



An
Bord
Pleanála

Inspector's Report ABP.308017-20

Development	Construct a dwelling house with lower ground floor granny flat including connection to the public sewer and all necessary site works
Location	Brackloon, Main Street, Annascaul, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/248
Applicant(s)	Rory O'Shea
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Dominic Hoare Martin Sayers
Observer(s)	None
Date of Site Inspection	2 nd October 2020
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located within the development boundary of Annascaul village on the northern side of the main street, at the eastern end of the village. The site immediately to the east contains an existing 2-storey house (appellant Dominic Hoare) and the lands immediately to the west are also greenfield in nature. The lands to the north are agricultural in use and views extend towards the mountains. Beyond the vacant lands to the west, there are a number of guest houses/B&Bs. On the opposite side of the road the lands are more developed with a mix of uses including a church, a school, some commercial properties and some residential properties.
- 1.2.** The site area is given as 0.134ha. It is roughly rectangular in shape, although the width of the site expands towards the rear. The ground levels fall away quite steeply from the public road to the north. It is a greenfield site with direct frontage to the N86 (main Dingle-Tralelee road). The road frontage is approx. 24m in length and is defined by an attractive stone wall, c. 1.2m in height, which continues westwards for a further 100 metres (approx.) beyond the site. The public footpath extends from the village along the N86 passed the site. There are some trees adjacent to the wall beside the road frontage, but otherwise the site consists of rough scrubland vegetation. The site boundary traverses a field boundary at the north-eastern corner, which is defined by a surface water drain. At the southern end, the boundary is defined by a retaining wall which contains the filled ground on the adjoining site.

2.0 Proposed Development

- 2.1.** Permission is being sought for the erection of a two-storey dwelling house with a lower ground floor, which is to be used as a granny flat. The gross floor space of the building is given as 417m² of which the main house would be 271m² and the Lower Ground Floor would be 146m². The structure would be set back approx. 15 metres from the roadside boundary, which is generally in line with the set back of the adjoining house. It is proposed to cut and fill the site to accommodate the proposed building. The front garden area would be filled (by c. 2m) to be level with the public road. The remainder of the site would be excavated to incorporate the Lower Ground Floor, with the Ground Floor approximately at street level. The field drain would be

diverted and piped. It is proposed to connect to the public sewer and public water mains. Wastewater is proposed to be drained to a pump chamber in the rear garden and from there it would be pumped to the public sewer along the main road. The vehicular entrance is located at the western end of the frontage and the front garden would be laid out as a parking area with a lawn.

- 2.2.** Accommodation comprises four double bedrooms, each with an ensuite bathroom, in the main house and two double bedrooms with one ensuite in the LGF unit. The ground floor accommodation includes generous living spaces with a further bathroom and an internal staircase linking the ground and LG floors. The house is traditional in design with a gable end roof with a ridge height of 11.862m (including the LGF). The ridge height at the front would be 8.922m. Materials are proposed to comprise concrete rendered walls with a slate roof and uPVC windows. It is proposed to provide a two-storey projecting bay at the rear which would be used as a lounge area for each of the units. The floor area of this bay would be c.18.4m² on each of the Ground and Lower Ground Floors, and would project 2.925m to the north. It would be glazed on three sides, effectively acting as a conservatory. The GF bay would be connected to the rear garden by means of an external staircase on the eastern side of the projecting bay.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 15 conditions. Most of the conditions were of a standard nature. The following are worth noting -

Condition 2 – Development Contribution condition of €4,110.40

Condition 3 – Part (a) required that the proposed dwelling with the granny flat to be occupied as a place of permanent residence by the occupants, unless consent is given to be occupied by other persons and an agreement under S47 to be entered into. Part (b) required that within 2 months of occupation, a written statement of confirmation of the first occupation in accordance with Part (a) to be submitted. Part (c) stated that the condition would not affect the sale of the units.

Condition 4 – required that the proposed dwelling and granny flat be used as primary, permanent, all-year round private residences and that they shall not be used as a holiday home or second home.

Condition 5 – required that the dwelling house and granny flat remain as one integral unit, in one ownership and shall not be sold, leased or rented as separate dwelling units, and that the granny flat be occupied in accordance with the details submitted on 10/07/20.

Condition 6 – prohibited use of the dwelling, granny flat or any part of either unit as overnight commercial guest accommodation without a prior grant of planning permission.

Condition 7 - required the omission of the first-floor gable window to Bedroom 6 on the east elevation and the external finish to the basement (rear and sides) to differ from the remainder of the house. It was also required that the roof be clad with slate/slate effect tiles which should be black, dark grey or blue-black, and the external finishes to be neutral in colour, tone and texture.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that this is a serviced site, that most of the site is within the development boundary for Annascaul village as indicated in the Dingle Functional Area and that permission had been granted previously for the house next door. It was therefore considered to be acceptable in principle. The observations made by the third-party objectors were noted. In order to protect the visual and residential amenities of the area, it was considered that the external treatment at basement level should differ from the external treatment of the remainder of the house and that the FF bedroom window on the eastern elevation should be omitted. It was suggested that this could be addressed by condition. In respect of occupancy, it was considered that insufficient information had been submitted regarding the applicant and the intended occupant of the granny flat. FI was therefore required on these matters.

Clarification was therefore sought from the applicant regarding a Supplementary Information form, and details of the intended occupancy and relationship with the current applicant. An FI request was issued on 17th June 2020.

3.2.2. Other Technical Reports

Roads - No observations to make.

3.2.3. Further Information 10th July 2020

The information submitted on 10th July 2020 consisted of a letter from the applicant together with a Supplementary Information form. It was submitted that the applicant is a farmer who lives and farms locally and that it is intended to sell the house once planning permission is granted and that it would be occupied as a primary permanent residence. The occupant is described on the form as being a farmer and the relationship as “mature local siblings”.

The P.A. considered that the information was adequate. It was therefore concluded that permission should be granted subject to conditions.

3.3. Prescribed Bodies

Irish Water – No objection.

TII – no observations to make.

3.4. Third Party Observations

Objections were received from both third-party appellants which are similar to the points raised in the grounds of appeal.

4.0 Planning History

No planning history relating to the subject site. There is no recent planning history in the vicinity of the site. Planning permission was granted for the house on the adjoining site to the east in 1998 (Ref. 98/2425). This permission was for a 2-storey dwelling with basement under and a staircase leading from the basement at the rear to the rear door of the dwelling.

5.0 Policy Context

5.1. Kerry County Development Plan 2015-2021

5.1.1. Chapter 3 sets out the Settlement Strategy. Annascaul is designated as a 'Village' on Table 3.1, the role of which is to serve the smaller rural catchments and to provide services to some smaller scale rural enterprises. Housing policies include

HS-2 to facilitate the housing needs of local people in their local communities through actively providing/assisting the provision of housing in settlements and as single rural houses as identified in the Settlement Strategy.

5.1.2. The Aim of the Urban Settlement Strategy (3.4) is to support and enhance the role of towns, to create quality urban places where people want to live, work, visit and socialise by applying the principles of urban design and management of urban areas. Policies include -

US-1 to ensure that future housing in urban areas in the county is located on lands zoned for residential use. In towns and villages, residential development shall be located in town/village centres (based on the sequential approach); on serviced lands; and in accordance with the Development Guidance document of this Plan.

US-2 to ensure that any new development in villages and development nodes respects the scale and character of the existing settlement.

US-3 to ensure that all new development supports the achievement of sustainable residential communities. Council will have regard to the Guidelines on Sustainable Residential Development in Urban Areas.

US-4 to promote development which prioritises and facilitates walking, cycling and public transport use in a sustainable manner.

5.2. Dingle Functional Area LAP 2012-2018

5.2.1. The site is located within Annascaul Development Boundary but has no specific zoning. Annascaul is described as a mainly residential settlement which provides service and community facilities to the local community. Services include a church, a health centre, a school, a garda station and a community centre. There are two shops, a post office, several public houses, a hairdressers and some tourist facilities

as well as several guest houses. The LAP states that for its size, the village has a broad range of services and facilities both for locals and tourists, but that many of these are only open during the tourist season. The existing sewerage treatment plant (1.4) is described as a primary treatment plant which it is stated is at capacity, and that there are no plans to upgrade it within the lifetime of the plan. The village is also served by a public water supply.

5.2.2. The Development Boundary defines the existing extent of the area where new development may be considered, whilst also allowing for some expansion and re-development of the village core (1.11). It is an objective of the plan to encourage the development of a compact and sustainable village structure by ensuring that new development is contiguous to existing development and makes effective use of backland and infill sites. All new development shall occur within the development boundary subject to compliance with the development management standards set out in the CDP, and the sequential approach will be applied.

5.2.3. The Development Strategy for Annascaul is to ensure that it develops as an attractive location for residents and tourists alike and that future development preserves the village's character and reinforces it where necessary. It seeks to maximise growth in population and services to a level which will create a vibrant village, while maintaining and enhancing its physical assets, unique character and natural attributes. Other elements of the development strategy for the village include ensuring that future residential development caters for the needs of the local population who wish to live there on a permanent basis and that it is of a traditional design and layout and does not detract from the character of the settlement.

5.3. Natural Heritage designations

5.3.1. The site is located within c.1.7km of Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Dingle Bay SPA (004153) and within c.2.5km of Mount Brandon SAC (000375).

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeals were submitted by Dominic Hoare (property to east of site) and by Martin, Gary and Marian Sayers of Main Street Annascaul (opposite the site).

The main points raised may be summarised as follows:

- **Occupancy** – the applicant is not going to be the sole occupant of the dwelling when completed as it is intended to sell the property pending planning permission. The applicant has ties with the village, but it is believed he does not live in the area.
- **Scale of development** – the proposed building will have 6 bedrooms and a granny flat and will be nearly twice the size of the house next door. It is of an excessive scale and would be out of character with the pattern of development in the village. All bedrooms are ensuite, which indicates that it will be used as a B&B or guesthouse.
- **Setback from boundary** – the house will be too close to the eastern boundary. The distance from the boundary wall to the facing gable is 3.5m. The driveway should be located on the eastern side to increase the distance from the appellant's dwelling.
- **Overshadowing** – the appellant (to the east) is most concerned about loss of light and overshadowing of his dwelling. The western gable wall of his house contains a kitchen window and it is submitted that the proposed development will reduce the light to this window, given the distance of the proposed dwelling, (3.5m to boundary wall and 4.6m from wall to appellant's house). The proposed dwelling would also cast a shadow on the garden of the appellant's property.
- **Overlooking** - The proposed ground floor window on the eastern side elevation will overlook the appellant's property and should be removed.
- **Loss of green space** - The proposal would result in the loss of the only piece of remaining natural habitat in the village, with its wildlife and wild birds. It is directly opposite the houses of some of the appellants (Sayers).

- **Relocation of entrance and driveway** – it is queried why the ramp was located on the eastern side of the house. It is considered that if it was relocated to the east and the house moved further away from the eastern boundary, it would protect the residential amenities of the adjoining property.

6.2. First Party Response

The First party has not responded to the grounds of appeal.

6.3. Planning Authority response

Letter received from the planning authority on 10/09/20. The submission generally reiterates the points made in the planning reports on file. It was pointed out that the Development Management Standards in the CDP 2015-21 require a separation distance between dwelling of 2.3m, whereas the proposed development would result in a distance of 8.1m., which is sufficient in a village setting.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows: -

- Principle of development/Occupancy
- Scale of development and visual amenity
- Residential amenity
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of development and occupancy

7.2.1. The development strategy for the village, as set out in the Dingle Functional Area LAP, is to create an attractive location for residents and tourists alike. It is an objective to maximise growth within the development boundary in order to create a compact and sustainable village with a sense of vibrancy, and to ensure that new development is contiguous with existing development. Reference is made in the LAP

to the sequential approach in this regard. There is also an objective to cater for the needs of the local population who wish to live in the village on a permanent basis.

7.2.2. The site is located within the development boundary for the village, but is at the extremity of the boundary, with the north-eastern corner outside the development boundary. Although the site is separated from the established contiguous development to the west by agricultural lands, the site immediately to the east (which is outside the boundary) and the lands on the opposite side of the road are developed. There is a public footpath which passes the site and connects it with the village core, as well as street lighting. As such, it is considered that the proposed development would qualify as contiguous development and would generally be in accordance with the objectives to provide for sustainable residential communities.

7.2.3. The site is also a serviced site and it is proposed to connect to the public water and wastewater infrastructure. The village is currently served by a Primary Treatment wastewater treatment plant (Imhoff Tank) which it is stated in the LAP (2012) is at capacity. The LAP states that there are no plans to upgrade the plant within the lifetime of the Plan. I note from the Draft An Daingean Electoral Area LAP 2020-2026 that the situation has not changed since 2012, although it is stated that an upgrade of the plant is now included in the National Certificate of Authorisation Programme. Although the water supply is described in the LAP as being ample for the duration of the plan (which is repeated in the Draft LAP), it is pointed out that there are water management issues during the peak tourist season, but it is an objective to upgrade the water supply. Irish Water (received by P.A. on 20/04/20) has raised no objection to the proposed development and has required that the applicant enter into a connection agreement with IW prior to the commencement of development and adhere to the standards and conditions set out in the agreement. It is considered therefore that should the Board be minded to grant permission, a condition to this effect should be attached to any such permission.

7.2.4. The LAP seeks to ensure that the needs of local people are catered for within the village, particularly where they wish to live there on a permanent basis. It is noted that the FI (10/07/20) advised that the site would be sold subject to planning permission and that it would be occupied by “two mature local siblings”. It is further stated that “the older person will occupy the lower ground floor and the younger sibling will occupy the remainder of the house”. The planning report stated that as

the site is serviced and within the development boundary, the intention that it be sold was acceptable, but having regard to the policy contained in the Dingle FALAP, an occupancy clause is recommended. The P.A.'s condition (No. 3) requires that the house and granny flat be first occupied as a place of permanent residence by "the occupants and shall remain so occupied unless consent is granted by the P.A. for its occupation by other persons".

- 7.2.5. The lack of information regarding who the occupants, however, creates considerable uncertainty, and it is considered that this could make it difficult to enforce. There is no guarantee that the occupants would be local people, as envisaged by the LAP. It is considered, therefore, that it would be more appropriate to require the dwelling/flat to be occupied by the applicant/member's of the applicant's immediate family or heirs, unless consent is granted by the P.A. for its occupation by other persons who belong to the same category of housing need as the applicant. As the applicant is a local farmer, it is clear that he meets the requirements of the LAP. It would also be appropriate to attach conditions similar to Nos. 4 and 5 of the P.A. decision to ensure that the granny flat and house remain as a single planning unit and are not used as a holiday home.

7.3. Scale of development and visual amenity

- 7.3.1. The site area is given as 1,340m², with the proposed floor area for the house and granny flat combined as 417m². The plot ratio is therefore estimated to be 0.3 and the site coverage as c.11%. It is considered that these parameters are not indicative of a high density of development and would not amount to overdevelopment of this urban site on the main street of the village. The site is quite large, which means that it can absorb a large dwelling house with granny flat and there would still be adequate space for private amenity space and off-street parking.
- 7.3.2. The floor area of the main dwelling (271m²) and of the granny flat (146m²) are quite substantial but are not unduly excessive. The inclusion of ensembles in every bedroom does seem a little excessive, but it is considered that this is a matter for the applicant. The planning authority has sought to prevent the property from being used as a B&B by the attachment of conditions, and it is considered that should the Board be minded to grant permission, that a similar condition be attached.

7.3.3. The proposed development has been designed in a traditional format with a gable-end roof, elevations with proportions similar to the established built form and set-backs in accordance with the established pattern of development in the area. The use of traditional materials and finishes together with the cutting and filling of the development on site, also helps to integrate the proposed dwelling into the streetscape. The P.A. requires the retention of the boundary wall save for the facilitation of the proposed development, which would further aid integration of the development and the preservation of the streetscape. It is considered that the proposed development would not seriously injure the visual amenities of the area.

7.4. Residential amenity

- 7.4.1. The appellants have raised concerns regarding overshadowing. The applicant has not provided a shadow impact analysis. However, the planning authority noted in the response to the grounds of appeal (10/09/20) that the CDP requires a distance of 2.3m between dwellings (side-by-side) and that the proposed development would result in a distance of 8.1m, which was considered to be more than sufficient. I note that the orientation of the site is NW-SE and that the proposed FFL and eaves height for the proposed structure are comparable to the corresponding existing levels on the adjoining site. As a result of these factors combined with the distance, the shadow impact of the proposed development on the adjoining property is likely to be confined to the ground floor side window and part of the rear garden in the evenings.
- 7.4.2. Issues regarding loss of privacy and overlooking have been raised in respect of the windows on the eastern elevation of the proposed structure. It is noted that the P.A. had attached a condition requiring the omission of the side window to Bedroom 6 and stated that the other FF window is to a bathroom and that the window at ground floor level was acceptable as it is “the norm”. However, given that there is an opposing window on the ground floor of the adjoining dwelling, and that the Sitting room will be lit by a large south facing window, it is considered that the ground-floor window on the eastern elevation should be omitted. It is also considered that the bathroom window on this elevation should be fitted with opaque glass.
- 7.4.3. No mention was made of the proposed external staircase to the rear of the proposed structure. It is considered that this staircase is likely to result in overshadowing and loss of outlook to the lower ground floor window of the granny flat and may also give

rise to a loss of privacy to the garden of the adjoining dwelling. It is considered that this staircase should be relocated to the eastern side of the dwelling. This may necessitate the rearrangement of the LGF accommodation to ensure that the staircase does not project beyond the western gable. The appellant had also requested that the entrance driveway/ramp be relocated to the east so that the dwelling house could be moved further to the west within the site. It is considered that this would address the issues of overlooking and overshadowing to a considerable extent and that the relocation of the external staircase could be incorporated into the revised plans.

- 7.4.4. It is considered that, subject to the revisions outlined above, the proposed development would not result in any significant injury to the residential amenities of neighbouring properties or of the area.

7.5. Other matters

- 7.5.1. One of the appellants objected to the development of existing green space within the village. However, as discussed above, the site is located within the development boundary and development at this location is generally in accordance with the planning policy for the area.

7.6. Environmental Impact Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development within the development boundary of Annascaul village on serviced lands, 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.

7.7. Appropriate Assessment

- 7.7.1. The site is located approx. 1.7km to the north of Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Dingle Bay SPA (004153) and is located approx. 2.5km to the south of Mount Brandon SAC (000375). There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban

area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

- 8.1. It is recommended that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2015-2021 and the Dingle Functional Area Local Area Plan 2012-2021 (as extended), to the existing pattern of development in this village location, and to the design, layout and limited scale of the proposed development, 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 be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of March 2020 and the 10th day of July 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The site layout shall be revised such that the vehicular entrance and associated driveway and ramp shall be moved to the eastern side of the

site and the proposed dwelling shall be sited closer to the western boundary of the site.

- (b) The external staircase from the ground floor of the proposed dwelling house at the rear shall be relocated to the western side of the annex and the internal layout shall be revised accordingly.
- (c) The ground floor sitting room window and the first-floor window to Bedroom 6 on the eastern elevation shall be omitted.
- (d) The bathroom window at first floor level on the eastern elevation shall be glazed with obscure glass.
- (e) The external finishes to the rear and sides of the basement shall differ from the external finishes to the remainder of the house.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interests of residential and visual amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that that development in this rural village is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. (a) The use of the dwelling house and granny flat shall be restricted to private residential accommodation which shall be used as primary permanent all year-round residences.

(b) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision modifying or replacing them, no room in the proposed dwelling units shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

(c) The proposed dwelling and granny flat shall be jointly occupied as a single residential unit and the lower ground floor shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling. The proposed granny flat shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To restrict the use of the site in the interests of residential amenity.

5. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof and the external walls shall be finished in neutral colours and tones. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. (a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.
- (b) The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

8. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. The development shall be connected to the public water supply and the public foul sewerage system to the satisfaction of Irish Water. No development shall commence until such time as the developer has obtained and signed a connection agreement with Irish Water for the provision of water and sewerage services to serve the development.

Reason: In the interest of public health.

10. 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 public health.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Mary Kennelly
Senior Planning Inspector

27th November 2020