



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314069-22

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<b>Development</b>	Construction of extension and all associated site works
<b>Location</b>	5A The Orchard, Rockenham, Ferrybank, Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	22390
<b>Applicant(s)</b>	Ellen and Billy Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ellen and Billy Ryan
<b>Observer(s)</b>	Karen and Billy Douglas
<b>Date of Site Inspection</b>	7 <sup>th</sup> of June 2023
<b>Inspector</b>	Angela Brereton

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## **1.0 Site Location and Description**

- 1.1. The application site is at no.5A The Orchard, Rockenham, Ferrybank, Co. Waterford. The subject site is situated in an established housing estate in the suburbs on the northern side of the River Suir in Waterford City, off the Ross Road (R711). It is within the boundaries of County Waterford and The Fairways the adjoining estate to the rear is in County Kilkenny. The Orchard, is situated to the rear of several other housing estates and is accessed through housing estates fronting the Ross Road. The Orchard is a residential cul-de-sac of eight two-storey semi-detached dwellings.
- 1.2. The two storey semi-detached house is located at the end of the cul de sac. There is a large side garden area and an existing large flat roofed extension at the rear. The adjoining property no. 6A is extended to the side and the rear. No.5A is accessed via front steps and a side gate and there is one 'short' onsite parking space to the front.

## **2.0 Proposed Development**

- 2.1. Permission is sought to construct a first-floor extension over existing flat roof extension to the rear of dwelling and for modification to existing windows on the rear and side elevation along with site development works to facilitate development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 28<sup>th</sup> of June 2022, Waterford City and Council refused permission for the proposed development for the following reason:

It is stated at section 13.2 of the Waterford City Development Plan 2013-2019 (as varied and extended) that the design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. Having regard to the height and scale of the proposed development, and its position relative to an adjacent residential property, it is considered that the proposed development would be likely to result in an increased level of overshadowing of that adjacent property and a reduction in direct sunlight to the rear of the property and to

windows to habitable rooms within that property, and that the proposed development would be likely to result in a significant negative impact on the amenities and value of that property and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- The depth of the proposed two storey extension would result in overshadowing to the rear of no.6a The Orchard. The kitchen windows of that property would be impacted due to the scale and depth of the proposed extension.
- The combination of the existing ground floor extension and the first floor extension proposed would negatively impact on the amenity of adjoining property in terms of access to daylight and sunlight and outlook.
- The proposal is considered to be an overdevelopment of the site and would impact unduly on the residential amenity of no.6A due to its mass, height and scale. It would not accord with the objectives of the development plan or be in character with the appearance of existing dwellings.
- If permitted, it would be out of character with the appearance of existing dwellings and would result in a negative impact on the residential amenities enjoyed by no.6A The Orchard.

### **3.3. Other Technical Reports**

None referred to on file.

### **3.4. Prescribed Bodies**

None referred to on file.

### 3.5. Third Party Observations

A Submission has been received from the adjoining residents at no.6A The Orchard and their concerns include the following:

- The proposed first floor extension will directly cut off light to their property, including their kitchen windows.
- The drawings are incorrect and fail to display two ground floor kitchen windows. They include drawings and photographs showing this.
- Overshadowing issues particularly during the winter months.
- It will also cut off light to their sunroom.
- They do not consider the applicants justification for the proposed development to be reasonable.

### 4.0 Planning History

It appears that there is no planning history relevant to the subject site.

The Planner's Report refers to the planning history of the adjoining property no.6A The Orchard i.e.:

- Reg.Ref. 08500114 – Permission granted subject to conditions to John Walker & Marie Clifford for the construction of an extension to existing dwelling, including new site entrance and all associated site works.

This was subsequently subject to appeal to the Board (Ref. PL31.229642 refers) and was granted subject to conditions. This extension which is two storey to the side and single storey to the rear has been constructed. It is noted that the drawings at that time did not show the single storey extension to the rear of the subject dwelling.

A copy of the Board decision is included in the Appendix to this Report.

## 5.0 Policy Context

### 5.1. Waterford City and County Development Plan 2022-2028

This Plan was adopted on the 7<sup>th</sup> of June 2022 and came into effect on the 19<sup>th</sup> of July 2022 and replaces the previous City and County Development Plans.

#### Volume 2 – Development Management Standards

The following policies are of note:

Development Management DM 04 includes:

*Applications will be required to adhere to the guidance contained in the 'Urban Design Manual - A Best Practice Guide' (Department of the Environment, Community and Local Government, 2009). ...*

Table 3.1 provides General Standards for New Residential Development in Urban Areas.

Table 3.2 provides Minimum Private Open Space Requirements for Dwelling Units.

Section 4.9 refers to House Extensions. *The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character, scale and form of the existing building and site should be respected.*

Development Management Policy DM11 provides:

Extensions should:

- *Respect and follow the pattern of the existing building as much as possible.*
- *Where contemporary designs are proposed, proposals should not detract from the visual amenities of the main dwelling or neighbouring properties.*
- *Extension works should not encroach, overhang or otherwise physically impinge third party properties.*
- *Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.*
- *Avoid additional surface water runoff arising from the site.*

Section 4.7 refers to Off-street Parking in Residential Areas.

Development Management Policy DM 10 refers to the criteria for drive-ins/front garden parking.

Section 7.0 includes the Parking Standards – Table 7.1 refers.

#### Volume 4 – Maps

As shown on Map 2 the site is within the Existing Residential ‘RS’ land use zoning. The Objective is to *Provide for residential development and protect and improve residential amenity.*

### **5.2. Natural Heritage Designations**

There are none adjoining or proximate to the subject site.

The Lower River Suir SAC (site code: 002137) is c.0.5kms from the site.

### **5.3. EIA Screening**

The extension/modification to an individual house/dwelling is not a class or type relevant to EIA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A First Party Appeal has been submitted by Warren Flavin Architecture on behalf of the applicants Ellen & Billy Ryan. This has regard to the project context and history and to the specifics of the appeal including the Council’s reason for refusal. The Grounds of Appeal include the following:

#### Impact on Light and Overshadowing

- The rear of 6A The Orchard is orientated Northwest. This means that the rear elevation gets direct sunlight for only a very limited window in mid-summer in the AM and PM.
- They have regard to the planning history of no.6A and note the extensions that were granted to the side and rear and that the Decision was appealed by



the occupant of no.7A. The grounds were similar to the submission made by no.6A namely overshadowing and loss of light. The decision of the Council was upheld by the Board and the proposal was granted planning permission.

- They have prepared Solar studies for the existing condition and the proposed works and they provide details of these relative to any potential impact on 6A. They provide that no significant overshadowing will occur by construction of the extension.
- They contend that the proposal was refused by the Council without offering the opportunity to demonstrate that no significant increase in overshadowing would occur because of the extension. They note that the property at 6A was listed for sale one week after the decision to refuse was issued.
- The Refusal also states that the extension would give rise to overshadowing without any technical information to support this claim.

#### Incorrect Drawings – Kitchen Window omitted

- This was an oversight in the preparation of the drawings. They provide drawings and photographs showing the context of the rear elevation relative to no.6A and provide that these windows cannot be reasonably expected to enjoy any significant amount of direct sunlight.

#### No scientific Evidence for Geopathic Stress

- The applicants have specific medical reasons for seeking the proposed development (they include a letter outlining their needs).
- They provide some detail on this and note that the only desire was to remove the risk of their children sleeping over the geopathic stress lines which is understandable given the family medical history.

#### Design of Extension

- The Council's reasons for refusal does not consider the existing context, orientation and development pattern in this small cul de sac thoroughly.
- The third party submission which constituted many of the grounds for refusal does not stand up to scrutiny as they have demonstrated.

- It also fails to consider the previous application, and the occupants enjoyment of that two storey extension. This is a large extension, higher overall height and visible from the public road.
- This development granted by the Local Authority, appealed by a third party and subsequently granted by the Board, sets a precedent for two storey/first floor extensions within this small development.
- The proposed first floor extension has been stepped back from the shared boundary with no.6A by 2.4m and has been kept to a minimum pitch and hipped to limit the impact.
- They submit that every effort has been made to provide the accommodation required by the applicants while also considering the impact on neighbouring properties.
- Figure 3 provides a 3 D Visualisation of Completed Proposal. They provide details relative to plot ratio etc and do not consider that the proposal would constitute an overdevelopment on the site.
- They contend that the Planner's Report is limited by not properly examining the established pattern of development and specific planning history of the Sites 6A and 7A.
- The permitted development that has been constructed on 6A established that because of the orientation of these sites a two-storey extension would not result in any significant increase in overshadowing.

### Conclusion

- They consider that the attached diagrams, and shadow analysis of the proposed development indicate that this development would not result in any significant increase in overshadowing of 6A The Orchard or any other neighbouring properties.
- They include a Shadow Analysis Diagram Schedule showing Shadow Projections with their Appeal.
- No significant additional overlooking or overshadowing will occur beyond that which is reasonably expected in urban locations.

- They suggest that the reason for refusal has no grounds and should be overturned and permission granted for the development as submitted.
- They note that the Site Notice was in place for the required statutory time.

## 6.2. Planning Authority Response

There is no response from the Planning Authority to the Grounds of Appeal on file.

## 6.3. Observations

6.3.1. An Observation has been submitted by Karen and Gary Douglas, from the adjoining property no.6A The Orchard. This includes the following:

- They strongly object to the proposed development as they consider that it will cause loss of light and overshadowing to their property.
- The drawings submitted are incorrect in that they fail to show the kitchen windows in their property and they include drawings and photographs showing this.
- The proposal will also cut off light to their sunroom.
- The Site Notices were not visible when displayed on site. They include a photograph to show it displayed behind a wall.
- They provide that there is no scientific or medical evidence to support the phenomenon of geopathic stress.

## 7.0 Assessment

7.1.1. This is a Third Party Appeal against the Council's decision to refuse permission for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the First Party Grounds of Appeal, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Justification for Proposal
- Design and Layout

- Impact on the Character and Amenities of the Area
- Appropriate Assessment

## 7.2. Policy Considerations

7.2.1. It is noted that this proposal was considered by the Council, under the Waterford City Development Plan 2013-2019 and that their Assessment, includes reference to a number of policies and objectives made under this plan. This has now been superseded by the policies and objectives of the current Waterford City and County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below.

7.3. As shown on the Land Use Zoning Map in Volume 4 of the Waterford City and County Development Plan 2022-2028, the site of the existing two storey semi-detached house, is located within the settlement boundary of Waterford City. It is on the north side of the River Suir and is proximate to the boundaries of County Kilkenny. The zoning objective for the site is 'Existing Residential' which is to *'Provide for residential development and protect and improve residential amenity.* Section 4.9 of Volume 2 of the CDP relates to house extensions. Development Management Policy DM11 provides the criteria for the design of extensions and is quoted in the Policy Section above.

7.4. Regard is had to the Council's reason for refusal and to the Observation made. The issue here is to assess whether having regard to the documentation submitted, including in the grounds of appeal and to the third party observation as to whether this reason can be overcome. It needs to be ascertained that the proposed development would not negatively impact on the amenities of adjoining property or the character and amenities of this residential area.

## 7.5. Justification for the Proposed Development

7.5.1. The applicant has submitted a letter with their appeal to provide a justification for the proposed development. This notes that their existing home is a small 3 bedrooomed dwelling and does not provide sufficient accommodation for a growing family. They refer to specific health problems. Since then, they have contacted a geopathic expert to come to test their home for geopathic stress lines which they consider could have

been a contributory factor for these health problems. They have discovered 2 strong lines (as indicated on the floor plans submitted) in their home one of which goes through their son's bedroom and are concerned about this finding. They were advised that the best option for them would be to extend their home to the rear above their existing extension as this area is free from geopathic stress. Their only desire is to remove the risk of their children sleeping over the geopathic stress lines which they consider is entirely understandable given the family medical history.

7.5.2. The Observers note that the proposed reason for the development is to add an extension due to geopathic stress. They submit that to date, there's no scientific evidence to support geopathic stress. In addition, that most medical professionals don't recognise this phenomenon, much less consider it a threat to well-being.

7.5.3. While regard has been had to the details submitted, I would note that this is not a planning issue, relative to the proper planning and sustainable development of the area. I would not consider that there is sufficient documentary evidence presented to provide this as a justification for the context of the proposed extension.

## 7.6. Design and Layout

7.6.1. Permission is sought to construct a first floor extension of 21sq.m to the rear of the dwelling, above an existing single storey extension of 38sq.m. It is noted that these figures refer to the gross floor space rather than the external dimensions. As shown on the plans externally the proposed first floor extension is to be 5.374m in length and 4.872m in width i.e. 26.18sq.m. It is shown with a pitched roof and is to be 4m to ridge height above the existing flat roofed single storey extension i.e. the total height of the single and proposed first floor extensions would be c.7.4m above ground level. This would be lower than the ridge height of the existing house which is shown at c.8.5m. this is taking into account the change in ground levels.

7.6.2. The details submitted note that the existing ground floor extension (38sq.m) was constructed under the exempted development standards of the Planning and Development Regulations 2001 (as amended). In this respect it is noted that Class 1 Schedule 2 of Part 1 of the said Regulations provides that an extension to the rear of a house that has not been extended previously: *shall not exceed 40sq.m*. This Class does not specify "gross floor space" as referred to in Article 3(3) 'Interpretation' i.e.

*“gross floor space” means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions)...*

- 7.6.3. Having regard to the floor plans submitted I note that as shown the area of the ground floor extension is when measured externally c. 6.5m x 6.5m i.e.: 42.25sq.m, which exceeds the exempted development provision for 40sq.m. as per Class 1 of Schedule 2 of the Planning and Development Regulations as noted above. However, there appears to be some discrepancy in this issue, relative to this previously constructed extension and I note that as shown on the plans the internal floor area i.e. the gross floor space is less than 40sq.m (shown as 38sq.m). In this case is noted that for the ground floor to be exempt development that it must not exceed 40sq.m. so it appears having regard to Article 3(3) ‘Interpretation’ of the said Regulations that the extension having regard to g.f.s is exempted development.
- 7.6.4. The floor plans show that the extension is to provide for a ‘Boys room’ and a ‘Girls room’ and this will provide for 3no. bedrooms in total. Therefore, it will not result in the provision of an additional bedroom, rather a reconfiguration and increase in the floor area of the bedrooms. The floor plans and elevations show that it is proposed to have the window for the proposed bedroom extension in the south-west elevation, rather than at the rear. The rear window to the ‘Girls Room’ is to be moved to the south-west elevation. A new window is to be inserted in the existing rear elevation in the ‘Dressing Room’ area.
- 7.6.5. Table 3.1 of Volume 2 of the Waterford City and County Development Plan 2022-2028 provides the ‘General Standards for New Residential Development in Urban Areas’. This includes a minimum separation distance of 22m between directly opposing above ground floor windows. As shown on the Proposed Site Plan the proposed first floor extension will be just in excess of 17m from the rear of properties in The Fairways to the north of the site. It is submitted, that the location of the windows as proposed in the south west elevation will address the separation and overlooking issues, relative to no. 6A The Orchard and The Fairways at the rear.
- 7.6.6. The proposed bedroom windows will face the side garden area of no. 4 The Orchard. In view of the orientation and offset these windows will not directly overlook the side or rear elevation of this property. As has been noted to prevent overlooking no windows are proposed in the northwest (rear) or northeastern (faces no. 6A The

Orchard) elevations. The extension is shown offset 2.4m from the boundary with no.6A.

## 7.7. Impact on the Character and Amenities of the Area

### Sunlight and Daylight

- 7.7.1. The Council's reason for refusal has regard to issues concerning sunlight, daylight and privacy. They are concerned having regard to the height and scale of the proposed development and its position relative to the adjacent property i.e. no.6A The Orchard. This includes overshadowing of the adjacent property and a reduction in direct sunlight to the rear of that property. They consider that the proposal would result in a significant negative impact on the amenities and the value of that property.
- 7.7.2. It is noted that Section 4.9 of Volume 2 of the current CCDP refers to House Extensions. This includes: *The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character, scale and form of the existing building and site should be respected. Also, that: Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.*
- 7.7.3. It has been noted that a Submission was made by no.6A The Orchard, expressing their concerns about the scale and massing of the proposed rear extension and its impact on the rear of their property concerning loss of light and overshadowing and also being overbearing. This was reiterated in their subsequent Observation to the Grounds of Appeal. They also, noted inaccuracies in the drawings submitted which did not show their 2no. kitchen windows in their adjoining rear elevation. They include drawings and photographs to demonstrate their concerns.
- 7.7.4. The First Party Grounds of Appeal notes the omission of the kitchen windows to the rear of no.6A was an oversight in the preparation of the drawings. They add that under BRE guidelines for Daylighting and Sunlight only windows facing within 90 degrees of due south will enjoy significant amounts of sunlight and therefore only assessments of these windows should be performed. They note that the kitchen windows and the sunroom of 6A have an orientation of 122 degrees which is significantly more than the 90 degree limit. That these windows cannot be reasonably be expected to enjoy any significant amount of direct sunlight.

- 7.7.5. The First Party note that the rear of 6A is orientated to the northwest of 5A The Orchard. Detailed Solar studies have been submitted with the appeal. These are to show the existing condition and proposed works. The Solar study shows the Shadow projections for the Spring Equinox, March 20<sup>th</sup> and the Summer Solstice, June 21<sup>st</sup>. Drawings SD-001 – SD-012 refer. They provide that because of the Orientation of 6A and 5A, no significant overshadowing will occur by construction of the extension.
- 7.7.6. They provide that they have located the extension to the other side of the dwelling to minimise any over shadowing that may occur to that property. The new structure will be over 2.4m away from the existing party wall. They note that the proposed extension will be at a minimum pitch to keep the ridge line lower. The impact of the existing single storey extension is also taken into account in the drawings submitted. That in view of the orientation of the site it does not appear that significant overshadowing will occur.

#### Overdevelopment

- 7.7.7. The First Party notes that the quantification of overdevelopment should be measured by Floor Area, remaining private open space, and in some cases from boundaries. It is noted that 5A occupies a larger corner site with an area of 458sq.m. That the existing total floor area of the original dwelling is 88sq.m, the existing ground floor extension raises that to 126sq.m. and the proposed extension has a floor area of 21sq.m. The resultant total floor area would be 147sq.m. Therefore, the total area of extensions to the original dwelling (ground and first floor) would be 59sq.m i.e 67% increase in floor area post works. They note that the plot ratio in this instance would be 0.32 which is significantly lower than the maximum plot ratio as per the Waterford CCDP 2022-2028 (Table 3.2 of Volume 2 refers).
- 7.7.8. I would note this to be the case, having regard to the site area. However, the issue of overdevelopment is relevant to the scale of the proposed development in a concentrated area i.e to the rear of the site. In this respect regard is had to the Proposed Shadow Projection drawings submitted which show the proposed massing. While there is a large side garden area, it is noted that the concept of a side extension is not included in this application. While I note the 2.4m set back from the boundary with no.6A, I would consider that the scale and massing and height of



the proposed first floor extension taken along with the impact of the existing large scale ground floor extension, will be overbearing for that property.

- 7.7.9. The Board may decide to refuse having regard to the overall height scale and massing of the proposed first floor extension. However, if they decide to permit, I would recommend, that as a minimum that the proposed first floor extension be set back so that it be reduced to 4m in length, when measured externally. While this would result in some reconfiguration of the bedrooms, I would consider that there is ample internal floor space to do this and that it would be in the interests of the amenities of the neighbouring property. If the Board decides to permit, I would recommend that this be conditioned.

#### Precedent

- 7.7.10. Reference is had by the First Party to the planning history of the adjoining property relative to permission being granted by the Council and subsequently by the Board (Ref.PL31.229642). In that case permission was granted subject to conditions for the erection of an extension of the existing dwelling including a new site entrance and all associated site works at no. 6A The Orchard. It is noted that this extension has been constructed and consists of a two-storey extension to the side of the property and a single storey extension to the rear. Figure 5 of the Appeal Statement provides a 3D Visualisation of the Completed Proposal. However, this extension presents a different scenario to that of the current application, in that it appears less bulky and the two-storey element is adjoining to the north-west of no.6A. I would also note that current proposal is not similar in design in that the two-storey element is to be to the rear rather than the side and would note that each case is considered on its merits.

#### **7.8. Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022 – 2028, and the zoning objective of the site (Existing Residential), which seeks to protect and improve existing residential areas and their amenities, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, or the amenities of property in the vicinity, and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of May 2022 and by the further plans and particulars received by An Bord Pleanála on the 13<sup>th</sup> day of July, 2022, 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 proposed development shall be amended as follows:
  - (a) The proposed first floor rear extension shall be reduced to 4 metres in length (when measured externally) and shall be set back a minimum of 2.4m from the party boundary wall with the site of No. 6A The Orchard.

- (b) There shall be no windows in the proposed northeast (side) or and north western (rear) elevations of the proposed first floor extension.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of the residential amenities of adjoining property.

3. The materials, colours and textures of all the external finishes to the proposed extension shall match those of the existing house and details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house hereby permitted, without a prior grant of planning permission.

**Reason:** In the interests of the residential amenities of the area.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. 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.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Angela Brereton  
Planning Inspector

26<sup>th</sup> of July 2023

