



An  
Bord  
Pleanála

## Inspector's Report ABP306034-19

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<b>Development</b>	Change of house plan and garage plan on Site No. 1, previously approved under Register Reference 19/48 and 14/100.
<b>Location</b>	Halfstraddle, Ballygaddy Road, Tuam, County Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Planning Authority Reg. Ref.</b>	19/1415.
<b>Applicant</b>	Elaine Farragher.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First Party -v- Conditions.
<b>Appellant</b>	Elaine Farragher.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> January, 2020.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP306034-19 relates to a first party appeal against a number of conditions attached to Galway County Council's notification to grant planning permission for a change of house plan and garage plan at a site which was previously approved under Reg. Ref. 19/48 and 14/100. The site is located in the townland of Halfstraddle on the outskirts of Tuam in County Galway.

## 2.0 Site Location and Description

- 2.1. The appeal site is located on the Ballygaddy Road (R332) on the western environs of Tuam approximately 1.2 kilometres west of Tuam Town Centre. The R332 links Tuam with the town of Ballinrobe, further west. The subject site comprises of a backland development located behind existing dwellings fronting onto the southern side of the R332. Three dwellings to the rear have the benefit of planning permission from previous applications granted under Reg. Ref. 19/48 and 14/100. An entrance between two existing dwelling onto the R332 was granted under Reg. Ref. 12/480 to serve the three houses in question. This entrance and short access road to serve the backland dwellings has not been completed (see photographs attached).
- 2.2. Currently the lands to the rear of the existing houses (on which planning permission was secured for three houses) is currently under grass and used for the grazing of horses. The site forms part of a larger field which has been fenced off with a post and wire fence. The field incorporates a slight downward slope from the roadway in a south-westerly direction.
- 2.3. The change of house type which is the subject of the current appeal relates to the most northerly of the three houses to the rear (Site No. 1). It incorporates a site area of 1,984 square metres.

## 3.0 Proposed Development

- 3.1. Planning permission is sought for a change of plan to that previously granted on site under PL Ref. 14/100. The new dwelling on site comprises of a two-storey L-shaped dwelling. The two main living elements are linked by a single-storey entrance hall in the centre of the dwelling. At ground floor level it is proposed to provide living and

dining accommodation in the western portion of the dwelling with a living room and two bedrooms in the eastern portion of the dwelling. The eastern portion of the dwelling is also to accommodate additional sleeping areas at first floor level and also a separate family room at first floor level in the western portion of the building which would overlook a double height kitchen area below. The gross floor area of the proposed dwellinghouse is to 257.6 square metres.

- 3.2. It is also proposed to provide a single-storey garage in the north-western corner of the site adjacent to the north-western boundary. The dwelling is to rise to a ridge height of 8.23 metres. The pitched roof is to incorporate blue/black slates or tiles and the external cladding comprises in the main of a nap plaster finish. Obscure glazing is proposed on some of the external windows of the house.

#### 4.0 Planning Authority's Decision

Galway County Council issued notification to grant permission subject to 18 conditions. The relevant conditions in respect of the first party grounds of appeal are as follows:

3. The road junction, access road and adjoining footpaths shall be constructed in accordance with details as indicated in the application and shall be completed prior to the occupation of the dwellinghouses.

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

4. Public lighting shall be provided in accordance with a scheme submitted with the application prior to the commencement of development. Such lighting shall be provided prior to making available for occupation of any house.

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

5. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority, prior to the commencement of development. This work shall be completed before any of the dwellings are made available for occupation.

**Reason:** In order to ensure the satisfactory development of open space areas and their continued use for this purpose.

6. (a) Prior to the commencement of development, the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for approval of the planning authority. Realisable options showing the feasibility for connection of the units within the development to an exterior broadband service provider and a broadband network shall be included and demonstrated in the proposals. Ducting and chambers for such a service shall be installed concurrently with the initial construction and infrastructure installation within the development. Any land and wayleaves required for the above and/or below ground infrastructure within the development shall be made available for such apparatus. All the above proposals shall be in accordance with the requirements of the Department of Communications, Marine and Natural Resources.
- (b) The developer shall lay 2 no. 110 millimetre diameter uPVC pipes from the entrance of the development along the main reservation of the access road. These ducts are to be chambered at the starting point and finish point at every change in direction and at intervals no greater than 250 metres. The chamber size is to be 1,200 millimetres x 600 millimetres. Where possible the duct network shall be designed as resilient which may require the laying of ducts at either side of the road.

The design of the network described above is to be presented to the local authority for approval prior to the commencement of works on site.

**Reason:** To facilitate other licensed operators in providing broadband services to each dwelling within the estate without the need to reopen the roads, footpaths and verges.

8. 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. All

existing overground cables shall be relocated underground as part of the site development works.

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

9. The proposed garages shall not be used for habitable or commercial purposes or for any other purposes other than those incidental to the enjoyment of the individual dwellinghouses.

**Reason:** In the interest of orderly development.

10. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter, all estate signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local, historical or topographical features, or other alternatives acceptable to the planning authority. No advertisement/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility and to ensure the use of appropriately place names for new residential areas.

11. Prior to the commencement of development, the developer shall submit full details to the satisfaction of the planning authority of a properly constituted management company specific to this permission which will be solely responsible for the maintenance of all utility/services/access road/open space and other communal areas, to include the operational maintenance of waste and associated infrastructure.

**Reason:** To ensure the satisfactory operation, maintenance and upkeep of the services and the development.

12. Prior to the commencement of any development on site, the applicant or any other person with legal interest in the land to which the application relates shall enter into a legally binding agreement with Galway County Council under Section 96(2) of the Planning and Development Act 2000, as amended by

Section 3 of the Planning and Development (Amendment) Act 2002 for matters referred to in paragraph (a) or (b) or subsection (c) of that section.

**Reason:** To comply with the provisions of Section 96 of the Planning and Development Act 2000, as amended.

14. (a) The applicant shall fully implement the SuDS Management System within the estate in order to provide adequate surface water disposal.
- (b) All surface water run-off from roads, entrances and parking areas shall be collected and disposed of within the site to soakpits or adjacent watercourse. In particular, no such surface water run-off shall be allowed to flow onto the public road or other adjoining properties.
- (c) Maintain the existing road surface water drainage system in order to enable it to collect and dispose of surface water run-off from the existing public road. The provision shall not increase the likelihood of flooding to the development property, the road or adjoining property.

**Reason:** In the interest of proper planning and sustainable development and in the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours Monday to Friday inclusive, between 0900 hours and 1700 hours on Saturdays and not at all on Sundays or 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 the interest of residential amenity.

16. (a) All public roads shall be maintained free from dirt and debris during construction.
- (b) Any damage to the public road/footpath shall be repaired by the developer at his/her expense to the satisfaction of the area engineer.
- (c) Vehicle wheels shall be cleaned prior to exiting onto the public road so as to ensure no material deposits on the public road.

**Reason:** In the interest of traffic safety.

17. Before any development commences on site proposed to be developed, the developer shall pay €11,183.25 to the planning authority. This charge has been calculated using the Development Contribution Scheme adopted by Galway County Council in accordance with the provisions of section 48 of the Planning and Development Act 2000 (details of how the contribution scheme was calculated is also set out in the planning authority's order).

**Reason:** So the developer shall pay an equitable portion of the cost of facilities that are provided or that is intended will be provided by or on behalf of Galway County Council which will facilitate the proposed development.

18. Before development commences, the developer shall lodge with Galway County Council a bond, being a cash deposit or other security acceptable to the planning authority, the value of €50,000 to secure the provision and satisfactory completion of the public lighting, roads, footpaths, watermains, sewers, open space and other services required in connection with the development, coupled with an agreement empowering the said Council to apply such security or part thereof to the satisfactory completion or maintenance as aforesaid of any part of the development.

**Reason:** To ensure the satisfactory completion of development.

#### 4.1. **Planning Authority Assessment**

4.1.1. The planning application was lodged on 12<sup>th</sup> September, 2019.

4.1.2. Also submitted with the application was a certificate of exemption under the Part V which was granted by Galway County Council in respect of a previous application (see Planning History below dated 24<sup>th</sup> October, 2012). A letter of consent of the landowner was also submitted with the application.

4.1.3. A submission from **Transport Infrastructure Ireland** stated that the Agency has no observations to make in respect of the application.

4.1.4. The planner's report dated 5<sup>th</sup> November, 2019 outlines the planning history associated with the site. The planning report concludes that the amended dwelling and garage designs are not considered to adversely impact on the residential amenity of nearby properties (existing and permitted) nor is it likely to impact on the



visual amenity of the area. On this basis the planner recommends having regard to the nature and scale of the proposed development, the planning history on the site and the pattern of development in the area that the proposed development would be in accordance with the proper planning and sustainable development of the area. Galway County Council therefore granted planning permission subject to 18 conditions.

## **5.0 Planning History**

- 5.1. The extensive planning history associated with the subject site and sites in the vicinity are set out on page 2 of the planning report dated 5<sup>th</sup> November, 2019. Details of two decisions of the planning authority which are relevant to the current application are contained in a pouch to the front of the file. These are summarised below.
  - 5.1.1. Under Reg. Ref. 14/100 planning permission was granted on 28<sup>th</sup> March, 2014 for the construction of three dwellings and associated domestic garages on serviced residentially zoned land. The development is to be served by an access junction permitted under Planning Ref. 12/480. The subject site forms the northern side of the three dwellings which are granted permission under Reg. Ref. 14/100.
  - 5.1.2. Under Reg. Ref. 19.48 Galway County Council issued a decision to extend the appropriate period on 11<sup>th</sup> March, 2019. The permission will now cease to have effect on the 10<sup>th</sup> March, 2024.

## **6.0 Grounds of Appeal**

- 6.1. The decision of Galway County Council was the subject of a first party appeal against numerous conditions attached by Galway County Council in respect of the proposed development. It is argued that many of the conditions do not relate to a change of plan on a single site for a single house. Planning permissions are established as the parent permission for the development of a small three unit development to which Site No. 1 (the subject site) forms part. The appellant is the daughter of the original applicant for which permission was granted under 14/100 and 19/48. She has been gifted Site No. 1 for the development of her house. It is not speculative development. This development will be her permanent residence. It is

suggested that the conditions attached to the current application do not appear to relate to the nature of the development proposed. The conditions appear to mimic the conditions of the parent permission which relate to estate works. The contentious conditions which are the subject to the appeal are:

- Conditions Nos. 3 to 6 inclusive.
- Conditions Nos. 8 to 12 inclusive.
- Conditions Nos. 14 to 18 inclusive.

6.2. The appellant contacted Galway County Council and the response received from the Council is set out in the grounds of appeal and is stated in full below.

*“I informed that it is mainly because the parent permission has not been activated. In this regard, if each of the sites is dealt with separately the Council would be exposed in relation to road, lighting etc. The same goes for financial, if the parent permission was being used and bond agreed etc., it wouldn’t be put in this one. We have to protect the Council’s interest”.*

6.3. The reason why the conditions are problematic are as follows:

- The conditions relate to works and requirements that do not form part of this application. Simply, the application was for a change of plan on Site No. 1. It is not proposed any site works or make other additional proposals that fall outside Site No. 1.
- The conditions place a burden of compliance on the applicant for items that are outside her control and that the appellant does not have the legal authority to undertake. She is not the developer of the small estate she is the developer for Site No. 1 only.
- The appellant has the consent of her father to make this planning application, but this consent does not extend to works outside Site No. 1.
- There is a double financial burden on the conditions of this permission and the parent permission. There cannot be an assumption that one cancels out the other and vice versa depending on which is enacted first.

6.4. The Planning Authority contend that the conditions were replicated on this permission to effectively give them control of the overall development and to make

sure that the site is constructed in compliance with the parent permission. This is flawed logic on the basis that:

- The development of the small estate is already controlled under conditions of planning Refs. 14/100 and 19/48.
- Galway County Council retain the powers of enforcement to enforce the conditions of the previous planning consents.
- The current application seeks permission for a change of plan on Site No. 1 only. No other works are proposed under this application. Therefore, the conditions do not relate to the nature of the application proposed.
- It is also argued that the conditions are not in accordance with Section 34(4) of the Planning and Development Act, as amended. In particular, it is noted that the planning authority may include “*conditions for regulating the development or use of any land which adjoins, abuts or is adjacent to the land to be developed which is under the control of the applicant, insofar as it appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission*”. However, the appellant does not have control of the adjoining land, her father controls the lands in question.
- Respectfully it is suggested that the planning authority could have placed a single condition limiting the occupation of the revised dwelling on Site No. 1 until the estate works under PL Ref. 14/100 and 19/48 were complete such a single condition could have protected the Council in accordance with the legislation.

6.5. If the conditions are to remain the following are the challenges that the applicant has to overcome.

- The securing of a bond, does this relate to a single house or the overall site?
- The payment of a contribution, does this relate to a single house or the overall site?
- The appellant does not appear to have the legal consent to undertake the works in question. The portioning of the 100% of the burden onto the appellant is unfair and illogical.

- The solicitor and lending agency for the appellant have no legal authority to determine the legitimacy of these conditions after the appeal period. Hence if these conditions remain there is a serious burden and lack of clarity. Can these conditions be satisfied on the parent permission and then exonerated by default on this permission or vice versa? Are the conditions interdependent? Is it lawful to have these applications by different applicants interlinked?
- When we prepare our documentation for the Building Control Authority, will they accept that the conditions can be satisfied through another planning reference?

6.6. It is therefore considered not lawful to transcribe these conditions verbatim from the parent permission.

6.7. The planning authority could have protected their interest by the imposition of a single restrictive planning condition that prevents the occupation of a revised dwelling on Site No. 1 until the conditions of the parent planning applications have been complied with.

6.8. It is also argued that the appellant does not have the legal consent to undertake the site works. Her father has the consent alone and will do so when the parent permission commences.

## **7.0 Development Plan Provision**

7.1. The site is governed by the policies and provisions in the Tuam Local Area Plan 2018-2024.

7.2. The subject site is zoned 'R' in the Tuam Local Area Plan (Phase 1). Objective RD1 seeks to support the development of lands designated as residential (Phase 1) within the lifetime of the plan subject to normal planning, access and servicing requirements.

## 8.0 Planning Assessment

- 8.1. I have read the contents of the file, have had particular regard to the planning authority's decision and the grounds of appeal which express concerns in relation to the various conditions attached to Galway County Council's grant of planning permission.
- 8.2. Having inspected the subject site and its surrounding together with the zoning objective pertaining to the site and the planning history most notably the extant permission which permits a house on the subject site, I consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal on the basis that the principle of residential development has already been established and is acceptable on the subject site. Furthermore, I would generally agree with the conclusions of the planning authority that the proposed change of house type would have an acceptable impact on surrounding residential and visual amenities.
- 8.3. I therefore consider that the Board can restrict itself to whether or not the imposition of the various conditions attached to Galway County Council Planning Division is appropriate and in accordance with the proper planning and sustainable development of the area.
- 8.4. The main concerns raised in the grounds of appeal can be summarised as follows:
- The conditions relate to works and requirements that do not form part of the application. The conditions place an onus of compliance on the appellant for items that are outside her control.
  - There is a double financial burden on the conditions of this permission and the parent permission.
  - It is suggested that the conditions are not in accordance with Section 34(4) of the Planning and Development Act on the basis that the land to which the conditions pertain are outside the control of the applicant.
  - It is also suggested that it is not lawful to transcribe conditions verbatim from a parent permission.
- 8.5. While the planning authority have not submitted a formal response to the grounds of appeal, the first party appeal makes reference to a response from Galway County

Council (dated 26<sup>th</sup> November, 2019) where Galway County Council have suggested that the conditions have been imposed on the basis that the parent permission has not been activated. On this basis if each of the sites were dealt with separately the Council could be exposed in relation to roads, lighting etc.

- 8.6. I can understand Galway County Council's concerns in this regard. In order to address this issue it appears to me that the Council have incorporated a precautionary "belt and braces approach" to ensure that requisite infrastructural works which will facilitate the overall development would be incorporated in a grant of planning permission for the change of house type. The planning authority reasonably point out in my view that if three separate applications for alterations for the three dwellings which were granted under the parent permission were sought, it is possible that planning permission for the three dwelling could be granted on the three individual sites in the absence of supporting infrastructure such as roads, footpaths, lighting, underground cabling etc. which was granted as part of the parent permission.
- 8.7. While the applicant argues that the applicant does not have sufficient legal interest to carry out works outside Site No. 1, it would appear to me that the planning authority are legally within the rights to insert the conditions proposed as the red boundary of the site relates to the entirety of the site and not specifically Site No. 1.
- 8.8. I would also consider it somewhat disingenuous to suggest that the landowner (in this instance the applicant's father) can provide a letter of consent to carry out works proposed under the current application but could not provide a similar letter for works specifically to facilitate the application notwithstanding the fact that these lands also appear to be under his control.
- 8.9. It is on the basis of the above arguments that I understand the rationale on which Galway County Council included conditions pertaining to the site development works which are necessary to facilitate the proposed development in the conditions imposed as part of the grant of planning permission. It is proposed below to assess the necessity of each of the conditions referred to in the grounds of appeal on a case by case basis as to whether or not they should be included in any grant of planning permission.

8.10. The Board could consider putting in a “catch all” condition as suggested in the grounds of appeal stating that the proposed development shall not be occupied as a place of residence until such time as all conditions attached under Reg. Ref. 14/100 as extended under Reg. Ref. 19/48 are complied with in full to the satisfaction of the planning authority. This “catch all condition” would obviate the need for many of the conditions attached to Galway County Council’s notification to grant planning permission and would ensure that all requisite supporting infrastructure is in place as envisaged under the parent permission to facilitate the proposed development.

8.11. With regard to the individual conditions appealed I would briefly comment as follows:

Condition No. 3 which relates to the road junction, access road and adjoining footpaths was included as Condition No. 2 of the parent permission and therefore would be covered by the general catch all condition referred to above.

With regard to Condition No. 4 which relates to public lighting, this condition is also contained in the parent condition as Condition No 3 of the parent permission and as such would be covered by the general condition referred to above.

Condition No. 5 which relates to areas of public open space is likewise contained in the parent condition as Condition No. 4 and as such would be covered by the parent permission referred to above.

In the case of Condition No. 6 which relates to pipes to facilitate broadband services is contained in the parent permission as Condition No. 5.

Condition No. 8 which relates to service cables (such as electrical, telecommunication and television etc.) is referred to in the parent permission as Condition No. 7 and therefore would be covered by the general catch all condition above.

Condition No. 9 which relates to the ancillary garage being used for domestic purposes only was referred to in the parent permission as Condition No. 8 and as such would be covered by the catch all condition referred to above.

Condition No. 10 which relates to an estate name and house numbering scheme was included in the parent permission as Condition No. 9 and therefore would be covered by the catch all condition referred to above.

Condition No. 11 which relates to the management of the estate was included in the parent permission as Condition No. 10 and would therefore be covered by the general catch all condition referred to above.

Condition No. 12 relates to Part V housing provisions. As the current application relates to a change of house type I do not consider that this condition is relevant, and therefore should it be included in any order issued by the Board.

Condition No. 14 relates to surface water drainage and this condition was included in the parent permission as Condition No. 13 and as such would be covered by the general condition referred to above.

Condition No. 15 relates to construction hours of operations. This again was included in the parent permission with the same hours of operation. Thus, the incorporation of the more general condition referred to above would address this aspect of the proposal.

Condition No. 16 relates to dirt and debris on public roads. This condition as also included in the parent permission as Condition No. 15 and as such would be covered by the general condition referred to above.

Condition No. 17 relates to the financial contribution condition covered by Galway County Council's Development Contribution Scheme. It appears that the financial levy relates to the three units in question and not the current application before the Board.

The most recently adopted Development Contribution Scheme for Galway County Council was adopted in 2016. The subject site is located within sub area 1 (towns and villages with adopted local area plans). The applicable charge amounts to a flat rate charge of €2,000 per recreational amenities and €7 per square metre for roads, footpaths and transportation charges. In the case of the current house the charge would amount to €3,803.20. Having regard to the fact that the current application relates to a change of use for a single house only, it is in my view appropriate that this amount would be levied in respect of the current application before the Board, and this would replace the previous financial contribution, with the most up to date financial contribution.

The final condition relates to a security bond of €50,000 be lodged prior to the commencement of development. This condition was included as Condition No. 17 in



the parent permission and therefore would be covered by the general catch all condition referred to above.

## **9.0 EIA Screening Determination**

A change of house type does not constitute a class of development for which an EIAR is required.

## **10.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to 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.

## **11.0 Conclusions and Recommendation**

Arising from my assessment above and having particular regard to the extant permission for residential development on the subject site, I consider the proposed development would not seriously injure the amenities of the area or property in the vicinity and would generally be in accordance with the proper planning and sustainable development of the area. I therefore recommend that the decision of the planning authority be upheld in this instance and that planning permission be granted for the proposed development based on the reasons and considerations set out below.

## **12.0 Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 13.0 Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site and the planning history relating to the site including the extant permission for residential development granted under Reg. Ref. 14/100 as extended by Reg. Ref. 19/48, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the 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 dwelling shall not be occupied as a place of residence until such time as the conditions attached under Reg. Ref. 14/100 as extended under Reg. Ref. 19/48 are complied with in full to the satisfaction of the planning authority.

**Reason:** To ensure orderly development and that appropriate infrastructure is in place to serve the proposed dwelling.

3. This grant of planning permission shall expire on 10<sup>th</sup> March, 2024.  
**Reason:** In the interest of property planning and sustainable development.
  
4. The external finishes of the proposed dwelling including roof tiles/slates shall be agreed in writing with the planning authority prior to the commencement of development.  
**Reason:** In the interest of visual amenity.
  
5. The proposed garage shall not be used for habitable or commercial purposes or any other purposes other than that incidental to the enjoyment of the individual dwelling.  
**Reason:** In the interest of orderly development and residential amenity.
  
6. Water supply and drainage arrangements, including the attenuation of the disposal of surface water, shall be agreed in writing with the planning authority prior to the commencement of development.  
**Reason:** In the interest of public health.
  
7. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.  
**Reason:** In the interest of public health.
  
8. The developer shall pay to the planning authority a financial contribution of €3,803 (one thousand eight hundred and three 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.

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Paul Caprani,  
Senior Planning Inspector.

30 March, 2020.