



An  
Bord  
Pleanála

## Inspector's Report

**ABP-315603-23**

**Development** Construct a dwelling, domestic garage, waste water treatment system and all associated site works and services..

**Location** Drumacoo, Kilcolgan, County Galway.

**Planning Authority Ref.** 221127

**Applicant(s)** Justin Sheehan.

**Type of Application** Permission. **PA Decision** Refuse Permission.

**Type of Appeal** First Party **Appellant** Justin Sheehan

**Observer(s)** None

**Date of Site Inspection** 11/04/23 **Inspector** Fergal Ó Bric

### 1.0 Site Location and Description.

The site is located on the eastern side of a local county road, the L8564 which in turn is accessed off the N67, a National Secondary Route, linking the settlements of Kinvara and Kilcolgan in south-west County Galway, approximately two kilometres south west of Kilcolgan. Site levels within the appeal site rise from the public road and the dwelling would be located on an elevated part of the site, The subject lands are currently in pasture and the Sheehan family home is located immediately south-east of the appeal site. The landscape is broadly flat with some gentle undulations. Field boundaries comprise a natural stone cut wall to the south along the county road, a low level block wall to the west, a post and wire fence to

the east and a stone wall, trees and hedging along the northern site boundary. There is no public footpath nor streetlighting located along this local roadway. There is a mobile home structure located immediately east of the appeal site boundary within the overall family holding, between the appeal site and the Sheehan family dwelling.

## **2.0 Proposed development.**

Planning permission is sought for a single storey dwelling house with a stated gross floor area of 160 square metres (sq. m.) and a maximum ridge height of 4.9 metres, domestic garage/store with a floor area of 60 sq. m., a sewage treatment system and percolation area.

A letter of consent from the land owner, Margaret Sheehan, mother of the applicant has been submitted as part of the planning documentation consenting to her son Justin, making the planning application on her lands.

The planning application was accompanied by an Appropriate Assessment Screening Report (AASR) and a Site specific Flood Risk Assessment (SSFRA).

The Board referred the appeal to An Taisce, the Heritage Council and to the Department of Housing, Local Government and Heritage for comment. No response was received from any of the prescribed bodies.

## **3.0 Planning Authority's Decision:**

Planning permission was refused by the Planning Authority. A single reason for refusal was issued as follows: The proposed development is located within a rural area identified as an Area under Strong Urban Influence in the Sustainable Rural Housing Guidelines for Planning Authorities as published by the Department of Environment, Heritage and Local Government and is located within the Galway County Transport Planning Strategy Area, a rural area that is undergoing significant development pressure for single rural housing. Based on the information submitted with the planning application, it is considered that the applicant has not satisfactorily demonstrated that he complies with the requirements of policy objective RH2 relating to development in the rural area. Therefore, the development is considered to be contrary to the rural housing provisions of the

Galway County Development Plan, 2022-2028. Accordingly, to grant the proposed development would contravene materially policy objective RH2 contained in the Galway County Development Plan, would be contrary to the ministerial guidelines issued to the Planning Authorities under Section 28 of the Planning and Development Act 2000 (as amended), would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.

**4.0 Planning History:** Planning Authority reference numbers 22/621. In 2022, the current applicant was refused planning permission for the construction of a dwelling house, domestic garage and wastewater treatment system on the same site. The reason for refusal related to the failure of the applicant to submit satisfactory evidence demonstrating compliance with the RH2 policy objective of the Galway Development Plan 2022 and that the site is located within an area identified as being under strong urban influence and, would therefore, be contrary to the Rural Housing Policy of the Development Plan and to the provisions of the Section 28 Sustainable Rural Housing Guidelines and establish an undesirable future precedent.

## **5.0. Local Planning Policy**

### **5.1 Galway County Development Plan 2022 -2028**

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9<sup>th</sup> May 2022 and came into effect on the 20<sup>th</sup> day of June 2022. It has regard to national and regional policies in respect of rural housing and access to national routes. Chapters 4, 6 and 15 of the plan refer.

Relevant policies and objectives include:

Policy Objective RC 2 Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

Policy Objective RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1), criteria 1(a) to 1(g) and 2.

Criterion 1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need in the immediate rural areas in which they are seeking to develop a single house as their principal family residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

Policy Objective RH 13 Rural Housing Capacity

Policy Objective WS4: Requirement to liaise with Irish Water regarding water supply.

Policy Objective WS8: Proliferation of individual wastewater treatment systems.

Policy Objective WW6: Private wastewater treatment systems.

Policy Objective WW 10: Surface Water Drainage.

Chapter 15: Development Management Standards

DM Standard 6: Domestic Garages (Urban and Rural)

DM Standard 7: Rural Housing

DM Standard 8: Site Selection and Design

DM Standard 28: Sight distances

DM Standard 38: Effluent Treatment Plants

Appendix 5: Design Guidelines for the single rural houses.

## **5.2 Natural Heritage Designations**

The closest designated European Site is the Lough Fingall Complex SAC (site code 000606) which is located approximately 530 metres south of the appeal site. The Galway Bay Complex SAC (site code 000268) and the Galway Bay SPA (site code 004031) are both located approximately one kilometre west of the appeal site.

## **6.0 The Appeal**

### **6.1 First Party Appeal.**

- The applicant resided in the Sheehan family dwelling, immediately east of the appeal site from 1972 to 1994.
- The applicant and his wife resided in the settlement of Kilcolgan between 1996 to 2000 having received planning permission for the construction of a dwelling in 1995 under planning reference 72/180. This house was subsequently sold.
- In the year 2000 the applicant's wife received planning permission to construct a dwelling on her family land at Cave, Clarinbridge under planning reference 00/1804.
- The applicant lived in this dwelling between 2001 to 2012 after which he moved back to the Sheehan family dwelling following a family breakdown.
- The applicant's ex-wife resides in this dwelling at Cave, Clarinbridge to this day, but the applicant no longer has a legal interest in that property, as set out within legal correspondence submitted.
- Since 2012, the applicant has resided in the Sheehan family dwelling at Drumacoo, immediately adjoining the appeal site.
- Correspondence from the HSE has been submitted confirming that the applicant acts as the full time registered primary carer for his mother and brother since 2017.

- The applicant has addressed the reason for refusal as set out under planning reference number 22/621 regarding his legal interest in a dwelling at Cave, Clarinbridge.
- The current application sets out within legal correspondence that he no longer has a legal interest in the dwelling in Cave, Clarinbridge.
- The applicant is now seeking to develop a dwelling on his own behalf.
- The Planners report accepts the applicants' social ties to the area as a full time registered family carer.
- The Planners report sets out that the applicant has disposed of two residential properties previously, however, it also acknowledges that the applicant no longer has any legal interest in any residential property.
- The Planning Authority seem to be using information from the planning reference 22/621 application in assessing the merits of the current proposal, under planning reference 22/1127.
- The Planning Authority have failed to recognise the applicant's exceptional personal circumstances in spite of the legal correspondence submitted and instead consider the applicant as somebody who has disposed of two residential properties.
- National planning policy in the form of the National Planning Framework, acknowledges changing family relationships, and exceptional circumstances are provided for within the Sustainable Rural Housing Development Guidelines (SRHG's) for Planning Authorities. The SRHG,s set out that all of the relevant information should be assembled by Planning Authority's and that applicants be treated sensitively, and information shall be assessed in a balanced manner.
- The Rural Housing Policy as set out within the current Galway Development Plan provides for those in exceptional circumstances, including for those who owned a house or built a house previously.

## **6.2 Planning Authority Response**

- None.

**7.0 EIA Screening** - Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**8.0 AA Screening** - The subject site is located approximately 530 metres north of the Lough Fingal Complex SAC (site code 000606) and approximately one kilometre east of the Galway Bay Complex SAC (site code 000296) and the Galway Bay SPA (site code 004031). The applicant submitted an Appropriate Assessment Screening Report (AASR) with the planning documentation which will be referenced in greater detail later within this report. Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any of the European sites.

## **2.0 Assessment**

### **2.1 Introduction**

2.1.1 The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that the proposals in relation to design and layout and wastewater treatment were considered acceptable by the Planning Authority and that no other substantive issues arise. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Other Matters

### **2.2 Rural Housing Policy**

2.2.1 The reason for refusal as set out by the Planning Authority and the grounds of appeal are based around and strongly reference the applicants' rural housing need. The applicant has submitted material to support his need to reside at this location and this includes the fact that he was born and reared in the Sheehan family dwelling which is located immediately east of the appeal site and that he has returned to reside in the parental dwelling since 2012, following a family breakdown. He has also set out that he attended the local primary school and is currently economically and socially linked to the Drumacoo area by virtue of his employment as a registered family carer for his mother and brother.

2.2.2 The applicant states that the site is part of a family holding. The Planning Authority set out that the site is located in Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure – GCTPS - Outside Rural Metropolitan Area Zone 1) where an applicant must meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority was not satisfied that the applicant had adequately demonstrated compliance with Policy Objective RH 2 (criterion 1(c) specifically) as set out in the current Galway County Development Plan 2022-28. Consequently, permission was



refused in relation to failure to demonstrate compliance with the Rural Housing Policy within the Development Plan.

2.2.3 Policy Objective RH2 of the Galway County Development Plan 2012-2028 (which applies to rural areas under strong urban pressure – GCTPS – outside rural metropolitan area zone 1) sets out specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending upon which criteria of Objective RH2, when an application for a dwelling is being made, applicants are required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area.

2.2.4 The applicant has submitted a variety of planning documentation including a birth certificate, land registry documentation and folio mapping of the family home and lands at Drumacoo, Kilcolgan. Documentation from his former primary school in Clarinbridge and a letter of support from the local general practitioner outlining the nature of the family medical circumstances which has resulted in the applicant becoming the full time registered carer for two of his family members has been submitted. It is stated that the family own two modest plots of land immediately west of the family home and include the appeal site.

2.2.5 Based on the planning documentation submitted, the applicant is considered to have familial and social links to the area in general and this is acknowledged within the planning report prepared by the Planning Authority. However, the Planning Authority did not consider that the applicant had satisfactorily demonstrated a site specific requirement to reside at this location. They set out that given he had previously owned/held a legal interest in two residential properties, which the applicant has also acknowledged, that he would not comply with the provisions of the Rural Housing Policy as set out within the current Galway Development Plan, 2022-2028. The applicant has provided land registry folio details of a residential property that he resided in, in Kilcolgan village with his wife between 1996 and 2002 and was subsequently disposed of. The applicant explained that his wife received planning permission for a dwelling on her family lands in Cave, Clarinbridge where the applicant resided with his wife up until 2012. The applicant stated that he returned to reside in the Sheehan family dwelling at Drumacoo in 2012 following a family breakdown.

2.2.6 I consider that the applicant has demonstrated both economic and social ties to the area in accordance with the requirements as set out in Section 4.6 of the Development Plan. The

applicant has outlined his particular unique family circumstances which have resulted in him no longer owning any residential property and relying on being housed in the Sheehan family dwelling since 2012. It is evident from the planning documentation submitted that the applicant has long and established social ties to the area, which have been substantiated in accordance with the requirements of the Rural Housing Policy as set out within the Development Plan. He attended the local primary school in Clarinbridge and he has resided in the family dwelling for a considerable period of his life and more recently since 2012. He has demonstrated that he no longer owns a dwelling, and he is now economically and functionally linked to the area given his employment as the full time registered carer for two of his immediate family members since 2017. I am, therefore, satisfied that he has demonstrated his own unique and personal circumstances and has substantiated his rural housing need as per policy objective RH2 1(c) of the Development Plan. Both functional and sustainable economic and social reasons to reside at this specific location have been established in accordance with the RH2 policy objective. Having regard to the forgoing, I consider that the applicant has demonstrated that he meets the criteria of demonstrable economic and social need to live in a rural area as set out by Objective RH 2 of the Galway County Development Plan 2022-2028.

2.2.7 Policy objective RH2 also sets out that assessment of housing need is subject to the usual development management criteria. These criteria include the extent of development already developed and permitted in an area. The Drumacoo area is identified as an area under strong urban influence as per the current Galway Development Plan. I note that the Planning Officers report identifies: That: a linear settlement pattern extending from the N67 National route, approximately 540 metres south-east of the appeal site. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as: Where 5 or more houses exist on any one side of a given 250 metres of road frontage. However, in this instance I consider that the appeal site constitutes an infill site between his family dwelling to the east and his nephews dwelling to the west. I note that many of the dwellings in the vicinity of the appeal site, along the L-8564 were constructed a considerable period of time ago.

2.2.8 In conclusion, I consider the current proposals would accord with the provisions of policy objective RH2 of the Development Plan. I note the location of the appeal site in the Galway County Transport and Planning Study (GCTPS) area, a rural area under strong urban

pressure. I consider that the applicant has demonstrated unique personal circumstances and substantiated a site specific rural housing need at this location in accordance with Section 4.6 of the current Development Plan.

## **2.3 Other Matters**

### **Access and Traffic**

- 2.3.1 Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the northern side of the site road frontage of the L-8564 at a point where the eighty kilometre per hour speed control zone applies. The Site layout Plan submitted to the Planning Authority on the 21st day of October 2022 includes details of sightlines, whereby unobstructed visibility of 70 metres in each direction would be achieved at the entrance point, with the setting back of the roadside boundary and a section of his mothers' dwelling roadside boundary. A letter of consent for the setting back of the roadside wall boundary has been submitted as part of the planning documentation. Technically, the minimum sightline requirement for this category of road is 160 metres, as per DM Standard 28 of the current County Development Plan 2022-28. The applicant has demonstrated sightlines where the design speed of the road is taken to be 50 kilometres per hour, which I consider is reasonable for this particular local road. The setting back of the roadside boundary is a matter that could be conditioned in the event that the Board are mindful to a grant of planning permission.
- 2.3.2 The Planning Authority set out that the sightlines in a south-easterly direction would be restricted, however with the proposed setting back of the roadside boundary wall (approximately 34 metres within the red line application site boundary and 10 metres outside of the red line application site boundary, but within the overall family holding) that sightlines in accordance with best practice road safety standards have been correctly demonstrated. The Planning Authority state that they are satisfied that adequate sightlines are achievable from the access point, and I am satisfied that the sightlines achievable would accord with best practice road safety standards.
- 2.3.3 Water Supply – The applicant is proposing to connect into the public watermain/Tyrone Group Water Scheme (GWS). I note that the Local Authority Engineer set out that the GWS is now orphaned, and the Local Authority's Rural Water Programme now manage the process by which applicants may connect to the

scheme until will be taken in charge by Irish Water. The Local Authority have approved connection to the scheme and the applicant will be required to submit a copy of this approval as part of his connection application to Irish Water, who supply water to the scheme. Therefore, I am satisfied that in principle a connection to the watermain is feasible.

2.3.4 The appeal site is 0.36 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, house and garage footprint. A Site specific Flood Risk Assessment (SSFRA) was submitted as part of the planning documentation. The SSFRA set out that no risk arose from either fluvial or pluvial sources. The groundwater risk was assessed and determined that no karst features were evident within the site and, therefore, the appeal site is not within the water spread of an identified turlough area located to the south-west of the appeal site. From the trial hole investigations carried out it was determined that there was no linkage between the groundwater and the water level in the turlough could be established. The finished floor level of the dwelling would be 11 metres AOD and the water flow path is to the south east away from the site. The SSFRA concluded that that; The building location is on the high ground aspect relative to the floodplain. The proposed building finished floor levels would be elevated above the 1:1,00 year return period flood levels and, are therefore, considered to be in flood zone C, as per the Flood Risk Management Guidelines, 2009. Storm water run-off from the domestic dwelling, garage and footpaths would be discharged directly to soakaways designed in accordance with BRE Digest 365 standards. This will ensure the development will not increase the risk of flooding elsewhere.

2.3.5 The subject site is located approximately 550 metres north of the Lough Fingal Complex (site code 000606) and approximately one kilometre east of the Galway Bay Complex SAC (site code 000296) and the Galway Bay SPA (site code 004031). The applicant submitted an Appropriate Assessment Screening Report (AASR) which concluded that; No significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, alone, or in combination with other plan and projects in the area.

2.3.6 There are no surface water drains or watercourses within the appeal site boundary. Therefore, there are no surface water pathways linking the appeal site to any

European site. I am satisfied that by virtue of the modest scale of the development proposals and the separation distances involved and the lack of hydrological connectivity between the appeal site and the Galway Bay Complex SAC and the Inner Galway Bay SPA, that it is unlikely that the proposals would adversely impact upon these European sites qualifying interests or adversely impact upon water quality and, therefore, these two sites can be screened out.

- 2.3.7 The screening report identifies that the Lough Fingall Complex SAC is potentially located within the zone of influence of the appeal site. There is no direct surface water hydrological pathway identified between the appeal site and this particular SAC. It was also noted that the groundwater flow under the appeal site is in a westerly direction and not in a southerly direction towards the Lough Fingall complex and, therefore, the proposals would not be hydrologically linked by means of groundwater to that SAC. The screening report concluded that the development would be unlikely to adversely impact upon any European site. I am satisfied that by virtue of the modest scale of the development proposals and the separation distances involved and the lack of hydrological connectivity between the appeal site and the Lough Fingall Complex SAC, that it is unlikely that the proposals would adversely impact upon the European sites' qualifying interests (habitats) or adversely impact upon water quality.
- 2.3.8 One qualifying interest (species) the Lesser Horseshoe Bat (LHB) is associated with this particular SAC. However, there is only one recorded roost within the SAC. The appeal site is located outside of the 2.5 kilometre foraging range which is used by the Bat. The LHB is highly sensitive to light, human activity and noise and, therefore, it is not considered likely that the LHB would use the appeal site for foraging/roosting purposes. Neither are there suitable tall trees located within the appeal site boundary which the LHB would use for roosting purposes and, therefore, it is considered that this particular European site can be screened out.
- 2.3.9 In conclusion. having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites, and the absence of hydrological linkages and lack of suitable habitat within the appeal site boundary, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any of the European sites.

### 3.0 Recommendation

3.1 I recommend that planning permission be granted subject to the following conditions.

### 4.0 Reasons & Considerations

Having regard to the location of the site within an area designated as being under strong urban influence as set out within the current Galway County Development Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the applicant has substantiated a Rural Housing need due his unique and specific personal circumstances and has demonstrated compliance with policy objective RH2 within the Plan. Neither would the development interfere with the safety and free flow of traffic nor endanger public safety nor adversely impact upon water quality nor any European sites in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 5.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 21st day of October 2022 and by further plans and particulars received by An Bord Pleanála on the 18th day of January 2023, 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 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category

of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3 Prior to the commencement of development, boundary treatment details for the site boundaries shall be submitted for the written agreement of the Planning Authority.

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

- 4 The entrance shall be as set out within the Site layout Plan drawing submitted to the Planning Authority on the 21<sup>st</sup> day of October 2022. Final details of the roadside boundary set back within the red line application site boundary and the section of walled boundary within the family land holding south-east of the appeal site shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

- 5 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, noise management measures and off-site disposal of construction/demolition waste.

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

- 6 a) The applicant shall enter into a water connection agreement(s) with Irish Water prior to the commencement of this development.
- b) Water supply and drainage arrangements, including 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.

- 7 (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the detail submitted to the Planning Authority on the 21st day of October 2022. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.
- (b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

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

- 8 Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

- 9 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.

**Reason:** In the interests of visual and residential amenity.

- 10 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.

- 11 The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

**Reason:** In the interest of proper planning and sustainable development.

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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Fergal Ó Bric

Planning Inspectorate

5th day of January 2024