



An
Bord
Pleanála

Inspector's Report

ABP-309452-21

Development	Demolition of existing single storey dwelling and new two storey replacement dwelling, replacement septic tank and percolation area and ancillary site works
Location	Corbally North, Glanmire, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/206043
Applicant(s)	Padraig O'Connor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Brian Twomey and Anne Twomey
Observer(s)	None
Date of Site Inspection	15 th May 2021
Inspector	Sarah Moran

1.0 Site Location and Description

- 1.1. The development site is located in the area of Corbally, Co. Cork, nearby to the east of the M8 and the settlement of Glanmire. This is an elevated location in rolling topography with extensive views to the west. The site has a stated area of 0.194 ha and is occupied by an existing bungalow. It is located within a cluster of one-off houses, with bungalows to the immediate north and south. There is mature hedging along the southern site boundary. Levels within the site rise from north to south such that the site is significantly lower than the house to the immediate south and is higher than the house to the north.

2.0 Proposed Development

2.1. Application Lodged 25th September 2020

- 2.1.1. Permission is sought to demolish the existing bungalow and to construct a new two storey house with detached garage / home office, stated total GFA 256 sq.m. The proposed dwelling has a contemporary design with a cruciform plan and is finished in render and metal / fibre cement cladding, with areas of glazing. The layout includes a car port to the northern side of the house and the detached garage/ home office on the southern side of the site, along with associated driveway, hardstanding and parking area. The existing vegetation along the southern site boundary is to be retained.
- 2.1.2. The development is to connect to the public water supply and to drain to an on-site WWTS and soakaway. The existing septic tank at the site is to be decommissioned. As per the Site Characterisation Form, no water was encountered in the trial hole. A T-value of 10.17 was calculated.
- 2.1.3. The applicants intend to use the proposed dwelling as their permanent place of residence. They submitted a Supplementary Application Form SF1 to the planning authority in relation to individual houses in rural areas as Unsolicited Further Information on 13th November 2020.

2.2. Further Information Response Submitted 22nd December 2020

- 2.2.1. The applicant submitted a revised design for the proposed house with the following amendments:

- The car port on the northern side of the house is omitted, such that the northern elevation of the house is now 7m from the northern site boundary wall and 12.9m from the side elevation of the adjacent dwelling to the north.
- The ground floor window of a utility room on the northern elevation wall are relocated to the western (rear) elevation of the house. The door to the northern boundary will be solid and not glazed. The upper window on the northern elevation serves a bathroom and will have opaque glazing.
- A landscaping plan is submitted. The applicant submits that the landscaping will provide additional screening to the adjacent house to the north.

3.0 Planning Authority Decision

3.1. Request for Further Information

3.1.1. Cork County Council issued a RFI on 18th November 2020 in relation to the following matters:

- The proposed car port results in a blank wall approximately 9m from the glazed double doors serving the dining room of the adjoining dwelling. Due to the proximity of that wall to those doors it is considered that it would have a detrimental impact on the outlook from that window and the car port should be removed from the design. Accordingly, you shall submit drawings to address this point.
- As a result of the removal of the car port, there would be a window on the northern elevation of the dwelling (adjacent to the door on the northern elevation) which would look directly into the adjoining property. You shall submit revised drawings removing this window and relocating it to the western elevation. The drawings should also confirm that the door on the northern elevation will be a solid and not glazed construction to prevent overlooking.
- You shall submit a comprehensive landscaping plan for the site.

3.2. Decision to Grant Permission

- 3.2.1. Cork County Council issued a Notification of a Decision to Grant Permission on 25th January 2021, subject to 18 no. conditions. None of the conditions imposed involved any significant changes to the proposed development.

3.3. Planning Authority Reports

- 3.3.1. Planning Report, 18th November 2020. Recommends RFI for the matters outlined in section 3.1 above. A second planning report dated 25th January 2021 states that the applicant has addressed the matters raised in the RFI and recommends permission subject to conditions.
- 3.3.2. Cork County Council Area Engineer, 27th October 2020. No objection subject to conditions.

3.4. Prescribed Bodies

- 3.4.1. None on file.

3.5. Third Party Observations

- 3.5.1. The above named appellants objected to the development on grounds similar to those raised in the third party appeal.

4.0 Planning History

- 4.1. None on file.

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

National Policy Objective 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

- 5.2.1. The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) rural areas under strong urban influence (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) stronger rural areas (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) structurally weaker rural areas (persistent and significant population decline and weaker economic structure); and, (iv) areas with clustered settlement patterns (generally associated with counties of the western seaboard).
- 5.2.2. Development Plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.
- 5.2.3. Section 4.8 of the Guidelines relates to the design of rural dwellings and states:
- In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and*

other terms, the character of surrounding development and the wider area and the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.

5.3. Cork County Development Plan 2014

5.3.1. Development plan objective RCI 2-1: Urban Generated Housing:

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

Objective RCI 2-2: Rural Generated Housing:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community

5.3.2. The site is located within the Metropolitan Cork Green Belt. Section 4.3.5 states:

This rural area under strong urban influence forms part of the Cork Gateway and is within close commuting distance of Cork City and Environs. There is evidence of considerable pressure from the development of (urban generated) housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

Objective RCI 4-1: Metropolitan Cork Greenbelt:

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need...

Development plan sections 4.5 – 4.8 and objectives RCI 5-1, RCI 5-2, RCI 5-3, RCI 5-4, RCI 5-5, RCI 5-6, RCI 5-7 in relation to the Metropolitan Green Belt are also noted.

5.3.3. Development plan section 4.6 sets out general planning considerations for rural housing and refers to the *Cork Rural Housing Design Guide*. Objective RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.

c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings

Section 4.8.1 states the following in relation to replacement dwellings in rural areas:

In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house on a case-by-case basis having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.

5.3.4. The site is within an area designated as a 'High Value Landscape' as per development plan chapter 13. Objective GI 6-1: Landscape:

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

b) Landscape issues will be an important factor in all landuse proposals, ensuring that a pro-active view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.

c) Ensure that new development meets high standards of siting and design.

d) Protect skylines and ridgelines from development.

e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments

The site is located within the 'Strategic and Prominent Metropolitan Green Belt'.
Objective GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection:

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labeled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development.

5.4. Natural Heritage Designations

5.4.1. The site is not within a designated area. The nearest sites include:

Cork Harbour SPA (Site Code 004030)

Great Island Channel cSAC (Site Code 001058)

5.5. EIA Screening

5.5.1. On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellants are residents of the dwelling to the immediate north of the site. The following points are noted from the grounds of appeal:

- The site has a prominent and elevated location in the Metropolitan Greenbelt. The proposed house has a ridge height of 8.061m, which far exceeds those of nearby dwellings and will be highly visible in the landscape.
- There are c. 11 bungalows and dormer dwellings within a 125m radius of the development site, with none having a ridge height > 7m. The development is not in accordance with development plan policy RCI 6-1.

- With regard to the submitted shadow study, the proposed dwelling will cast a significantly greater shadow on the appellants' property than the existing house. It will overshadow dining room and kitchen windows in the appellants' property. This overshadowing was not properly taken into consideration by the planning authority in its consideration of the application, particularly the shadow cast by the proposed gable and ridge, which will be 8.631m higher than the appellants' property. The existing house does not overshadow their property.
- The development will result in an inconsistent building line along the public road. The existing houses were thoughtfully designed and placed and are architecturally harmonious.
- The planning authority is acting inconsistently. When it considered works to the house to the north of the appellants' property under Reg. Ref. 05/6293, it did not permit the applicant to construct forward of the original footprint of the house.
- The drawings on file do not accurately represent the existing house as they do not include an extant bathroom. The house was lived in until 2019.
- Overshadowing caused by the development will adversely affect the energy efficiency of the appellants' property. The development includes a chimney stack, which is higher than the declared ridge height, contradicts development plan energy objectives and will increase overshadowing.
- The development will have adverse visual impacts on the appellants' property.
- The development is not in accordance with the design guidance provided in the Cork Rural Design Guide 2003, reprinted in 2010, due to its proportions and failure to integrate with the landscape or with existing developments.
- It is submitted that the planning report does not adequately consider impacts on the visual amenities of the appellants' property.
- The examples of other developments in the area that are cited by the applicant as precedents are all distant from the development site and/or do not have adverse impacts on neighbours for site specific reasons. The applicants did not cite the example of Reg. Ref. 05/6293, as discussed above.

- The conditions imposed by the planning authority do not include any limitations on working hours and do not take into account the special needs of the appellant's son.
- The development will create an undesirable precedent.

6.2. Applicant Response

6.2.1. The applicant has submitted a detailed response to the third party appeal, dated 8th March 2020. The main points made may be summarised as follows:

- The applicant consulted the appellants regarding the proposed development during the application process but received no feedback.
- The proposed dwelling has been designed with regard to analysis of the local area within a c. 0.5 km radius including existing dwellings and topography. A number of examples of existing two storey and dormer houses in the vicinity are submitted, including photographs of same. It is submitted that the dwellings in the area have a varied character.
- The proposed dwelling is a traditional vernacular design with contemporary elements.
- The applicant included full details of the existing house on the site. The omission of the bathroom was an error, relating to internal layout only. Full details of the internal layout are submitted with the response.
- The siting of the proposed dwelling was chosen with regard to the topography of the site, protection of existing residential amenities and to maximise distances to adjacent dwellings and to minimise overshadowing. The layout is a cruciform plan with the longer of the two volumes running north to south to minimise impacts. The layout was also designed to maximise natural light for the proposed house. Other criteria were considered from the Rural Design Guidelines, including the location of the replacement WWTP, use of boundaries as natural screening and screening of the private open space to the rear of the house.
- The proposed house drops to single storey close to the northern site boundary, in order to minimise impacts on the appellants' property.

- The chimney to the western elevation is for a closed flue stove and is required to be a minimum of 600 mm above the ridge line as per Technical Guidance Document J 2019. The narrow side of the chimney faces north to minimise impact.
- The proportions of the gables have been designed to minimise impacts.
- The single storey garage is relocated to reduce impacts on neighbouring properties.
- The response includes details of the design evolution of the house with regard to the above issues.
- Additional shadow analysis is submitted. It is submitted that this indicates that overshadowing does already occur at the site boundary and that the proposed dwelling will have minimal overshadowing impacts due to the intervening distance of 14.6m between the two gables.
- The applicant has no issue with any standard condition limiting hours of construction at the development.

6.3. Planning Authority Response

6.3.1. None on file.

6.4. Observations

6.4.1. None on file.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal relate to the following matters:

- Design and General Visual Impacts
- Impacts on Residential Amenities
- Appropriate Assessment

- 7.2. While the site is located in the Metropolitan Cork Greenbelt, where restrictive policies apply in relation to rural housing, the proposed dwelling is intended to replace an existing house. Development plan section 4.8.1, as quoted above, is noted in this regard. I note that neither the planning authority nor the appellants have objected in principle to the proposed replacement dwelling. I am satisfied on this basis that the current proposal may be considered on its merits.
- 7.3. I also note that the Area Engineer states no objection to the development and recommends permission subject to conditions. Having regard to the documentation on file, including the Site Suitability Assessment, and to the site inspection, I am satisfied that no significant issues arise in relation to site services.
- 7.4. Having regard to the proposed design and layout, to the topography and change in ground levels, to the intervening distance and to the landscaping scheme, I am satisfied that the development will not have any significant adverse impact on the residential or visual amenities of the adjacent house to the south of the site or of any other house in the vicinity.
- 7.5. The above matters may be considered separately as follows.
- 7.6. Design and General Visual Impacts
- 7.6.1. The site has a sensitive location on an elevated hillside within a 'High Value Landscape' and within the Strategic and Prominent Metropolitan Green Belt. However, it also occupied by an existing bungalow and is located within a cluster of existing houses. While elevated, the site is not at or close to the skyline and the development will not involve any significant removal of trees or hedgerow. The site is not undeveloped lands and the development will not involve any infringement on the existing agricultural green belt contrary to development plan objective GI 8-1.
- 7.6.2. Having inspected the site and viewed it from a variety of locations in the vicinity, I consider that the proposed two storey dwelling will read as part of the existing cluster of houses at this location and, notwithstanding the sensitivity of the site, will not, of itself, have an undue visual impact significantly greater than the existing bungalow.

- 7.6.3. While development plan objective RCI 6-1 is noted in relation to the design of rural houses, I note that the site is located within a cluster of houses which have a variety of building styles. The applicant's response to the appeal includes examples of a variety of two storey and dormer house styles in the vicinity (within c. 1km) and this point is accepted. I note that the Cork Rural Housing Design Guide advocates contemporary rural design with reference to vernacular proportions, building form and scale, ref. Part Three of same, and includes several examples with designs and finishes similar to those of the proposed dwelling. The narrow gable and cruciform floor plan of the proposed house also refer to the Design Guide. Details of finishes may be agreed by condition. While the appellants object to the siting of the house, stating that it infringes the building line, I accept the point of the applicants that the location on site is a response to site levels, distances to adjacent houses, site services, etc. With regard to aerial photographs and site inspection, I do not consider that there is a rigidly established building line along this stretch of road.
- 7.6.4. The proposed house is a site-specific design that has gone through several iterations during the pre-application and application process. The current proposal has therefore been amended in order to reduce visual impacts and impacts on adjacent residential amenities. It is evident from the levels on site that substantial ground works were undertaken to construct the existing bungalow at the site. The current proposal does not involve any significant additional ground works and will benefit from the existing mature vegetation that has grown around the changes in levels. It does not involve the removal of any significant hedgerows, site boundary or historic features in contravention of Objective GI 6-1. While the proposed landscaping plan submitted with the RFI lacks detail, more detailed landscaping proposals may be required by condition, including hard surfaces and road frontage, which would further help to integrate the house and hardstanding into the landscape.
- 7.6.5. I am satisfied on this basis that the proposed dwelling is generally in accordance with development plan objectives RCI 6-1 and GI 6-1 in relation to rural housing design and landscape impacts and that it will not have any significant adverse visual impacts.

7.7. Impacts on Residential Amenities

- 7.7.1. Concerns have been raised in the appeal that the development would negatively impact on the existing residential amenities of the adjoining property to the north by way of visual obtrusion, overlooking and overshadowing.
- 7.7.2. The northern gable of the existing bungalow is c. 15m from the southern wall of the appellants' house. Site sections indicate that there is a difference in levels such that the FFL of the existing house is c. 1.5m higher than that of the appellants' house. The northern gable of the proposed two storey house is 14.6m from the side of the appellants house, with a single storey ground floor element that projects to c. 12.5m to the appellant's gable. The overall height of the existing bungalow is c. 4.5m and that of the proposed house is c. 8.2m, which is generally considered standard for a two storey house.
- 7.7.3. In terms of visual obtrusion, I note that the side gable of the proposed house has a similar distance to the appellants' house than the existing bungalow. The omission of the car port to the north of the house, as per the amended design submitted as RFI, considerably lessens visual impacts on the appellants' property. As per the discussion above in relation to general visual impact, I note that the proposed house has been carefully designed by an accredited architect in accordance with the Cork Rural Design Guide. The development does result in some intensification of development at the subject site, however the house is not excessive in bulk or scale. While it will change the outlook from the appellants' property, these visual impacts will be ameliorated by landscaping and I do not consider that it will be visually obtrusive to the appellants' property such as would warrant a refusal of permission.
- 7.7.4. With regard to overlooking, the appellant states concerns about the relationship of the proposed house with windows on the side of their property. A photograph a view of the existing bungalow at the site from the window/glazed door in the appellants' house is submitted with the grounds of appeal. The proposed house, as per the revised design submitted as RFI, has been designed to obviate overlooking to the north. There is no window on the ground floor of the single storey element to the north of the house. There is a small kitchen window on the ground floor of the gable, which may be fitted with opaque glazing. There is one window on the upper floor of the northern gable, which lights a bathroom and will have opaque glazing. The

proposed landscaping scheme indicates additional planting along the northern site boundary and further planting may be required by condition. This screening will further ameliorate any overlooking impacts. I am satisfied on this basis that the development will not have any adverse impacts on the appellants' property by way of overlooking.

- 7.7.5. The application includes shadow analysis and additional detailed shadow analysis has been submitted with the applicant's response to the appeal, including a comparison of existing and proposed overshadowing and the shadow cast by existing boundary fencing. I am satisfied that the shadow analyses submitted are reasonably comprehensive and allow for a detailed consideration of potential impacts on the appellants' property. The proposed development will not result in any additional overshadowing of the appellants' property at the March equinox or the summer and winter solstices. There may be some additional overshadowing in October/ November/ December, however this is marginal. I am satisfied overall that the development will not have significant adverse impacts on the appellants' property by way of additional overshadowing, such as would warrant a refusal of permission on grounds of adverse impacts on residential amenities.

7.8. Appropriate Assessment

- 7.8.1. On the matter of Appropriate Assessment, having regard to nature and scale of the proposed development the partially serviced nature of the site and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal 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. The proposed development is acceptable in terms of land use planning and sustainable development. Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and consideration and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the nature of the site being an existing bungalow and grounds and to the location of the site within an existing cluster of houses, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally in accordance with the Cork County Development Plan 2014, would not seriously injure the amenities of adjacent residential neighbourhoods or of the property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 22nd day of December 2020 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of orderly development and in the interest of visual amenity.</p>
3.	<p>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. This scheme shall include the following:</p>

	<p>(a) the establishment of a hedgerow along all side and rear boundaries of the site</p> <p>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.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
4.	<p>The windows on the northern elevation shall be glazed with obscure glass.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
5.	<p>The proposed home office shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
6.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>

8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>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 "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.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 if the Act be applied to the permission.</p>
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Sarah Moran
Senior Planning Inspector

15th November 2021