



An  
Bord  
Pleanála

## Inspector's Report ABP-304870-19

---

<b>Development</b>	Permission to Demolish Existing Crèche and erect 4 Semi-detached 3-storey, 4-Bed Houses with 8 Parking Spaces with a new Vehicular Entrance set back from existing Frontage at Old Caragh Road, Naas County Kildare.
<b>Location</b>	Old Caragh Road, Naas County Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	19360
<b>Applicant(s)</b>	Clare Talbot
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Caragh Court Meadows and Green Residents Association
<b>Observer(s)</b>	none

**Date of Site Inspection**

28<sup>th</sup> September, 2019

**Inspector**

Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located to the west of the town centre in Naas and on the Old Caragh Road. The roundabout approximately 100 metres to the south west of the site connects with the R409 that runs north in the direction of Prosperous and south, via the New Caragh Road, there is a connection via the New Caragh Road to the R445 which runs east to the town centre approximately 1km away and west in the direction of junction 10 on the M7 and onwards in the direction of Newbridge approximately 10km to the south west of the site.
- 1.2. The vicinity of the appeal site is residential in character with the Caragh Court / Caragh Green and Caragh Meadows residential estate of two storey semidetached housing located to the north of the site on the opposite (northern) side of the Old Caragh Road. Access to this estate is off the Old Caragh Road c.60 metres to the west of the appeal site. Further to the east, an extension of the Old Caragh Road provides access to a recently completed residential development to the north east of the appeal site.
- 1.3. The appeal site itself is located on the southern side of the Old Caragh Road and forms part of a large triangular shaped parcel of predominately undeveloped lands bounded by the Old Caragh Road to the north, the R409 (New Caragh Road) to the west and the Grand Canal to the south. With the exception of the appeal site which measures 0.1 ha. and is currently in use as a crèche and a single dwelling and outbuildings located at the eastern corner, this triangular shaped plot is undeveloped with the western part open and the eastern and southern sides characterised by vegetation.
- 1.4. The site is currently occupied by crèche facility that is contained in a single storey L shaped building located on the western side of the site adjoining the site boundary. The site is served by an existing recessed entrance onto the Old Caragh Road. On the opposite (north) side of the Old Caragh Road from the site are located three two storey houses within the Caragh Court development which back onto the road and which are screened from by mature planting along the roadside boundary. To the east of these houses are two single storey dwellings that front onto the Old Caragh Road, one of which is directly opposite the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the existing crèche buildings on the site and the construction of 4 no. three storey houses on the site. The layout is proposed to comprise two pairs of semi detached units which are located at an angle to the road and such that the house plots are triangular in shape. A single vehicular entrance to the Old Caragh Road is proposed with a shared access road and six of the 8 no. parking spaces proposed indicated as being off site.
- 2.2. The development is proposed to be set back by c.2.0 metres from the existing southern side of the Old Caragh Road to facilitate future road widening / improvement works in this location.
- 2.3. The houses are proposed to be part three and part two storey in height with four bedrooms proposed, the master being on the second floor. The floor area of each unit is stated to be 122.3 sq. metres and the height of the houses is 7.56 metres to first floor roof level and 10.25 metres to second floor roof level.
- 2.4. The development is proposed to be connected to the public water supply and drainage systems. It is noted that the existing development on site has a septic tank that is located in third party lands to the rear (south) of the site. The proposed new drainage layout is via a new connection running to the east of the site to connect with an existing foul drain approximately 60 metres to the east of the site.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

Prior to the issuing of a Notification of Decision, the Planning Authority further information was requested on the following issues:

- Noted that the planning authority had a number of concerns regarding the layout of the houses and particularly the irregular shape to the sites and the boundary treatments and height of boundary at the site entrance. Revisions to bin storage area and details of finishes also requested.

- Comments on the observations / objections to the development submitted to the planning authority.

In response the following information / amendments to the proposed development were submitted:

- A revised layout with the houses facing the road and with rectangular shaped plots. The access arrangement is altered with two layouts indicated, the first incorporating two separate entrances to the site each serving two houses and a second option which retains the single access arrangement. A shared area to the front of the units is proposed incorporating two parking spaces for each unit and the revised entrances have a width of 5.5 metres.
- Rear gardens / private amenity spaces are all a regular shape and in excess of 60 sq. metres.
- The revised layout now incorporates separate access to the rear garden to each residential unit and bin storage areas to the rear of the building line are indicated.
- Details of finishes to the houses in the form of photomontages was submitted.
- Stated that existing ESB lines would be undergrounded.
- Stated that 1.8 metre high plastered masonry walls are proposed to the rear of each unit.

### 3.2. **Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 26 no. conditions, the most notable of which are as follows:

Condition No. 3 specifies that the site layout shall incorporate a single entrance in accordance with Drg. 16.06.101 Rev A.

Conditions 4 and 5 relate to servicing of the site and require that a connection agreement with Irish Water would be in place prior to the commencement of development.

Conditions 18 and 19 relate to public lighting and require details of same to be submitted for agreement prior to the commencement of development.

### 3.3. **Planning Authority Reports**

#### 3.3.1. Planning Reports

The initial report of the planning officer notes the submissions received but considers that the principle of the development is acceptable. Concerns regarding the layout and orientation of units identified and further information recommended. Second report subsequent to the receipt of further information recommends a grant of permission that is consistent with the notification of decision which issued.

#### 3.3.2. Other Technical Reports

Area Engineer – no objection subject to conditions.

Water Services - no objection subject to conditions.

Transportation Department - no objection subject to conditions.

Environment - no objection subject to conditions.

Fire Officer – No objection.

Environmental Health Officer – No objection.

### 3.4. **Prescribed Bodies**

Irish Water – No objection subject to a connection agreement being in place prior to the commencement of development.

### 3.5. **Third Party Observations**

A number of observations were made to the planning authority. The content of these submissions can be summarised as follows:

- Development out of character with the area.

- Excessive density,
- Excessive scale resulting in loss of residential amenity,
- Negative impact on capacity and safety of the Old Caragh Road,
- That a need to recoup investment / costs is not a reason to grant permission,
- Loss of existing community facility in the form of the existing crèche.
- That the recent Finlay Park development and proposals for significant additional development in this part of Naas will lead to a demand for crèche places.
- That the parking provision is inadequate.
- That the site is part of a larger strategic holding and it should be developed in a coherent and planned way.
- That the planning file references the transfer of land and discussions held with the Transportation Department. This is a potential conflict of interest for the local authority in its decision making.

## 4.0 Planning History

The following planning applications are noted:

### ***Appeal Site***

Kildare County Council Ref. 15/664 – Permission refused for an additional 2 no. temporary pre fabricated units on the existing crèche site. Permission refused for reasons relating to inadequate parking provision and over development / intensification of the site.

### ***Other Sites***

Kildare County Council Ref. 03/500129 – Permission granted on lands to the south of the current appeal site for the development of 51 houses for Naas District Housing. This permission was not implemented and has now lapsed.

Kildare County Council Ref. 13/500055; ABP Ref. PL73.242895 – Permission granted (on a phased basis) for the construction of 60 no. residential units on a site located to the east of the appeal site and to the east of Caragh Court / Meadows / Green. This development is referred to as the Finlay Park development in the third party appeal.

## 5.0 Policy Context

### 5.1. Development Plan

The appeal site is located within the identified boundary for Naas and the relevant plan is the Naas Town Plan, 2011-2017. I note that a draft LAP for Naas has been prepared (Draft Naas LAP, 2019-2023) and that this draft plan and the submissions and observations received relating to same and the associated Chief Executives report were considered by the council at a meeting held in July, 2019. Information presented on the Councils website states that *'the council resolved not to make the Draft LAP under s.20 of the Planning and Development Act, 2000 (as amended).'*

Under both the 2011 Naas Town Plan and the Draft Naas LAP the appeal site is zoned Objective B (Existing/ Infill residential) with a stated objective (as per the 2011 plan) 'to protect and improve existing residential amenity, to provide for appropriate infill development and to provide for new and improved ancillary services'. The wording of the objective in the draft plan has changed to make reference 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

Under the 2011 plan the lands adjoining the appeal site to the south and west are also zoned Objective B. Under the new Draft Naas LAP, these lands are proposed to be zoned Objective C1 (New Residential).

Chapter 4 of the Kildare County Development Plan, 2017-2023 relates to housing and contains a number of policies of relevance to the assessment.

**Residential development standards** are contained in the 2011 Naas Town Plan and include density (Table 4.2), plot ratio and site coverage (sections 13.1 and 13.2) and open space 13.4.



## 5.2. Natural Heritage Designations

The site is not located in or close to any European site. The closest site to the appeal site is Moulds Bog SAC which is c.7.5 km from the appeal site. Pollardstown Fen SAC is located c.12km to the south west of the appeal site at the closest point.

## 5.3. EIA Screening

Having regard to the limited scale of the proposed development comprising only 4 no. houses and the location of the site and proposed connection to the public water supply and foul drainage networks 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

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the existing use of the site for a crèche is a beneficial resource for the local community. There was a proposal for a crèche as part of the Finlay Park development however this was not undertaken.
- That the site notice for the development was inadequate and not clearly visible.
- That the proposed four houses is excessive on this small site.
- That the provision of parking proposed is inadequate and will lead to overflow parking on the Old Caragh Road and surrounding areas.
- That the proposal is ad hoc unplanned development and should be considered in the context of the overall development of the larger site / area.

The site should be the subject of CPO to enable its incorporation into a larger scale development.

- The Old Caragh Road has turned into a significant and important route accessing the Finlay Park development and onwards to Millennium Park.
- That the height is excessive and would overlook the bungalows on the opposite side of the road. It is out of keeping with the two storey character of development in Caragh Court / Meadows / Green.
- There are no proposals made for the removal of the overhead lines on Caragh Road.
- There are no proposals for the improvement / landscaping of the roundabout at the junction of the Old and New Caragh Roads.
- That there is reference on the planning file to discussions with the Transportation Department regarding the transfer of land to facilitate road widening. Noted that when the Finlay Park development was being undertaken that it was considered that the opposite side of the road was more appropriate for road widening. It is considered that this option would be better and safer for residents of Caragh Court / Meadows / Green.
- That the bond specified in the decision of the council is inadequate.
- That the financial contribution specified in the decision of the council is too low.
- That the council nor the applicant adequately responded to the concerns in the third party observations on file.
- That the main motivation of the council in granting permission is to obtain land to facilitate the widening of the Old Caragh Road.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the response of the first party to the third party grounds of appeal:

- That the site notice complied with all requirements.

- That the proposed four houses comply with national and local policy with regard to density, plot ratio, site coverage, room sizes, private open space and separation distances.
- That the first party has the right to determine how they want to develop their property.
- That the number of parking spaces is consistent with the requirements of the development plan.
- That there are a variety of house types in the local area and the proposed development would reinforce this variety.
- That the increased scale and density is acknowledged however this is consistent with national and local policy.
- That overhead cables would be undergrounded as part of the development.
- That the roundabout referenced is not within the control of the applicant.
- That the crèche is a private business and is not obliged to continue in operation.
- That the first party has nothing to say regarding the comment on CPO of the site. It is outside the scope of this appeal. Similarly the issues relating to road widening are outside the confines of the proposed development.

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

Response received from the Planning Authority which was returned as it was received outside of the appropriate period for response.

## 7.0 **Assessment**

7.1. The following are considered to be the main issues arising in the assessment of the subject appeal:

- Principle of Development and Procedural Issues
- Design and Layout

- Impact on Amenity
- Site Servicing, Access and Traffic Safety
- Other Issues
- Appropriate Assessment

## 7.2. Principle of Development and Procedural Issues

- 7.2.1. The appeal site is located on lands that are zoned Objective B (Existing / Infill Residential) under the provisions of the *Naas Town Plan, 2011-2017* with the stated objective '*to protect and improve existing residential amenity, to provide for appropriate infill development and to provide for new and improved ancillary services*'. This zoning has remained the same under the Draft Naas LAP, however this plan has not been adopted at the time of writing this report. The development of 4 no. residential units on the appeal site is therefore consistent in principle with the zoning of the site. Considerations of the impact of the proposal on residential amenity are considered in detail in the following sections.
- 7.2.2. The third party appeal raises concerns with regard to the development of the site in an ad hoc manner and makes the case that development of the site would more appropriately be undertaken in a co ordinated way with the adjoining lands to the south and west. These adjoining lands are zoned Objective B under the provisions of the 2011 Naas Town Plan, however this is proposed to be changed to Objective C (new residential) under the Draft Naas LAP, and it would appear from the information on file that the lands are in council ownership. While, in principle, there may be merit in the appeal site being redeveloped in conjunction with the development of the adjoining residentially zoned lands, the nature of the proposal is not in my opinion such that it would act to significantly compromise the future development of the surrounding lands for residential use. This is particularly the case with the revised site layout submitted as part of the response to further information and which results in a more regular layout and less potential impact on surrounding lands. In my opinion, the main potential impact of the development of the appeal site in advance of surrounding lands relates to the requirement for a separate access to the Old Caragh Road. In this regard it is considered appropriate that the layout which

incorporates the single access would be preferred from a traffic perspective. Overall, given the existing developed nature of the site, and the nature and scale of the proposed layout, I do not consider that the proposed development would significantly impact on the future development potential of the surrounding residentially zoned lands or be such as to constitute ad hoc or piecemeal development.

7.2.3. With regard to the loss of the existing use on the site, I note the concerns expressed by the third party appellants regarding the potential loss of a use that is of benefit to the local community. I also note the comments with regard to the recently completed Finlay Park development to the east of the site which does not have a crèche included. No assessment of the availability of crèche facilities in the general vicinity of the site was submitted with the application and such information would be useful to clarify the degree to which the potential loss of the existing crèche on site could be mitigated by surplus capacity elsewhere in the town. Fundamentally, however it is open to the first party to make an application to re develop the site for alternative uses, in this case a residential use which is consistent with the zoning of the site. The fact that the first party has cited financial viability as one of the reasons for making the application is highlighted by the third party appellants who contend that financial gain should not be a basis on which planning permission is granted. My reading of the comments on file from the first party are that the existing crèche use is not financially viable to continue, with the implication that there is not a sufficient demand to continue with the existing use. Notwithstanding this, I do not consider that it is the role of the planning system to prohibit re development of a site on the basis of a potential loss of an existing use that is stated to be unviable.

7.2.4. I note the comments of the appellants with regard to the public notices and the legibility of same. This is an issue for the planning authority and the application was deemed to be valid by the Planning Authority. Similarly, the issue raised by the appellants regarding the merits of the site being the subject of a compulsorily purchase order (CPO) are for the local authority and are not considered to be relevant to the determination of the appeal by the Board.

### 7.3. Design and Layout

- 7.3.1. I note the revisions to the layout identified as part of the request for further information issued by the Planning authority. I agree that the originally proposed layout results in a development which raises issues of overlooking and loss of amenity for future occupants by virtue of the relative position of the houses to each other as well as the irregular shaped private amenity spaces and the potential to impact more significantly on the development potential of adjoining lands. For these reasons it is proposed to proceed with the assessment on the basis of the layouts submitted in the response to further information and received by the Planning Authority on 4<sup>th</sup> June, 2019.
- 7.3.2. The design of the proposed houses is unusual, being contemporary in terms of materials and fenestration and having a split level roof profile. The overall design is not in my opinion incompatible with the location of the site, being sufficiently removed from the existing development on the northern side of the Old Caragh Road.
- 7.3.3. Internal layouts are considered to be acceptable and in accordance with the requirements of Quality Housing for Sustainable Communities. Private amenity space is proposed to be provided to the rear of each unit and an area of 68 sq. metres is proposed to be provided to serve each unit. This is considered to be acceptable for the scale of units proposed and the layout of these spaces as per the revised Site Layout Plan submitted to the planning authority is a more regular shape and such that a satisfactory level of amenity would arise.
- 7.3.4. No public open space is proposed as part of the development and I note and agree with the comments of the Planning Authority regarding the reference to existing public open space in the Caragh Court development being inappropriate. There are other open spaces and amenity areas in the general vicinity of the site including the canal and, having regard to this and to the limited scale of the development it is not considered that dedicated public open space is required within the development. Should the Board consider it appropriate, a condition requiring a financial contribution in lieu of public open space could be considered in the event of a grant of permission.

7.3.5. Both of the revised site layouts submitted in response to the further information request incorporate a shared area to the front of the proposed houses with car parking, circulation space and some landscaping. It is not clear from the information submitted what if any parts of the site are proposed to be taken in charge by the local authority and in the event of a grant of permission it is recommended that a condition clarifying the management of the area to the front of the houses would be submitted for the agreement of the Planning Authority.

#### **7.4. Impact on Amenity**

- 7.4.1. The third party appeal raises concerns with regard to the potential impact of the development on the residential amenity of existing houses on the northern side of the Old Caragh Road, and in particular the single storey houses located to the north and north east of the appeal site. The separation distances between the front elevations of the proposed houses and the front of the two single storey houses on the northern side of the Old Caragh Road is between c.32 and 35 metres with the revised site layouts. This degree of separation, together with the presence of the road and existing and proposed landscaping is in my opinion such that no significant issues of overlooking or loss of amenity for the existing dwellings should arise. Similarly, the separation to the existing dwellings and the relative positions of the existing and proposed development is such that no issues of overshadowing are likely to arise.
- 7.4.2. Visually, it is my opinion that the proposed houses are acceptable and the degree of separation to the existing residential development on the northern side of the Old Caragh Road is such that no negative impacts on visual amenity would arise. The Site Layout option with the two entrances would allow for additional site landscaping over the single access option however on balance as set out in section 7.5 below, I consider that the benefits of the single access in traffic safety terms mean that this is the preferred option.

## **7.5. Site Servicing, Access and Traffic Safety**

- 7.5.1. The existing crèche facility on the site is served by a septic tank which is located on third party lands located to the south of the site. As part of the development it is proposed that this septic tank would be decommissioned and the development connected to the existing foul sewer located c.60 metres to the east of the site. This connection would be via third party lands running from the south east corner of the site in an easterly direction to a new foul manhole and then south east to connect with the existing sewer. The information on file from Irish Water indicates that there is no objection to the proposed development subject to conditions including that a connection agreement would be in place prior to the commencement of any development. In the event of a grant of permission, it is recommended that a condition to this effect is attached to the decision.
- 7.5.2. Car parking is proposed to be provided on site at a rate of 2 no. spaces per unit. This is consistent with the requirements of the development plan, and is in my opinion acceptable for the scale of development proposed. I note the concerns expressed by the third party appellants regarding the adequacy of the parking provision and the lack of alternative on street parking options. I note this however two spaces per unit would in my opinion be adequate and there is the possibility of some short term additional parking being catered for within the site particularly with the single entrance layout option.
- 7.5.3. Visibility at site access is satisfactory and I note and agree with the recommendation of the Roads Department of the council that the single access site layout option is preferable given the current and likely future role of the Old Caragh Road as an access to the existing and proposed residential development to the north east and north of the site.
- 7.5.4. I note that the report of the Roads Department states that the Old Caragh Road is proposed for widening and that discussions have been undertaken with the first party regarding the reservation of a set back free of development along the site frontage that would facilitate the future widening of the road. The third party appellants have raised a number of concerns with regard to the nature of these discussions, however I consider that this is an issue between the parties and not a material consideration in the determination of the appeal. The third party appeal questions the logic of



widening the Old Caragh Road on the southern side and states that at the time of the assessment of the Finlay Park development to the north east that widening of the Old Caragh Road was envisaged as being on the opposite (north) side of the road. This however is not evident from the Roads Department submission on file and would involve impacting on existing residential properties that front onto the Old Caragh Road and potentially those within the Caragh Court development. On the basis of the information on file, I consider that the provision for road widening on the southern side of the Old Caragh Road as part of the proposed development is appropriate and consistent with the proper planning and sustainable development of the area.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

Having regard to the above, it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

## **9.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 in accordance with the plans and particulars lodged with the application and received by the planning authority on the 4<sup>th</sup> of April, 2019 as amended by the revised plans and particulars received by the Planning Authority on 4<sup>th</sup> June, 2019, except as may otherwise be required in order to comply with the following conditions.

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

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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 orderly development.

4. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

5. All service cables associated with the proposed development 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.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 residential amenities of property in the vicinity.

7. 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. Such lighting shall be provided prior to the making available for occupation of any house.

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

8. Prior to the occupation of any of the houses, the existing septic tank serving the site and associated pipework shall be decommissioned and removed from the site.

**Reason:** In the interest of public health and the avoidance of pollution.

9. 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.

**Reason:** In the interest of sustainable waste management.

10. 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.

11. The internal road network serving the proposed development including 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.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

13. The developer shall pay to the planning authority a financial contribution of €24,460 (twenty four thousand four hundred and sixty euro) 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. The application of any indexation required by this condition 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.

**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.

---

Stephen Kay  
Planning Inspector

17th October, 2019