



An
Bord
Pleanála

Inspector's Report

ABP-314770-22

Development	Amendments to Condition 4 and 5 of 16299. Amendments to design under 19852 and all ancillary site works
Location	Ballingaddy West, Ennistymon, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22365
Applicant(s)	Alan O'Rourke
Type of Application	Alan O'Rourke
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Alan O'Rourke
Observer(s)	Ann Waters
Date of Site Inspection	14/02/23
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located on a local road c. 2.1km north west of Ennistymon and c. 3.1km north east of Lahinch in west County Clare. Liscannor is c. 5.3 km southwest of the site. The site is located c. 2.6km north east of the R478 Regional Road which is a designated 'Scenic Route' in the County Development Plan.
- 1.2. The local road is narrow and generally unsuitable for two way traffic with occasional areas to pull in at field, house or other entrances. The site is accessible via an existing agricultural entrance to its western boundary.
- 1.3. The site is significantly and sharply elevated from the local road with the submitted drawings indicating a rise of 4 metres from the road to the proposed siting of the house which is shown set back c. 39 metres from the road. This siting offers wide ranging views north and north west over the height of existing roadside boundary and across the generally low lying country side.
- 1.4. The site and adjoining lands generally falls in elevation from its highest point in the south east to the sites north west boundary. The roadside boundary includes existing hedgerow and trees that generally screen the site from the road with the existing overgrowth along the western boundary of the site screening much of the site while travelling from west to east.
- 1.5. The site has a stated site area of 1.4 ha.

2.0 Proposed Development

- 2.1. The application is for permission to-
 - amend Condition No. 4 of Outline Planning Permission Reg. Ref. 16-299
 - From single storey dwelling to part single storey part two storey dwelling on revised finished floor levels
 - to amend Condition No. 5 of 16-299 to allow for alternative material finishes
 - amend the design and finished floor levels of the dwelling granted under Planning Reg. Ref. 19-852
- 2.2. The Planning Authority sought Further Information (FI) on the 13/06/22 seeking-
 - Revisions to the design, scale and layout to address visual amenity concerns

- Submission of relevant site cross sections

2.3. The Applicants responded to the FI request on the 15/08/22 detailing-

- There is a live permission on the site for a house with a ridge height of 6.263m and a floor area of 216.19sq.m
- The proposed house has a floor area of 266 sq.m but a reduced foot print of 184.4 sq.m by virtue of first floor space.
- The proposal provides an integrated garage within the house rather than a separate detached garage.
- A comparison of levels and heights permitted and proposed is set out. The height difference will be minimal less than 2 inches.
- Revised proposals are submitted for the contours of the site around the raised patio area.
- No formalised landscaping is proposed around the house as very few plants and tree species will grown at this exposed coastal location.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on the 09th of September 2022 for one reason-

- *The site is located within an elevated, upland area designated as a "Settled Landscape in respect of which it is the policy of the planning authority under Policy Objective CDP13.2 of the Clare County Development Plan, 2017-2023, as varied, to ensure that proposals within "settled landscapes" have appropriate site selection with regard to landscape, minimisation of visual impacts and avoidance of intrusion on scenic routes, ridges or shore lines; and demonstrate avoidance of selection of prominent site locations. The Planning Authority considers that the proposed development by reason of the elevated and highly prominent and exposed location and by reason of the height, scale, mass, design and overall layout and arrangement of the proposed development and associated ground works, and other interventions*

required, would be visually obtrusive and out of character in the rural landscape from wide range of vantage points to the north and west, and in the vicinity of Liscannor. The proposed development would seriously injure the visual amenities and landscape character of the area and would therefore be contrary to the proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1. Planning Reports

The reports of the Planning Officers reflects the decision of the Planning Authority. The following is noted-

- Development Contributions would be payable if permitted
- The design layout and positioning of the dwelling approved under 19/852 was considered to comply with conditions 4 and 5 of outline permission 16/299.
- The proposal is a significant design departure from the dwelling approved in terms of massing, which now includes for a barn style accommodation over a half basement garage positioned adjacent to a single storey block located on a raised platform.
- The ground floor level (104.8), the upper ground floor level (106.1m), and the ridge level (111.2) are all detailed as per Ordinance Datum and as such are directly comparable to the levels approved under 19/852 which are all similar being 105m. 106.8m and 111.25m respectively.
- It is acknowledged that the levels of the proposed development are similar to those approved under 19/852, the design of the overall development is not considered acceptable.
- Comparative examples submitted by the applicant demonstrate how well these existing development 'sit down' and nestle in to the landscape. By contrast the proposed development includes for the provision of an upper and lower patio areas on a raised platform surrounded by a wall the maximum exposed height of which reaches 2m. This design feature and associated steps and raised platform feature represents a particularly severe and

unsympathetic visual intrusion in the landscape and is not acceptable as a design feature in a rural area.

- Concerns over the elevated and exposed location of the site remain regarding the scale, mass, design and overall layout and arrangement of the proposed development.
- The need for EIA can be excluded at preliminary examination and a screening determination is not required.
- The proposal is not likely to have a significant effect individually or in combination with other plans and projects on European Sites.
- The submitted FI includes a reduction in the proposed hardstanding parking area to the north of the site to allow for the re-contouring of the land to the front (north) of the proposed terrace which reduces its prominence on the landscape.
- No changes have been made to the proposed buildings including the two-storey barn-style building.
- The proposed development will have a footprint of 184.4sqm and a ridge height (111.2m) which is lower than that of the previously permitted development (P19-852) which has a ridge height of 111.253m.
- The applicant has not addressed the concerns raised by the Planning Authority about the visual impact of the proposed development on the surrounding landscape, particularly the two-storey barn element which will be particularly prominent when viewed from the west and north.
- Refusal is recommended by reason of the proposed development's elevated and highly prominent and exposed location which would detract from the visual amenity of the area and would seriously injure the amenities of the area and of property in the vicinity.

4.2. Other Technical Reports

- West Clare Municipal District
 - 25/05/22- No observations

4.3. Prescribed Bodies

- Irish Water
 - 11/05/22- No objections

4.4. Third Party Observations

There was one third party submission from Ms. Ann Waters with an address to the north west of the site. The contents of the submission can be summarised as follows-

- The planners report for the original outline permission recommended refusal given the elevated and exposed location of the site. However permission was granted for a single storey dwelling only.
- The planning history on the site is long and complicated with details set out. The submission questions the fairness of cases including withdrawn files and refers to the decision of 18-971 and a withdrawn application under 21-1011.
- The proposed house is different to 18971 claiming to be a vernacular design.
- Examples provided by applicant are from different site contexts.
- The difference of proposed and permitted heights is inconsequential given the overall height of the building.
- The windows are larger.
- The location has changed possibly giving a greater view.

5.0 Planning History

- This Site-
 - 19-852/ ABP-306514-20- Permission Consequent (16-299), Appeal dismissed-
 - Section 36(5) of the Act, no appeal may be brought to the Board against a decision of a planning authority to grant permission subsequent to the grant of outline permission in respect of any

aspect of the proposed development which was decided in the grant of outline permission i.e. the principle of the development

- Grant by Planning Authority 19/03/2020 subject to 12 conditions-
 - Condition 3 FFL shall be as specified on site layout plan submitted on 06/11/19
 - Condition 4 sets out requirements and options for materials and finishes
 - Condition 5 landscaping scheme to be submitted and agreed
 - Condition 10 requirements for entrance and roadside boundary
 - Condition 12 Development Contributions
- 18-971/ABP-304402-19- Permission for a part single part dormer storey house, **Refusal** by ABP for two reasons-
 - National Policy Objective 19, the Board is not satisfied that the proposed development would not represent urban-generated housing, that the applicants have a demonstrable economic or social need to live in this rural area, and that their housing needs could not be satisfied by residing in a nearby town or village
 - The site is designated within a “Settled Landscape”, Policy Objective 13.2 (appropriate site selection and design that reduces visual impact) applies, the proposal would be an insertion into the landscape of a significant suburban type feature, visually obtrusive and out of character with the rural landscape from a wide range of vantage points to the south west, west and north west, and in the vicinity of Liscannor. The proposed development would seriously injure the visual amenities and landscape character of the area.
- 16-299- Outline permission for a house, **grant** 21/11/2016-

- Condition 2- Permission Consequent to be made within three years from date of grant of outline and a development contribution will apply.
- Condition 4-
 - *(a) The dwelling house shall be sited and the finished floor levels shall not exceed 105.5 metres and 106.5 metres as indicated on the site layout plan received by the Planning Authority on the 19th September 2016.*
 - *(b) The dwelling house shall be single storey style only and the scale, massing, design, material/finishes of the proposed dwelling shall have regard to the Clare Rural House Design Guide and shall be determined at permission consequent stage.*
 - *(c) A comprehensive landscaping plan shall be submitted at permission consequent stage and shall incorporate screening planting along the sites southern, eastern and northern boundaries and also along the proposed access driveway.*
- Condition 5-
 - *Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:*
 - *(a) The roof shall be finished in natural quarry slate (salvaged or new) black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof and shall be of concrete or clay manufacture without raised edges or ribs.*

OR

The roof shall be finished in natural slate effect slate black, dark grey or blue/black in colour.

The colour of the ridge tile shall match the colour of the roof.

OR

The roof shall be finished in slate/flat tile black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof.

- *(b) No changes are permitted to the agreed window sizes, materials or designs.*
- *(c) No changes are permitted to the agreed external wall finishes.*
- *(d) No floodlighting of the proposed development is permitted.*
- *(e) Any stone facing shall be of natural local stone. All pointing shall be recessed or flush.*

6.0 Policy Context

6.1. Clare County Development Plan 2017-2023

6.1.1. Map 13A: Landscape Designations- The site is located in a 'Settled Landscape'.

- CDP13.2 Development Plan Objective: Settled Landscapes
 - *It is an objective of the Development Plan: To permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to:*
 - *Conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
 - *Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;*

- *Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines.*

Developments in these areas will be required to demonstrate:

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

6.1.2. Scenic Routes- CDP13.7-

Development Plan Objective: Scenic Routes

It is an objective of Clare County Council:

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

The R478 from Liscannor to Lahinch is identified as a scenic route in Map C Landscape Designation of the County Development Plan. This is also shown in map 13A Landscape Designations. The application site is located c. 2.6km north east of the R478.

6.2. Natural Heritage Designations

There are no relevant designated areas within the immediate vicinity of the site. The site is located-

- c. 800m east of Inagh River Estuary SAC (000036)
- c. 8.5km east of Cliffs of Moher SPA (004005)

6.3. EIA Screening

6.3.1. Not applicable.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal can be summarised as follows-

- The proposed development effectively comprises of a change of design from the house granted under 19-852.
- The proposed part single part two storey dwelling is on the same foot print as previously granted and is only marginally higher. It has an almost identical floor area.
- The permitted house comprises of two interconnecting single storey form and is relatively generic form of building replicated throughout the county. The site deserves a more bespoke building which includes a sheltered outdoor space.
- It is odd the Planning Authority refer to policy Objective CDP13.2 when they permitted an even bigger house with a higher ridge under 18-971 (refused by ABP).
- The proposed development is not within the visual range of Liscannor which is 2.7km to the west and if it were would represent a dot in the landscape.
- The height difference between permitted and proposed is just 150mm. The highest point of the permitted dwelling is at a level of 111.253 whereas the proposed is 111.2m due to the marginally reduced finished floor level (FFL). Submitted section drawings compare the proposed and permitted.

- In terms of scale the collective floor space of permitted is 266.19 sq.m and proposed is 266 sq.m.
- Both the permitted and proposed aim to reduce massing by dividing the floor space into two built forms to have less of an impact on the landscape than one larger single block form. The proposed design includes a pitch roof to one block and a barrel roof to the other reminiscent of a traditional hay barn.
- The footprint of the proposed dwelling is much smaller than the permitted. 184.4 sq.m vs 266 sq.m i.e. provided by first floor space.
- The proposed house has no proposed detached garage with an integrated one provided in the ground floor.
- The proposed barn element would be no more visible from the west and the north than the permitted dwelling on the site in terms of height and massing. see sections drawings submitted. Whether the appearance of the barn element is more visually obtrusive than that of the house which is permitted on site is questionable.
- The site is elevated and the proposed house will be seen from the local roads adjacent to the site but will be no more visually intrusive than that of the permitted dwelling on the site.
- The applicant is willing to carry out some considered landscaping to the roadside elevation of this building to reduce the potential impact e.g. enclosing the parking area to the front of the building and planting tree species such as hawthorn which will tolerate the wind at this location.
- The design is as appropriate as that permitted under 19-852. Both layouts are similar. Groundworks will be similar but excavations for the proposed will be significantly less due to the reduced footprint. Cut and fill are normal practises when constructing houses on slopes. Excavated soil will be used to recontour the site.
- The proposed house will be visible from short views in the landscape but it will be no more visible than that which has been granted on the site. It is considered that the design and material finishes of the proposed house is more suitable form of dwelling on this site than that previously permitted.

7.2. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows-

- The Planning Authority refers to the considerations set out in the Planners Report and requests ABP uphold its decision.

7.3. Observations

One submission has been received from Ms. Ann Waters. This observation can be summarised as follows-

- The changes sought were not in keeping with the original recommendations and changed the style of house to such an extent that it would have a much greater, undesirable impact on the site.
- It does not take into account the elevation and sensitive level of exposure of the site.
- The original planners report recommended planning be refused and when it was given it was to be single storey only.
- Planning was granted for a part one, part one and a half storey building.
- She trusts the Board will consider all documentation which has been submitted with this case so they will go over previous submission.
- If the applicant wishes to build a much bigger house then he would be wiser to seek an alternative site.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal and all relevant planning history at the site, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows-

- Refusal Reason 1

- Appropriate Assessment

8.2. Refusal Reason 1

- 8.2.1. The Planning Authority's refusal reason describes the site as an elevated upland area and located within a 'Settled Landscape' to which policy objective 13.2 applies. The reason considers the proposed development at this site would be visually obtrusive and out of character in the rural landscape from wide vantage points to the north and west in the vicinity of Liscannor and as a result would seriously injure the visual amenities and landscape character of the area.
- 8.2.2. The Applicant acknowledges that the proposed house will be visible from short views in the landscape but such views will be no more visible than that which has been granted on the site under 19-852. The Applicant considers the design and material finishes of the proposed house are more suitable for this site than that previously permitted.
- 8.2.3. A review of permitted development on this site shows that the Council granted outline permission for a house under 16-299. Condition 2 detailed the outline permission would expire three years from the date of grant and a development contribution would apply. Condition 4 dictated that the house permitted shall
- be sited with finished floor levels not exceeding 105.5 and 106.5 metres as per the site layout plan submitted,
 - be single storey only with the design to have regard to the Clare Rural House Design Guide and
 - a comprehensive landscaping plan shall be submitted to incorporate screening along the sites southern, eastern, and northern boundaries and also along the access driveway.

Condition 5 detailed a schedule of materials/finishes that shall be used.

- 8.2.4. Permission Consequent was granted under 19-852. The history of this application has not been provided on the file before me, however I was able to access it on the Councils online planning system¹. I am satisfied I can give consideration to this permission based on the information available online.

¹ <https://www.eplanning.ie/ClareCC/AppFileRefDetails/19852/0>

- 8.2.5. 19-852 permitted a single house that the Planning Authority considered to comply with the conditions of the outline permission 16-299, would be located on the same footprint and at a lower FFL (by 0.5m) than specified by condition 4 of the outline.
- 8.2.6. The Board are reminded they refused a regular permission for a house under 18-971 to the applicant at this site i.e. not outline or permission consequent. The Council had originally granted permission. The Board refused for two reasons which can be summarised as non-compliance with National Policy Objective 19 and the proposed development would insert a significant suburban type feature in the rural landscape from a wide range of vantage points to the south west, west and north west, and in the vicinity of Liscannor.
- 8.2.7. This applicant has applied for permission to change conditions to the original outline permission granted under 16-299 and for changes to the design and finished floor levels of the dwelling granted by way of permission consequent 19-852. Outline 16-299 has now expired. However the principle of a permitted house at this site has been established by virtue of the permission consequent granted under 19-852. Or in other words a new permission consequent application on foot of the outline would not be accepted at this time. Accordingly I am satisfied that the matter for assessment in this appeal is essentially only a change of house design (including from single storey to part single and part two storey) and finished floor levels permitted under 19-852.
- 8.2.8. The proposed house is unquestionably located on a locally prominent and elevated site. However the fact remains a house is permitted here already and the questions therefore to be considered are if the proposed development will have significantly greater visual impact upon the amenities of the local and wider area than the development already permitted and then if such impact negatively detracts from the the area.
- 8.2.9. I have considered the Board's decision under 18-971 and the contents of the Inspectors Report where the site is described as "*highly elevated above Liscannor and Liscannor Bay and the R478 on the Atlantic Way, circa three kilometres to the south west and intervening countryside*". The Boards refusal reason also refers to the sites elevated and highly prominent and exposed location.

- 8.2.10. In its immediate context the house is located on a highly elevated and locally prominent and exposed location. But the impact of this is most immediately felt travelling from west to east along the local road to the north of the site and by lands in relatively short distant to the north and north west of the site.
- 8.2.11. Ordnance Survey Discovery Series Mapping available to the Board shows the site is located between the 20 and 30m contour with similarly elevated lands to the direct south. Similar contours are located as close as 300m north of the site, rising to 50m plus c. 500m to the north east. Land generally falls from the site to the north west to the Dealagh River c. 500 m before rising steadily to c. 30m c 1.2km to the north east. A mature tree and field boundary exists c. 200m north of the site. Houses are visible north and north west from the site but at a considerable distance. The nearest public road in this direction is c. 1km away. The R478 Regional Road and Scenic Route is located at a contour level less than 10m and 2.6 km to the west of the site. Liscannor and lands in its vicinity are 4-5km west of the site with lands to the immediate east and north of Liscannor rising from 10-40 m contours.
- 8.2.12. Having considered the lie of the land in the areas discussed above and around the site and the general distance to these surrounding areas, I would not consider the site to be significantly elevated or highly prominent from a wide range of vantage points to the south west, west and north west, and in the vicinity of Liscannor including the R478 Scenic Route. For me, and having considered the content of Policy Objective CDP 13.2, the site is elevated and visually prominent at a local level only. However a house at this site would be likely to injure the visual amenities and landscape character of the immediate area and its context can be considered contrary to CDP 13.2.
- 8.2.13. However, a house is permitted at this site and it must therefore be considered if the subject change of house design would significantly detract from the visual impact already permitted to such an extent that would warrant refusal.
- 8.2.14. In this regard the design and layout of the permitted and proposed houses are considered pertinent. The proposed house is located in the general area of the house and garage permitted under 19/852. The house propose a low level, two storey element in a block that generally runs parallel to the local road with a design reflective of a farm barn style building finished in corrugated or standing seam metal or equivalent in oxide red colour. This block is attached to a single storey bock with a

narrow pitched gable elevation 6.029m wide sited perpendicular to the road. Overall the house will have ffl's of 104.8m & 106m and an overall height of 6.4m compared with the permitted ffl's of 105 & 106m and height of 6.253m. Both the permitted and proposed developments will require significant cutting of the site and I note the Further Information (FI) submission proposed further recontouring of the site to help assimilate the raised walled patio area into the site. The proposed dwelling provides for an integrated garage into the two storey element in doing so removing the need for a standalone garage as originally permitted. Overall the proposal reduces the permitted foot print of the permitted development including detached garage.

- 8.2.15. I have given consideration to the Clare Rural House Design Guide 2005² which is detailed in Chapter 17- 'Design and Built Environment' in the current County Development Plan (as varied). Section 17.4.5 deals specifically with Rural Design and describes the rural design guide as a useful reference.
- 8.2.16. In the context of the permitted house on this site, which is unquestionably elevated and locally prominent, I consider the proposed design would provide an interesting and reflective interpretation of modern living whilst retaining a sympathetic relationship to the rural setting and landscape. The proposed design represents an improvement over the permitted house. The proposed development would therefore not significantly detract further from the visual impact already permitted at this site and accordingly permission can be granted should the Board see fit.
- 8.2.17. However, given the sites sensitivities it is considered appropriate that exempted development provisions e.g. extensions, garages and other wall like structures should be restricted by way of condition to allow for further assessment of possible visual impacts through further applications.
- 8.2.18. Should the Board decide to grant permission they are reminded that as the application is for a change of design and levels at the site all other conditions of 19-852 would remain applicable. In this regard condition 5 of 19-852 requires a comprehensive landscaping scheme to be submitted for the written agreement of the Planning Authority. I am satisfied this condition is necessary but it does not need to be restated.

² [County Clare Rural House Design Guide, Second Edition \(clarecoco.ie\)](http://clarecoco.ie)

- 8.2.19. The cover letter submitted with this application details the external material finishes proposed. It is noted that these specify 'or' and 'equivalent' a number of times. In this regard I recommend a condition be attached for such finishes to be agreed with the Planning Authority.
- 8.2.20. As the proposal provides a revised yet similar floor area it is appropriate to attach a new condition seeking development contributions.

8.3. Appropriate Assessment

- 8.3.1. Having regard to the nature of the proposed development, the permission already granted at this site and the sites separation distance to any European site it is considered that no Appropriate Assessment issues arise and the development to be retained would not be likely to have a significant effect individually or in combination with other plans or projects on any designated European site.

9.0 Recommendation

- 9.1. I recommend that permission is granted subject to the following conditions.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the development to be retained within a 'Settled Landscape' as detailed in the Clare County Development Plan 2017-2023 (as varied), the permitted development at the site under 19-852, the design, siting and layout of the development proposed, the nature of the receiving environment and subject to compliance with the conditions set out below, it is considered that the proposed development would not significantly injure the visual or residential amenities of the area or of property in the vicinity over the impact already permitted under 19-852. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 15th day of August 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 development shall comply with all of the conditions attached to the permission granted under Planning Reference Number 19/852 except as amended in order to comply with the attached conditions.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1, Class 3 or Class 5 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the

planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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.

Adrian Ormsby

Planning Inspector

22nd of February 2023