



An
Bord
Pleanála

Inspector's Report ABP-310046-21.

Development	Retain alterations to previously approved development.
Location	Caherycahill, Liscannor, Co Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	21/62.
Applicant(s)	Domhnal & Elaine Slattery.
Type of Application	Retention permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Michael Duffy.
Observer(s)	None.
Date of Site Inspection	16/07/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Caherycahill, approximately 0.5km to the north-west of the village of Liscannor, in north Co Clare. The site is located on the L1088 road which has its junction with the R478 to the south of the site. The R478, a scenic route, is a primary tourist route along the coastline of Co. Clare. There are a number of dwellings located on the local road.
- 1.2. The elevated site has a stated area of 0.41 hectares and there is a contemporary two storey, flat roofed home constructed on the site. A two-storey home office building has been constructed to the north-western corner of the site which connects to the main house at first floor level via a glazed bridge. There are two entrances to the site, albeit only one with an actual access road and the grounds have been landscaped. The site offers views over Liscannor Bay.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the proposed development which consists of the following:

RETENTION is sought for alterations to previously approved development comprising:

- (i) installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169) and
- (ii) minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962).

RETENTION Permission is sought for:

- (i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and
- (ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

The extension is accessible through a first-floor link bridge from the kitchen/living/dining room of the main dwelling, all at Caherycahill, Liscannor, Co Clare.

2.2. The application included the following documents:

- Plans and particulars
- Completed planning application form
- Planning Report

2.3. The Board will note that unsolicited further information was submitted by email, to Clare County Council following the submission of the third-party objection. The submission indicates that the proposed extension is to be used as a home office with ancillary private open space. The email presents details of the applicants' background and notes that Mr. Slattery has owned a home in Liscannor for the past 15 years.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 4 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening and EIA assessment.

The Planning Report concludes that the proposed development is acceptable and that matters relating to the use of the extension can be dealt with by way of condition. The report further notes that the development will not have an adverse

impact on the visual amenities of the area and that no residential amenity issues arise. In acknowledging the third-party submission, the Planning Officer notes that while elements of compliance with the permission granted under 18/962 remain outstanding, this permission does not expire until the 29th of February 2024 and as such, compliance can occur in this time.

The Planning Officer recommends that permission be granted for the proposed development and this recommendation formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. **Other Technical Reports**

North Clare Municipal District Engineer: No observations.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Third Party Submissions**

There is 1 no. third party objection/submission noted on the planning authority file.

The issues raised are summarised as follows:

- The development is a deliberate circumvention of the planning process.
- No plans of the demolished garage, which is the subject of retention.
- Planning permission 18/962 is an extant permission and many of the conditions are not yet in compliance.
- Issues raised with the description of the development.
- The office the subject of the retention is a guest apartment which increases the loading on the already inappropriate WWTP.
- The unauthorised development significantly adds to the bulk and scale of the permitted dwelling and has unacceptable visual amenity impacts on the local landscape.
- The link bridge is completely out of character in this setting.
- The planning history of the site brought local planning into disrepute with the demolition of a perfectly habitable house.

- Six previous applications for a modest house to the north of the subject site was refused permission.
- It is established in case law that regularisation of a planning matter cannot be grounded on an already irregular non-compliance.

It is requested that permission be refused for the retention application.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP ref: PL03.245706 (PA ref: 15/169): Permission granted to the current applicants for the demolition of house and construction of replacement house, garage, septic tank and all ancillary site works at Caherycahill, Liscannor, Co. Clare.

PA ref: 97/1453: Permission refused to the current applicants or development which will consist of:

- (i) demolition of existing four-bedroom, part-single storey. part-dormer dwelling known as "Cahilly Lodge" (257sq.m) and construction of a replacement three-bedroom, two-storey dwelling (245sq.m); decommissioning of existing substandard septic tank and installation of a new on-site EPA compliant wastewater treatment system to serve the new dwelling,
- (ii) alterations to access arrangement and roadside boundary treatment to "Cahilly Lodge" comprising the closing up of 1 no. vehicular entrance, upgrade of the second vehicular entrance (on the southern end) and provision of new rural style boundary treatment. The upgraded vehicular entrance will cater for a single shared entrance from the local public road to serve the replacement dwelling and the existing dwelling to the rear / west, known as "Sky Lodge" (dwelling approved under Reg. Ref. 15-169). The new access arrangements will also include a new internal driveway and extended on-curtilage car parking on the northern side. Note that the existing vehicular entrance on the public road, which serves the dwelling "Sky Lodge" to the rear, will be discontinued as an access for that dwelling,
- (iii) The application also includes revisions to site landscaping for both dwellings;

and all ancillary works necessary to facilitate the development.

The reason for refusal was stated as follows:

Having regard to the elevated siting of the proposed dwelling relative to the designated Scenic Route along the R478 Regional Road, and to the design, form and scale of the proposed dwelling, the Planning Authority considers that the proposed development, in conjunction with the existing dwelling house to the west of the site, would form an unduly prominent feature at this location and result in a form of development that would negatively alter the character of this exposed coastal rural area. The proposed urban type development in this exposed coastal area would therefore, seriously injure the visual amenities of this exposed coastal rural area, would contravene objectives CDP 13.2 (Settled Landscapes) and CDP 13.7 (Scenic Routes) of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

PA ref: 18/962: Permission granted to the current applicants for the following development which will consist of:

- (i) demolition of existing four-bedroom, part-single storey, part dormer dwelling known as " Cahilly Lodge" (257 sq.m and construction of a replacement three-bedroom, two storey dwelling (245sq.m); decommissioning of existing substandard septic tank and installation of a new on-site EPA compliant wastewater treatment system to serve the new dwelling;
- (ii) alteration to access arrangement and roadside boundary treatment to "Cahilly Lodge" comprising the closing up of 1 no. vehicular entrance, upgrade of the second vehicular entrance on the southern end and provision of new rural style boundary treatment. The upgraded vehicular entrance will cater for a single shared entrance from the local public road to serve the replacement dwelling and the existing dwelling to the rear / west, known as "Sky Lodge" (dwelling approved under Planning Reg. Ref. P15-69). The new access arrangement will also include a new internal driveway and extended on-curtilage car parking on the northern side. Note that the existing vehicular entrance on the public road, which serves the dwelling ""Sky Lodge" to the rear will be discontinued as an access for that dwelling;

(iii) The application also includes revisions to site landscaping for both dwellings; and all ancillary works necessary to facilitate the development.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The Clare County Development Plan 2017 – 2023, is the relevant policy document relating to the subject site.

The subject site is identified as being located within a 'Settled Landscape'. Objective CDP13.2 is therefore relevant, and states as follows:

It is an objective of the Development Plan:

To permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- That the site has been selected to avoid visually prominent locations;
- That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads;
- That design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

5.1.2. Section 13.5 of the CDP deals with Views and Prospects and CDP13.7 deals with scenic routes where it is the stated objective of the Council

- a To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;
- b To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact;
- c To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

5.1.3. Appendix 1 of the County Development Plan deals with Development Management Guidelines and Section A1.3 deals with Residential Development. Section A1.3.1 deals with rural residential development and states as follows:

Siting and Design: The Planning Authority wishes to achieve a high standard of house design and siting in the countryside. Clare County Council has prepared a County Clare Rural House Design Guide to assist those making an application for a new dwelling or an extension to an existing dwelling in the rural area of the County. These guidelines are not intended to be prescriptive. Given that each rural site is unique, any guidelines need to be applied appropriately. However, the principles are likely to be relevant in most contexts and applicants and agents are encouraged to use it as a reference document.

5.2. **Natural Heritage Designations**

The site is not located within any Natura 2000 site. The closest designated site is the Inagh River Estuary SAC (Site Code: 000036) which is located approximately 1.8km to the east of the site. the Cliffs of Moher SPA (Site Code: 004005) lies approximately 3.4km to the west.

5.3. EIA Screening

The development the subject of this appeal is not of a class which requires mandatory EIA. Having regard to nature and scale of the development, there is no real likelihood of significant effects on the environment arising from the proposed development in terms of EIA. 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

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised during the PAs assessment of the proposed development and are summarised as follows:

- The site is in an area of special control in the open countryside designated under strong urban pressure. The applicant would not be entitled to be considered for planning permission on a Greenfield site.
- A planning history of the area is summarised including noting that 6 applications for permission for local people have been refused permission adjacent to the site.
- The permitted development on the site is not in compliance with the permission granted.
- Questions raised regarding the status of the extant permission P18/962.
- It is submitted that the extension is not to a long-established dwelling and was a pre-conceived deliberate breach of the planning process.
- Previous issues raised with the PA have not been considered.
- Issues raised regarding the unsolicited further information submitted by the applicant but does not appear on the planning file.
- It is concluded that the decision of the PA is irrational.

It is requested that the Board refuse permission for the retention application.

6.2. First-Party Response to Third-Party Appeal

6.2.1. The applicants' agents have responded to the third-party appeal. The response sets out the detail of the current application in the context of the planning history of the site and includes details of precedents for similar developments in the local area of Caherycahill, Liscannor.

6.2.2. The response to the grounds of appeal are summarised as follows:

- In response to the issue of abuse of process, it is submitted that the applicant has had regard to the visual and residential amenities in the area as well as the policy requirements and standards of the development plan. The council did not object to the principle of development.
- The subject site is not located on a prominent site which will compromise an existing viewpoint on the R4789 Scenic Route.
- It is noted that the permission under 18/962 has ample time remaining to commence and complete construction of the second dwelling.
- With regard to the matter of unsolicited information, it is at the discretion of the PA to accept or consider such information.
- In terms of non-compliance issues raised, it is submitted that the approved dwelling on the site has been constructed fully in compliance with the plans and particulars approved under ref 15/169 save for the window on the southern elevation, the subject of this retention application.

It is submitted that the development the subject of this appeal has been designed and scaled in an appropriate manner to avoid any loss of residential or visual amenities in the area. The issues raised by the appellant have been adequately addressed. It is requested that the Board uphold the decision of the PA to grant permission.

6.3. Planning Authority Response

The Planning Authority submitted a response to the third-party appeal noting that the PAs assessment of the application is set out in the planner's report dated 26th March 2021. It is noted that the issues raised by the appellant relate mostly to the planning history of the site and rural settlement location policy. It does not appear from the grounds of appeal that the appellant has objected to the development in itself now proposed for retention. It is requested that the Board uphold the decision of the Council.

6.4. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development the subject of this retention application and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Water Services & Site Suitability Issues
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the Development:

- 7.1.1. The proposed development seeks to retain a domestic extension at a permitted house, as well as alterations to the previously permitted development at the site. In principle, there is no objection to the development.

7.1.2. There are four elements to the development the subject of this retention application as follows:

RETENTION is sought for alterations to previously approved development comprising:

- (i) installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169) and
- (ii) minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962).

RETENTION Permission is sought for:

- (i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and
- (ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

The extension is accessible through a first-floor link bridge from the kitchen/living/dining room of the main dwelling, all at Caherycahill, Liscannor, Co Clare.

7.1.3. With regard to item i) and the installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169), I would note that this amendment is considered minor. I have no objection to this element for retention.

7.1.4. In terms of item (ii) and the minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962), the Board will note the comments of the third-party appellant. If permitted as currently sought, the driveway will impact on the potential delivery of the second house permitted on the site under PA ref 18/962. I also note that this planning permission is due to expire in 2024 which would suggest that there is adequate time to complete the development as permitted under that permission, ie the construction of the replacement house.

7.1.5. In terms of the retention of the amendments to the alignment of the driveway, I note that the north-eastern corner of the permitted house, not yet constructed, will be located immediately adjacent to the driveway. While I have no objection in principle

to the proposed retention of the driveway, I do not consider it appropriate to grant permission for this element of the retention application as to do so would compromise the execution of the extant grant of planning permission for the site and would contravene condition 1 of permission PA ref 18/962.

7.1.6. The further elements of the subject appeal relate to the retention of:

(i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and

(ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

7.1.7. In terms of the above elements, I have no objection in principle to the demolition of the previously approved garage.

7.1.8. I further have no objection in principle to the construction of a residential extension at the site, subject to consideration of matters relating to visual impact which I will discuss further below.

7.2. Visual Impacts

7.2.1. The subject site is identified as being located within a 'Settled Landscape'. Objective CDP13.2 is therefore relevant which states that it is an objective of Development Plan to permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to a number of criteria relating to minimising visual impacts.

7.2.2. The development the subject of this retention application relates to a residential extension. The structure is located to the north-western corner of the site and within an area which has existing natural boundaries which provide an element of screening. The two-storey extension, connected to the main house via a glazed walkway at first floor level, comprises a home office at ground floor, together with a WC and a store/plant room, a terrace room at first floor level and a large open roof terrace also at first floor level. The design of the extension compliments that of the main house in terms of style and finishes. Having regard to the scale of the existing house on the site, together with the area of the wider site, I am satisfied that the

extension can be accommodated on the site. I do not consider that there are any significant visual impacts arising in the vicinity of the subject site.

7.2.3. The Board will note that the site lies on the landward side of the designated scenic route which runs from Liscannor towards the Cliffs of Moher and Doolin. While the subject site is not accessed directly off the scenic route, I consider it reasonable to consider the requirements of objective CDP13.7 of the Clare County Development Plan which deals with scenic routes and where it is the stated objective of the Council

- a To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;
- b To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact;
- c To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

7.2.4. In consideration of the above and noting that the site is not located on the scenic route, I carried out a site inspection from the scenic route from the west and south of the site. The house is visible along the scenic route from a distance of approximately 700m to the west (as the crow flies). The existing permitted house is visible as elements of the extension, in the context of other houses in the long range views. However, given that the views on the scenic route extend towards the sea I am satisfied that there are no visual impacts arising.

7.2.5. Subject to the inclusion of a condition to any grant of permission clarifying the use of the home office the subject of this retention application, I am satisfied that the retention of the residential extension is acceptable.

7.3. Water Services & Site Suitability Issues

7.3.1. In terms of site suitability, the Board will note that the existing house has been subject to a grant of planning permission which included conditions relating to wastewater treatment and disposal. The development the subject of this retention

appeal relates to a home office development. Notwithstanding the issues raised by the third-party, I am satisfied that the proposed development is acceptable in principle. A condition requiring compliance with the parent permission in relation to wastewater treatment and disposal could be included in any grant of planning permission.

7.4. Other Issues

- 7.4.1. The Board will note the concerns raised by the third-party appellant with regard to the subject development. I would note that the planning history of the site has given rise for concerns for the appellant, and I note the details of same presented to the Board. While I acknowledge the frustrations noted in relation to the settlement location policy applicable in this area of County Clare, I do not consider that this is a matter for the Board. Having examined the planning history files associated with the subject site, I am generally satisfied that the development on the site has been the subject of grants of planning permission, PA ref 15/169 and that an extant permission is in place for the construction of the second house on the site, PA ref 18/962 refers. I would also note that issues of compliance with conditions of said grants of planning permission are a matter for the local authority and not the Board.
- 7.4.2. In addressing item 2 of the third-party appeal, and while I acknowledge the objections of the appellant, I note that the planning process facilitates applications for retention.
- 7.4.3. With regard to the submission of the unsolicited information, I would note that consideration of same is discretionary. I also note that the details of the information submitted to Clare County Council was not available for view to third-parties. While I note that the submission presents details of the applicants' connections with the area, I am satisfied that given the nature of the appeal before the Board, there is no issue of compliance with the settlement location policy of Clare County Council arising in this instance and therefore, local connections are not critical to the making of a decision in this instance.

7.4.4. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.5. Appropriate Assessment

- 7.5.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 7.5.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any Natura 2000 site. The closest designated site is the Inagh River Estuary SAC (Site Code: 000036) which is located approximately 1.8km to the east of the site. the Cliffs of Moher SPA (Site Code: 004005) lies approximately 3.4km to the west. The development the subject of this retention application and appeal is not directly connected with or necessary to the management of a European site.
- 7.5.3. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, the separation distances involved to adjoining Natura 2000 sites and the lack of any hydrological connectivity. It is also not considered that the 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

- 8.1.1. Having regard to the information submitted in support of the appeal and development the subject of retention, together with all other matters and details on the file, I am satisfied that the principle of the development is acceptable. I have no objections to the retention of the following elements:

Retention of the following alterations:

(i) installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169).

Retention permission for:

(i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and

(ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

The extension is accessible through a first-floor link bridge from the kitchen/living/dining room of the main dwelling.

8.1.2. In terms of (ii) minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962), I note that the alterations to the driveway the subject of this retention application would impact on the delivery of the permitted second dwelling on the site, and as such, I recommend that this element be refused.

8.1.3. As such, I recommend that a split decision issue in relation to the subject appeal as follows:

Grant permission for retention of the

(i) installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169) and

And retention permission for:

(i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and

(ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

The extension is accessible through a first-floor link bridge from the kitchen/living/dining room of the main dwelling,

Subject to the following stated conditions.

Refuse permission for retention of

- (ii) minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962).

For the following stated reason.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Clare County Development Plan 2017-2023 (as varied), the established residential use and the planning history of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the following element proposed for retention, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

Grant permission for retention of the

- (i) installation of 1 no. window in lieu of 1 no. door on the southern elevation of the previously approved dwelling (constructed on foot of Ref P15-169) and

And retention permission for:

- (i) demolition of the previously approved 12.5 sqm garage (constructed on foot of Ref. P15-169; and

- (ii) construction of a part two-storey residential extension (114 sqm) comprising 1 no. home office at ground floor level and external roof terrace and terrace room at first floor level.

The extension is accessible through a first-floor link bridge from the kitchen/living/dining room of the main dwelling,

10.0 **Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application 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 office hereby permitted shall be used as a home office only and shall not be used as an office for the provision of financial, professional or other services, where such services are provided to visiting members of the public, without a further grant of planning permission for such change of use.

Reason: To clarify the permission granted and in the interests of residential amenity.

3. The existing dwelling and extension for retention shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. All relevant conditions attached to previous grant of permission for development at the site, An Bord Pleanála reference PL03.245706 (PA ref: 15/169) shall be strictly adhered to.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

5. 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.

Refuse permission for retention of

(ii) minor amendments to alignment of previously approved vehicular driveway (Ref. P18-962)

for the following stated reason.

1. The retention of the realigned vehicular driveway would compromise the delivery of the second house on the site and would therefore, contravene materially, a condition attached to an existing permission for development namely, condition number 1 attached to the permission granted by Clare County Council on the 1st day of March 2019 under planning register reference number PA ref: 18/962.

A. Considine

Planning Inspector

27/07/2021