there is little variation because of the already long shadows. Having considered the shadow analysis I consider that it has been demonstrated that there will not be any significant overshadowing as a result of the addition of the fourth floor.

7.4.2 In relation to overlooking, having regard to the separation distance and orientation I consider that there will not be any significant negative overlooking of the Merchant's Dock Building as a result of the proposed development.

7.4.3 As regards the standard of residential amenity provided in the proposed apartment units, it is noted that in general the apartments exceed the minimum standards for total floor areas as set out in Appendix A of the Department of Environment Guidelines “Sustainable Urban Housing: Design Standards for New Apartments March 2018” and meet the requirement in terms of aggregate floor areas and storage space. As regards private amenity space, terraces /balconies are provided to each apartment. Notably the provision for the 1 bed apartments fall below the minimum 5m² as set out in the guidelines (Apartment 1 is 4m², Apt 2 is 3m² and Apartment 4 is 3m²). I note that at 3.39 of the Guidelines it is stated that “ For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha., private amenity space requirements may be relaxed in part or whole, on a case by case basis, subject to overall design quality. I consider that having regard to the nature of the development a relaxation of the size requirement is appropriate in the current case. Having reviewed the layout I consider that the proposed development provides for a reasonable standard of residential amenity.

7.4.4 As regards construction impacts I note that the proposal will result in some level of disturbance in terms of noise and disruption however I consider that the construction period will be of limited duration and impacts can be appropriately mitigated by standards good practice construction methods. Construction arrangements can be appropriately devised in accordance with a construction management plan. As regards questions raised with regard to the structural stability and load bearing capacity of the building this is a detailed matter of design and it is appropriate that a structural survey be carried out by a competent person to ensure that structural alterations are appropriately designed. As regards access and construction arrangements these are civil matters and are not strictly planning matters.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that

the development would 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. Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Galway City Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 26th day of 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. 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.

Reason: In the interest of public health.

3. 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 for each

apartment unit, 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: In the interest of residential amenity, and to ensure provision of adequate refuse storage.

4. Provision shall be made for cycle parking within the site. The layout and details of parking provision shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of sustainable transport.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. 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: To protect the residential amenities of property in the vicinity of the site.

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 and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of sustainable waste management.

9. 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.

Bríd Maxwell
Planning Inspector

2 August 2019