



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310745-21

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<b>Development</b>	Construction of house, domestic garage and associated works. A Natura Impact Statement (NIS) was received with this application.
<b>Location</b>	Kiltorcan, Ballyhale, County Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	20565
<b>Applicant(s)</b>	Paul Holden Jnr
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Paul Holden
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> September 2021
<b>Inspector</b>	Ian Boyle

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 2.6 ha and is within the hinterland of Ballyhale. It is approximately 600 metres north of Ballyhale village centre and 1.6km south of Knocktopher.
- 1.2. The site is located on the northern side of a local road called Station Road (LS-8253), which runs in an east – west direction, generally, and connects to the R448 Regional Road a short distance to the west. The site is mostly flat and comprises an agricultural field. There is mature tree planting and hedgerows on each boundary, except for the southern boundary, which has a timber and wire fence and steel gate.
- 1.3. The site is directly adjoined to the west by an Kiltorcan Business Park, which accommodates a number of light industrial units and manufacturing facilities, the north by open farming land, and the east by a single detached dwelling.
- 1.4. The site lies outside the settlement boundary of Ballyhale.

## 2.0 Proposed Development

- 2.1. Permission is sought for a dwelling, domestic garage, onsite wastewater treatment plant and associated site works.
- 2.2. The proposed house has stated floor area of 476 sq m and a ridge height of 9.2 metres. The proposed domestic garage has a floor area of 57 sq m and a height of approximately 5.2 metres. Both structures are located near the centre of the site.
- 2.3. The Planning Authority requested Further Information on 13<sup>th</sup> October 2020, including in relation to the preparation of an NIS, a response confirming how the Applicant complies with rural housing policy for the area, a revised proposed site layout drawing showing minimum sight distances, the preparation of a site-specific flood risk assessment, information regarding the suitability of the site for onsite wastewater treatment and disposal, and provision of a landscape plan.
- 2.4. The Applicant responded with further information on 7<sup>th</sup> April 2021. In relation to wastewater disposal, the development proposal was modified so that an onsite treatment system was no longer proposed, and that the proposed dwelling would be connected to the public wastewater system.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused on 9<sup>th</sup> June 2021 for the following reasons:

- 1) The Planning Authority was not satisfied that the proposed development would not give rise to increased risk of flooding of the site, or of property in the vicinity, and that the Applicant had failed to demonstrate that the proposed development would not exacerbate flooding, which can occur having regard to the proximity of the site to an area that is prone to flooding.
- 2) The subject site is outside the Ballyhale settlement boundary and, therefore, is in a rural area as per Section 3.5 of the Kilkenny County Development Plan 2014 – 2020. The Applicant failed to demonstrate compliance with the Rural Housing Policy of the Development Plan by failing to establish that they had a genuine housing need to live locally at the subject site.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Council's Planning Report forms the basis of the Planning Authority's Decision. Having examined the application, and having considered the potential impacts of the development, and the relevant policies of the County Development Plan, the Senior Executive Planner recommended a Refusal for the two reasons set out in the Decision. (Minor amendments were made to Reason No. 1.)
- Other considerations were in relation to Appropriate Assessment, sightlines and traffic safety, wastewater disposal and preparation of a landscape plan were considered acceptable.

#### 3.2.2. Other Technical Reports

Area Engineer: No objection, following receipt of Further Information.

Environment Section: Recommended permission be refused on the basis the Applicant failed to demonstrate that the proposed development would not exacerbate an existing flooding problem in the area.

### 3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht: No objection, on the condition the proposal can connect to the public water system.

Irish Water: No report received. However, a letter was sent by Irish Water to the Applicant in response to a Pre-Connection Enquiry. The letter states that the proposed connections to Irish Water network(s) can be facilitated. In relation to wastewater connection, the letter states that a connection is feasible, subject to upgrades.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

None.

## 5.0 **Policy Context**

### 5.1. **Kilkenny County Development Plan 2014 – 2020**

- 5.1.1. The site is in a 'Stronger Rural Area' as set out in Figures 3.1 (Core Strategy Map) and 3.17 (Rural Housing Strategy) of the Development Plan. Chapter 3 (Core Strategy) includes the Planning Authority's policy in relation to rural housing. Section 3.5.2.2 (Rural Generated Housing Need) sets out the criteria where the Council will permit, subject to other planning criteria, single houses in 'stronger rural areas'.
- 5.1.2. It states that it is a key objective to consolidate and sustain the stability of the population and, in particular, to strike a balance of activity in the smaller towns and villages and the wider rural area thereby ensuring that these areas maintain a stable population base. This is subject to satisfying good practice in relation to site location

and access, drainage, and design requirements. Rural generated housing need should be facilitated as close as possible to its origin to ensure that strong local ties are maintained and that the Applicant remains an intrinsic part of the local community.

5.1.3. There are five stipulations for single houses in stronger rural areas set out, which are:

1. Persons who are employed full-time in rural based activity.
2. A fulltime farm owner or immediate family member.
3. Persons with no family land wishing to build their first home within a 10km radius of the original family home, in which they have spent a substantial and continuous part of their lives.
4. Persons who were born and lived for substantial parts of their lives (minimum 3 year) in the local area and wish to return to live in the local area (returning migrants).
5. A landowner who owned property prior to 14<sup>th</sup> June 2013 wishing to build a permanent home for his/her own use or a son or daughter.

5.1.4. A Rural Design Guide was produced in 2008. This seeks to develop best practice in the design and siting of one-off rural housing.

5.1.5. Section 8.2 (Natural Heritage) of the Development Plan states that *“it is the aim of the Council to conserve, enhance and manage the County’s natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it”*.

5.1.6. Section 9.2.9 references the Council’s policy in relation to flooding and flood risk. It states that the ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ should be referred to, and that they outline three principles that should be adopted when considering flood risk:

- Avoid the risk, where possible,
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

5.1.7. The site lies outside the settlement boundary of Ballyhale, which is illustrated in Figure 3.2 of the Development Plan.

## 5.2. **Southern Regional Assembly Regional Spatial & Economic Strategy for the Southern Region (RSES)**

5.2.1. Section 3.7 (Rural Areas) states the countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over spill development from urban areas and protecting environmental qualities.

5.2.2. The RSES, like the NPF, makes a distinction between areas under urban influence and rural areas outside these catchments. Development plans will set an appropriate rural housing policy response to avoid ribbon and over-spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets and protect the rural resource for rural communities, including people with an established local connection to the area.

5.2.3. Regional Policy Objective (RPO) 27 seeks to support rural economies and rural communities through implementing a sustainable rural housing policy which provides a distinction between areas under urban influence and other rural areas through the implementation of NPO 19. The four requirements of the Local authorities are to:

- a. *Include policies for the protection of the viability of smaller towns and rural settlements as key priority within Development Plans;*
- b. *Have regard for the viability of smaller towns and rural settlements. Core Strategies shall identify areas under urban influence and set the appropriate sustainable rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local exceptional need to live in a rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans;*

- c. *Having regard for the viability of smaller towns and rural settlements, in rural areas elsewhere, facilitate the sustainable provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans;*
- d. *Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.*

### 5.3. **Project Ireland 2040 – National Planning Framework (NPF)**

5.3.1. National Policy Objective (NPO) 19 states it is an objective to 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.
- Sustainable Rural Housing Guidelines for Planning Authorities, 2005

5.3.2. These guidelines are relevant to the planning application. Circular Letter SP 5/08 was issued after the publication of the guidelines. The appeal site is within an area designated as 'Stronger Rural Areas' (see Section 5.5.1 below).

### 5.4. **The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009**

5.4.1. The Guidelines assist in the preparation of Development Plans and should be utilised by developers, and the wider public, in addressing flood risk in preparing development proposals.

## 5.5. Natural Heritage Designations

The western section of the appeal site is within the 'River Barrow and River Nore Special Area of Conservation' (SAC) (Site Code: 002162).

## 5.6. EIA Screening

Notwithstanding that the appeal site is partially located within the River Barrow and River Nore SAC, the nature and small scale of the development, which is for a single dwelling and domestic garage, would not result in a real likelihood of significant effects on the environment. 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

The main grounds of appeal are as follows:

#### Rural Housing Need

- The Planning Authority considered that the site is on the border between a 'Stronger Rural Area' and 'Area of Population Decline'. The Applicant should have been given the benefit of being in an 'Area of Population Decline', and if this option was chosen by the Planning Authority, they would not have been required to demonstrate a connection to the area. [In any case, the Applicant has lived in the area for full 23 years of his life and has demonstrated a need to live locally.]
- The Applicant has provided information regarding their upbringing and references that he has lived exclusively in Ballyhale.
- To qualify to build a house in a 'Stronger Rural Area', an Applicant is required to meet one of the five criteria stated in Section 3.5.2.3 of the Development Plan ('Rural Generated Housing Need'). The Applicant meets four of these requirements, as:



1. He works on his father's farm and in the family business, and therefore has a functional need to reside permanently in the rural area.
  2. He owns the site.
  3. The site is within 10km of the original family home.
  4. He has lived all of his life in the local area.
- The appeal site is 450m from the house in which the Applicant was born and 800m from his present home. (Various maps are attached.)

#### Flood Risk

- The location of the proposed development is not within the predictive extreme flood zone, which is associated with the Knockwilliam Stream. It is not located in either the 10% AEP (1 in 10 year event) or the 1% AEP (1 in 100 year event),
- The area of the site which the proposed development is to be constructed is Flood Zone C. Therefore, this area of the site is not at risk of flooding and would not result in an increased flood risk to adjacent lands or properties.
- The OPW CFRAMS flood extent maps for the area provide the most relevant, up to date and accurate flood information for a specific area, and confirms that the area of the site where the development is proposed is not at significant fluvial flood risk.

#### **6.2. Planning Authority Response**

- No further comments to make. Refer to Council Planner's Report.

#### **6.3. Observations**

- None.

#### **7.0 Assessment**

The main planning considerations relevant to this appeal case are:

- Flood Risk
- Rural Housing Need Policy

- Appropriate Assessment

## 7.1. Flood Risk

- 7.1.1. The Planning Authority's first Reason for Refusal considers the proposed development would give rise to an increased risk of flooding. The Council Planner's Report states that the Applicant has failed to demonstrate that the proposed development would not exacerbate flood risk, which can occur having regard to the proximity of the site to an area that is prone to flooding.
- 7.1.2. The Applicant's Appeal Response, and particularly the flood risk assessment prepared by IE Consulting (dated 30<sup>th</sup> June 2021), has been reviewed as part of this appeal assessment. The Applicant submits that the appeal site is partially affected to the west by the 0.1% AEP (1 in 1,000 year / low probability) flood extent. The northern part of the site is subject to 10% AEP (1 in 10 year / high probability) flood extent. The remainder of the site is free from flood risk, however, and it does not fall within a predictive flood zone.
- 7.1.3. Having inspected the OPW CFRAMS flood extent maps, I concur with the Applicant that the proposed dwelling and ancillary domestic garage both lie outside the flood risk areas and are not, therefore, at significant risk of fluvial flooding. The proposed access is from the south part of the site, where there is also no significant risk of flooding.
- 7.1.4. In relation to wastewater disposal, the development proposal was revised at further information stage so that the proposed treatment system was omitted and replaced with the intention of connecting the proposed dwelling to the public wastewater system. There is a letter from Irish Water on file which states that the proposed connections to Irish Water network(s) can be facilitated. In relation to wastewater connection, in particular, the letter states that a connection is feasible, subject to upgrades.
- 7.1.5. Having regard to the above, I consider that the proposed development would not result in any significant increase in flood risk to the appeal site, or adjacent properties.

## 7.2. Rural Housing Need Policy

- 7.2.1. The Planning Authority's second Reason for Refusal considers that the Applicant does not comply with the rural housing policy in the County Development Plan. The Applicant disputes this, and sets out the reasons for this position in their grounds of appeal.
- 7.2.2. The proposed development is for a single house in a rural area. I note that the appeal site is outside the Settlement Boundary for Ballyhale and identified as a 'Stronger Rural Area' in the Development Plan. In stronger rural areas of the county it is a key objective to consolidate and sustain the stability of the population and, in particular, to strike a balance of activity in the smaller towns and villages and the wider rural area, thereby, ensuring that such areas maintain a stable population base.
- 7.2.3. The Development Plan states that in 'Stronger Rural Areas' the Council will permit single houses, subject to meeting certain criteria (see Section 5.1.3 above). The Applicant has submitted documentation to address this, describing their background, links to the local area and confirmation that he works on the family farm, which is the local area. He owns the subject site, which is within 10km of the original family home, and he has a functional need to reside permanently in the locality. The Appeal submission also states that he lived his entire life in Ballyhale.
- 7.2.4. The Applicant is an employee of his father's farming business. This includes Coolmeen Farms, which is approximately 141 ha and comprises 50 thoroughbred horses and some cattle. His father also owns Kiltorcan Business Park, which directly adjoins the appeal site to the northwest, and it is intimated in the Applicant's further information submission that he is involved in the operations of this enterprise in some capacity also. The Applicant, therefore, is employed in a fulltime, rural-based activity and is intrinsically linked to the rural area.
- 7.2.5. I consider the Applicant complies with the second and third stipulation as set out in Section 3.5.2.3 (Rural Generated Housing Need) of Development Plan (see Section 5.1.3 above). The second stipulation requires that an Applicant be either a fulltime farm owner – which the Applicant is not – or an immediate family member, which he is, as he is the son of the owner of an established farming business in the local area.

- 7.2.6. The third stipulation relates to persons who have no family lands, but who wish to build their first home on a site within a 10km radius of their original family home in which they have spent a substantial and continuous part of their lives. The Applicant has provided 2 no. maps outlining where he lives and works. Site No. 1 is the appeal site. Site No. 2 is Kiltorcan House, which, it is stated, is where the Applicant currently lives. Kiltorcan House is approximately 900 metres to the east, and therefore, well within the 10km of the appeal site, as required under Section 3.5.2.3 of the Development Plan. [It is also noted that he has spent the full 23 years of his life living in Ballyhale and that he has never applied for planning permission previously, having only now reached a point where he needs to move out of the family home and have a house of his town.].
- 7.2.7. Site No. 3 is in the centre of Ballyhale village centre and location of the original family home where the Applicant was born and lived for ten years. It is approximately 650 metres to the south of the subject site. The shop and petrol pump referenced in the appeal submission appear to no longer be in use, but they are still in situ.
- 7.2.8. Site No. 4 is the location of Coolmeen Farms Ltd, which is approximately 3.5km to the south of the site. The farm is a large farming enterprise, which includes thoroughbred horses and cattle. There is correspondence on file to confirm that the Applicant is an employee of the business (letter dated 29<sup>th</sup> March 2021).
- 7.2.9. Accordingly, having regard to the above, I consider that the Applicant qualifies as a candidate for a rural dwelling house under both Stipulation Nos. 2 and 3 of the Development Plan, which are:
2. A fulltime farm owner or immediate family member.
  3. Persons with no family land wishing to build their first home within a 10km radius of the original family home, in which they have spent a substantial and continuous part of their lives.
- 7.2.10. In terms of compliance with national and regional policy, Objective NPO 19 of the National Planning Framework, published since the adoption of the County Development Plan, states that 'in rural areas elsewhere', the provision of single housing in the countryside should be facilitated based on siting and design criteria for rural housing in statutory plans, having regard to the viability of smaller towns and

rural settlements. The NPF also states that a more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements. In this regard, it is noted that the appeal site is identified as being within a 'Stronger Rural Area', and not an 'Area under Urban Influence', as per the map contained in Figure 3.17 (Rural Housing Strategy)

- 7.2.11. Having regard to the application documentation, I consider that the Applicant satisfies the requirement for a rural house based on the core considerations of having both a demonstrable economic and social need in live in the local area. The Applicant has clear and established links to the area, in terms of his employment, and has a longstanding personal and family connection to Ballyhale. It is noted that only one of the three criteria set out in the RSES (RPO 27(b)) are required to be satisfied for a proposal to comply the guidelines (i.e. that there is a demonstrable economic, social or local exceptional need).
- 7.2.12. In terms of siting and design, the County Kilkenny Rural Design Guide, 2008, emphasises the importance of a good dwelling fit within its receiving landscape, and the important role landscaping has to achieve maximum integration. The proposed house would be well setback from the road and centrally located on a large site. It also avoids any overly prominent settings, such as on top of a hill or elevated position, and benefits from existing stands of mature trees and hedgerows. The Applicant has also confirmed, as part of further information submitted, that the implementation of a landscape plan would be completed, prior to the occupation of the house, and that it would be maintained annually. The proposal, therefore, is considered to satisfy the siting and design requirements for a proposed, new rural dwelling as per the Kilkenny Rural Design Guide.
- 7.2.13. In summary, and having regard to the above, I consider that the proposed development complies with national, regional, and local policy for housing in this rural area.

### 7.3. **Appropriate Assessment**

- 7.3.1. The western section of the appeal site is within the 'River Barrow and River Nore Special Area of Conservation' (SAC) (Site Code: 002162). Having carried out screening for Appropriate Assessment of the proposed development, the Applicant concluded that it would be likely to have a significant effect on River Barrow and River Nore SAC. Therefore, a further examination of the conservation objectives and features of interest of the European Site was considered necessary to determine if significant effects are likely to impact upon it. It was concluded that the proposed development must progress to the next stage (i.e. Stage 2 Appropriate Assessment (Natura Impact Statement)).
- 7.3.2. The Natura Impact Statement (NIS) was carried out by Roger Goodwillie & Associates (dated January 2021) and submitted as further information by the Applicant to the Planning Authority.
- 7.3.3. The NIS identifies the qualifying interests of the SAC and focuses on potential impact to otter movements and water quality in the Little Arrigle River, which is a tributary of the River Nore. It also identified a series of mitigation measures, including avoidance of fencing within 5m of the river berm, identification of hazardous waste and its separation from other waste materials during construction, and implementation of strict biosecurity measures in order to avoid the introduction of any non-native invasive species to the site.
- 7.3.4. The NIS concluded that once the mitigation measures were established and operative, there would be no likelihood of significant negative effects on the integrity of the River Barrow & River Nore SAC, or any of the Natura 2000 Network.
- 7.3.5. In summary, the NIS, and its supporting documentation, provides adequate information in respect of baseline conditions, identifies the potential impacts of the proposed development, uses best scientific information and knowledge, and provides details of proposed mitigation measures are provided. In conclusion, I am satisfied that the proposed development would not adversely affect the integrity of European Site in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

## 8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the *National Planning Framework*, the *Southern Regional Assembly Regional Spatial & Economic Strategy for the Southern Region*, and the *Kilkenny County Development Plan 2014 – 2020*, and that the site is located in an area that falls within the category ‘Stronger Rural Areas’, as set out in the *Sustainable Rural Housing Guidelines for Planning Authorities, 2005*, it is considered that the applicant satisfies the relevant policies and guidelines for a rural dwelling in this area, and that, subject to the conditions set out below, the proposed dwelling on this site would be compatible with the amenities of the area, would not give rise to an increased risk of flooding of the site, or of property in the vicinity, and that it is consistent with the relevant design and siting requirements, including that of the *Kilkenny Rural Design Guide, 2008*. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7 <sup>th</sup> and 16 <sup>th</sup> April 2021, 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.  <b>Reason:</b> In the interest of clarity.
2.	(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant’s immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning

	<p>authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, with details which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>



5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
7.	<p>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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.</p>

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Ian Boyle  
Planning Inspector

22<sup>nd</sup> October 2021