



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314453-22

#### Development

Retention permission for changes to house granted under PA. Ref. 11/9019, specifically, the omission of chimneys, alterations to sunlounge, and positioning of house closer to western site boundary, and permission for the completion of the house.

#### Location

Cleaghmore, Ballinasloe, Co. Galway

#### Planning Authority

Galway County Council

#### Planning Authority Reg. Ref.

212101

#### Applicant

Ronnie Ward

#### Type of Application

Permission & Retention

#### Planning Authority Decision

Grant Retention Permission

#### Type of Appeal

Third Party

#### Appellant

Antoinette Carrick

#### Observer

None

#### Date of Site Inspection

7<sup>th</sup> February 2023

**Inspector**

Ian Campbell

## 1.0 Site Location and Description

- 1.1. The appeal site/property is located at 'Site 1' Sarsfield Crescent, in the townland of Creaghmore, c. 1 km north-west from the centre of Ballinasloe, Co. Galway. The lands to the east and north are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary.
- 1.2. The appeal site, which is located within the settlement boundary of Ballinasloe, has a stated area of 0.051 ha. and accommodates a partially constructed house. The outer and inner walls of the house on the appeal site have been constructed up to first floor level. The appeal site is bound to the front/south by a c. 2 metre high block wall.
- 1.3. Sarsfield Crescent comprises 7 no. two storey detached dwellings of varying design. An area of open space is located to the front/south of the appeal site.

## 2.0 Proposed Development

- 2.1. The development description contained in the public notices refers to the proposed development as comprising;

*'permission to retain the changes to the dwelling house granted under planning permission 11/9019, to complete the construction of the said house, and to retain and complete a revised site layout to that permitted under 11/9019 referred to above'.*

- 2.2. Having reviewed the public notices and details submitted with the planning application, and having regard to the development which is evident on the site, and the planning history of same, I consider that that the proposed development comprises;

- Retention permission for revisions made to house permitted under PA. Ref. 11/9019, specifically (a) relocation of house 2.4 metres closer to the western site boundary; (b) changes to footprint of the sunlounge; (c) omission of 1 no. window on the west elevation of the sunlounge; and (d) omission of 2 no. chimneys from the side (east and west) elevations of the house.
- Permission for the completion of the house.

### **3.0 Planning Authority Decision**

#### **3.1. Request for Further Information**

Prior to the decision of the Planning Authority to grant retention permission for the proposed development, the Planning Authority requested Further Information and Clarification of Further Information.

##### **3.1.1. Further Information was requested on the 12<sup>th</sup> January 2022 as follows:**

- Item 1 – Submit flood risk assessment, and confirm finished floor levels (FFL) of house having regard to an anomaly in the stated FFL compared to the FFL as previously stated under PA. Ref. 11/9109. Also, confirm FFL of adjacent property to west.
- Item 2 – Submit contiguous elevation of proposal, and indicate the differences to the footprint of the house and changes to elevations.

##### **3.1.2. Further Information submitted on 2<sup>nd</sup> June 2022**

- Item 1 – Confirmation that FFL of house as constructed is 40.65 metres and that the FFL of the adjacent house is also 40.65 metres.
- Item 2 – Contiguous elevations submitted. Main differences between the house permitted under PA. Ref. 11/9019 indicated in correspondence and annotated on drawings.

The Further Information response also elaborates on the construction of the house in its current position. The applicant states that the house was designed to be positioned 4 metres off the western site boundary however in order to facilitate a right of way to a river the house was constructed 1.6 metres off the western site boundary and that this change was undertaken following discussions with the Local Authority. Piling was carried out on the site in 2006 and the location of the piling occurred 1.6 metres off the western site boundary. The applicant states that the site layout submitted with PA. Ref. 11/9019 indicated the house positioned 4 metres off the western site boundary whereas the piles which had been driven into the ground previously resulted in the house being built 1.6 metres off the western boundary.

**3.1.3. Clarification of Further Information was requested on the 23<sup>rd</sup> June 2022 as follows:**

- Item 1 - Submit written confirmation from a qualified hydrologist that the FFL of 100.35 metres equates to 40.65 metres OD.

**3.1.4. Clarification of Further Information submitted on 8<sup>th</sup> July 2022**

- Item 1 – Written confirmation submitted from a qualified hydrologist that the FFL of 100.35 metres equates to 40.65 metres OD.

**3.2. Decision**

The Planning Authority issued a Notification of Decision to GRANT retention permission<sup>1</sup> on the 3<sup>rd</sup> August 2022 subject to 7 no. conditions. The following condition is of note;

**C5** – external finishes of dwelling shall harmonise with existing dwellings within Sarsfield Crescent.

**3.3. Planning Authority Reports**

**3.3.1. Planning Reports**

The first report of the Planning Officer notes the following:

- The FFL indicated in the Flood Risk Assessment (FRA) submitted with PA. Ref. 11/9109 differs to that as indicated in the current application. Confirmation that the in-situ FFL is in accordance with the recommendations of the previous hydrological report is required.
- The Planning Authority is satisfied that the dwelling is reflective of the built form in the vicinity and that there is adequate external circulation within the site curtilage.

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<sup>1</sup> I note that the applicant sought permission and retention permission, as per the development description in the public notices and as indicated in the planning application form whereas the Notification of Decision issued by the Planning Authority refers to 'retention' permission. I further note that Condition no. 1 refers to the development being 'retained and completed'. In determining this appeal I have considered the proposed development as comprising retention permission and permission.

3.3.2. The second report<sup>2</sup> of the Planning Officer notes the following:

- The footprint of the proposed development is zoned 'existing residential' in the Ballinasloe LAP 2022 – 2028. The site is also located within Flood Zone C within the Ballinasloe LAP 2022 – 2028<sup>3</sup>.
- Notes that the applicant's response to the Clarification of Further Information request is considered acceptable, and that the proposed development would not seriously impact the visual or residential amenity of the area, or adversely affect the integrity of any European site.

The report of the Planning Officer recommends a grant of retention permission consistent with the Notification of Decision which issued.

### 3.3.3. Other Technical Reports

None received.

### 3.4. Prescribed Bodies

None received.

### 3.5. Third Party Observations

2 no. third party observations, both by/on behalf of Antoinette Carrick were received by the Planning Authority. Issues raised in the observations can be summarised as follows;

- The wording of the development description in the public notices is unclear.
- The application does not contain necessary information to enable an assessment of the impact of the proposal on River Suck Callows SPA/NHA.

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<sup>2</sup> I note that there are 2 no. Planning Officer reports on the file. There is no Planning Officer report on the file in respect of the applicant's response to the Further Information request.

<sup>3</sup> The Ballinasloe LAP 2022-2028 came into effect on the 6<sup>th</sup> July 2022. The Planning Officer's second report (dated 2<sup>nd</sup> August 2022) reflects this, noting the zoning of the site in the LAP and that the site is located within Flood Zone C, whereas it was previously indicated as being within Flood Zone A and B.

Additionally, the Galway County Development Plan 2022 – 2028 came into effect on the 20<sup>th</sup> June 2022 and reference to the new Development Plan is made by the Planning Officer in the second report.

- Works have been ongoing at the site since the planning application was lodged.
- PA. Ref. 11/9019 has expired, reference is not made to PA. Ref. 16/1111 in the public notices and there is no such planning reference on the Planning Register.
- The site notice is inaccessible and illegible and is not in accordance with the Planning and Development Regulations, 2001.
- The observer's property has been devalued though the siting of the adjoining property closer to her house, compared to that which was permitted. Concerns regarding proximity of house to observer's property, and that this distance is uncharacteristic when considered in terms of the separation distance between the other houses in the area.
- Inaccuracies in the planning application form, specifically regarding proximity of the site to a European site.
- The drawings submitted are not sufficiently detailed and the site layout does not accurately reflect the proposed development.

## 4.0 Planning History

PA. Ref. 11/9019 – Permission GRANTED for a two storey house.

PA. Ref. 11/9019 was granted an extension of duration to the 10<sup>th</sup> October 2021 under PA. Ref. 16/1111.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Galway County Development Plan 2022-2028 came into effect on the 20<sup>th</sup> June 2022 and is now the relevant development plan. The proposed development was initially considered by the Planning Authority under the Galway County Development Plan 2015-2021 and then under the Galway County Development Plan 2022-2028. The appeal site is not zoned in the Galway County Development Plan 2022 – 2028, with land use zonings for Ballinasloe provided in the Ballinasloe Local Area Plan 2022 - 2028 (see below).

## **5.2. Ballinasloe Local Area Plan 2022 – 2028**

- 5.2.1. The northern part of the appeal site is zoned 'Existing Residential and Infill Residential' in the Ballinasloe Local Area Plan 2022 – 2028, the objective of which is '*to protect and improve residential amenities of existing residential areas*', and '*to provide for house improvements alterations, extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity*'. The southern part of the appeal is zoned 'Open Space/ Recreation and Amenity' in the Ballinasloe Local Area Plan 2022 – 2028, the zoning objective of which is to '*protect and enhance existing open space and provide for recreational and amenity space*'.
- 5.2.2. From reviewing Galway County Council's GIS online mapping system I note that the appeal site is not located within either Flood Zone A or B, based on the Ballinasloe Strategic Flood Risk Assessment (SFRA).

## **5.3. Natural Heritage Designations**

- River Suck Callows SPA (Site Code 004097) – c. 90 metres north.
- Suck River Callows NHA (Site Code 000222) – c. 90 metres north.

## **5.4. EIA Screening**

Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

This is a third-party appeal by Dolan and Associates on behalf of Antoinette Carrick, No. 2 Sarsfield Crecent, against the decision to grant retention permission. The grounds for appeal may be summarised as follows;



- The appellant is opposed to the position of the dwelling and the front boundary wall on the basis that it has adversely impacted her property, and on the basis that the proposal has devalued her property. When purchasing her property, the appellant relied on the planning permission in place, which indicated the proposed house being positioned 4 metres off her boundary.
- The permission granted under PA. Ref. 11/0919, was extended under PA. Ref.16/1111 until the 10<sup>th</sup> October 2021, however works on the house continued until the 6<sup>th</sup> January 2022. The drawings submitted do not reflect the works undertaken in this intervening period.
- The Planning Authority should not have taken account of the Ballinasloe Local Area Plan 2022-2028 in assessing the proposed development as this LAP was not in place at this time.
- The site notice was not erected in accordance with the Planning and Development Regulations, 2001. The development description in the public notices were unclear and the application should not have been validated.
- The accuracy of the Planning Authorities reports in respect of PA. Ref. 16/1111 is queried.
- Concerns raised in respect of the manner in which alleged communications with the Planning Authority were conducted, specifically regarding the positioning of the house on the site. The appellant requests that the Board refer the matter to the Planning Regulator for investigation.
- The appellant contends that the Board cannot permit the proposed development as additional works have been carried out in the intervening period, that being the period after the making of the planning application.
- The front boundary wall was constructed after the planning application was lodged. This wall is out of character with the area and is not exempted development.
- Surface water run-off from the development discharges to a watercourse which connects into the River Suck Callows SPA. An Appropriate Assessment is required.

## **6.2. Applicant Response**

None received.

## **6.3. Planning Authority Response**

None received.

## **6.4. Observations**

None received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development/Zoning
- Impact on Residential Amenity
- Impacts on Visual Amenity
- Other Issues
- Appropriate Assessment

## **7.2. Principle of Development/Zoning**

7.2.1. Two land use zonings pertain to the appeal site. The majority of the site, including the part of the site where the dwelling is located, is zoned 'Existing Residential and Infill Residential' in the Ballinasloe Local Area Plan 2022 – 2028, under which 'residential excluding apartments' is permissible. The area of the site zoned 'Open Space/ Recreation and Amenity' in the Ballinasloe Local Area Plan 2022 – 2028 corresponds with the front garden of the house. Having regard to the forgoing, I am satisfied that the proposed development accords with the Ballinasloe Local Area Plan 2022 – 2028 in terms of land use zoning(s) and as such I consider that the principle of the proposed development is acceptable.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The appellant contends that the proposed development, by virtue of its proximity to her property, adversely affects her property, resulting in its devaluation. Regarding the position of the appeal property relative to the appellant's property, based on the drawings submitted with the planning application/appeal I note that the appeal property has been constructed 2.4 metres closer to the western site boundary than permitted under PA. Ref. 11/9019. Based on the site layout plan submitted with the planning application/appeal I note a separation distance of 3.7 metres between the side wall of the appeal property and the appellant's house. In my opinion the separation distance provided, that being 1.6 metres to the western site boundary, and the overall distance between the side walls of the houses at 3.7 metres, is acceptable in the context of a residential development in a suburban location, and in my opinion the proposed development does not result in a significant negative impact on the appellant's property arising from its position relative to the appellant's property.
- 7.3.2. I note other variances between the house as permitted under PA. Ref. 11/9019 and the house which has been partially constructed, including the omission of a window on the western elevation of the sunlounge, changes to the shape of the sunlounge, and the omission of a chimney from each of the gable elevations. In my opinion these changes do not give rise to significant negative impacts on the appellant's property.
- 7.3.3. The appellant contends that the proposed development would result in the devaluation of her property. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the appellant's property to such an extent that would adversely affect the value of property in the vicinity.

### **7.4. Impact on Visual Amenity**

- 7.4.1. Having regard to nature of the proposed alterations and to the variation in building typology in the vicinity, I do not consider that the proposal would result in significant adverse effects on the visual amenity or character of the area. As stated above at paragraph 7.3.1, the separation distance provided between the house and the neighbouring property to the west is acceptable in a suburban residential setting and

in my opinion would not render the house incongruous with the pattern of development in the vicinity. Should the Board be minded to grant permission and retention for the proposed development a condition providing for the material finishes of the dwelling to either comprise red brick or render should be attached.

## **7.5. Other Issues**

### **7.5.1. Public Notices**

The third-party raises issues in relation to the adequacy of the site notice and the development description contained in the public notices. In terms of procedural matters, and alleged irregularities in relation to the location of site notices, I note that this was deemed acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned party from making an observation. The above assessment represents my *de novo* consideration of all the planning issues material to the proposed development.

### **7.5.2. Status of Ballinasloe Local Area Plan 2022-2028**

The appellant queries whether the Ballinasloe Local Area Plan 2022-2028 was in place at the time the Planning Authority assessed the planning application, and whether it should have been considered. I note that the Ballinasloe Local Area Plan 2022-2028 came into effect on the 6<sup>th</sup> July 2022, prior to the Planning Authorities Notification of Decision to grant retention permission for the proposed development on the 3<sup>rd</sup> August 2022, and as such the Ballinasloe Local Area Plan 2022-2028 was a material consideration in the assessment of the proposed development by the Planning Authority.

### **7.5.3. Status of Works**

The appellant expresses concern in relation to the front boundary wall which it is contended was constructed after the making of the planning application. I note that the development description contained in the public notice does not refer to this wall. Having regard to the forgoing, should the Board be minded to grant permission and retention for the proposed development, I recommend that a condition is attached linking the development permitted to the development description contained in the public notices. In my opinion such matters ultimately fall within the remit of the Enforcement Section of the Planning Authority. Additionally, the appellant contends

that as works were undertaken on the appeal property after the planning application was lodged, the Board cannot permit the proposed development. I have reviewed the drawings submitted with the planning application/appeal and note that two sets of drawings have been provided, the first set indicate the house as permitted under PA. Ref. 11/9019 (annotated as 'original') while the second set of drawings depict the house as proposed, incorporating the changes which have been made. At this stage in the assessment of the proposed development it is not therefore possible to determine what, if any works, were constructed in the intervening period between the making of the planning application and the assessment of the proposal by the Planning Authority. I am however satisfied that the information submitted is sufficient to allow for the proposal to be determined and in my opinion the Board are not precluded for permitting the proposed development.

#### **7.5.4. Discrepancies in drawings**

From comparing the site layout submitted under PA. Ref. 11/9019 and the proposed site layout drawing submitted with PA. Ref. 21/2101, I note that under PA. Ref. 11/9019 the house was depicted as being set back 18.5 metres from the front site boundary whereas the site layout submitted with the current planning application, PA. Ref. 21/2101, indicates a distance of 13.5 metres, albeit measured at a slightly different point. I note that the distances indicated on the site layout submitted with the current planning application/appeal correspond to the stated scale on the respective drawing. Furthermore, the stated dimensions on the site layout submitted under PA. Ref. 21/2101 represents the position of the structure 'as built' for which the applicant has sought retention permission for.

#### **7.5.5. Communication between Local Authority and applicant**

The appellant raises concerns in respect of the manner in which alleged communications with the Planning Authority were conducted, specifically regarding the positioning of the house on the site, and requests that the Board refer the matter to the Planning Regulator for investigation. The Office of Planning Regulator (OPR) provides a mechanism through which members of the public may submit complaints related to the planning services delivered by Local Authorities and as such in my opinion this matter is outside the scope of this appeal.

## **7.6. Appropriate Assessment**

- 7.6.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. A screening report for Appropriate Assessment was not submitted with this appeal case, however, in their assessment of the proposed development, Appropriate Assessment Screening was undertaken by Galway County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Galway County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.
- 7.6.2. A detailed description of the proposed development is presented in paragraph 2.2 of my report. The proposed development site is a brownfield site within a suburban environment, surrounded by housing, roads and green space. The development comprises retention permission of a partially constructed house and permission for its completion. The development includes a surface water treatment system comprising a grease trap which connects into a surface water pipe before discharging to a drain. The drain connects to the River Suck. Wastewater will be connected to local services.
- 7.6.3. The appeal site is not located within a European site however River Suck Callows SPA is located c. 100 metres north of the appeal site. There are no other European Sites located within 5 km of the appeal site. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond the River Suck Callows SPA.

European Site	List of Qualifying interest /Special conservation Interest	Distance from proposed development	Connections (source, pathway receptor)
River Suck Callows SPA (Site Code: 004097)	<ul style="list-style-type: none"> <li>Whooper Swan (Cygnus cygnus) [A038]</li> <li>Wigeon (Anas penelope) [A050]</li> <li>Golden Plover (Pluvialis apricaria) [A140]</li> <li>Lapwing (Vanellus vanellus) [A142]</li> <li>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</li> <li>Wetland and Waterbirds [A999]</li> </ul>	c. 100 metres north of appeal site.	There are no watercourses or drainage ditches on the appeal site. The proposal entails a surface water drainage system in the rear garden of the house discharging to a surface water pipe which in turn discharges into a drain adjacent to the appeal site which then discharges into the River Suck.

7.6.4. In terms of construction phase impacts, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to River Suck Callows SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. I note that during the construction of the development which is in-situ on the appeal site, and for which retention permission is sought, the connectivity between the appeal site and River Suck Callows SPA provided by the surface water drainage system did not exist, and is being proposed to serve the development once operational. No detail has been provided regarding the possible use of the site by overwintering birds that are Special Conservation Interests of River Suck Callows SPA. However, given the scale of the proposed development within a suburban area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be any significant increase on the current baseline if works were to commence during the wintering period. Regarding operational phase impacts, the proposal to discharge surface water from the appeal site to a drain which in turn flows into the River Suck establishes a connection to River Suck Callows SPA. However, having regard to the separation distance between the appeal site and River Suck Callows SPA, the effects of dilution on any pollutants, and the limited nature and scale of the proposed development, comprising a single house, I do not consider that the proposed development would generate impacts of a magnitude that could affect European Sites.

7.6.5. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of River Suck Callows SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the area adjacent to the proposed development site. No mitigation measures are required to come to these conclusions. I consider the provision of the surface water system proposed on the site a standard measure to prevent ingress of pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the Suck River Callows SPA.

7.6.6 In conclusion, having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act, 2000, as amended, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely Suck River Callows SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European site(s)
- No significant ex-situ impacts on wintering birds.

## 8.0 Recommendation

8.1. Having regard to the above it is recommended that retention and permission is granted based on the following reasons and considerations and subject to the attached conditions.



## 9.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2022-2028, the Ballinasloe Local Area Plan 2022 - 2028 and to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant impact on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained/carried out 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 with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development hereby permitted shall be restricted to that as described in the public notices.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>

5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
6.	<p>The external finishes of the dwelling shall comprise slate/tile of blue/black colour for the roof and neutral coloured render/or red brick for the external walls, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<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. 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.</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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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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Ian Campbell  
Planning Inspector

26<sup>th</sup> May 2023