



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307567-20

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<b>Development</b>	Outline Permission for demolition of existing dwelling and construction of three new houses.
<b>Location</b>	Main Street, Kilsheelan, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	19601420
<b>Applicant(s)</b>	Niall Cloona
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	James Murphy and Michael and Nora Ormond.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> October, 2020
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located within Kilsheelan Village and fronts onto the northern side of the R706 to the east of the bridge. The site is currently occupied by a single storey house that fronts onto the street and a significant area of undeveloped land to the rear. This area to the rear extends to the east across the rear of the two houses located immediately to the east. To the front, there is a narrow vehicular access to the rear of the site at the western end of the site frontage.
- 1.2. To the east, the site bounds the rear garden of a house that fronts the R.706 while to the west, the site bounds the site of a bungalow that is set back from the road. The boundaries to these properties comprises a mature hedge in the case of the site to the east and to the west a mixture of a leylandii hedge with a short section of stone wall at the northern end of the boundary.
- 1.3. To the north, the appeal site adjoins the rear of houses that are located in The Close residential development and the rear garden of a house to the north east of the site and which is located between the site and the rear boundary of the houses in The Close. The boundary to this garden comprises a recently constructed block wall. At the fat northern end of the site, the boundary comprises a mixture of a wall that is in poor condition, the boundary wall of a shed and a pedestrian gate. This pedestrian access and shed are accessed from property to the north west of the site that appear to be accessible from the R7.6 to the north west of the site.
- 1.4. The site is currently undulating in terms of levels with a maximum height of 16.25 metres a short distance to the north of the rear boundary of the two houses located to the south east of the site. The FFL and rear garden area to these houses, together with the FFL of the existing house on the site are at a significantly (at least 1 metre) lower level than the site immediately to the north. The levels on site fall gradually from south to north across the rest of the site with the level at the north east corner c. 1.2 metres lower than the maximum height at the southern end.
- 1.5. The level of the site is generally lower than that to the east which is the rear garden of the adjoining house. The levels on the main part of the appeal site are approximately the same as those on the adjoining residential site to the west.
- 1.6. The stated area of the appeal site is 0.2 ha.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the existing house on the site and the construction of a residential development comprising 3 no. one and a half storey four bedroom dwellings located
- 2.2. The floor area of the proposed dwellings is not cited as the application is for outline permission. The height of the proposed dwellings to roof level as indicated in the submitted site sections is 8.0 metres above ground level.
- 2.3. The layout of the houses is such that two are proposed at the rear (northern) end of the site with a third located at the southern end. A new access road into the site is proposed along the western boundary and an area of open space is proposed centrally within the development. Off street parking for two cars per residential unit is proposed. The two units at the northern end of the site are indicated as orientated north-south while that at the southern end of the site is orientated east – west.
- 2.4. Access to the site is proposed to be at the southern end of the site at the south west corner where the existing access is proposed to be widened with the demolition of the existing house on the site. The development is proposed to be connected to the public water supply and drainage network.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

- 3.1.1. Prior to consideration of the application, the applicant submitted unsolicited further information, with the submission of a revised site plan. This indicated the retention of a right of way access from the public road to the rear garden of the residential property located to the south of the site.
- 3.1.2. The following items were included in a request for further information issued by the Planning Authority:

- Cross section drawings indicating the levels of the site and adjoining properties. This notes that the planning authority has specific concerns regarding the impact of unit No.1 on the residential amenity of surrounding properties.
- Clarification of the finish / design of the proposed access road including the existing concrete strip between the site and the public road.
- Revised proposals for on-site disposal of surface water including design calculations.
- Proposals to address the Japanese Knotweed on the site.
- A plan indicating all existing and proposed boundary treatments.

In response to this request, the following items of information / changes to the layout were submitted:

- Site / floor levels to be reduced by 0.75 metre.
- Proposals submitted for road finishes and for disposal of surface water within the site.
- Proposals for future mitigation In the form of submission of an Invasive Species management Plan for the removal of Japanese Knotweed.
- Boundary details submitted including boundary details drawing

### 3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 7 no. conditions, the most significant of which are considered to be as follows:

Condition No.2 specifies that inter alia, any subsequent consequent on this outline permission shall incorporate House 1 to be a bungalow with an overall height not exceeding 6 metres. Finished ground levels to be indicated on the submitted plans and these to be consistent with those shown on the drawings submitted as further information. An invasive species management plan to be submitted.

Condition No.3 specifies that at the stage of the grant of permission subsequent to the outline, the applicant shall comply with the requirements of the Planning Authority with regard to detailed design, scale and height of the proposed houses.

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

#### 3.3.1. Planning Reports

The initial report of the Planning Officer notes the internal reports received and the observations received. Concerns regarding the relative level of the site and surrounding sites and impact on residential amenity are expressed as well as details of the proposed access road and the surface water drainage measures proposed. The presence of Japanese knotweed on site is noted. Further information recommended. Second report subsequent to the submission of further information recommends a grant of outline permission consistent with the Notification of Decision which issued.

#### 3.3.2. Other Technical Reports

Area Engineer – No objections subject to conditions. It is recommended that surface water disposal would be within the site and not to the drainage system in the town.

### 3.4. **Prescribed Bodies**

TII – No objections.

Irish Water – No objections.

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

The following is a summary of the issues raised in the submissions received:

- The difference in levels between the site and adjoining properties would lead to impacts on amenity.
- Sight lines and traffic safety at access.

- Car parking provision for the development,
- Presence of Japanese knotweed on the site.
- Lack of clarity regarding boundary treatment / heights.

## 4.0 Planning History

There is no record on file of any planning history relating to the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located on lands that are within an identified settlement and which are zoned '*town / village centre*' under the provisions of the Tipperary County Development Plan, 2009.

The plan contains a number of specific objectives relating to the settlement of Kilsheelan of which the following is particularly noted:

**Objective SO1** states that it is an objective '*to support the development of lands for residential development during the lifetime of the plan largely within and around the town centre zone, areas designated as existing residential / infill and on lands zoned new residential, in accordance with the principles of proper planning and sustainable development*'

**Objective SO7** states that it is an objective to '*facilitate the redevelopment of underutilised village centre sites and in particular to encourage the reuse of derelict / unused commercial sites in the village centre*'.

**Policy SS3** of the Plan relates to new development in rural settlements and states that it is policy to facilitate growth and development in rural settlements subject to the scale and location of new residential developments reflecting the scale and character of the settlement.

**Policy SC4** relates to residential development in rural settlements and states that it is policy to ensure that the scale of development is appropriate to the scale capacity and character of the settlement and up to 10 percent of the land zoned for new residential development can be developed over the plan period.

Design standards for residential schemes are set out at **Table 10.3** of the Plan.

## 5.2. Natural Heritage Designations

The site is not located in or close to any identified European site. The site is located within c.80 metres of the Lower River Suir SAC at the closest point which is located to the south of the appeal site and to the south of Main Street.

## 5.3. EIA Screening

Having regard to the design and scale of the proposed development and the relationship to sensitive environmental receptors 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 appellants reside in the houses to the west of the appeal site and in the house located at the southern end of the site immediately adjoining the existing house on site proposed for demolition.
- The details submitted is considered to be excessively detailed for an outline planning application.

- That no details of the proposed one and a half storey house type was submitted.
- That one house is indicated c.9.5 metres from the boundary with the property of James Murphy and c.17.7 metres from the rear of his house.
- That the applicants architect submitted a revised site plan that indicates and acknowledges the right of passage to the rear garden of Mr Murphy's property. In the event that permission is granted then it is expected that a condition would be attached to require a wall be erected to define this private path to the rear of his house.
- Noted that the development only proposes 11.4 percent of the site area as public open space but that the development plan cites a minimum of 15 percent. The counting of the shared road surface was not considered appropriate by the senior executive planner.
- The status / ownership of the ground in front of the existing gate / entrance to the site was raised in the planners report but not clarified.
- That the use of an outline application is inappropriate and should have been refused on the basis that it is a complex urban site that requires detailed design from the outset.
- That the outline permission granted for 3 no. four bedroom houses is unachievable within the confines of the site. For example, condition 2 requires that the house No. 1 would be single storey. The development of a four bed house on this site would require a footprint almost double that indicated. Private open space would be reduced and the house would be closer to the site boundaries.
- That there will be overlooking issues between the first floor rear bedroom windows of the existing houses to the south (including that of the appellant, Mr Murphy) and the rear and side garden of the house on Site No.1. The 17.5 metres between the proposed house on Site 1 and the rear of the semi detached houses to the south would have to be significantly reduced.



- That the reduction in finished floor level of the houses is not being reduced by 0.75 metre. The reduction is actually c.0.125 and will not make any difference to the potential for Site 3 to overlook the appellant's garden to the west.
- That the design of the houses at the rear of the site will require detailing of the windows to deflect the views away from neighbouring properties and this again points to an outline application being inappropriate.
- Regarding the west boundary of the site, the existing boundary wall and hedge are fully within the appellant's property. The appellants do not want this removed and there is not therefore a requirement to do anything under the permission. The appellants have no objection to an agreed development of a boundary that retains the existing tree and hedge and provides a minimum 1.8 metre height and screening from the ground level on the appellant's site.
- Regarding the southern boundary wall, the appellants have no objection to the increase in height from 1.8 to 2.0 metres but have concerns regarding structural stability. They also do not want planting of trees or hedges in this location.
- That the issue of Japanese knotweed has not been adequately addressed and granting outline permission is considered premature pending an invasive species management plan being undertaken. Noted that previous professional efforts at eradication were unsuccessful. Considered that there was time post Covid to prepare an ISMP.
- That archaeology on the site should be resolved and can only be done post an ISMP. This could take the development outside of the 3 year outline permission period.
- In the event that the Board considered it appropriate to consider the outline application then the following should be required by condition:
  - Omission of House / site No. 1 and use of this area for open space.
  - That a revised layout of 3 no. terraced houses with the building line set back c.50 metres from the front of the site.

- That works be undertaken to the southern and western boundaries.
- That suitable road markings or raised kerbs are required either side of the entrance.
- That an application for permission consequent on the outline should include for the erection of a wall along the west and northern boundary.

## 6.2. Applicant Response

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

- That the use of an outline application is considered to be appropriate.
- That the change required to site 1 may involve change to the footprint and to the separation to the boundary. Changes to the design can reduce visual impact and the overlooking issue to the south can be resolved by planting along the site boundary. With the change in site level and work to the boundary wall it is considered that no loss in privacy will arise.
- That site levels have been brought down to their original levels. Any remaining overlooking issues can be overcome at detailed design stage.
- That the west boundary is not fully within the ownership of the appellants.
- That works to the southern boundary can be monitored for stability during construction and addressed accordingly.

## 6.3. Planning Authority Response

The following is a summary of the main issues raised in the response to the appeal received from the Planning Authority:

- That the open space provision is considered acceptable for a village centre location where there is quality public space available (R Suir Blueway).
- That the area between the site and the road appears to be in council ownership.

- That sufficient information was presented to enable an assessment of the impact on neighbouring properties. More details are required at approval stage.
- That any application for approval will be considered on its merits including the impact on the amenity of surrounding properties.
- The comments regarding boundaries are noted and can be considered at permission stage.
- Given the nature / type of application the approach taken regarding invasive species and archaeology is considered reasonable.

## 7.0 **Assessment**

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

- Principle of Development / Zoning
- Impact on Residential Amenity,
- Design, Layout and Boundary Treatments,
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development / Zoning**

7.2.1. The site is located on lands that are within an identified settlement and which are zoned 'town / village centre' under the provisions of the *Tipperary County Development Plan, 2009*. Residential development is consistent with this land use objective, and the principle of the construction of three residential units on this backland site is considered to be acceptable.

7.2.2. The plan contains a number of specific objectives relating to infill development and the development of the settlement of Kilsheelan. Specifically, Objective SO1 states that it is an objective '*to support the development of lands for residential development during the lifetime of the plan largely within and around the town centre*

*zone...* and Objective SO7 states that it is an objective to '*facilitate the redevelopment of underutilised village centre sites ....*'. The form of development proposed is, in my opinion consistent with these objectives.

- 7.2.3. The issue of the principle of the use of an outline permission has been questioned by the third party appellants and the level and detail of information submitted is contended to be indicative of an application that should have been for permission rather than outline. As per section 36 of the Planning and Development Act, 2000 (as amended) there is provision for outline applications with the main restrictions being on application types that require EIA, includes retention or impacts on a protected structure. None of these circumstances are applicable in the case of the proposed development and there is no basis on which the submission of an outline application can be rejected.
- 7.2.4. I agree that the request for further information, and the issues raised by third parties regarding site levels and boundary treatments, led to the submission of a significant amount of information which is now on the appeal file, however I do not consider that this is a basis for insisting on an application for permission. On this issue, I agree with the Planning Authority that sufficient information is available to enable an assessment to be made of the principle of the development including its likely impact on neighbouring properties.
- 7.2.5. I note that an issue was raised by the third party appellants regarding the ownership of the strip of land at the south west corner of the site where access to the public road is proposed and a reconfigured entrance is proposed. The Planning Authority submission on file confirms that lands in this area are in the ownership of the council and no objection to the works proposed in this area are raised.
- 7.2.6. I note the comment of the third party regarding the lack of detailed house designs and fenestration with the result that it is stated to be difficult to assess the impact of the development in terms of overlooking and loss of amenity. The submission of detailed plans of the proposed residential units are not required on foot of the outline nature of the application. The information submitted is considered consistent with the requirements for an outline application and is in my opinion appropriate to assess the likely impact of the proposed development on residential amenity.

### 7.3. Impact on Residential Amenity,

- 7.3.1. The impact of the proposed development on the amenity of surrounding properties, and in particular those located to the west and south of the site, are raised in the third party appeals. To the west, there is an existing bungalow that is located slightly further away from the road than the proposed Unit No.1. Unit 1 is proposed to be orientated east – west across the site and would therefore be facing the bungalow to the west, and the relationship is indicated in Section D-D indicated on drawing No. 1873(PD)06-A. As per this drawing, the separation to the boundary with the property to the west would be c. 10 metres and the separation to the adjoining house c.14.75 metres. This degree of separation is in my opinion inadequate to protect the residential amenity of the existing house to the west, notwithstanding the proposed reduction in ground levels at this site by c. 800mm. Similarly, I would have concerns regarding the impact of the proposed Unit 1 on the amenity of the residential property to the east where it would overlook the rear garden of this property.
- 7.3.2. The permission granted by the Planning Authority conditioned that the house in this location would be a single storey unit only and I consider that such a unit could be accommodated on the site without a significant loss of residential amenity. The finished floor level of Unit 1 as indicated on the plans submitted as further information is 15.15 metres which is approximately the same as the existing dwellings to the south. I note the concerns raised by the third party appellants with regard to the capacity to accommodate a single storey house on Site 1 without a loss of open space and coming excessively close to the site boundaries. The proposed layout as per the response to further information shows a significant area of c.278 sq metres of private amenity space for unit 1 and a set back of c.12 metres to the eastern site boundary and c.9.5 metres to the southern boundary. There is therefore in my opinion adequate space to accommodate a bungalow on this site without compromising the amenity of either surrounding properties or the occupants of the permitted dwelling. At detailed design stage, it may be that a four bedroom unit may not be feasible, however as stated by the first party, issues of detailed design will be the subject of assessment at approval stage.
- 7.3.3. The proposed units to the rear (north) of the site are indicated to be four bedroom storey and a half units. The separation between the closest of these units and the existing house to the west is approximately 20 metres and at an oblique angle and is

therefore considered to be acceptable in terms of amenity. I note the proximity of the rear of unit 3 to the northern site boundary where there is only c.1.0 metre to the angle northern boundary at this point. At approval stage, some relocation of Unit 3 further to the west and possibly also to the south will likely be required to provide an adequate separation to the boundary at this point and avoid an overbearing visual impact on the garden of the adjoining property to the north.

- 7.3.4. With regard to the impact on the appellant's property to the south, unit 1 indicated on the plan would have a gable elevation facing the houses to the south and a separation of c.16.5 metres. Subject to a reduction in the scale of unit No.1 to single storey and details of the elevations, including the south facing gable elevation, being considered at approval stage this is considered to be acceptable and not such that there would be a significant impact on the amenity of these adjoining properties to the south.

#### **7.4. Design, Layout and Boundary Treatments,**

- 7.4.1. The basic design proposed incorporates an access road along the western side of the site with two houses orientated north – south sited at the rear of the site a spur on the access road running east, a central area of open space and unit 1 located at the southern end of the site. The access road is indicated as having a footpath along the eastern side and off street parking for two cars is indicated on the site plan. The basic layout indicated is in my opinion acceptable. I note the suggestion of the third party appellants that Unit No.1 should be omitted and that three two storey houses should be provided in a row east – west across the site approximately 50 metres back from the road. This alternative would appear feasible and may enable 3 no. two storey houses to be developed, however it is not the layout proposed in the application the subject of appeal.
- 7.4.2. The appellants question the amount of public open space that is proposed, which at c. 11.4 percent of the site area is less than the development plan standard of 15 percent. It is contended by the third parties that the counting of the shared road surface is not appropriate and was not accepted by the council. The open space area is in my opinion acceptable given its central location within the proposed development, the central location of the site within the village and the fact that the

form of development proposed is facilitating urban consolidation and infill development. The comment of the Planning Authority with regard to the availability of quality public space in the form of the River Suir Blueway is also noted and agreed with.

7.4.3. The comments of the third party appellants regarding boundary treatments are noted. Specifically, the southern boundary is requested to be raised from 1.8 existing to 2.0 metres and a new western boundary is requested. I note the fact that the issue of site boundaries formed part of the request for further information issued and that a detailed Site Boundary Plan (Drg. No. 1873(PD)04-B) is on file. This indicates a proposed blockwork wall along the western and northern site boundary, the retention of the existing wall at the north east corner, a boundary wall and fence along the eastern boundary and the raising of the southern boundary wall if structurally feasible. These boundary treatments are in my opinion acceptable, and can be considered in detail at permission stage. In this regard, I note the separation between the existing and proposed boundaries at the north western end of the site and the exact alignment of the boundary in this location may require some further detailing to avoid the creation of an inaccessible strip between the existing boundary and the proposed wall.

7.4.4. With regard to the issue raised by the third party appellant who occupies the house to the east of the proposed access and the request that an access to the rear garden of the appellants property would be retained, I note that as part of the response to further information request, the first party submitted a revised site plan that indicates and acknowledges the right of passage to the rear garden of Mr Murphy's property, (see Drg. No. 1873(PD)04-B). At approval stage details of the enclosure or delineation of this access should be agreed.

## 7.5. Other Issues

7.5.1. It is noted that there is evidence of Japanese knotweed at the north east corner of the site in the general environs of the proposed Unit No.2. The presence of this invasive species was noted by the Planning Authority and was included as part of the request for further information. The response on file indicates that the first party contacted a specialist in invasive species management, however a full survey of the

site and preparation of an invasive species management plan was not possible due to Covid 19 restrictions. The submitted documentation does include the outline of what would possibly be included in a management plan for the site. The third party appellants contend that the granting of outline permission is premature pending an invasive species management plan being undertaken. The third party submissions also state that previous professional efforts at eradication of invasive species on the site were unsuccessful and that that there was time post Covid restrictions for the first party to prepare and submit an ISMP. The points raised by the third parties on this issue are noted however, given the outline nature of the application it is considered appropriate that this would be addressed at approval stage and that any application for approval made should be accompanied by an Invasive Species Management Plan. Similarly, with regard to archaeology, it is in my opinion appropriate that an archaeological assessment of the site would be undertaken at approval stage.

- 7.5.2. The development is proposed to be connected to the public water supply and drainage networks. The submission on file from Irish Water indicates that there is no objection to a proposed water and waste water connection subject to a valid connection agreement being in place. The report on file from Irish Water states that *'Irish Water have stated in reply to pre connection application that subject to a valid connection agreement being put in place, that the proposed connection to the Irish Water network in the agglomeration can be facilitated'*. The report on file also states that the *'Applicant will not be allowed to discharge storm water from the proposed development to the Irish Water network'*.
- 7.5.3. As part of the response to further information, the first party submitted a *'Stormwater Drainage Design Report'* prepared by Liam Judge Associates Consulting Engineers. This report includes the results of infiltration testing undertaken on the site and the results indicate that disposal of surface water to ground should be feasible on the appeal site.
- 7.5.4. Vehicular and pedestrian access to the site is proposed to be via a widened access at the south west corner of the site. The fact that access is onto the R706 where there is a significant volume of traffic and where visibility is restricted by existing on street parking is noted by the third party appellants in this case. The proposed access will likely result in some additional loss of on street parking and, as noted in



the report of the area engineer, restriction on parking either side of the access will also likely be required to facilitate sightlines at the access. The entrance is however within a 50km/hr speed limit zone and the site would be the subject of standards as per DMURS. The principle of the proposed access is in my opinion acceptable and details of the layout including sightlines and impact on parking and on street layout are issues to be addressed at approval stage.

## **7.6. Appropriate Assessment**

- 7.6.1. The site is not located within any European sites, however the site is located within c.80 metres of the Lower River Suir SAC which is located to the south of the appeal site and to the south of Main Street. The development is proposed to be connected to the public water supply and drainage networks and the site is located such that it is separated from the SAC by the R706 (Main Street) and by properties on the southern side of the road.
- 7.6.2. 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**

- 8.1. Having regard to the above, it is recommended that

## **9.0 Reasons and Considerations**

Having regard to the town / village centre 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. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 1<sup>st</sup> day of May 2020 except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.

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

2. This outline permission relates solely to the principle of the development on this site and plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following information and comply with the following requirements:

(i) The finished ground levels and finished floor levels of the proposed units shall be as indicated on the plans received by the Planning Authority on the 1<sup>st</sup> day of May 2020.

(ii) Details of the design scale and height of all proposed residential units including proposals to protect the privacy and amenity of existing adjacent properties.

(iii) Unit No.1 at the southern end of the site shall be single storey with a maximum height of 6.5 metres above the proposed ground level in this part of the site.

(iii) A detailed landscaping and boundary treatment plan for the entire site. Where blockwork walls are proposed or existing blockwork boundaries are proposed to be retained such walls shall be a minimum of 2 metres in height from reduced ground levels and shall be capped and rendered where open to public view. .

(iv) An Invasive Species Management Plan shall be submitted.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the site. No surface water runoff shall be discharged to the public sewer, to the public road or to adjoining properties.

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

4. No development shall take place until the developer has entered into water and waste water connection agreements with Irish Water.

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

5. No development on foot of any permission granted consequent on this outline permission shall be undertaken until such time as the developer has paid to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Stephen Kay  
Planning Inspector

27<sup>th</sup> October, 2020