



An  
Bord  
Pleanála

## Inspector's Report ABP-308913-20

---

<b>Development</b>	Construction of a dwelling incorporating into development granted under P19/119.
<b>Location</b>	Ardoughan, Ballina, Co Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	20708
<b>Applicant</b>	John Craven
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellant</b>	John Craven
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2020
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the western outskirts of the town of Ballina, approximately 1.5km from the town centre. The site has a stated area of 0.057 hectares and is located on an area of open space allocated as part of the larger 45 no. unit housing estate permitted under P.A. Ref. P19/119. This housing estate is currently under construction.
- 1.2. The subject site fronts onto an internal estate roadway to the north, which connects via an access road to the Old Crossmolina Road (L1119). A group of Mayo County Council buildings are located further north along the access road, with the road terminating at a farmstead to the extreme north.
- 1.3. The site is located on the eastern extremity of the existing estate, with two semi-detached two-storey dwelling houses numbers 11 and 12, which are currently nearing completion, located to the site's immediate west. To the west of the housing estate, a row of detached houses exist on individual plots fronting onto the Old Crossmolina Road (L1119), which continue up to the roundabout for the N59. The predominant land use in the surrounding area is residential, with agricultural lands located to the outside of the Ballina town boundary.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following, which is to be located on a site within the original housing estate granted under P.A. Ref P19/119:
  - A single storey bungalow type dwelling house of 114sqm in area, with a ridge height of 6.29m.
  - A vehicular entrance/ 3no. car parking spaces which provide direct access onto the existing internal estate road.
  - Connection to public sewer, public mains and surface water drain and ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Permission was refused by the planning authority for two reasons, these are presented as follows:

1. *The proposal if approved, would create an adverse impact on the traffic flows within the permitted housing estate planning reference P19/119 and with specific reference to the individual access to the proposed dwelling house, where the proposal does not meet the minimum requirements set out under Section 16.5 Access and Proximity to Road Junctions and Table 4 of the Mayo County Development Plan 2014-2020. Therefore, the proposed development would reduce the capacity of the estate road and would interfere with the safety and free flowing nature of traffic on the road and endanger public safety by reason of traffic hazard or obstruction of roads users or otherwise.*
2. *In the absence of details regarding the proposed development in the context of the overall housing estate as permitted under P19/119, it has not been established to the satisfaction of Mayo County Council that the proposed development will not:*
  - *Impact on the provision of public open space throughout the housing estate as permitted under P19/119;*
  - *Impact on the residential amenity of the future occupants of the dwelling, due to lack of details regarding permanent boundary treatments and landscaping around the proposed dwelling at this location.*

*The proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and the development would contravene materially a condition attached to an existing permission for development.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The recommendation to refuse permission in the Area Planner's report reflects the decision of the Planning Authority. The main points raised in the report can be summarised as follows:

- Under the previously permitted application on site (P.A. Ref P19/119) 4 no. dwelling units were conditioned to be omitted from the overall housing development. Thus the overall housing number was reduced from 49 to 45 units.
- In relation to the units that were omitted these areas were conditioned to be levelled and seeded with grass to become areas of open space.
- The area planner noted that no overall site layout plan indicating the proposed development site in the context of the overall previously permitted housing development (P.A. Ref. P19/119) was submitted with the current application. Therefore, the impact on public open area could not be assessed. The area planner recommended that further information be sought on this issue however a refusal was issued based on other reasons (discussed below – traffic safety) therefore no FI was issued.

### **3.2.2. Other Technical Reports**

- Ballina Municipal District, Mayo County Council (MCC) – Senior Executive Engineer – stated telephone conversation took place with area planner on 19/11/20 – the proposed access is contrary to policy and the proposal would impact on the traffic safety. Refusal recommended.
- Water Services (MCC) – response received by email dated 28/10/20 which stated no objection subject to consent from Irish Water and conditions in relation to water and sewer (foul) connections.

## **3.3. Prescribed Bodies**

### **3.3.1. None.**

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

- P.A. Ref.P19/119 – Permission granted in August 2019 for the construction of 45 no. dwelling houses with connection to public sewer and public water main and all ancillary site works.

The Board should note that in this case the original number of units applied for was 49 but this was reduced by 4 no. units due to concerns in relation to the location and supply of public open space, which in the planning authorities initial opinion was peripheral. The omission of the four units provided for a better overall layout and provision of useable open space and therefore the protection of residential amenities for future occupants.

Condition no.2 of notification of decision to grant permission outlines this reduction in unit numbers and states that the areas where the previously proposed units were to be located shall be levelled and seeded with grass to become a useable open space/green area. The reason stated was '*in the interest of residential amenity and proper planning and development.*

- ABP Ref.300863-18 – Section 9 Appeal against section 7(3) Notice. The Board determined in June 2018 that the site is not a vacant site within the meaning of the Urban Regeneration and Housing Act, 2015.
- ABP Ref PL.36.223809 (P.A. Ref.P06/702808) – Permission granted by the Board in November 2007 for 57 no. houses. The original number of units applied for on site was 71.

## 5.0 Policy Context

### 5.1. National Guidelines

5.1.1. The following planning guidance documents are relevant:

- Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2019 (latest revision));

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

## 5.2. Mayo County Development Plan 2014-2020 (as varied) Volume 2 Planning Guidance and Standards

5.2.1. Sections that may be relevant to the current appeal include:

- **Section 14 Open Space, Landscaping & Boundaries**
- **Section 14.1 Public Open Space**

*On greenfield/suburban sites, a minimum of 15% of the total site area shall be reserved for public open space. Elsewhere, the minimum provision shall be 10%. In calculating this area, residual open spaces or areas that cannot be adequately drained, shall be disregarded.*

- **Section 14.2 Private Open Space**
- **Section 16.3 Access Visibility Requirements and Table 3 Access Visibility Requirements**
- **Section 17 Parking standards**
- **Section 16.5 Access and proximity to Roads Junctions and Table 4 Access and Proximity to Road Junctions, Interchanges and Roundabouts**

## 5.3. Ballina and Environs Development Plan 2009-2015 (as varied)

5.3.1. The lands are zoned Phase 1 Residential – the plan states that these lands “*shall comprise of all undeveloped residentially zoned lands which currently have live planning permissions that are either unfinished or not yet commenced. Phase I. lands shall also include residentially zoned lands that have been left in an incomplete and derelict condition as a result of former construction activity and because of this could not conceivably revert back to Agricultural/Amenity use*”.

5.3.2. All lands in Phase 1 shall be developed in compliance with their current R1 or R2 zoning as indicated on Map No. 06 (variation).

5.3.3. Other relevant sections of the Ballina and Environs Development Plan include:

- **Section 3.1 Residential Use Standards**
- **Subsection 3.1.1 Introduction - Residential Density**
- **Subsection 3.1.2 Plot Ratio - B) Suburban Areas (R1 & R2 Zones)**

Within the range of densities stated above, the actual density permitted in any location will be determined by considering the following factors:

1. The capacity of the infrastructure to cater for future population levels.
2. Existing landscape and other features on site.
3. Provisions relating to car parking, open space, landscaping and planting.
4. Existing building lines or townscape character.
5. Principles of sustainability.
6. Proximity to main transportation routes.
7. Design Quality – higher densities may be permitted in developments exhibiting high levels of design and layout.

Notwithstanding the above; on lands designated Phase I under the Core Strategy and zoned R2-Residential, a plot ratio of 1:25 shall be the norm.

- **Subsection 3.1.4 Public Open Space**

*Public open space is one of the key elements in defining the quality of the residential environment. It provides passive as well as active amenity and has important ecological and environmental aspects. The public open space requirement within housing development, which is to be provided by the developer, is as follows: Greenfield/suburban sites - Minimum 15% of total site area.*

- **Subsection 3.1.6 Overlooking/Minimum Rear Garden Size**
- **Section 3.2 Standards on Design and Layout**
- **Subsection 3.2.1 Road Standards**
- **Subsection 3.2.4 Housing Layout and Design**
- **Section 3.4 Standards for Infill Development**
- **Subsection 3.4.1 Infill Development**

## 5.4. Natural Heritage Designations

5.4.1. The nearest designated sites to the appeal site are as follows:

- River Moy SAC (Site Code:002298) is located c.1.6km southeast of the appeal site.
- Killala Bay/Moy Estuary SAC (Site Code: 000458) is located c.1.9km east of the appeal site.
- Killala Bay/Moy Estuary SPA (site Code:004036) is located c. 2.9km north east of the appeal site.

## 5.5. EIA Screening

5.5.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling house, 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

6.1.1. A first-party appeal has been lodged and the grounds of appeal can be summarised as follows:

- The larger development site in which the house is to be situated is of sufficient low density to incorporate another dwelling.
- The proposed dwelling house's location will not have an impact on the traffic flows through the development as granted under P19/119.
- 10 of those dwelling houses granted under P19/119 do not have direct traffic flow within the development as they face onto the public road directly. 70 units were previously granted on the site and no traffic issues were raised.



- The proposed entrance of the bungalow has been designed to comply with section 16.5 of the Mayo County Council Development Plan and all aspects of Table 4 have been met.
- Traffic calming measures have already been included for the internal estate road designed to slow the vehicle usage.
- The current layout for the development granted under P19/119 has a total open public space/public green allocation of 26% of the total site area. The area to be deducted from the green area as granted under the previous application is 566sqm, this reduces the overall green area of the total site to 24.2%. This is still in excess of the minimum requirements to satisfy the guidelines of the MCC Development Plan.
- It is proposed to incorporate landscaping including semi-mature trees and other planting to match the landscaping plan as deemed appropriate for the private rear gardens and public areas of P19/119 granted on site.
- The existing estate houses have ample rear garden private space in excess of the 100sqm required.
- The proposed boundaries for the proposed bungalow will be the same as that granted for the development under P19/119 as detailed under condition no.8.
- The development granted under P19/119 is a low density development at 5.97 houses per acre (total site area 7.5acres with 45 dwellings granted). This site previously had a development granted at a density of 10 houses per acre i.e. a total of 70 units. The proposed bungalow will not adversely affect the density of the overall development bringing the density of the overall site to 6.1 houses per acre.
- The proposed bungalow plans are of similar design to the semi-detached two-bedroom dwelling houses granted under P19/119. There is a demand for houses of this size within Ballina.

## 6.2. Planning Authority Response

- None received.

### 6.3. Observations

- None.

## 7.0 Assessment

7.1. Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows, which are addressed in the sections that follow:

- Principle of Development
- Design and Layout
- Access and Carparking
- Public Open Space and Residential Amenity
- Other Matters
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The subject site is located within the Ballina town boundary and is zoned for Phase 1 Residential development, as defined in the Ballina Town and Environs Development Plan 2009-2015 (as varied) herein after referred to as BTEDP. The BTEDP states that *"All lands in phase 1 shall be developed in compliance with their current R1 or R2 zoning as indicated on Map NO 06 (variation)"*, this map shows the current site designated as R2 Low Density. Section 3.1.2 of the BTEDP states that for *"Suburban Areas (R1 & R2 Zones)"* on lands designated Phase 1 under the Core Strategy and zoned R2-Residential, a plot ratio of 1:25 shall be the norm. The applicant seeks to construct an additional dwelling house on the eastern edge of the existing housing estate which is currently under construction (P.A. Ref. 19.119). I note that the current applicant was also the developer of this original housing estate and the submitted site location map (Drawing No. P01) indicates the lands associated with this larger housing estate are within the applicant's ownership. While residential development is permitted on the site under the current zoning, other considerations also have to be taken into account, in particular given that the site is located on a portion of the open

space allocated under the permitted housing estate development P.A. Ref. 19/119. In addition, access and traffic safety issues were raised by the planning authority in one of their reasons for refusal. These issues are examined in more detail in the sections below.

### 7.3. Design and Layout

- 7.3.1. As part of the previous planning application on site P.A. Ref. 19/119 three different house designs were included, the proposed dwelling most closely resembles “House Type C”, which was of similar single storey design, however had a floor area of circa. 85sqm and accommodated 2 no. bedrooms only. The current proposal is for a dwelling house of circa 114sqm and 3 no. bedrooms with an overall ridge height of 6.29m. The proposed dwelling complies with the minimum floor area standards as set out in *Table 5.1: Space provision and room sizes for typical dwellings* of the Quality Housing for Sustainable Communities – Best Practice Guidelines 2007. The design of the front façade of the dwelling differs slightly from that of the approved Type C dwellings in that two vertically emphasised windows are located on both sides of the entrance door, as opposed to one larger window on either side of the Type C dwelling entrances. I would not consider this difference in design a major issue, however if the Board consider it necessary then uniformity of window design can be addressed by way of condition.
- 7.3.2. The proposed dwelling house is to be located on the eastern periphery of the housing estate, adjacent to house no. 11 as shown on the submitted site layout. The dwelling house is to be angled, with the front elevation facing slightly to the north east, thus allowing it to follow the curve of the internal estate road and in my opinion integrate into the periphery of the estate in a more subtle manner. Private open space is to be provided to the rear of the dwelling house and an area in excess of 100sqm has been provided which satisfies the requirements of Section 14.2 of Volume 2 of the Mayo County Development Plan 2014-2020 (as varied), in addition the minimum of 10m rear garden depth has also been provided as required.
- 7.3.3. The planning authority raised concerns regarding the lack of proposed boundary details submitted with the application, with refusal reason no. 2 reflecting these concerns. Section 14.4.2 of Volume 2 of the Development Plan outlines the requirements for internal boundary treatments for residential developments within

urban/suburban settings, stating that developments should include detailed drawings and specifications for all internal boundary treatments, with particular attention given to all internal boundaries that adjoin or are highly visible from the public domain. The site layout plan as submitted shows only minimal planting outside the boundary of the site and no boundary wall details have been submitted as part of the appeal. However the applicant in their written appeal statement has responded to the planning authority's concern stating that the boundaries will be comprised of block walls with a similar dash finish to those surrounding the houses within the existing estate and shall also incorporate landscaping similar to that previously approved under P.A. Ref.19/119 as referred to in condition no.8 of same permission. If the Board are minded to grant permission, I would consider that both the boundary wall details and appropriate landscaping can be addressed by way of condition.

- 7.3.4. In summary I am satisfied that the development approach taken, including the private amenity space and housing layout, would be in keeping with the character and pattern of development in the immediate area and would suitably relate to the surrounding urban form.

#### **7.4. Access and Carparking**

- 7.4.1. Section 16.5 of Volume 2 of the MCC Development Plan states "*Where an access to/from a new development onto a local road is in close proximity to a road junction the new access shall meet the minimum standards set out in Table 4*". Table 4 expands on this requirement stating that within an urban area, the minimum distance that the development access shall be from a "local road junction" for both an individual house and/or a housing development should be 40m. In the case of the current development the proposed site fronts onto an existing internal estate road which was approved under P.A. Ref. 19/119. This road then connects to a cul de sac which connects in turn to the Old Crossmolina Road local road (L1119) to the south.
- 7.4.2. The site layout plan (Drawing No. P02) submitted with the application shows three car parking spaces on the subject site, with direct access onto the internal estate road unimpeded by gates or boundary walls. On site visit I noted that the provision for access to the site and a widened footpath at this location was already in place. The proposed vehicular entrance provides access onto the internal estate Road 1 (as illustrated on submitted site layout plan) and is located to the south west of the

junction with internal estate Road 2. The vehicular entrance is located approximately 42m west of the entrance to the estate and junction with the aforementioned cul de sac/access road. The Development Plan does not make specific reference to road design standards applicable to this location, which is within the 30km/h speed limit zone on an internal estate road. It instead refers under Section 16.5 to the minimum requirements set out for access and proximity to road junctions with the lowest denomination of same being a “local road”. In this case the development would appear to meet the standards outlined and the required 40m distance.

- 7.4.3. The dwelling’s proposed car parking spaces are to have direct access onto the footpath and estate Road 1 beyond, therefore necessitating either driving in and subsequently reversing out onto the internal estate road, or vice versa, as no turning space is provided. This type of parking is a similar feature throughout the existing estate. Though the subject car spaces are located at the beginning of a south west orientated bend in the estate Road 1, they are not located directly opposite the junction with internal estate Road 2 and therefore should present no conflict with vehicular movements at this internal junction. Although the “Design Manual for Urban Roads and Streets” presents no specific guidance which might inform the current situation, details in relation to visibility splays are outlined under Section 4.4.5 which states the following with reference to “on-street” carparking “*Splays should generally be kept free of on-street parking, but flexibility can be shown on lower speed streets with regard to minor encroachments*”. Given the restricted speeds within the estate and the clear visibility possible given the flat nature of the site, I would not consider the provision of direct access to off-street car parking at this location a traffic hazard. A 30km/h slow zone road sign is located at the entrance to the estate and a stop sign is located at the estate road exit/junction with the access road off L1119, therefore I would consider that the estate road has included sufficient measures to reduce vehicle speeds.
- 7.4.4. In conclusion, I consider the proposal to be in compliance with the stated sections of the Development Plan and I would not consider that the proposed development would reduce the capacity or free flowing nature of traffic on the estate road by any significant amount, nor would it exacerbate any traffic safety issues on site.

## 7.5. Public Open Space and Residential Amenity

- 7.5.1. The second reason for refusal relates to the impact on the provision of public open space throughout the overall housing estate and also the impact on residential amenity due to the lack of details regarding permanent boundary treatments and landscaping.
- 7.5.2. The planning authority state under the second reason for refusal that the development would contravene materially a condition attached to an existing permission for development. The layout of the housing estate granted under P.A. Ref 19/119 was amended at further information stage with an overall reduction in the number of housing units permitted from 49 to 45. This requirement was detailed under Condition no.2 of the Notification of Grant. The main reason for this reduction was to ensure that there would be an adequate amount of useable open space provided. The areas of public open space as originally proposed were considered substandard due to their peripheral locations along the edges of the estate. The planning authority concluded that the omission of the four number units provided for a better overall layout of the housing development and the provision of useable open space and the protection of residential amenity for the future residents.
- 7.5.3. Section 3.1.4 of the BTEDP and Subsection 14.1 of the MCC Development Plan 2014 – 2020 (as varied) outline the 'Public Open Space' requirements for housing developments, both of which state that a minimum of 15% of the total site area should be provided for public open space in greenfield/suburban sites. The proposed site has a footprint of 566sqm, this area would therefore be lost from the overall allocation of open space for the larger housing estate if the development were to be permitted. The applicant states that the housing development approved under P.A. Ref 19/119 had a total public open space allocation of 26% of the total site. The total site area for the entire housing estate is stated at 3.047ha. Therefore, even with the removal of the current site area, the overall development would still well exceed its public open space requirement by approximately 10%. While I acknowledge that the proposed development would see a reduction in public open space (in this case in the area as one enters the estate), I still consider the remainder of the open space in this area useable and that this area, in conjunction with the remaining areas throughout the estate, will provide sufficient supply and benefit to its residents.

7.5.4. Therefore, in conclusion, given the existing allocation of open space intended to serve the estate, I am satisfied that the proposed development would not injure the residential amenities of the area through the loss of useable open space and that the development is in compliance with the public open space requirements outlined in both development plans.

## 7.6. **Other Matters**

### Archaeology

7.6.1. I note under the previous application on the surrounding larger site (P.A. Ref P19/119) that an archaeological pre-development testing report was submitted. In total 27 trenches were excavated across the site, including trenches within the area of the current appeal site. The results of the excavations revealed the remains of two archaeological features (both fulachta fia) in the north-western corner of the site. The excavation (preservation by record) of the two features was completed and the proposed development site at the time was archaeologically resolved. The final excavation report which was forwarded onto MCC in response to a further information request was deemed satisfactory.

7.6.2. Having examined the results of the above-mentioned report and the separation distance between the subject site and the recorded features which are approx. 25m and 57m respectively, I have no concerns regarding both features, both of which I note were subsequently added to the Sites and Monuments Record (SMR) in 2019 under numbers MA030-098 and MA030-099.

## 7.7. **Appropriate Assessment**

7.7.1. The proposed site lies 100m south of a watercourse which connects to the Scuffainbrogue River which then flows into the River Moy Special Area of Conservation (Site code: 002298) approximately 1.6km southeast of the site.

7.7.2. Having regard to the nature and scale of the proposed development, comprising the construction of 1 no. dwelling, which is to be connected to existing services within an existing built up area, including surface water management via existing surface water sewers (installed as part of P.A. Ref 19/119), and the separation distance to the nearest relevant European site, no Appropriate Assessment issues arise, and it is

not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Mayo County Development Plan 2014-2020 (as varied) and the Ballina and Environs Development Plan 2009-2015 (as varied), the Phase 1 Residential zoning objectives for the site, the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would respect the character of existing development in the area and would not injure the residential amenities of the area and would provide a suitable level of amenity for future occupants. 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 received by An Bord Pleanála on the 16<sup>th</sup> day of December 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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority before the commencement of development.



**Reason:** In the interest of the visual and residential amenities of the area.

3. Details of the boundary walls to surround the dwelling and vehicular entrance/car parking shall be submitted to and agreed in writing with the planning authority before the commencement of development.

**Reason:** In the interest of the visual and residential amenities of the area.

4. (a) Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.  
(b) Drainage arrangements, including the attenuation and 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.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development

7. 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.

---

Máire Daly  
Planning Inspector

13<sup>th</sup> April 2021