



An
Bord
Pleanála

Inspector's Report

ABP-317460-23

Development	Construction of a detached house.
Location	Inis Cealtra, North Circular Road, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22756
Applicant(s)	Emer Hardiman
Type of Application	Outline Permission
Planning Authority Decision	Grant of Outline Permission
Type of Appeal	Third Party
Appellant(s)	Gillian Hugh
Observer(s)	None
Date of Site Inspection	18 September 2023
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The site is located on the southern side of North Circular Road (L 10059), an established, mature residential area and is within close proximity to amenity spaces of Westfields Marsh SAC and Ted Russell Park and approximately 30 min walk to Limerick City Centre.
- 1.2. The eastern boundary of the subject site forms the town land boundary between townlands Kilrush and Farranshore More. Beyond the southern boundary of the subject site the lands extend down to the Clondell Road.
- 1.3. The subject site is located to the east of Inis Cealtra and to the west of the third party appellants property 'Wilmur'. The site area is stated as 0.037 hectares. There is no pedestrian footpath to the southern section of North Circular Road at the subject site (the pedestrian footpath ends at the residential unit 'Usnagh' to the east of the subject site), and an extended tarmac/hardstanding area from the road edge abuts the front boundary wall. The subject site at its widest onto the North Circular Road is shown to be 9.7m and the site narrows to approximately 7m at the rear, mid point pinch point of approximately 5m. The ground level of the subject site is higher than that of the adjoining rear garden of Inis Cealtra, this difference in level occurs just beyond the rear building line of Inis Cealtra. Existing external steps lead down to the rear garden (of Inis Cealtra) from the subject site's western boundary and the ground gently slopes to the southern rear providing access to the rear garden shed of Inis Cealtra.
- 1.4. A discrepancy exists between the lands owned by the applicant on the site location map (Job. No. 2021.150.01) and the area indicated in the supplementary drawing 'Inis Cealtra Extent of Lands in Red' (2nd December 2022) submitted to show property held under Registry of Deeds Title. It is noted, however, that all the lands indicated in blue are included in the red line of the extent of lands map. In the interests of clarity, the assessment of the site is based on the site boundary as defined on the Site Plan Drawing No. 2021.150.02 (as received by the planning authority on 7th July 2022).

2.0 Proposed Development

- 2.1. The application seeks outline permission for a detached house with associated site works. No further details are provided in relation to the height of the detached house or its floor area. The proposed building line of the detached house is shown to align with the front building line of Inis Cealtra to the west and there is a proposed staggered step back from the boundary with the adjoining house 'Wilmur' east of the subject site. There is a proposed rear garden depth of over 31m.
- 2.2. The existing gate opening is shown, and no further details were initially provided in relation to the front boundary. Further information submitted on the 2nd December 2022 included a set of revised plans, including a site plan showing sight distance lines and a drawing including details of the existing boundary treatments and permeable paving. Further revised drawings submitted on 23 May 2023 included a proposed recessed entrance. A solid block wall of 2 m in height is proposed for the rear boundary of the site. No corresponding revised drawings of the front boundary wall were provided.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority (P.A.) decided to grant outline planning permission subject to 10 conditions including:

Condition 1: For clarity the development to be carried out in accordance with plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2nd December 2022 and 23rd May 2023.

Condition 3: Plans and particulars required for permission consequent application including a landscaping plan.

Condition 8: Appropriate ducting in the external wall of the house to be capable of accommodating a future electric charging point for electrically operated vehicles.

Condition 9: A new roadside boundary (North Circular Road) shall be constructed in accordance with drawing no. 2021.150.03 submitted on 23rd May 2023. The roadside boundary including capping shall have a maximum height of 1.05m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information (26th August 2022) in respect of the following:

- Land folio details for all lands within the blue line boundary. Furthermore, the applicant to address the right of way issue raised as part of the third party objection received.
- Revised site layout drawing indicating unobstructed sightlines, safe stopping distances for vehicles and pedestrian traffic.
- SUDS measures, to include measures for surface water runoff from the dwelling and overall site.
- Existing and proposed boundary treatments to side and rear boundaries of the site.

The further information response in relation to ownership and right of way was considered satisfactory by the Area Planner.

Clarification of Further Information (20th December 2022) sought and a revised layout with a splayed entrance and an evaluation of the surface water soakpit, including infiltration test results.

Following the submission of **Further Information (23rd May 2023)** a grant of outline permission subject to conditions was recommended.

3.2.2. Other Technical Reports

CFRAM Capital Projects (Environment, Recreation & Climate Change) – The southern part of the site is located within flood zone B as per the Limerick Development Plan 2022-2028 flood extents mapping, the proposed dwelling is located within Flood Zone C to the north. No objection on the grounds of flood risk

subject that no reduction in the site elevation should be undertaken as part of the development that would result in increased flooding extent or introduce additional flow paths to nearby properties and/or lands.

Roads Department - This is a local tertiary road L 10059. The applicant has not demonstrated unobstructed sightlines, safe stopping distances and for passing pedestrian traffic, revised layout sought.

Detail sought on SUDS surface water design sought to account for the surface water runoff from the building and site.

Following receipt of further information on the 23rd May 2023 the Roads Department reviewed the revised site plan, sightlines and recessed entrance and were satisfied. The infiltration test results indicated that the material is permeable and suitable to receive rain water discharge.

3.3. **Prescribed Bodies**

Uisce Éireann (20/04/2022) – No objection was raised subject to condition. It was stated that the developer would need to enter into a connection agreement.

Development Applications Unit (DAU) Department of Housing, Local Government and Heritage – No response on file.

3.4. **Third Party Observations**

The objection received by the planning authority raised issues that are comparable to those set out in the 3rd party appeal (section 6 below). The concerns raised related to the following issues:

- The proposed development appears to be located at the entrance to an established right of way/lane accessing the rear of dwellings to the west of the subject site.
- The site is extremely narrow. The submitted site layout indicates a deep and elongated dwelling of unknown height with a 5m frontage.
- Concern regarding loss of amenity to adjoining property 'Wilmar' due to overlooking and loss of privacy.

- Concerns regarding position and visibility of the site notice.

4.0 Planning History

Property west of subject site approximately 75m from subject site

Register Reference 21/1228, ABP Ref. 313242-22 – Rosario, North Circular Road, Limerick. Decision (July 2023) to refuse permission for a single storey extension to rear of existing dwelling and single storey home office to rear of existing dwelling and all associated site works. Reasons for referred to design and Appropriate Assessment issues.

5.0 Policy Context

5.1. Limerick City and County Council Development Plan 2022-2028 (as varied by Variation no. 1 May 2023)

- 5.1.1. Key concepts in the spatial strategy include revitalisation and compact growth in Limerick City and Suburbs.
- 5.1.2. **Policy CGR P1 Compact Growth and Revitalisation** It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed use developments at an appropriate scale on brownfield, infill, backland, state lands and underutilised sites within the existing built footprint of Limerick's City, Towns and Villages.
- 5.1.3. 3.3.1.4 **Infill Sites** ...The Planning Authority will encourage the appropriate development of infill sites in accordance with the Development Management Standards of this Plan. However, in certain limited circumstances the Planning Authority may consider a justified relaxation of planning standards in the interest of achieving sustainable compact growth. Infill developments should be appropriate to the character of the streetscape, enhancing its context and integrating with its surroundings. In this regard, infill development should respect and complement the

prevailing scale of the built environment while ensuring the preservation of the amenities of adjoining residential properties.

- 5.1.4. The site is zoned 'Existing Residential' the objective for which is "to provide for residential development, protect and improve existing residential amenity. The purpose of the zoning sets out that this zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development..." Section 4.2.5 states that in older residential areas infill development will be encouraged, while still protecting the existing residential amenity of these areas.
- 5.1.5. **Objective HO O3 Protection of Existing Residential Amenity** It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.
- 5.1.6. The lands immediately south of the subject site the lands are zoned as 'Semi Natural Open Space' the objective for which is to protect Natura 2000 designated sites, candidate /proposed sites and flood plains in a semi natural open state.
- 5.1.7. The subject site is located within the Urban Character Area 05 Thomandgate/Moyross/Caherdavin/Ennis Road (Map 3.7 City and Suburbs (in Limerick), Mungret and Annacotty Neighbourhoods) in which the specific objectives include: Infill and brownfield development patterns to be favoured.
- 5.1.8. Map 5: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty - Flood Map. Report from CFRAM Capital Projects (Environment, Recreation & Climate Change) states that the southern part of the site is located within flood zone B as per the Limerick Development Plan 2022-2028 flood extents mapping, the proposed dwelling is located within Flood Zone C to the north.
- 5.1.9. **Objective IN O12 Surface Water and SuDS** It is an objective of the Council to: a) Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks within application site boundaries... h) Require all planning applications to include surface-water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect

water quality in accordance with the requirements of Chapter 11: Development Management Standards of the Plan.

- 5.1.10. **Objective SCS1 O40 Public Rights of Way** It is an objective of the Council to examine the feasibility of identifying and mapping new public rights of way in the recreational and amenity areas in Limerick, in the context of emerging national guidance, within the lifetime of the Plan.
- 5.1.11. **Map 10.1: Public Rights of Way – identifies ‘Westfields, North Circular Road.** I note that there is a mapped right of way from Westfields Park, through Westfields Marsh amenity park down to Condell Road and the River Shannon. This mapped right of way is approximately 200m east of the subject site.
- 5.1.12. Policy TR P11 – Road Safety and Carrying Capacity of the non-national Road Network; it is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

5.2. National Planning Framework (NPF) 2018

- 5.2.1. The NPF seeks to focus growth in cities, towns and villages with a policy emphasis on renewing and developing existing settlements rather than continual expansion and sprawl of cities and towns out into the countryside.

National Policy Objective 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Regional Spatial & Economic Strategy (RSES) for the Southern Region and Limerick Shannon Metropolitan Area Strategic Plan (MASP)

- 5.3.1. **RPO 34 Regeneration, Brownfield and Infill Development** supports the NPF's NPO 3b to deliver at least half (50%) of all new homes within the existing built-up footprint of Limerick. The Limerick Shannon MASP highlights the need to increase

residential density in Limerick City and Shannon through a range of measures including reductions in vacancy, re-use of existing buildings, infill and site-based regeneration.

5.3.2. RPO 218 Sustainable Urban Drainage and Rainwater Harvesting

It is an objective to support the incorporation of Sustainable Urban Drainage Systems (SUDs) in all public and private development in urban areas. The local authorities shall include objectives requiring the incorporation of SUDs in local authority development plans and Local Area Plans, promote greater rainwater harvesting by households and businesses for the diversion of storm water from combined sewers (where possible), so that within developments and in the wider public realm, opportunities for SUDs and rainwater harvesting maximise capacity to cater for infill, brownfield and new development in sewer networks and treatment plants.

5.4. Sustainable Residential Developments in Urban Areas – Guidelines in Urban Areas – Guidelines for Planning Authorities (May 2009)

- 5.4.1. Section 5.9 outlines that in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.5. Natural Heritage Designations

- 5.5.1. The site is located immediately adjacent to the Lower River Shannon SAC (site code 002165) and the pHNA Fergus Estuary and Inner Shannon North Shore (site code 002048). The subject site is c. 200m from the River Shannon and River Fergus Estuaries SPA (site code 004077) designations.

5.6. Environmental Impact Assessment

- 5.6.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of

significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been received from the resident of the property immediately east of the site. The grounds of appeal can be summarised as follows:

- Issues relating to title of land – the site is on an existing pathway and access has not been legally extinguished. There is an historic right of way. The local authority has not adequately established the title and nature of the right of way.
- Obstruct permeability/connectivity - the proposed development would obstruct the pathway and permeability to Barrington's Pier, Ted Russell Park and the River Shannon contrary to objectives 2,3 and 8 of the Limerick City and County Development 2022-2028. There is also concern about the development blocking access to the rear of the row of houses to the west of Inis Cealtra.
- Sightlines - The response to the request for further information does not resolve the issue. The claimed visibility is inaccurate, and the proposal as submitted would create a traffic hazard.

The submission is accompanied by images taken from Google Maps and an historical leasehold document (no source provided), excerpts from Chapter 10 of the Limerick City and County Development Plan 2022-2028 referencing section 10.12 Trails and Green Routes and a statement from Mr. James (Billy) Freeney on headed paper from Dermot G. O. Donovan Solicitors (undated and signed by James Freeney and a Patrick Freeney) with attached Google Maps image indicating the location of Billy Freeney's house, No. 1 Westfield Park, and a pathway from Ted Russell Park to the subject site marked in red.

6.2. Applicant Response

The submission from Fran Hardiman on behalf of the applicant (26/07/2023) is mainly in the form of a rebuttal to the grounds of appeal. This is accompanied by the submission of photos (P1, P2, P3, P4 & P5) and a Osi Place map indicating the photograph locations. Images are also included from Google Streetview dating 2009 and 2022 from Westfield Park looking west.

The points of particular relevance to the appeal can be summarised as follows:

- The appellant incorrectly refers to the site as a 'pathway' and 'right of way'. The applicant has submitted a sworn affidavit to the local authority confirming no right of way across the site. The only person accessing the site was the applicant's father, a builder, to gain access to his sheds at the rear of Inis Cealtra.
- Photograph no. 5 show the land to the rear and west of the site. There is no pathway evident between this location and Ted Russell Park. The applicant has not been approached by Limerick City & County Council about the possibility of such a link in the future.
- Photograph no. 3 and no. 4 show the view south of the subject site which is overgrown and inaccessible with no evidence of its use as a pathway. Google Streetview images show a palisade fence separating Westfields Park from the applicant's land.
- The subject site is located on a slight bend on the North Circular Road which helps maximise sightlines in both directions. The Roads Department of Limerick City & County Council are satisfied with the proposed sightlines.

6.3. Planning Authority Response

The planning authority has not responded to the grounds of appeal.

6.4. Observations

None.

7.0 Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal, and noted the planning authority's requests for further information and the applicant's response to same.

Having regard to the site being an infill site on zoned 'Existing Residential' lands, I consider the principle of the proposed development to be acceptable and, as such, I consider the main issues in this appeal to be those raised in the grounds of appeal, namely;

- Issues relating to title to land and connectivity/historic right of way,
- Sightlines, and
- Appropriate Assessment

7.1. Issues relating to title to land and connectivity/historic right of way

7.1.1. There are two interconnected elements of the appellants concerns with respect to the proposal to build on the subject site and, given the interconnectedness of these issues, I shall assess these issues together. The appellants have raised concerns that the applicant has not demonstrated sufficient legal interest to build on, as put forward by the appellants, a historic right of way. Secondly, they are also concerned that the construction of a dwelling on the subject site will obstruct permeability/connectivity to green infrastructure (Barrington's Pier and River Shannon).

7.1.2. The issue relating to title was first raised in the planning authority's request for Further Information (FI). This request sought land folio details for all lands within the blue line boundary. In addition, the planning authority requested that the applicant address the right of way issue raised by the third-party objector. In response to the FI request the applicant submitted information including an affidavit regarding the right of way issue, a map showing the extent of lands and a statement that the property is held under Registry of Deeds Title. The planning authority deemed the response to the FI request acceptable noting that as section 34 (13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

- 7.1.3. It is noted that land folio details were not submitted in response to the FI request instead a statement by the Fran Hardiman on behalf of the applicant states that the property is held under Registry of Deeds Title and a supporting Osi Place Map showing the extent of lands was submitted. The original source of the extent of lands map is not evident or certified. The extent of lands red line boundary indicates a significantly larger area than that indicated in blue on site location map (Job No. 2021.150.01). While a discrepancy exists between the site location map and the area indicated in the extent of lands map, it is noted that all the lands indicated in blue are included in the red line of the extent of lands map. An affidavit has also been submitted by the applicant confirming that there is no right of way down the laneway to the side of Inis Cealtra. The applicant states that having lived with her parents from 1969 until 1994 and her parents continued to live in the house until October 2020 no party ever had a right of way down the laneway. The applicant states that the laneway was always closed off by gates and that her father who was a builder used the land to access his work sheds at the rear. Furthermore, it is stated that the houses to the west of the land, namely Westfield Park, never had any access to the laneway and there was always a fence at the end of the road at Westfield Park.
- 7.1.4. The appellant has submitted a supporting statement from Mr. James (Billy) Freaney, resident of No. 1 Westfield Park since 1976-1977, regarding the usage of the subject site as a pathway “up to in or around 2014”. It is stated that the subject lands formed an access route from Ted Russell Park to North Circular Road and that the access route was also used by people coming from Sunville Estate down to Westfield Park and into Limerick City.
- 7.1.5. The planning authority undertook an assessment of the “land direct website” and found no details of a right of way, as noted in planner’s report dated 25th August 2022. Further Information was sought by the planning authority for the applicant to address the right of way issue and the FI response in the form of an affidavit from the applicant was acceptable to the planning authority. I consider the planning authority’s inquiry into the issue regarding right of way as reasonable.
- 7.1.6. On site inspection I could see no obvious pathway from the subject site and note that the southern section of the lands beyond the subject site as heavily overgrown. I visited both the Westfield Park approach to the lands and the approach from Ted

Russell Park. From Westfield Park looking towards the lands to the south of the subject site there is a palisade fence blocking access and terminating Westfield Park. From Ted Russell Park there is a formal hardstanding pathway that creates a circular walkway, this is a hardstanding pathway. An informal path, not hardstanding, has been created off the circular walkway in the direction towards the rear of the properties fronting North Circular Road. This beginning of a route would appear to align with the route indicated in the appellant's submission of the google map image indicating pathway in red. This informal pathway was very overgrown and I unable to gain access any further than from the edge of the formal pathway in Ted Russell Park due to concerns about safety. The route was overgrown and did not appear to be used by many people. From site inspection, as noted above, there is no informal pathway evident from the subject site to meet with this route beginning in Ted Russell Park.

7.1.7. I note that the construction of a dwelling at this location would be within the property as shown to be in the applicant's ownership as outlined in blue on Site Location Map (Job. No. 2021.150. 01). I am satisfied that there is no issue in terms of impeding permeability/connectivity to green infrastructure with the extinguishment of the access route to the rear of Inis Cealtra.

7.1.8. As the Development Management Guidelines for Planning Authorities (2009) make clear the "...planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts" (p.53). Therefore, following my site inspection and on balance of the information available to me in relation to the legal interest and historic rights of way, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s. 34(13) of the 2000 Planning and Development Act (as amended). Accordingly, should the Board decide to grant permission I would recommend that an advisory note be added at the end of the planning decision.

7.2. **Sightlines**

7.2.1. The appellants have expressed concern regarding traffic hazard and state that the response to the request for FI does not resolve the issue regarding unobstructed

sightlines. The subject site and those properties to the west of the subject site are unusual in that there is no footpath for this section of road. There is a set back from the road edge delineated by a different type of road finish.

- 7.2.2. The Roads Department sought FI seeking that the applicant demonstrate unobstructed sightlines. A revised site plan was submitted (2nd December 2022), however, this revision did not demonstrate sufficiently the adequacy of the proposed sightlines and the applicant was requested to revise the layout and provide for a splayed entrance. In response to a clarification of further information request the applicant has provided a revised site plan (Drawing no. 2021-150-03 Rev.A) (23rd May 2023) which shows a recessed entrance. The Roads Department confirmed that the applicant has demonstrated unobstructed sightlines, safe stopping distances and for passing pedestrian traffic.

The proposed recessed entrance will result in the removal of the front boundary wall and steel gate. It is noted that the corresponding drawing boundary treatments and permeable paving section (Drawing No. 2021.150.04 Rev. A) has not been revised to reflect the proposed recessed entrance and necessary alterations to the existing front boundary wall to accommodate same. The planning authority's decision included a condition (Condition no. 9) requiring a new roadside boundary to be constructed in accordance with drawing no. 2021.150.03 (submitted on 23rd May 2023) with a capping and maximum height of 1.05m. It is considered that the noted discrepancy between the site plan and roadside boundary should be addressed by means of similarly worded condition to that of Condition no. 9 of any planning permission. Accordingly, subject to the attachment of a condition requiring that the new roadside boundary accords with the proposed amended recessed entrance I am satisfied with the proposed sightlines.

7.3. **Appropriate Assessment**

- 7.3.1. The site is immediately adjacent to the Lower River Shannon SAC (site code 002165) and the pHNA Fergus Estuary and Inner Shannon North Shore (site code 002048). The subject site is c. 200m from the River Shannon and River Fergus

Estuaries SPA (site code 004077) designations, which are situated to the south of the subject site. There are no known hydrological links to the protected sites.

- 7.3.2. Given the small scale and nature of the development, that the site is in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

8.0 Recommendation

- 8.1. I recommend that outline permission be granted for the following reasons and considerations and subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site within an established, mature housing area in close proximity to Limerick City Centre, which is zoned 'Existing Residential' in the Limerick City and County Development Plan 2022-2028 (as varied), and to the national and local policy objectives to encourage more compact and consolidated growth through infill development in such locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as modified by further information submitted on 2 December 2022 and the 23 May 2023, except as may otherwise be required by the following conditions.
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	<p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:</p> <ul style="list-style-type: none"> a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features, b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveway and SUDS features, c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance, d) proposals for the landscaping of the site (including planting), e) details of external finishes, and f) details of a new roadside boundary, in accordance with Drawing no. 2021.150.03 Rev.A submitted on 23 May 2023. The new roadside boundary including capping shall have a maximum height of 1.05m. <p>Reason: To define the terms of the permission, enable the application for permission consequent to be fully assessed and regulate/ control the design in the interest of proper planning and sustainable development of the area.</p>

3.	<p>A financial contribution shall be paid by the developer to the planning authority towards the cost of the provision of public infrastructure and facilities benefiting the proposed development. The amount of the financial contribution, and the terms of payment, shall be determined at permission stage consequent to this grant of outline permission and shall be in accordance with the terms of the Development Contribution Scheme, in operation at the date of the grant of permission consequent, made under Section 48 of the Planning and Development Act 2000, as amended.</p> <p>Reason: In order to comply with the Development Contribution Scheme made in accordance with Section 48 of the Planning and Development Act 2000, as amended.</p>
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Advisory Note: As per section 34(13) of the Planning and Development Act, 2000 (as amended), a person is not be entitled solely by reason of a permission to carry out any 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.

Claire McVeigh
Planning Inspector

6 October 2023