



An
Bord
Pleanála

Inspector's Report ABP 308063-20

Development	5 residential serviced sites and associated site works.
Location	Glyntown House, Eastcliffe Road, Glyntown, Ballinglanna, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38812
Applicant	Maeve O'Donovan
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Berrings Property Investments Ltd.
Observer(s)	None
Date of Site Inspection	28/10/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.97 hectares, is located within the townland of Ballinglanna in Glanmire accessed from East Cliff Road which connects Glanmire Village to Riverstown. It is c.8km from Cork City Centre.

The site is irregular in shape and forms part of a larger plot historically associated with Glyntown House. The original house is no longer in place with a modern single storey dwelling and outbuildings immediately to the east of the appeal site. The overall holding as outlined in blue on the site location map is bounded by the Glashaboy River to the north and west and includes the Riverstown playing fields which are accessed from East Cliff Road further to the south. East Cliff Road slopes down from north to south with a footpath on one side.

The appeal site slopes down generally from east to west/south-west with a thick mature band of trees delineating the western and northern boundaries. A hedgerow delineates the eastern boundary. A track providing access to the playing fields and adjoining lands runs in a north-south direction to the west of same again.

2.0 Proposed Development

The application was lodged with the planning authority on the **18/10/19**. Unsolicited further information following the objection received by the planning authority was received 22/11/19.

The proposal is for 5 no. serviced residential sites served by a new access from Eastcliffe Road. Connection to public services is proposed.

Further information was sought on 12/12/19 on wayleaves, submission of architectural design brief, landscaping plan, sightlines at entrance, pedestrian facilities and use of dropped kerbs and tactile paving in compliance with DMURS.

A response to the further information request was received **23/01/20**.

Clarification of further information dated 19/02/20 required the submission of a detailed architectural design brief. A response was received **09/07/20**.

The application is accompanied by

- Ecological Screening Assessment report.

- Architectural Design Brief
- Landscaping Plan

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 21 conditions. Of note:

Condition 2: Each site will be subject of a separate planning application for a high quality designed dwelling in keeping with a consistent and overall design brief for the overall development.

Condition 6: Tree felling and clearing of vegetation to take place outside the bird nesting season. Riverbanks and their habitats not to be negatively impacted by construction works.

Condition 9: 80 metre sight lines from a centre point 3.5 metres back from the road edge.

Condition 14: As per DMURS consideration must be given to vulnerable or disabled users when considering road and footpath gradients.

Condition 15: Raised table to be provided for the development entrance on East Cliff Road. Details to be agreed prior to commencement of development.

Condition 16: Stage 1 /2 Road Safety Audit to be submitted prior to commencement of development.

Condition 17: All vehicular and pedestrian access points to be in accordance with DMURS.

Condition 18: 1.8 metre footpath to be provided along internal road.

Condition 19: Agree details and extent of all road markings and signage requirements on Easy Cliff Road. Costs to be borne by applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Acting Senior Planner's** report dated **11/12/19** considers the development of serviced sites to be acceptable in principle with the planning history noted. Further information recommended on wayleaves, submission of architectural design brief, landscaping plan, sightlines at entrance, pedestrian facilities and use of dropped kerbs and tactile paving in compliance with DMURS. The **2nd report** dated **19/02/19** following FI recommends clarification of FI requiring a detailed architectural design brief. The **3rd report** following clarification of FI dated **31/07/20** considers the response to be acceptable. Each site shall be subject of a separate planning application for a high quality designed dwelling in keeping with a consistent and overall design ethos for the overall development. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Environment Section has no objection subject to conditions including any tree felling and clearing of vegetation to take place outside bird nesting season, and river banks and their habitats not to be negatively impacted during construction.

Area Engineer has no objection subject to conditions.

Drainage Division has no objection.

Transport and Mobility has no objection subject to conditions.

Road Design recommends further information including detail on sight lines, pedestrian priority and crossings.

Development Contributions Memo notes that the requirements of the scheme would be attached by way of permission.

3.3. Prescribed Bodies

Inland Fisheries Ireland has no objection subject to Irish Water confirmation of adequacy of capacity of public sewer. No interference with the adjacent River Glashaboy or any watercourse.

3.4. **Third Party Observations**

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to the grounds of appeal summarised in section 6 below.

4.0 **Planning History**

09/5700 - permission granted for 5 serviced sites. The permission was extended under ref. 14/0425 which expired 13/12/19.

17/5391 permission granted for revisions to site infrastructure.

ABP 301637-18 (17/7137) – permission granted for 25 dwellings on lands to the north-east of the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

Cork County Development Plan 2014

Policy HOU 3-1 relates to sustainable residential communities. The Council in assessing applications will:

- Have regard to provisions on Sustainable Residential Development in Urban Areas.
- Promote development which prioritises and facilitates walking, cycling and public transport use within individual developments and in the wider context.
- Ensure that urban footpaths and public lighting are provided connecting all residential developments to the network of footpaths in an area.

Cobh Municipal District LAP 2017

The site is within the development boundary of Glanmire and within the 'existing built up area'.

5.2. **Natural Heritage Designations**

The nearest Natura sites are the Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030).

5.3. **Environmental Impact Assessment**

Having regard to the nature and extent of the proposed development within the existing built up area of Glanmire there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an 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 submission by McCutcheon Halley on behalf of the 3rd party appellant, which is accompanied by supporting documentation refers. The appellant is the owner of the adjoining site to the north-east. The grounds of appeal can be summarised as follows:

6.1.1. **Wayleaves**

- No regard has been given to the appellant's site which has the benefit of easements/wayleaves through the applicant's lands to provide services to the residential development permitted under ref. ABP 301637-18 on its lands. The appellant has a separate wayleave for the purpose of laying a foul sewer. This is not restricted to the area coloured yellow nor restricted to any part of the applicant's lands. This is not reflected or acknowledged in the application documentation. Until the route of the wayleave is determined the site should not be developed. The proposal is therefore premature. The appeal is accompanied by supporting legal correspondence. Should the Board grant permission a condition should be attached to allow the connection.

6.1.2. **Application Detail**

- Inadequate detail accompanies the application in terms of layout and the design brief given the complex nature of the site.
- The site is constrained and, if granted permission, would set a precedent in terms of non-compliance with the proper planning and sustainable development of the area.
- Plot Nos. 1, 2 and 5 are very narrow. Plot Nos. 2 and 5 will likely result in houses being backed up against the eastern boundary which is shared with the appellant's property. No regard has been had to permitted development.
- The 12 key design criteria set out the Urban Design Manual – Best Practice Guide have not been addressed in the design brief with the proposal having no regard for the surrounding context of the area.
- The design brief is inadequate.
- The proposal would be contrary to section 14.3.6 of the County Development Plan.
- The steeply sloping site and level of cut and fill that will be required is queried. The cross sections provided are inadequate.
- A detailed landscaping plan and tree survey should have been provided. It appears that a large number of trees will have to be removed.
- A bat survey should have been provided.

6.1.3. **Density**

- The density is too low and runs counter to national, regional and local planning policy.

6.2. **Applicant Response**

The submission by Barry and Partners on behalf of the applicant, which is accompanied by supporting documentation, can be summarised as follows:

6.2.1. Wayleaves

- There is one wayleave across the site only. The Deed of Wayleave does not grant two wayleaves as claimed.

6.2.2. Application Detail

- Permission for 5 no. serviced sites was originally granted under ref.09/5700. It did not progress due to the economic downturn. The permission was extended in 2014 which expired 13/12/19. Before this expiry date the Cork City boundary was extended. Therefore a new application was made to Cork City Council.
- The planning authority fully assessed the application. Therefore it is not reasonable to suggest that sufficient details were not provided with the application.
- Plots 2 and 5 have areas of 955m² and 10202m² respectively which provide sufficient space without necessitating houses to 'back up' to the eastern boundary.
- The proposed house designs will have to be agreed as part of the later application. Any concerns in relation to the development's shared boundaries can be taken into consideration as part of the applications.
- The development is sensitive to the topography and the nature of the site, responding carefully to its constraints.
- The application includes proposed landscaping measures. An ecological assessment accompanies the application which confirms that the proposed development can be completed without significant impact on the amenities of the area.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Legal Issues - Wayleaves
- Acceptability of Density
- Impact on Amenities of Adjoining Property
- Adequacy of Documentation
- Other Issues
- Appropriate Assessment

7.1. Legal Issues - Wayleaves

I note from the Inspector's assessment on the appeal on the adjoining site to the north-east under ref. ABP 301637-18 (which is the appellant's ownership and to which the applicant in the instant case was a 3rd party appellant), the issue of wayleaves across the current appeal site constituted a material consideration.

The appellant contends that there are two wayleaves across the appeal site. Over and above the wayleave marked in yellow on accompanying plans it is stated that there is a 2nd wayleave to allow for a foul sewer, the route of which has not yet been determined and, until that is done the proposed development is premature. The applicant refutes this and states that 1 no. wayleave as delineated in yellow, only, is applicable and that the wayleave is for 12 no. dwellings only. Both submissions are accompanied by legal submissions in support of the respective views.

The applicant's legal documentation includes a Memorandum of Agreement dated 29th June 2006 which contains a handwritten insert to the effect that the vendor will procure the wayleave for 12 houses, that the contract is subject to the purchaser obtaining permission for 12 no. houses and that the purchaser will be granted a wayleave to serve 12 houses only (conditions 4, 9 and 12). A further submission dated 12th May 2014 is from solicitors acting on behalf of the Statutory Receivers appointed by NAMA. It states that the contractual conditions purporting to restrict development of the lands would not be legally binding on any purchaser but confirms

that the draft Contract issued in this matter puts the Purchaser on notice of the terms of the special conditions 6-12 of the Contract of Sale dated 29th June 2006.

The appellant's legal submission states that the Deed of Wayleave dated 14th August 2007 between the applicant and the previous owner of the site is clear in granting two wayleaves. The 1st operative grant of the Deed grants a wayleave being the land coloured yellow on the map attached to the Deed. The grant permits the laying of the foul sewer and all subsequent maintenance, repair etc. The wayleave is not limited to any specific number of houses. The 2nd operative grant of the Deed grants a separate wayleave which is also for the laying of a foul sewer. It is not restricted to the area coloured yellow nor is restricted to any part of the applicant's lands or restricted in terms of number of connections. The appellant relies on the two separate and distinct wayleaves.

As detailed in the documentation on file, permission for 5 serviced sites dates back to 2009 with an extension of duration of permission granted in 2014 which expired in December 2019. Further, revisions to the site services infrastructure was granted in 2017. As such the application and appeal on the appellant's site would have been assessed in the knowledge of the then extant permission on the site. The Inspector in her assessment of the appeal on the adjoining site concluded that the applicant in that instance had sufficient legal basis to undertake the proposed development but that the requirements of section 34(13) of the Planning and Development Act 2000, as amended, apply and a person shall not be entitled solely by reason of a permission under section 34 to carry out any development.

I submit that the adjudication as to the interpretation of the Deeds is not a matter for the Board and constitutes an issue for resolution through the appropriate legal channels. I consider that the applicant has provided sufficient detail to support her claim that she has the necessary legal basis to undertake the proposed development. As in the appeal on the adjoining site the applicant should be advised of the requirements of section 34 (13) of the Act.

7.2. Acceptability of Density

It is reasonable to surmise that the previous application for the development under ref. 09/5700 which was granted in November 2009 would have been assessed in the

context of the current Guidelines on Sustainable Residential Development in Urban Areas which was also issued in the same year.

The site is within the existing built up of Glanmire as delineated in the Cobh Municipal District LAP. With a site area of 0.97 hectares the proposal equates to a density of approx. 5 units per hectare. Whilst significantly below the 30 unit per hectare minimum recommended in the guidelines I consider that due cognisance must be taken of the site constraints, specifically to its restricted width and topography of the site including the avoidance of, as far as possible, the mature band of trees to the west which provide for a significant level of screening. With the need to attain a balance between the reasonable protection of the amenities of the area and to provide for additional residential development I consider that the density can be considered to be acceptable in this instance.

7.3. Impact on Amenities of Adjoining Property

The appellant contends that sufficient detail is not available to allow for a proper assessment of the proposed development on the residential amenities of the dwellings granted on its site under ref. ABP 301637-18 which provides for 25 no. units. 12 no semi-detached two storey dwellings will back onto the appeal site with rear garden lengths of between 12.7 and 15.3 metres. As per the details accompanying the application the existing trees and hedgerow along the shared boundary are to be retained and supplemented. Due to the site falls the dwellings within the permitted development will be higher than those on the appeal site. Plots Nos. 3 to 5 will back onto the said permitted development with the narrowest plot depth being No.5. I submit that the 5 no. plots are generous in size which can allow for a design solution which would ensure that the amenities of the permitted dwellings would not be adversely impacted by reason of overlooking or overshadowing. As per the design statement accompanying the application the dwellings shall be no more than 2 storeys.

I consider that sufficient detail has been provided to allow for a proper assessment of the proposed development relative to adjoining property including section drawings delineating the alterations to the site levels required. Whilst I note the criticisms in terms of the detail of the design statement. The development of the 5 no. plots will be subject to planning permission and the requirements in terms of protection of

amenities of adjoining property can be further ensured in terms of the design proposals.

7.4. Adequacy of Documentation

A landscaping plan accompanies the application. The mature band of trees within and bounding the site to the west and which will screen the development from view is to be retained save for a number of trees to be removed to allow for the development or required on the basis of their condition/health. Supplemental planting is detailed. A condition requiring the appropriate protection of the trees and the hedgerow along the eastern boundary to be retained is considered appropriate.

The impact of the development on the ecology of the area is referenced by the appellant with the need for a bat survey stipulated. The application is accompanied by an Ecological Screening Assessment in which it is noted that there was no notable fauna at the outfall, pipe route or development site. It is noted that species such as Otter and Kingfisher may frequent the Glashaboy River whilst bat species are likely to forage along the tree lined river and adjacent hedgerows and shrubs. The site itself is setback over 100 metres from the river. A mature band of trees also delineates the western boundary of the site. These will act as a buffer zone providing a refuge for any wildlife and minimising potential for construction phase effects.

Having regard to location of the site in a suburban area identified as being within an existing built up area, development plan policies, the lack of conservation designations, the fact that the majority of works are some distance from the river and the protection of mature trees, I do not consider that there is any evidence to warrant refusal of permission or significant alteration of the proposed development for reason of protection of local ecology and biodiversity.

7.5. Other Issues

The proposed access from East Cliff Road will be immediately adjoining the existing access serving Glyntown House. Adequate sight lines can be achieved. I note that the 50 kph speed limit applies.

The site is serviced with connection agreement to be secured from Irish Water. Surface water runoff from the roads and footpaths is to be attenuated to greenfield run-off rates and is to be directed to the Glashaboy River to the west with details of the outfall structure provided. The Area Engineer has no objection to the proposed arrangements.

A memo regarding development contributions states that should permission be granted then a condition for the general contribution scheme would apply. The planning authority did not include such a condition. I recommend that such a condition is appropriate.

7.6. **Appropriate Assessment – Screening**

An AA screening report was submitted as part of the application submission.

Site Location and Development Description

The site and proposed development are as described in sections 1 and 2 above.

Designated sites

The nearest designated sites are as follows:

Cork Harbour SPA (site code 004030) c. 1 km from the development site

The qualifying interests are a mix of wintering bird species, breeding bird species and wetlands.

Great Island Channel SAC (site code 001058) c. 3.5 km from the development site.

The qualifying interests are tidal mudflats and sandflat and Atlantic Salt Meadows

Detailed conservation objectives have been prepared for both sites the overall aims being to maintain or restore the favourable conservation status of the qualifying interests.

Assessment

As the site is not within or adjacent to the designated sites no direct impacts will arise. Indirect effects may arise due to water quality impacts, only, and the potential pathway is the Glashaboy River. There is no potential for indirect hydrologically effects on the Great Island Channel SAC by way of surface water impacts or treated wastewater as this site is not located downstream of the discharge points.

The potential pathways for impacts on the Cork Harbour SPA through hydrological connections include:

- Discharge of contaminated run-off during construction work.
- Surface water drainage into the Glashaboy River.
- Discharge of treated effluent from the development into Cork Harbour by way of the wastewater treatment plant.

Best practice measures during the construction phase and which would be applicable to any development would preclude the potential for pollutants from the site reaching this water course. During the operational phase, foul water will discharge to Irish Water's infrastructure. There are no constraints in terms of the wastewater treatment and discharge. Stormwater discharge is to be attenuated prior to discharge to the river

- 7.6.1. Having regard to separation distance from Cork Harbour SPA and Great Island Channel SAC, disturbance of species during construction or operation phases are not considered likely to arise. The site does not provide any suitable ex-situ foraging habitats for waterbirds identified as species of conservation interest for the European sites. There is no direct connection between the application site and these European sites.
- 7.6.2. With regard to in-combination or cumulative effects on these downstream European sites the project should be viewed in the context of development within the wider Cork City area. The scale of development proposed on these serviced lands is not significant. I consider that any potential for in-combination effects on water quality in Cork Harbour can be excluded.

Screening Statement and Conclusions

- 7.6.3. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out screening for appropriate assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effects on European Site Nos. 004030 and 001058 or any other European site, in view of the sites' conservation objectives and appropriate assessment (and submission of a NIS) is not therefore required.

- 7.6.4. The determination is based on the distance of the proposed development from European sites, the intervening development and the site being serviced.
- 7.6.5. In making this screening determination no account has been taken of any measures intended to avoid or reduce the potentially harmful effects of the project on the European Sites.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2014 and the Cobh Municipal District Local Area Plan 2017, to the planning history of the site and to the pattern of existing and permitted development in the area, 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 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd day of January 2020 and 9th 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 internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

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

3. Prior to the commencement of construction of any future proposed dwelling, the roads, footpaths, watermains, drains, lighting, other services and landscaping shall have been completed to the written satisfaction of the planning authority.

Reason: In order to ensure the co-ordinated provision of site development works/services for the proposed development.

4. The design of the houses on the serviced sites shall be in accordance with the Design Brief for Development of Individual Serviced Site submitted to the planning authority on the 23rd day of January, 2020 and the Architectural Design Brief for Serviced Sites submitted to the planning authority on the 9th day of July, 2020.

Reason: In the interests of visual amenity.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

6. (a) Front boundary walls shall be of the same design, construction and finish throughout the development.

(b) Rear garden boundary walls and screen walls shall be two metres in height.

Plans and details to provide for these requirements, including materials and external finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. 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.

9. 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 over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November, 1998.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

11. 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 commencement of development. Thereafter, all estate and street 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 advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

12. The landscaping scheme shown on drawing no. Y17307/PL/031 submitted to the planning authority on the 23rd day of January 2020 shall be carried out within the first planting season following substantial completion of the site development works.

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

Reason: In the interest of residential and visual amenity.

13. (a) Prior to commencement of development all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed with stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two metres from the trunk of the tree or the centre of the shrub and to a distance of two metres on

each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

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

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

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction and Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Pauline Fitzpatrick
Senior Planning Inspector

November, 2020