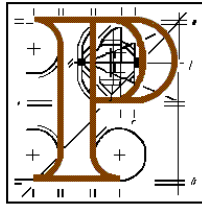


An Bord Pleanála



Inspector's Report

Appeal Reference: PL05E.245530

Development: Construction of a new production facility for the manufacture of cosmetic products from seaweed and associated works, and retention of change of use of house for same production facility at Kilcasey, Kilcar, Donegal P.O., Co. Donegal.

Planning Application

Planning Authority Donegal County Council
Planning Authority Reg. Ref. 15/50788
Applicant: Algaran Teo, c/o Michael McCloskey
Type of Application: Permission
Planning Authority Decision: Grant permission

Planning Appeal

Appellants: An Taisce
Type of Appeal: Third Party
Observer(s): Údarás na Gaeltachta
Date of Site Inspection: 30th November 2015

Inspector: Donal Donnelly

Appendices: Photographs and maps

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located in the townland of Cill Chasthasaigh (Kilcasey) in south-western Donegal between the villages of Kilcar and Carrick and approximately 11km west of Killybegs. The site is situated in the Towney Bay Coastal Farmland Draft Landscape Character Area immediately to the east of the Slieve League Coast and to the south of the Glencolmcille Mountains, Bogs, Valleys & Gaeltacht. The site is also within the overall Donegal Gaeltacht. There are Areas of Especially High Amenity nearby but the site is not located within such an area or within any Views or Prospects.
- 1.2 The site has a frontage of approximately 85m onto the R263 Regional Route, which is the main road through southern Donegal. A section of this road was recently re-routed from along the remainder of the southern boundary of the site. This part of road is now a curving cul de sac providing access to the site via a 'T' junction. The area surrounding the site comprises of mostly bogland with occasional outcrop.
- 1.3 An small area to the west of the site has recently been quarried and there is a dwelling and shed situated to the east of the site. An earthen berm has been constructed along the western site boundary and this party conceals the existing structures on site when approaching along the R263 from the west. There is a stream continuing along the eastern boundary and the topography of the land in the area generally falls from north-west to south-east. There are no other buildings in the immediate vicinity of the site. The stated site area is 2.195 hectares.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises the following main elements:
 - Retention of change of use of part of existing dwelling to a production facility for the manufacture of cosmetic products from seaweed;
 - Planning permission for the erection of a new production facility, septic tank and percolation area and all associated site works.
- 2.2 The existing dwelling is currently subdivided at ground level into a domestic kitchen/ dining area and a lounge, together with an area for seaweed production comprising a food production and packaging room, a capsule room, storage and toilets.
- 2.3 The proposed building will be located to the west of the site on a south-west to north-east axis with gable fronting the main road and set back into the site a distance of 35.6m. The building will have a floor area of 283 sq.m. and ridge height of 6.983m. Internal accommodation will comprise of a soaps production room, a cosmetics production room, a food production facility, a dry sea weed production room, product and capsules storage space and other ancillary space. Parking will be provided at the new building for 5 no.

vehicles. A new septic tank and percolation area are proposed to the south of the building.

- 2.4 It is the applicant's intention to eventually transfer all existing production from the dwelling house to the new facility if granted permission.

3.0 TECHNICAL REPORTS

- 3.1 The recommendation to grant permission and retention permission, as outlined within the final Planning Report, reflects the decision issued by the Planning Authority.

- 3.2 Under the assessment of the application within the initial Planner's Report, reference is made to the policy context and in particular the requirement under Policy ED-P-2 that *"development involving industrial buildings or processes will not be permitted outside the boundary of settlements in the open countryside unless related directly to a site specific product resource and the development proposed could not be located in a settlement in line with this policy."*

- 3.3 It is understood by the Case Planner that the site for seaweed harvesting is c.2km from the application site; however, it would not seem reasonable to request the applicant to move into a unit in either Kilcar or Carrick if these villages are closer to the resource for processing than the application site. It is noted that the resource would have to be brought to the processing facility in any event and would not necessarily result in more commuter traffic as suggested by An Taisce. The applicant has also included correspondence from a local auctioneering firm indicating that there are no alternative premises available.

- 3.4 In terms of visual impact, it is recommended that the applicant be requested to erect laths on site to show the height of the proposed building and to illustrate if it would be visible from the public road. Landscaping proposals along existing earthen berms are also required.

- 3.5 It is noted that there is an archaeological monument on site but the area where it is located has been extensively excavated.

- 3.6 Further information was sought from the applicant to show the extent of the site boundary, the precise location of the location for seaweed harvesting, the height of the proposed building, and the provision and landscaping of earthen berms.

- 3.7 The further information requested was assessed in a subsequent Planner's Report. With respect to the issue relating to site boundaries, it is noted that the applicant/ developer would still require sufficient legal interest in the lands to carry out the proposed development.

- 3.8 Given the close proximity to the seaweed source, it is considered that the principle of the proposed development is acceptable under Policy ED-P-3 and

that the location of the facility within a nearby urban area would increase travel distances from the source to the production facility.

- 3.9 The laths erected on site were visible from the west and it is stated that a reduced finished floor level and better landscaping detail would ensure better integration into the local landscape.

4.0 PLANNING AUTHORITY'S DECISION

- 4.1 Donegal County Council issued a notification of decision to grant permission subject to 11 conditions (Schedule A), and to grant retention permission for the proposed development subject to 6 conditions (Schedule B).
- 4.2 Condition 2 states that the finished floor level of the development shall not exceed a level of 100.6m relative to datum level of 100m. Condition 3 of Schedule A requires the submission of a landscaping scheme and Condition 4 relates to the provision of visibility splays. There are other conditions regarding lighting, signage, drainage, development contributions and archaeological monitoring.
- 4.3 The retention permission is for a period of 5 years as specified under Condition 1 of Schedule B.

5.0 APPEAL GROUNDS

- 5.1 A third party appeal against the Council's decision was submitted by An Taisce. The grounds of appeal and main points raised in this submission can be summarised as follows:
- Proposed site is not located within any defined settlement pattern and there does not appear to be any industrial use in proximity to the site – change of use and expansion of industrial use is not suitable for this location.
 - Proposal contravenes Policies ED-P-3, ED-P-11 and ED-P-13.
 - Policy ED-P-2 states that *“development involving industrial buildings or processes will not be permitted outside the boundary of settlements in the open countryside unless related directly to a site specific product resource and the development proposed could not be located in a settlement in line with this policy”*
 - Distances from the locations for sea harvesting as permitted under the foreshore licence are further from the site than Kilcar – proposal would not be acceptable under Policy ED-P-3 in that the location is not *“related directly to a site specific product resource.”*

- Applicant has not demonstrated that there is no other suitable site within any settlement locally or that the proposal would benefit the local economy or contribute to community regeneration (ED-P-11).
- Appeal site is in close proximity to an area designated as “especially high scenic amenity”.
- Further information request to submit proposals for the retention and landscaping of earthen berms were not adequately addressed – these matters are to be addressed post consent.
- Intensification on site would further damage the landscape value and would not be integrated into the surrounding environment.
- Any issues relating to unauthorised development should be resolved prior to further development being permitted on site.
- Proposal would set an undesirable precedent for future similar development.

6.0 OBSERVATION

First party

6.1 Údarás na Gaeltachta submitted an observation in support of the proposed development. The main points raised in this submission are summarised as follows:

- Údarás na Gaeltachta welcomes the proposal to increase manufacturing space and to create further employment in the future.
- Many Gaeltacht areas expand along the coastline and marine resources are vitally important as a source of employment and income. These areas now have high unemployment figures.
- Marine resources sector is being promoted by An tÚdarás as a strategic sector of local development.
- Algaran Ltd. aim to develop their business in order to develop an effective and sustainable project that will meet market demand and create sustainable jobs.
- Údarás na Gaeltachta has no industrial unit in this area that would be suitable for such a project.
- Food sector is largest indigenous sector in Ireland and is also strong in Gaeltacht area – An tÚdarás wants to foster further development in all areas through value-added food products, innovative products and market orientated products.

- An tÚdarás will endeavour to support the development of this initiative to be an important part of the economy and bring value to Gaeltacht communities.
- Údarás na Gaeltachta is confident that Algaran Ltd. will operate to the highest standards and will be in full compliance with the rules and planning and environmental standards that would go with such a development.

7.0 RESPONSES

Second party

7.1 The Planning Authority responded to the third party appeal with the following comments:

- Council has a good understanding of areas under urban pressures and areas subject to decline. Also has a mature understanding of the inter-relationships between orderly development, environmental considerations and demand for growth and innovation.
- Appeal is based on a narrow and selective point of view and serves to militate against the appropriate support for rural innovation and community health.
- Appeal describes the proposal as industrial and considers Kilcar as urban and determines that industrial development should be located in urban areas – this is not commensurate with the policy context, which deserves further consideration as does the merits of the project itself.
- There is clear support in the Development Plan for economic development in the countryside (Policy ED-O-6) with the criteria of functional relation and emerging enterprise important qualifying considerations.
- Development is of a small and modest scale commensurate with a dwelling house – scale and use do not comfortably fit with that of industrial which is considered misrepresentative; proposal is functionally related to the countryside; and it is an emerging enterprise.
- Kilcar is a small rural village and cannot reasonably be described as an urban environment. It is also designated a weaker rural area in the Development Plan.
- To object to the proposal on the basis that it is an industrial development that should be located in an urban area is completely disproportionate to the nature of development proposed.
- Introduction of such a use into a rural village would be more likely to conflict with the amenity of its residents as a result of emissions, odour, noise, vehicle movement, etc.

- Nearest urban centre that could accommodate the proposed development is Killybegs and this is further from the resource and would require the applicant to compete with established fishing enterprises.

First party

7.2 The applicant's agent responded to the third party appeal with various supporting letters (Údarás na Gaeltachta, Áislann Cill Chartha, Cllr. Niamh Kennedy, WestBIC, Lár Chomhairle Paróiste Ghleann Cholm Cille, and Comhairle Paróiste Chill Chartha). The main points raised in the appeal response are summarised as follows:

- Maps enclosed with appeal show relative proximity to Kilcar and none to Carrick which is approximately 2km further away.
- Company has always been environmentally sustainable and process is a light industrial production that involves the use of locally harvested seaweed for manufacturing by hand high quality final products for direct sale.
- For the variety of products, dedicated areas are needed to conform with directives of the Medical Bord (cosmetics & supplements) and the Health Bord.
- New building will be part of the Bord Bia project Origin Green and Bord Bia will lead applicant through the relative certifications and applications.
- Location is ideal for processing locally sourced seaweed – source is close by and there is enough space with easy access for transport.
- Five local people are currently employed and new building will create another five jobs.
- Applicant has good connections with Organic Certification Bodies in Ireland and Europe.
- An Taisce contacted applicant to arrange Seaweed Foraging Walks.

7.3 The appeal response also includes an Algaran Teoranta Charter Plan which sets out the general background to the company, site details, products made and processes involved, approach to sustainability, key strategic objectives and targets.

8.0 PLANNING HISTORY

Donegal County Council Reg. Ref: 00/493

8.1 Michael McCloskey was granted permission for the erection of a dwelling house and septic tank in October 2000.

9.0 DEVELOPMENT PLAN

Donegal County Development Plan, 2012-2018

- 9.1 The site is located outside of any Settlement Framework in a “Structurally Weak Rural Area”.
- 9.2 There are a number of economic development policies that could apply to the proposed development. Policies ED-P-3 to ED-P-15 are locational policies for economic development and Policy ED-P-16 sets out a number of criteria to be met for any proposal for economic development use.
- 9.3 Under Policy ED-P-3, it is stated that *“development involving Industrial buildings or processes will not be permitted outside the boundary of settlements in the open countryside unless related directly to a site specific product resource and the development proposed could not be located in a settlement in line with this policy.”*

9.0 ASSESSMENT

- 10.1 The applicant currently operates a small scale enterprise within part of a rural dwelling house producing seaweed products, including cosmetics, soaps and spa products, as well as edible seaweed and seaweed foods. Planning permission is now sought for the retention of this operation within a 58.7 sq.m area of the dwelling and for the construction of a new 238 sq.m. production facility. The applicant intends to transfer all existing production from the dwelling house to the new facility if granted permission and to expand the existing workforce of five employees to ten.
- 10.2 Donegal County Council issued notification of decision to grant permission and retention permission for the development and a third party appeal has been lodged by An Taisce. The grounds of appeal relate mainly to the fact that the appeal site is located in a rural area and would therefore contravene a number of Development Plan policies relating to the location of industrial buildings or processes within the boundary of settlements.
- 10.3 Having considered the contents of the planning application, the grounds of appeal and the site context, I consider that this appeal should be assessed under the following:
- Development principle;
 - Visual impact;
 - Wastewater treatment and disposal; and
 - Appropriate assessment.

Development principle

- 10.4 The appeal site is located within a structurally weak rural area outside any defined settlement. It is recognised in the Development Plan that while the traditional activities of farming, tourism and forestry still have an important role to play in rural areas, marine resources such as seaweed have the potential to contribute to a variety of employment opportunities such as in the field of pharmaceuticals, cosmetics, energy and food products.
- 10.5 The role of the Council's Economic Development Strategy, however, is to align new economic and employment development with the role and function of settlements as identified in the Core Strategy/Settlement Hierarchy. The appeal site is located approximately 2km to the Carrick and Kilcar Tier 4 settlements. The aim is to promote the integration of appropriate employment uses with other land uses in an effort to provide balanced sustainable development and to reduce the need to travel.
- 10.6 Notwithstanding this, the Development Plan contains a number of economic development locational policies which allow for industrial buildings or processes to be located in the open countryside where they are directly located to a site specific product resource or where it can be demonstrated that there are no other available locations within settlement boundaries.
- 10.7 In my opinion, the operation at the appeal site could fall under the description of a light industrial use as a process that is carried on, or the plant or machinery installed, are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 10.8 In this regard, ED-P-4 states that *"it is a policy of the Council that economic development proposals involving a light industrial use will be permitted within settlements on land zoned for such use in a local plan or specified in a settlement framework in this Plan or on land comprising an existing industrial/employment area, provided the proposal is of a scale, nature and form appropriate to the location and complies with policy ED-P-2. Elsewhere within the defined settlements, proposals for light industrial use will be determined on their individual merits having regard to the scale and character of the settlement, the availability of necessary infrastructure and compliance with policy ED-P-2. Development involving light industrial buildings or processes will not be permitted outside of settlements in the open countryside unless related directly to a site specific product resource or a project under the terms of any of the policies ED-P-10 to ED-P 15."*
- 10.9 There are two issues therefore to be determined; whether the light industrial process is directly related to a site specific product resource, or if it can be considered a project under the terms of the aforementioned policies.
- 10.10 In putting forward the reasoning that the process is related to a site specific product resource, the applicant submitted as further information a Foreshore Licence Area Map showing areas designated for the harvesting of seaweed associated with the development. These areas are situated around the coast

of the Muckros peninsula, the closest of which is c. 3.75km from the site. The appellant correctly makes the argument that distances from the seaweed harvesting sites from the appeal site are further than the distances to the Tier 4 settlement of Kilcar.

- 10.11 The Planning Authority took the view that it would not seem reasonable to request the applicant to move to a unit in Kilcar as the seaweed would have to be brought to a production facility in any case. It is also considered that the proposal is functionally related to the countryside and is an emerging enterprise. Furthermore, the relocation of the proposal on the basis that it is industrial development that should be located in an urban area is considered to be completely disproportionate to the nature of development proposed.
- 10.12 If the Board takes the view that the production facility is not functionally related to the rural area, I consider that there is still scope for allowing the development under Policies ED-P-11.
- 10.13 Under ED-P-11, *“it is a policy of the Council to permit a firm proposal for a small rural industrial or business enterprise or a community led enterprise scheme where it is demonstrated that there is no suitable site within any settlement in the locality and the proposal would benefit the local economy or would contribute to community regeneration. An application under this policy must be accompanied by evidence to support the case of economic benefit to the local economy and detailed information on the search conducted to secure a suitable site within the boundary of the local settlement(s). Any retail element to a proposed development under this policy must be clearly ancillary to the primary industrial/business use.”*
- 10.14 The business is clearly a small rural enterprise that provides economic benefit to the local economy through the provision of substantial employment for a location such as this. I am satisfied that the applicant has adequately demonstrated that there are no suitable and available sites within local settlement boundaries. Correspondence confirming such is appended from two estate agents and Údarás na Gaeltachta has submitted that it has no available sites in the area.
- 10.15 In addition to the above, I would regard the enterprise as a small scale cottage industry, which appears to have developed from a homebased economic activity and now requires internal space for expansion. There is ample room around the site for the placement of platforms for the drying of edible seaweed and existing infrastructure is in place to facilitate the expansion of the development within the confines of the site. The proposal is modest and any relocation may jeopardise its viability. Finally, I would highlight that the enterprise is a viable business rather than a speculative proposal and in my opinion the scale and nature of the development will not harm the character of the rural area.

Visual impact

- 10.16 The proposed building will be situated to the west of the site in an area that appears to have been subject to small scale quarrying. The building will be

aligned perpendicularly to the public road and will be set back a distance of 35.6m. There is an existing earthen berm alongside the location of the proposed building which will screen the structure from the more visible approach on the R263 in the direction of Carrick. It is proposed to provide landscaping along the south-western and north-western site boundaries and along the earthen embankment, and a condition has been attached by the Planning Authority which requires the submission of a comprehensive landscaping scheme for the site.

10.17 Overall, I consider that the proposed building can be successfully integrated into this rural area without causing undue visual intrusion. The site is visible from a distance on the approach from the west; however, this area is outside the Areas of Especially High Amenity nearby and not within any designated Views or Prospects.

10.18 In design terms, I am satisfied that the low rise nature of the building, the fenestration detailing and the use of render and stone cladding are appropriate for the rural setting. There may be an argument for clustering the proposed building with the existing dwelling and shed on site; however, both these structures are in a more prominent location when viewed from the R263.

Wastewater treatment and disposal

10.19 It is proposed that the production facility will be served by its own septic tank and percolation area. It is stated in the Site Suitability Assessment Report that this system will have a PE of 4 (3 permanent staff and 2 temporary staff). It appears that the system is for domestic use only and there will be no disposal of wastes from the production process. The existing dwelling on site is served by a conventional septic tank and water supply stated to be from mains.

10.20 A 3.1m deep trial hole was excavated on site and it is stated that no bedrock or water table were encountered. The soil/ subsoil texture is described as sandy gravel with occasional cobbles and boulders. The T test recorded a value of 9.08 which would suggest that the soils are highly permeable. I noted, however, at the time of my site visit that there was ponding within the site at the area to the immediate south of the proposed building. It would appear that this area has been previously excavated and the proposed wastewater treatment system will be situated further south in undisturbed lands.

10.21 I would have some concerns regarding the retention time within the subsoil and its ability to provide satisfactory treatment. Tertiary treatment may therefore be necessary. I propose the attachment of a condition to any grant of permission requiring the applicant to investigate the need for a soil polishing filter and to submit details to the Planning Authority for written agreement.

Appropriate Assessment Screening

- 10.22 The EU Habitats Directive (92/43/EEC) requires competent authorities to review planning applications and consents that have the potential to impact on European designated sites, i.e. Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's).
- 10.23 The first stage of the Appropriate Assessment process is the screening exercise where it should be decided if the effects of a development on a European site are likely and whether or not the effects are significant in light of the Conservation Objectives for the site. It should also be determined if there are cumulative effects with other projects. The precautionary principle should apply if there are significant effects that cannot be excluded, or where the likelihood is uncertain.
- 10.24 The West Donegal Coast SPA (Site Code 004150) is located as close as 2.5km to the south of the appeal site and the Slieve League SAC (Site Code: 000189) is 3km to the west of the site.
- 10.25 The proposed development includes the installation of a wastewater treatment system and percolation area to serve staff toilets. There are no other such systems in the immediate area that may give rise to cumulative impacts.
- 10.26 The applicant has been granted a foreshore licence for the hand harvesting of seaweed in Donegal Bay. The application for this licence would have been accompanied by the materials necessary to support the application and to allow a full assessment of the proposal, such as an environmental impact statement and/or Natura Impact Statement where required, maps, plans, or any other information which the Minister may require to fully assess the application. It is therefore not intended to carry out appropriate assessment screening of this part of the activity.
- 10.27 Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Donegal Development Plan. I recommend that planning permission and retention permission be granted for the proposed development based on the reasons and considerations hereunder and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the rural location of the site and to the absence of alternative suitable sites for the enterprise within nearby settlement boundaries, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with Development Plan Policy ED-P-11 and with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 7th day of August 2015, 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. Planning permission is herein granted for the retention of change of use of part of the dwelling for a temporary period of five years from the date of this order, after which the commercial use shall cease and revert back to domestic use.

Reason: In the interests of residential amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and all planting/landscaping detailed therein shall be carried out within 6 months of the date of first occupation of the proposed development.

Reason: In the interest of visual amenity.

4. Visibility splays from the site access onto the public road shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic safety.

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

Reason: In the interest of visual amenity.

6. A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of "Wastewater Treatment Manual – Treatment Systems for Single Houses" – Environmental Protection Agency (current edition)/ Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

Within three months of the first occupation of the facility, 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 documents.

Reason: In the interest of public health.

7. No trade or processing effluent shall be discharged from the site into existing or proposed effluent treatment sewerage systems.

Reason: In the interest of public health.

8. Water supply and drainage arrangements, including the disposal of surface water, shall otherwise comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission. Signage to all commercial buildings shall be either in the Irish Language only or bilingual in nature with Irish first and not smaller or less prominent than the other language used.

Reason: In the interest of visual amenity

11. Details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

12. 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.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Donal Donnelly
Inspector
23rd December 2015