



An  
Bord  
Pleanála

# Inspector's Report

## ABP-304427-19

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<b>Development</b>	Change of use from residential to commercial, demolition of structures and extension of retail unit
<b>Location</b>	Fitzpatrick's Shop and the Great O'Neill Public House, Lackenroe, Glounthaune, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/6250
<b>Applicant(s)</b>	Keta Products Limited
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mona O'Sullivan
<b>Observer(s)</b>	Points East Dac
<b>Date of Site Inspection</b>	25 <sup>th</sup> July, 2019
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

- 1.1. The site is located to the west of Glounthane village centre in County Cork. It lies on the northern side of the former N25 Cork-Waterford Road. There is an existing public house and shop with ancillary stores and offices and residential accommodation at first floor level. There is an informal parking area to the front of the site and the site is bounded to the rear by an inclined rock face.
- 1.2. The site is bounded to the east by an apartment complex and the entrance to Ashbourne Walkway, an amenity facility. It is bounded to the west by the appellant's detached dwelling. The Cork – Midleton/Cobh railway line is located beyond the road frontage to the south.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise:

The demolition of:

- 'The Great O'Neill' public house, inclusive of the habitable house on the first floor and the smoking area and stores to the rear,
- The portacabin storage to the rear of Fitzpatrick's shop; and
- The first floor level of the two former dwellings used for storage ancillary to the shop to create a two-storey storage area with a new mezzanine level.

The construction of:

- A two-storey extension of the shop to the east to replace the demolished public house for use as an extended retail and deli unit at ground floor and storage, food preparation, offices and staff facilities at first floor level, resulting in an increase in net retail area of 204.46 square metres,
- An ATM on the front façade to replace an existing doorway on the western side of the shop,
- A two-storey extension to the rear of the shop for use as storage, food preparation, offices and staff facilities, and

- A goods lift and plant area to the rear.

The proposed development would also include modifications to the layout of the shop, a glazed façade at ground floor, the replacement of doors and windows, provision of sash windows at first floor, new signage, a new car parking layout, and all ancillary works.

The gross floor area of the proposed works would be 1,551.21 square metres and the structures to be retained would have a gross floor area of 130.36 square metres. The structures to be demolished would have a gross floor area of 1,100.06 square metres.

- 2.2. Details submitted with the application included a Planning Statement, a Public Lighting Report, and an Infrastructure Report.
- 2.3. The applicant submitted a Natura Impact Statement and revised the site's application boundaries in response to a further information request, which excluded the car parking area to the front. The proposal was also revised to exclude the retention element of the proposed development, which would be the subject of a separate planning application. A Construction Environmental Method Statement was submitted by way of clarification.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 15<sup>th</sup> April 2019, Cork County Council decided to grant permission for the proposed development subject to 23 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Area Planner noted the site's planning history, development plan provisions, reports received, and third party submissions made. It was considered that the key planning issues related to the principle of the proposed development, design and visual impact, access and parking, flooding, and appropriate assessment. It was

recommended that further information be sought based on the issues raised in the internal reports made to the planning authority.

The Senior Executive Planner concurred with the recommendation of the Area Planner.

Following the receipt of further information, the following reports were submitted:

The Area Planner noted the further third party submissions and the internal reports received. A second further information request was recommended based upon the conclusion in the Ecologist's report.

The Senior Executive Planner recommended that clarification be sought based upon the conclusion set out in the Ecologist's report.

Following the receipt of a Construction Environmental Method Statement by the applicant, the Area Planner and Senior Executive Planner recommended that permission be granted subject to a schedule of conditions.

### 3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal and recommended the attachment of a schedule of conditions.

The Environment Section had no objection to the proposal and recommended the attachment of a schedule of conditions.

The Roads Engineer noted the proposal is in conflict with the Council's proposals for cycle infrastructure in the area and requested a revised layout.

The Heritage Unit submitted that the elements of the proposal which are for demolition and construction works must be subject to appropriate assessment. Noting flooding issues, it was further submitted that water protection measures will be required in order to ensure that there will be no potential for significant effects on the qualifying interests of the Great Island Channel SAC and the Cork Harbour SPA. It was concluded that, given an appropriate assessment is required in respect of the development, the planning authority is precluded from considering the application.

Following the receipt of further information, the following reports were submitted:

The Ecologist requested that a Construction Environmental Method Statement be submitted, detailing particular measures to prevent of water pollution.

The Roads Engineer was satisfied with the revised proposals and recommended the attachment of a condition in any grant of permission.

Following the receipt of the Construction Environmental Method Statement, the Planner reported that the Ecologist had no objection to the proposal.

### **3.3 Third Party Observations**

A submission on the proposal was received from Points East Dac relating to access to parking and HGV parking.

Further submissions by the residents of Annemount and the Food Safety Company supported the application.

A submission from Liam Luddy raised concerns relating to parking and plant noise.

Glounthaune Community Association welcomed the development and expressed views on access, traffic management, bike parking, landscaping, and the need to protect the pub façade.

The grounds of the appeal reflect the principal planning concerns in the submission from Mona O'Sullivan.

Rosemarie Whooley made a submission raising concerns relating to parking, access, servicing, right of way and wayleave, and construction works impacts.

Following the receipt of further information, further submissions were made by Liam Luddy and Mona O'Sullivan reiterating their concerns whilst submissions in support of the proposal were received from Conor O'Brien and Jill McNamara.

### **4.0 Planning History**

The planning history associated with the site includes Planning Authority Refs. 70/1186, 78/2283, 89/954, 90/1197, and 91/1381.

## 5.0 Policy and Context

### 5.1. Cobh Municipal District Local Area Plan 2017

#### Glounthane

Glounthane is designated a 'Key Village' in the LAP. The site lies within the village's settlement boundary. There are no defined zoning provisions within the village.

The Map associated with the village plan within the LAP refers to 'Areas Susceptible to Flooding: Zone A' and 'Areas Susceptible to Flooding: Zone B'. The site does not fall within either of these areas on this Map. There are no general or specific objectives applicable to the site.

### 5.2. Natural Heritage Designations

Glounthane is located adjacent to the Great Island SAC and the Cork Harbour SPA.

### 5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant resides to the west of the appeal site. It is noted that the appellant has also appealed the proposed development for retention arising from the separation of the retention component of the overall development from the new development proposed (ABP-303995-19). The grounds of the appeal may be synthesised as follows:

- There is historic and ongoing flooding at the site, with flood waters flowing regularly from the embankment on the north boundary of the site. There is a concern that there may be a landslide which would undermine and damage the appellant's property. The applicant has not provided for a retaining wall to deal with embankment floodwaters. The applicant has not addressed the flood

protection measures required to protect the embankment. The appellant's property will be devalued in the absence of designated protection measures.

- The applicant has not put forward proposals regarding the removal of two unsafe trees and cut back the remaining trees and the planning authority has not addressed these concerns on the embankment in its conditions with the grant of permission. They provide stability, are a valuable part of the SPA, and are an important screen to prevent overlooking.
- There are several unauthorised works which were carried out on the site in the past which do not have the benefit of planning approval – a two-storey extension built to the rear of the dwelling to the west currently used as a retail area, a refrigeration building and maintenance to the west of the shop, building works for alterations to two dwellings without the benefit of change of use from domestic to retail, development to the rear of the shop and the embankment, an infill two-storey structure for retail access to the east face of the rear of the shop, and development works and the conversion of an existing two-storey outbuilding used for retail purposes to the east of the shop to the rear. Retention permission should be sought for these developments also.
- The applicant has not revised public notices despite the change in the boundary of the site.
- The proposed cycle and pedestrian scheme in the area, some details of which were submitted during the application process, are works that will not be carried out or be funded by the applicant. If this scheme is not approved and funded the applicant would have no obligation to carry out any of the road safety works mentioned in the submitted schematic drawing. The applicant should be conditioned if permission is granted and an appropriate bond should be applied.
- There is no requirement in the planning authority's conditions to provide a traffic management and parking plan. The applicant should be required to provide such plans in the interest of traffic safety. The applicant's existing operations are causing serious parking, servicing and traffic problems.

## 6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The appeal stems from a legal dispute between the applicant and the appellant over the use and development of the embankment to the rear of the site. Civil property rights are a legal matter and are not within the jurisdiction of An Bord Pleanála. The Board is asked to consider the dismissal of the appeal.
- Regarding the embankment, the applicant is not the owner of the embankment and the actual ownership cannot be determined. Thus, the applicant is not in a position to carry out works to it and the appellant is aware of this. The applicant has not proposed any works on the embankment as part of the planning application and it is unlikely that the proposed works would have any impact on it.
- Regarding flooding, a flood risk assessment was submitted and the site is not located within any designated flood risk zone. The assessment confirms the building footprint remains effectively the same, the structure would have no impact on the local flood water storage, and there would be no impact on adjoining properties.
- The applicant does not intend to remove any trees as part of the proposed works. The applicant is not the owner of the area on which the trees are situated and the applicant is not in a position to provide additional screening at this location.
- Regarding the issue of unauthorised development, the shop has been operating over 70 years, it has a long planning history and the site has been changing incrementally over the years. The elements considered to be unauthorised in the appellant's submission are generally not considered significant or material having regard to the established and permitted use. Furthermore, the proposed development seeks permission for the full redevelopment of the site and there would be no merit in seeking the retention of these elements.



- There is no requirement to state that the red line boundary has changed in public notices.
- Regarding parking and the road layout, the applicant has taken direction from the Council in order to ensure that the layout of the area to the front is managed in an appropriate way. The site is highly accessible by a variety of transport means and is in close proximity to the village core. The Council is progressing a design for improved cycle and pedestrian connectivity and the applicant's proposals are in keeping with these plans.
- The applicant is happy to commit to additional noise screening and abatement measures to plant to address the concerns of Liam Luddy, who made a submission to the planning authority.

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

I have no record of any response to the appeal from the planning authority.

### 6.4. **Observations**

The observer is the owners' management company of 'Waterside Apartment Complex' which is immediately east of the proposed site. The proposed development is welcomed but concerns are raised relating to the development of the proposed cycle corridor from Dunkettle to Carrigtwohill and its impact on the apartment complex in terms of access, parking and vehicle movement. It is submitted that these issues would not arise if the original proposal submitted to the planning authority was applied.

## 7.0 **Assessment**

### 7.1. Introduction

7.1.1 I consider that the principal planning issues relating to the proposed development are:

- the issue of flooding,

- impact on property boundaries,
- parking and traffic issues,
- the question of unauthorised development,
- the impact of the proposed cycle and pedestrian scheme for the area,
- the demolition of the public house,
- the impact on European Sites, and
- procedural issues relating to public notice.

## 7.2. Flooding Impact

7.2.1 The Board will note that there is an existing commercial complex on this site comprising a shop, a public house and their associated ancillary uses. The proposed development now before the Board comprises a redevelopment of these premises, expanding and enhancing the retail function and omitting the public house use. While there are structural changes resulting from this redevelopment, it must first be noted that this site contains a substantial footprint of development. While this footprint would be consolidated, there would not be a very significant increase over that which exists, with some infill to the rear of the existing public house. It is also noteworthy to clarify that the extent of the development along its west side will not extend further west than that which exists, i.e. in the direction of the appellant's property.

7.2.2 Further to the above, I note that the Map associated with the Glounthane village plan in the Cobh Municipal District Local Area Plan 2017 specifically identifies 'Areas Susceptible to Flooding: Zone A' and 'Areas Susceptible to Flooding: Zone B'. The proposed site does not fall within either of these areas.

7.2.3 Notwithstanding the site not falling within a designated flood zone (albeit that this general area has had an historic flooding event in 2016), the applicant submitted a flood risk assessment as part of its original application to the planning authority. The proposals for the raising of floor levels for the structures on site seek to address any potential flooding of the proposed premises. As the building footprint is not altered in any significant manner over that which exists and the proposal incorporates on-site controlled surface water drainage provisions, it is reasonable to conclude that there

is no likely potential impact for increased flooding concerns for neighbouring properties arising from the proposed development.

### 7.3. Impact on Property Boundaries

7.3.1 I note once again that the proposed development would not extend further west over that which exists at present. Thus, the footprint of new development would not encroach on the appellant's property to the west or progress further in that direction. The appellant has expressed concerns relating to the impact of the proposed development on an embankment and the potential impact on vegetation between the appellant's property and the appeal site. The applicant has submitted that it is not the owner of the embankment and is not in a position to carry out any works to it.

7.3.2 I acknowledge that the proposed scheme does not include any works to the established embankment and the footprint of development would not extend any further in the direction of the embankment over that which exists. Based upon what exists and what is proposed, one cannot reasonably determine that the proposed development would exacerbate concerns about a potential landslide or embankment failure at this location. Over and above this, there is clearly a dispute as to who is in ownership of this embankment. This question of title cannot be resolved within the confines of this planning appeal.

7.3.3 I submit to the Board that the precautionary approach to permitting the development as proposed could reasonably include a condition attached with any grant of planning permission requiring the overseeing of construction by a Structural Engineer in seeking to curb any potential subsidence or other potential effects that could result from works near to the west and north-west boundaries of this site. It would not be reasonable to refuse permission for matters relating to embankment concerns based upon what exists at this location, what is proposed relative to the embankment, and upon the dispute over ownership of the embankment.

7.3.4 The appellant has expressed concerns that the applicant has not put forward proposals regarding the removal of two unsafe trees and proposals to cut back remaining trees. It is submitted that the trees provide stability, are a valuable part of the SPA, and are an important screen to prevent overlooking. The applicant has

submitted that it is not the owner of the area on which the trees are situated and it is in not in a position to provide additional screening at this location.

7.3.5 I note that the provision of landscaping and the protection of trees and removal of other trees to the west of the site do not form part of the proposed development. I also note that existing trees in the vicinity of this site are not in any European Site. Once again, I note that the question of title cannot be resolved within the confines of this planning appeal. It would not be reasonable to refuse permission for matters relating to concerns about existing vegetation based upon what is proposed relative to the location of the existing vegetation and upon the dispute over ownership of the embankment.

#### 7.4. Parking and Traffic

7.4.1 The appellant has submitted that there is no requirement in the planning authority's conditions to provide a traffic management and parking plan and that the applicant's existing operations are causing serious parking, servicing and traffic problems.

7.4.2 In response to these concerns, I first note the established nature of the development on this site. It is evident that the existing scale of development generates significant access, parking and servicing demands. The proposed redevelopment of the overall premises to function as an enhanced retail outlet would undoubtedly generate similar type demands. The existing shop is a principal retail outlet in the village of Glounthane. I further note that the proposal, in consolidating the retail function, would result in the removal of the public house use. It is worthy of note that, under the provisions of the current Cork County Development Plan, the parking requirements for retail use is less than that for public house use (1 space per 20 sqm plus 1 lorry space per 750 sqm compared to 1 space per 8 sqm). I further acknowledge that there are no existing parking and servicing provisions within the confines of the appeal site and that all such provisions lie to the front of the building outside of the site's boundaries. There are no proposals to accommodate any parking or servicing arrangements within the confines of the site and the existing arrangements would remain. It is noted that the Council has proposals for pedestrian and cycle routes in the immediate vicinity which may affect the layout of parking and

access arrangements to the front of the premises. I particularly note that these provisions are intended to enhance road infrastructure but also, and importantly, these proposals would maintain the access and parking at this location and would facilitate the servicing of the existing and proposed premises.

7.4.3 Having regard to the reduced requirement for parking associated with the retail use and the loss of the public house with its increased requirement for parking, the nature and extent of the proposed development culminating in a retail use at ground floor and ancillary uses at first floor and to the rear of the outlet, and to the accommodation and maintenance of parking, access and servicing of premises at this location under proposed cycle and pedestrian plans that may potentially come to fruition, I consider that the proposed development should not likely exacerbate any traffic concerns arising from parking, access and servicing arrangements at this location.

## 7.5. The Question of Unauthorised Development

7.5.1 The appellant provides an extensive schedule of development that is claimed to constitute unauthorised development. I note that the planning authority has not concurred with the view that there is extensive unauthorised development on this site and I have no record of any conclusive enforcement proceedings pursued in relation to this development. I further note that this redevelopment of the overall premises, if permitted, seeks the removal of the referenced 'unauthorised' developments and works so specified by the appellant.

## 7.6. Impact of the Proposed Cycle and Pedestrian Scheme

7.6.1 I note that the applicant, by way of further information, was required to revise its proposals in response to the Council's proposals for pedestrian and cycle routes along the old N25. It appears that the Council's proposals are at a provisional plan stage and are not finalized, based upon information that is available in the details associated with this application. Clearly a demonstration of flexibility to meet the changing needs of different road users is required at this stage of the plan process for such proposals and the applicant has sought to achieve this in the response to

the request for further information. In doing so, I note that the applicant withdrew its proposals for a new car parking layout to the front and revised the site boundaries accordingly. Based upon these changes, it is noteworthy that the planning authority's current proposals for this location appear to fall outside of the boundary of the site the subject of this planning application. There is nothing further that the applicant could seek to do based upon it not having sufficient legal interest to undertake any changes to the car park to the front of this building and the need to acknowledge the Council's planned pedestrian and cycle provisions.

7.6.2 While I acknowledge the observer's submission on the impacts of the planned provisions on access, parking and vehicular movement for the apartment block, I consider that this issue is not a matter for this planning appeal as the potential impacts arising from the development of a new pedestrian and cycle scheme fall outside the scope of the development currently proposed.

#### 7.7. Demolition of the Public House

7.7.1 While I acknowledge that the 'Great O'Neill' public house presents an attractive frontage to the public realm and is a long-established premises in Glounthane, I must note that the structure is not listed as a protected structure and I have no information to determine that this structure merits any particular need for retention based upon architectural, historical, cultural or any other characteristics associated with the building. Its demolition may reasonably be accepted in principle. It is further noted that the replacement structure in many ways seeks not to distort the overall presentation to the streetscape in terms of any significant changes to building height, fenestration, shopfront presentation, etc.

#### 7.8. Impact on European Sites

7.8.1 The site of the proposed development is located some 30 metres to the north of Cork Harbour SPA and some 40 metres to the north of the Great Island Channel SAC. The SPA is an important site for a range of overwintering special conservation bird species and the SAC has been selected for its Tidal Mudflats and Sandflats and its

Atlantic Salt Meadows. The Conservation Objective for these Sites is to maintain or restore the favourable conservation status of their features of interest.

7.8.2 The appeal site is hydrologically linked to both of the European Sites and, in response to the planning authority's request for further information, a Natura Impact Statement was submitted, which addressed the potential effects of the development on these European Sites, namely the effects arising from the demolition and construction works. I further note that the applicant submitted a Construction Environmental Management Plan which identified the key environmental obligations that would apply to all contractors at the construction phase of the proposed development.

7.8.3 It is reasonable to conclude, having regard to the established nature of the premises at this location, that the operational phase of the development should not have any significant effect on either of the designated European Sites. It is noted that the proposed development includes an additional surface water storage tank to address the control of discharge of surface waters at the operational stage.

7.8.4 In considering the potential effects of the proposed development, my observations are as follows:

- The proposed development is not necessary for the management of the above referenced European Sites.
- The site of the proposed development is not on or in any European Site.
- There is a long-established mixed use commercial development on this site.
- There is a proposed marginal increase in the footprint of development on this site.
- The site is fully serviced. The development is and would be connected to the public sewer. The development does and would have a public water supply. The surface water drainage system would be developed to control outlet drainage rates.
- The likely potential effects arising from the proposed development beyond the site relate to the demolition and construction impacts arising from potential contaminated surface water discharges off this site at this phase of the

development. Noise disturbance to special conservation bird species could also potentially result at this phase.

7.8.5 In making the above observations, my considerations on the likely effects are as follows:

- With regard to noise disturbance, I note that there is an established public house and shop at the site, as well as a parking area, public road and railway line between the site and the European Sites. Thus, there is already an established range of activities that already cause noise disturbance to birds at this location. One would anticipate that there is some degree of habituation.
- While accepting there would be noise from plant and machinery during the construction phase, typical noise levels that would be generated could not be construed as having a likely 'significant' effect with due regard to the prevailing context and the nature of the proposed works.
- The construction phase of the proposed development would be considered short-term.
- The applicant proposes to adhere to best practice guidance with regard to control of surface water from the site at the construction phase, including control of chemical pollution risk and the prevention of silt generation. A Pollution Prevention Plan is proposed to be implemented and monitored as part of a proposed Construction Method Statement.

7.8.6 Having regard to the Natura Impact Statement submitted by the applicant and to my observations and considerations above, I am satisfied to conclude that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Cork Harbour Special Protection Area or the Great Island Channel Special Area of Conservation.

## 7.9. Procedural Issues

7.9.1 I note that the applicant made alterations to the site boundary in response to the further information request from the planning authority. Revised public notices were submitted to the planning authority on 19<sup>th</sup> December, 2019. The revisions excluded the originally proposed new car parking layout which related to the extended site



area that formed part of the original site area. I am satisfied that the revised notices, plans and details forming the further information request adequately informed interested parties of the nature and extent of the proposed development in accordance with the provisions under the Planning and Development Act and Regulations.

## **8.0 Recommendation**

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## **9.0 Reasons and Considerations**

Having regard to the long established commercial uses on the site and to the nature, scale, design, character and layout of the development proposed, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the provisions of the current Cork County Development Plan and the Cobh Municipal District Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 19<sup>th</sup> December 2018 and 20<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 developer shall employ a suitably-qualified Structural Engineer to assess the site and to monitor all site development works at construction phase. A report containing the results of the assessment and detailing the proposed construction methodologies shall be submitted to the planning authority for written agreement prior to commencement of construction works.

**Reason:** To protect the amenities of property in the vicinity

3. Water supply and drainage arrangements, including the disposal of surface water and the management of fats, oils and greases, shall comply with the requirements of the planning authority for such works and services.

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

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-

- (i) An Leq,1hour value of 55 dB(A) during the period 0700 hours to 1900 hours from Monday to Sunday inclusive.
- (ii) An Leq,1hour value of 50 dB(A) during the period 1900 hours to 2300 hours from Monday to Sunday inclusive.
- (iii) An Leq,15 minutes value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

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

5. The developer shall control odour emissions in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

6. Details of the external shopfront finish and signage, exclusive of any backlighting, awning and external roller shutters, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of development.

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

7. 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.

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Kevin Moore  
Senior Planning Inspector

29<sup>th</sup> July 2019