



An
Bord
Pleanála

Inspector's Report

ABP-304796-19

Development	Construction of 14 no. houses and associated site works
Location	Cappagh, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6381
Applicant(s)	WGRH Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	The Harbour Heights Residents Association
Observer(s)	John and Caitriona McCarthy
Date of Site Inspection	23 rd September 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located approx. 650m west of Kinsale town centre and approx. 350m west of the R605. The surrounding area is characterised by low density suburban developments. The site is bound to the north by Cappagh Road and the Ard na Mara housing estate and Kinsale Gaelscoil, to the south by undeveloped lands and to the east and west by residential estates.
- 1.2. The site is generally rectangular in shape and has a stated area of 0.93ha. It is currently a greenfield site that slopes away from the public road. There are limited views of Kinsale Harbour from the site. The site boundaries comprise mature vegetation and a stone wall.
- 1.3. A 6m wide piece of land which runs along the western boundary of the site, that is within the ownership of Cork County Council, has been included in the site boundary.

2.0 Proposed Development

- 2.1. It is proposed to construct 14no. houses in 2 no. rows. The first row of houses comprises 10 no. 3-bed semi-detached dwellings and the second row comprises 4 no. detached dwellings. Due to the level difference within the site the rear gardens of all the houses are provided on a split level.
- 2.2. Vehicular access for the 10 no. semi-detached houses is proposed from a new access from Cappagh Road which runs to the north of the site. The 4 no. detached houses would be accessed via the existing Harbour Heights estate road to the east of the site. Each house has been provided with 2no. off street car parking spaces in a front driveway.
- 2.3. The semi-detached houses have a gross floor area of 123sqm, and the detached houses have a gross floor area of 188.5sqm. The houses comprise a contemporary approach to a traditional design with pitched roofs and render finish.
- 2.4. The works include the provision of a pedestrian and cycle link along the western boundary of the site. An area of open space, with a gross floor area of 1,790sqm, is proposed along the southern boundary of the site.

2.5. The development has been set back by between 4m and 7m along the northern boundary with Cappagh Road to allow the public road to be widened.

2.6. A Planning and Design statement was submitted with the application.

2.7. ***Further Information lodged on the 21st March 2019***

In response to the request for further information the 10 no. semi-detached houses were omitted, and 5 no. detached dwellings were provided. Each house has direct access onto Cappagh Road and larger rear gardens. The alterations resulted in an overall development comprising of 9 no. 4-bed detached dwellings with 2 no. house types provided.

The 2 no. houses along the eastern boundary have been relocated away from the boundary with existing houses in Harbour Heights.

An Archaeological report and details regarding the road network, retaining structures, public lighting and surface water were submitted.

2.8. ***Clarification of Further Information lodged on the 13th May 2019***

To reduce the potential for overshadowing the 2 no. houses along the eastern boundary of the site were reduced to single storey.

Details of the footpath and cycle way along the southern and western boundaries of the site and details of the set back along the northern boundary of the site were also submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 29 no. conditions. The relevant conditions are noted below: -

Condition 1: Require that the development be phased

Condition 9: Archaeology condition.

Condition 14 and 25: Relate to details of retaining structures.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial reports by the Area Planner and the Senior Planner raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

- Revised design allowing for direct frontage onto Cappagh Road.
- Address the amenity imbalance between the semi-detached houses and the detached houses
- Provision of a play area to the north of the site or larger private gardens for the semi-detached houses
- Extend connectivity to the southern boundary to allow for future connection to adjoining lands
- Shadow study for houses along the eastern boundary of the site and potentially modify the design
- Layout details of the widened public road and sightlines for the development
- Details of areas to be taken in charge, retaining structures, surface water management and maintenance and public lighting
- The design of the pedestrian / cycle route along western boundary should have regard to potential anti-social behaviour.
- An Archaeological report

Following receipt of clarification of further information, the Area Planner and Senior Planner considered that all concerns raised had been fully addressed and recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Public Lighting final report requires further information

Estates final report: No objection

Engineering final report recommends conditions

Archaeology final report recommends conditions

Housing Officers report: No objection

3.3. **Prescribed Bodies**

Irish Water: No objection

Inland Fisheries Ireland: No objection

3.4. **Third Party Observations**

17 no. third party submissions were received from local residents. The issues raised are similar to those raised in the appeal.

4.0 **Planning History**

Reg. Ref. 15/4820: Permission was granted in 2015 for the repositioning of an existing vehicular access from the public road.

Surrounding Sites

ABP – 301767-18 (Reg. Ref. 17/6867): Permission was granted in 2018 for the construction of 32 no. houses on a site located approx. 300m south of the subject site.

The provision of 40 no. units on a site located to the south of the subject site. The units were approved under Section 179 of the Planning and Development Act, 2000 (as amended).

5.0 **Policy Context**

5.1. **Bandon Kinsale Municipal District Local Area Plan 2017**

The subject site is identified as being within the development boundary for Kinsale, which is identified as a Key Village in the LAP. It is an aim to provide for additional residential development which reinforces the towns compact form.

The subject site is located on lands zoned for residential development with the associated land use objective KS-R-04 with: -

‘Medium B Residential Development. The proposed layout will need to consider provision of pedestrian and cycleway linkages to the sports development at Cappagh and the Gaelscoil Cionn tSaile’

5.2. **Cork County Development Plan, 2014**

Section 3.4.20 notes that Medium Density ‘B’ allows for a maximum density of 25 units per hectare with a lower limit of 12 units per hectare.

The relevant policies of the Cork County Development Plan are set out below.

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- HOU 4-1: Housing Density on Zoned Lands
- SC5-2: Quality Provision of Public Open Space
- SC 5-8: Private Open Space Provision
- TM 2-1: Walking
- TM 2-2: Cycling
- GI 3-1: Green Infrastructure – New Developments
- ZU 2-1: Development and Land Use Zoning
- ZU 2-2: Development Boundaries
- ZU 3-2: Appropriate Uses in Residential Areas

Cork County Councils Recreation and Amenity Policy Document is also relevant.

The site is located in an area identified as Indented Estuarine Coast in Appendix E of the Plan. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that *‘very high sensitivity landscapes (e.g. seascape area with national importance) which are likely to be fragile and susceptible to change.’*

5.3. **National Planning Framework (2018)**

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

5.4. **National Guidance**

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Design Manual for Urban Roads and Streets DMURS (2013)

5.5. **Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

5.6. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A detailed third-party appeal was submitted on behalf of The Harbour Heights Residents Association. The issues raised are summarised below:

- The applicant does not have a legal right to provide a vehicular access through the Harbour Heights estate.
- Harbour Heights is a mature estate comprising of bungalows and dormer style houses. The proposed development would have a negative impact on the character of the area and would devalue existing property within the Harbour Heights estate.
- An additional vehicular access through the estate is unnecessary. The overall site should be designed to ensure only a single access point is required, in this regard from Cappagh Road. If permission is being contemplated a condition should be attached that the road would not become a through road to additional development sites.
- The provision of 5 no. new accesses onto Cappagh Road would increase the risk of a traffic hazard and undermines the proposed set back which was proposed to improve access to the existing school.
- The design and layout does not create a sense of place. The scheme should be redesigned. There is no functional relationship between the area of open space and the proposed houses that front onto Cappagh Road.
- Due to the topography of the site there are concerns of overlooking.
- No landscaping plan was submitted with the application. If permission is being contemplated the existing boundary treatments should be retained with any additional walls provided within the subject site.
- Concerns regarding the negative impact on existing residential amenities during the construction phase.

- An Ecological Report should be submitted with the application to fully assess the impact the development would have on flora and fauna within the site.
- The development would have a significant negative impact on the existing landscape. A visual assessment should have been submitted.

6.2. Applicant Response

The applicant's response is summarised below: -

- The proposed development is compliant with the zoning objective for the site and with national and local policy objectives.
- The applicant has submitted details of legal entitlement to avail of the access through Harbour Heights. It is also noted that the road is taken in charge by Cork County Council and is not a private road.
- The design and layout has evolved to ensure the most sustainable development on a restricted infill site. The layout also improves permeability and provides future links to development lands to the south. It has been designed in accordance with the 'Design Manual' which includes inclusivity.
- The surrounding road network can accommodate the provision of 5 no. individual accesses on to the public road. The layout provides a new footpath along the public road which would improve pedestrian safety. No concerns to the layout were raised by the Area Engineer.
- The existing road within Harbour Heights would be extended by 55m to provide access to 4 no. houses only. This is not considered to be excessive. There is no vehicular link proposed to the lands to the south as part of this application and due to the level difference between the sites it would be difficult to provide.
- Having regard to the constraints of the site it is not possible to relocate the area of open space to allow for overlooking by all houses. Each house has been provided with a large rear garden which compensates for any perceived lack of connectivity to the area of open space.

- Concerns regarding the negative impact on existing residential amenities during the construction site could be dealt with by way of condition.
- Due to the separation distances provided the proposed development would not result in any undue overlooking of existing houses.
- Due to the nature and scale of the development there is no requirement for an Appropriate Assessment or an Environmental Impact Assessment to be carried out.
- A visual impact assessment is not necessary for a small-scale development of 9 no. houses.

6.3. Planning Authority Response

None.

6.4. Observations

An observation was received from John and Caitriona McCarthy whose house is located to the east of the subject site. The issues raised reiterate those raised in the third-party appeal and additional concerns are summarised below.

- The proposed development is out of character with the surrounding area and would result in overshadowing and overlooking. All proposed houses should be single storey.
- Negative impact on the existing visual amenities of the area when viewed from Kinsale.
- The eastern boundary comprises a historical hedgerow. The development would result in the loss of existing hedgerow and mature trees. Having regard to landscaped designation the development would be contrary to Development Plan Policies GI 6-1(e) and policy LAS-01 of the LAP to retain important features in the landscape.
- Traffic calming measures, including ramps and a pedestrian crossing should be provided on Cappagh Road.
- The pedestrian route along the western boundary of the site could result in anti-social behaviour.

- Time limits should be enforced during the construction phase to limit the impact.
- Having regard to the proximity of the site to an existing school the development should be phased to ensure the footpath is built first to ensure the development does not result in vehicular and pedestrian conflict.

7.0 **Assessment**

7.1. As indicated the appeal refers to the proposed development of 9 no. houses as lodged with the Planning Authority, on the 13th May 2019, by way of clarification of further information. The following assessment, therefore, focuses on that proposal with reference to the original scheme, where appropriate.

7.2. The main issues in this appeal relate the grounds of the appeal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Legal Issues
- Design Approach
- Traffic
- Residential Amenity
- Visual Amenity
- Appropriate Assessment

7.3. **Legal Issues**

Concerns were raised in the appeal that the applicant does not have a sufficient legal interest to provide a vehicular link along the eastern boundary of the site to the existing Harbour Heights estate. In response the applicant has submitted documentary evidence of a sufficient legal interest in the land and notes that the roadway and common areas of Harbour Heights are in charge of Cork County

Council. A letter and associated map confirming the areas in charge of the council has also been included. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

7.4. Design Approach

7.4.1. The revised scheme submitted by way of clarification of further information resulted in a development of 9 no. 4-bed detached houses with large rear gardens. Policy HOU 3-3 of the Development Plan requires a mix of house types and sizes. The proposed scheme comprises 7 no. 2-storey houses and 2 no. single storey houses with 4 no. different house types. The house designs are all similar, with a contemporary approach to the traditional.

7.4.2. The development also includes a 6m wide pedestrian and cycle route along the western boundary of the site with future potential links provided to lands to the south. An area of public open space (1,410sqm) is proposed along the southern boundary. The provision of an area of public open space and pedestrian and cycle links are welcomed, and it is my view that they would improve the amenities of the area.

7.4.3. The housing layout comprises 2 no. parallel rows, with 5 no. houses fronting directly onto Cappagh Road and 4 no. houses fronting onto a new road, which links to the existing Harbour Heights estate road. The proposed building lines respect those of the established houses in the adjoining Harbour Heights estate. It is noted that concerns have been raised regarding the negative impact the development would have on the character of the existing residential estate. In my view the provision of 4 no. houses, accessed from the existing estate road, would be a natural extension to the existing estate and would not negatively impact on the character of Harbour Heights or the surrounding area.

7.4.4. For sites zoned 'Medium Density B'. Policy HOU 4-1 of the Development Plan sets out a maximum housing density of 25 units per ha with a lower limited of 12 units per ha is recommended. The proposed scheme has a density of 10 units per

hectare. It is an objective of the National Planning Framework to increase residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. Having regard to the proximity of the site to the centre of Kinsale I would have concerns regarding the proposed density and consider that a higher density could be achieved on the site. However, having regard to the provision of a significant portion of public open space on the site, the topography of the site and the existing pattern of low-density housing in the immediate vicinity of the site, it is my view that the proposed density and layout is acceptable in this instance.

7.5. Traffic

- 7.5.1. It is proposed to set the northern boundary of the site back to facilitate the widening of Cappagh Road. The revised layout provides for a 6m wide carriageway with a 2m wide footpath along the southern side of the road (outside the development). This area would be taken in charge by Cork County Council and would improve connectivity and safety to the existing school to the north of the appeal site.
- 7.5.2. It is proposed to provide 5 no. 4m wide vehicular accesses directly onto Cappagh Road. Sightline drawings for the proposed vehicular access have been submitted, which show that the houses would have a minimum of 45m sightlines. Having regard to the nature of the road network and the limited number of vehicular movements generated by the proposed development, it is my view that the proposed layout would not result in a traffic hazard. It is noted that the Planning Authorities Area Engineer raised no objection to the provision of additional access onto the public road.
- 7.5.3. It is also proposed to extend the existing Harbour Heights estate road by 55m to provide access to 4 no. dwellings. The proposed road is approx. 6m in width with a 2.5m wide footpath provided along the northern side of the carriageway (outside the proposed houses). A public green area is proposed along the southern side of the carriageway. A turning area is also proposed. It is noted that there are concerns from local residents regarding the extension of the existing road and the potential for a through route to adjoining sites. It is noted that the proposed layout allows for a future pedestrian and cycle link to adjoining lands to the south of the subject site.

However, there are no proposals to provide a vehicular link and the applicant has noted that due to the significant level differences on site this is unlikely. In my opinion, the provision of additional pedestrian and cycle links is welcomed and would not seriously injure the amenities of the area.

- 7.5.4. Having regard to the limited number of houses proposed, it is my view that, the proposed development would not generate a significant number of trips on the surrounding road network and, therefore, would not result in a traffic hazard.

7.6. **Residential Amenity**

- 7.6.1. Concerns were raised in the appeal and in the observation regarding the proximity of the proposed development to the eastern boundary of the site, and the potential negative impact on existing houses in terms of overlooking and overshadowing. House no. 5 and House D are located a minimum of approx. 2.5m from the eastern boundary of the site. House 5 is located a minimum of approx. 10m from the gable end of the adjoining house and House D is located a minimum of approx. 8m from the gable end of the adjoining house. Both House 5 and House D are single storey, with a maximum height of 4.6m. Having regard to the limited height of the houses, the separation distances and the proposed boundary treatment, which comprises a 2m high wall, it is my view that the proposed development would not result in undue overlooking or overshadowing of adjoining properties.
- 7.6.2. Concerns were also raised regarding the provision of a pedestrian and cycle route along the western boundary of the site and the potential for anti-social behaviour. The provision of this route is in accordance with the zoning objective for the site and in my view additional permeability and connectivity between sites within Kinsale is welcomed. However, to address concerns of anti-social behaviour it is recommended that a condition be attached to any grant of permission that additional first floor bedroom windows be provided on the western elevation of House 1 and A to increase passive overlooking of the proposed route.

7.7. **Visual Amenity**

- 7.7.1. The subject site is located in an area with a very high landscape value and sensitivity and is of national importance. Concerns were raised in the appeal that the

development would have a negative impact on the landscape and the existing visual amenities of the area.

7.7.2. It is proposed to provide a set back along the northern portion of the site to facilitate the widening of the public road, therefore the existing front boundary would be removed. Drawings submitted by way of clarification of further information indicate that proposed northern boundary would comprise individual vehicular accesses, with 1m high steel railings. The existing western boundary, which comprises a 1.3m high stone wall would be retained. The proposed southern boundary comprises a paladin fence, and the eastern boundary would comprise a new 2m high capped and plastered wall. Policy Objective GI 3-1 requires that new developments contribute to the protection, management and enhancement of existing green infrastructure and the delivery of new green infrastructure. In this regard, I would have concerns regarding the removal of the entire ditch and mature vegetation along the western boundary of the site. It is noted that similar concerns were raised in the appeal and observation. No justification for the removal of the entire western boundary has been submitted, therefore, it is recommended that a condition be attached to any grant of permission that where possible the existing boundary treatment be retained, and the final details of the western boundary be agreed with the planning authority.

7.7.3. It is acknowledged that the proposed development would have a greater visual impact than the existing greenfield site. However, having regard to the location of the site within the existing built up area of Kinsale, the small-scale nature and size of the development and the existing pattern of development, it is my view that the proposed development would not have a significant negative impact on the existing visual amenities.

7.8. ***Appropriate Assessment***

8.0 Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, 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 a European site.

9.0 Recommendation

I recommend that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area, would not negatively impact on the protected structure and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

11.0 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 13^h day of May 2019 by way of clarification of further information, 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 proposed development shall be amended as follows:

(a) Windows shall be provided on the side (western) elevation of the first floor of House no. 1 and House no. A. Prior to commencement of development revised drawings, indicating the size and location of the windows, shall be agreed in writing with the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Details of the retaining structures shall be agreed in writing with the Planning Authority. A letter of certification shall be provided by the Design Engineer responsible for the retaining structures, confirming that the structures have been constructed as per the design.

Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the written approval of the Planning Authority.

Reason: In the interests of orderly development and residential amenity.

4. Prior to commencement of development final details of the location and facilities provided in the area of open space shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Details of the western boundary shall be submitted and agreed with the Planning Authority, prior to commencement of development.

The existing boundary treatment shall be retained where possible, unless otherwise agreed with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The formation of the vehicular accesses along the northern boundary of the site and the provision of new access along the western boundary of the site shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility

11. 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 traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety

14. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17. 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 of roads, footpaths, watermains, drains, 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 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 of the development

18. 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

Elaine Power
Planning Inspector

4th October 2019