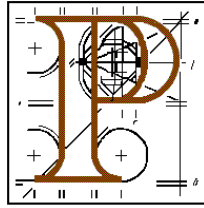


An Bord Pleanála



Inspector's Report

Development: Demolish existing service station and construct new service station including retail shop with deli and coffee area at Holycross, Bruff, Co. Limerick.

Planning Application

Planning Authority : Limerick City & County Council
Planning Authority Register Ref. : 15/729
Applicant : Catherine Reardon
Type of Application : Permission
Planning Authority Decision : Grant permission

Planning Appeal

Appellant(s) : Dan O'Flynn
Type of Appeal : 3rd Party v Grant
Observer(s) : None

Date of Site Inspection : 3rd June 2016

Inspector : **Michael Dillon**

1.0 Site Location & Description

- 1.1 The site, with a stated area of 0.503ha, is located within the hamlet of Holycross on the R512 Regional Road, some 17km south of Limerick City. The 80kph speed restriction applies on this stretch of road. There are no public footpaths and there is no public lighting in place. There are two unbroken white lines in the centre of the road at this location – due to the proximity of an adjoining crossroads on the R512 to the south.
- 1.2 There is a disused filling station on the southern portion of the current appeal site – the canopy and a roadside sign remaining in place. There is a two-storey building on the site – formerly used as a shop. Immediately to the south (and part of the same ownership) is a two-storey public house and small hairdressing salon on the aforementioned crossroads. The northern portion of the current appeal site forms part of a football ground – grassed pitches (currently undergoing re-levelling works). The ground was dry under foot of the date of site inspection. There is rudimentary floodlighting in place for the pitches. There is a small single-storey changing-room building serving the football club on the lands to the east, with a metal container located hard against a gable wall. There is a hard-core parking area located to the southeast of the changing rooms, within which is a raised earthen island (somewhat overgrown with vegetation) on which is located the Bord na Móna effluent treatment unit serving the varied uses on this site. The roadside boundary hedgerow with the R512 is of good quality with approximately 6 no. mature ash trees located at the northern end.
- 1.3 There is agricultural land on the opposite side of the R512. The country road to the south of the site is the principal access for cars to the Lough Gur visitor centre – some 2.5km to the east.

2.0 The Proposed Development

- 2.1 Permission sought on 15th September 2015, for development as follows-
- Demolition of two-storey shop building (136sq.m), petrol pumps and canopy (associated with former filling station use).
 - Construction of new petrol filling station to include pumps, canopy and ancillary service areas.
 - Two-storey building of 406sq.m, to provide for shop, deli, coffee area, store, toilets and ancillary offices.
 - Car-wash facility.
 - Ancillary parking area.
 - Connection to an existing Bord na Móna 14-Pod effluent treatment system serving the existing public house to the south of the site (in the same ownership).
 - Connection to existing water supply.

- Surface water discharge as existing – to soakways.
- 2.1.1 The application is accompanied by the following-
- Traffic Impact Assessment – dated September 2015.
 - Architectural Heritage Survey – dated August 2015.
- 2.2 Unsolicited additional information was received from the applicant on 2nd November 2015, in the form of a letter rebutting a 3rd party objection to the development. A drawing was submitted showing the line of the reinstated hedgerow along the R512.
- 2.3 Following a request for further information, revised proposals were received on 23rd November 2015, as follows-
- The existing size of the closed foodstore on site is 106sq.m. The closure is temporary to allow for the proposed renovations.
 - The development will cater to coach visitors to nearby Lough Gur.
 - The development will service Holycross AFC on the adjoining lands – particularly at match times.
 - Proposal for grease trap on foul effluent discharge.
 - Details of forecourt drainage and interceptor arrangements – granted planning permission on 15th February 2001.
 - Details for zero discharge recycling from car-wash.
 - The existing forecourt drainage system serving the filling station (granted permission in 2001) will be used for the new development – and all new drainage pipes will be routed to it.
 - There are 3 no. existing underground fuel tanks which are to be retained – with 20,000, 10,000 and 10,000 litre capacity respectively.
 - A Stage 2 Road Safety Audit will be undertaken prior to commencement of development.
 - The removed hedgerow will be relocated further to the east– so there will be no net loss.
 - A Waste Management Plan will be submitted to the Council prior to the commencement of development.
- 2.3.1 The submission was accompanied by the following-
- Site characterisation report for disposal of effluent.
 - 4 no. of letters of support from local organisations/groups.
 - Drawing of existing service station layout.
 - Drawing of proposed shop and deli/coffee area – measuring 92.5sq.m and 66.0sq.m respectively.
 - Details of existing ‘Puraflo’ treatment plant serving the public house.
 - Report from ‘Tricel’ relating to proposed extension to effluent treatment system – replacement of existing septic tank.

- 2.4 Unsolicited additional information was received on 25th November 2015 (having been accidentally excluded from the additional information submission of 23rd November 2015) in the form of a Road Safety Audit and ANUA report on the existing effluent treatment system serving the public house on the site to the south.
- 2.5.1 Following a request for clarification of additional information, the following was received on 7th January 2016-
- Indication of proposal to provide a new Class 1 forecourt interceptor drainage scheme.
 - Modifications to layout to meet Road Safety Audit recommendations to include access and egress, coach parking, maintenance of sight visibility along the hedgerow setback to the north and revised car-parking layout.
- 2.5.2 The submission was accompanied by details of proposed 'Condor' Oil/Water separator and drawings showing revised site layout for access/egress and parking.

3.0 Development Plan & Other Guidance

3.1 Development Plan

- 3.1.1 The relevant document is the Limerick County Development Plan 2010-2016. The site is located on the fringe of the Lough Gur Architectural Conservation Area (Map 7.7.6). The purpose of this designation is to ensure that new developments are compatible with the Lough Gur landscape (around the archaeological remains within and surrounding the lough).
- 3.1.2 Section 10.6.4.5 of the Plan deals with filling stations. Retail services should be of a secondary nature to fuel sales. They should not adversely affect towns/villages in which they are located in terms of retail offer and vibrancy of core areas. In general retail floor area will be limited to 100sq.m. Signage will be limited to one sign not greater than 4.5m in height.
- 3.1.3 The site is located within the Lough Gur archaeological complex area – LI 032-187 – containing some 147 known sites. The site is located within the boundary of the archaeological complex – as set down in the Sites & Monuments Record of the OPW. Section 7.3.4.5 of the Plan indicates that Lough Gur is the most significant archaeological site in the county. The landscape is pastoral rolling hills surrounding the small lough. The presence of a wide variety of archaeological monuments is one of the characteristic features of the area. Objective EH O11 states as follows-

(a) Safeguard the visual amenity of the area and have regard to the views and prospects in and out of Lough Gur.

(b) Restrict development including residential development in the area of Special Development Control, shown on map 7.5, except in exceptional circumstances. Appropriate tourism development and extensions to existing properties, which respect the special character of Lough Gur will be considered.

(c) To have regard to the archaeological importance and richness of the area indicated in Map 7.5 as a zone of archaeological amenity. Any developments within the zone will be required to provide for an archaeological examination during the course of excavations or other ground disturbance.

The site is located entirely within the Area of Special Development Control.

4.0 Planning History

Ref. 14/1169: Refers to planning permission granted for club house and parking for Holycross Football Club on site immediately to the east of the public house. The football club lands are indicated as being in the ownership (as outlined in blue) of the applicant. There is no development to date in relation to the new club house.

Ref. 00/1973: Refers to planning permission granted on 15th February 2001, to John & Catherine Reardon, for replacement of underground fuel storage tanks, dispensing pumps, erection of new canopy, sign and associated site works.

5.0 The Planning Authority's Decision

By Order dated 2nd February 2016, Limerick City & County Council issued a Notification of decision to grant planning permission subject to 16 no. conditions – the principal ones of which are summarised below-

1. The development to be carried out in accordance with plans and particulars received on 15th September 2015, as amended by plans and particulars received on 23rd November 2015 and 7th January 2016.

2. Development contribution of €9,450 in respect of public infrastructure and facilities.

3. The net retail floor area of the shop shall not exceed 100sq.m. The proposed deli/coffee shop area shall not be used for the display or sale of goods.

8. Requires a refuse bin to be located outside the premises.

9. Relates to archaeology. The condition refers to the possible need to halt development if archaeological features/items are discovered within the site.

10. No welding or spray-painting shall be carried out on the site.

6.0 Grounds of Appeal

6.1 The 3rd party appeal from Dan O'Flynn, O'Flynn's Centra, Bruff, Co. Limerick, received by the Board on 25th February 2016, can be summarised in bullet point format as follows-

- The appellant operates an existing service station and shop approximately 3km south of the appeal site on the same road. If this development goes ahead it will have a detrimental effect on the appellant's business.
- The retail area proposed does not conform to guidelines set down in the Limerick County Development Plan 2010-2016. This requires retail floor area to be limited to 100sq.m. The floor area indicated on drawings submitted is 158.5sq.m.
- There could be further expansion space for retail within the large building proposed on the site.
- Approximately 70m of hedgerow will have to be removed to improve sightlines. The Development Plan seeks to retain hedgerows.

7.0 Observations

7.1 The Board referred the appeal to the following for comment-

- Department of Arts, Heritage and The Gaeltacht.
- An Taisce.
- The Heritage Council.
- Fáilte Ireland.
- An Chomhairle Ealaíon.

7.2 There were no responses received.

8.0 Response Submissions

8.1 1st Party Response to Grounds of Appeal

The response of HRA Planning, agent on behalf of the applicant, Catherine Reardon, received by the Board on 24th March 2016, can be summarised in bullet point format as follows-

- The appellant is the tenant and not the owner of a nearby retail facility. The owner did not object to the proposed development. The appeal is an attempt to protect the appellant's commercial interest. The planning code does not facilitate market interference.
- The proposed development will replace like-for-like. There is an existing 106sq.m shop on the site.
- The 158sq.m referred to by the appellant amalgamates the proposed shop and deli/coffee area. The proposed shop area is 92.5sq.m and the deli/coffee area is 66.0sq.m. These areas will function separately and are served by separate doorways. Condition 3 of the permission requires that the retail floor area shall not exceed 100sq.m.
- The appellant confuses road safety and landscape protection policies in relation to the proposed hedgerow removal. The removed portion of hedgerow will be reinstated.
- The Traffic Impact Assessment and Road Safety Audit submitted were acceptable to the Council. The development will not result in traffic hazard.

8.2 2nd Party Response to Grounds of Appeal

The response of Limerick City & County Council, received by the Board on 16th March 2016, indicated that the reference in the Planner's Report of 28th October 2015, to reports received in 2013 and 2014 were clerical errors.

9.0 Assessment

The principal issues for consideration in this appeal relate to design, location within the Lough Gur ACA, archaeology, traffic safety and drainage.

9.1 Design & Layout

- 9.1.1 The proposed building to serve the filling station will be located somewhat further to the north than the existing shop building on site. The same applies for the pumps and canopy. The new building will be of single- and two-storey construction, with mono-pitch roofs at shallow angles. The height is the same as the proposed new canopy – 5.9m. The external finishes will be a mixture of dashed and napped render with limestone cladding features on the front elevation only; and green metal cladding for roofs. The replacement design is contemporary – to contrast with the 19th century public house to the south. The building will be an improvement, in visual terms, on the existing shop structure on the site – which is to be demolished. Objective EH O11 of the Plan seeks to restrict development within the Area of Special Development Control around Lough Gur. The

appeal site is entirely located within this area. The Objective refers to “exceptional circumstances” and “extensions to existing properties” whereby development could be considered. I would consider that a replacement development of this order is in the nature of an exceptional circumstance, being in the nature of an extension to an existing use. The site immediately abuts a Regional Road and a public house. The applicant has argued that the facility will provide necessary services to visitors to nearby Lough Gur. Whilst approximately 150m of hedgerow along the R512 is to be removed to improve sight visibility, 100m of this roadside boundary will be reinstated along the set-back boundary. It would be possible to require the planting of a hedgerow of native species along the eastern boundary of the extended filling station proper – by way of condition attached to any grant of planning permission.

9.2 Architecture & Archaeology

9.2.1 Architecture

The site is located on the southeast fringe of the Lough Gur Architectural Conservation Area (ACA), as outlined in the current Limerick County Development Plan 2010-2016. The other three corners of the Holycross crossroads are outside of the ACA. There are no Protected Structures either on or adjoining the appeal site. The redevelopment of a filling station will not have any significant impact on the architecture of the area. The development is limited in size, and the replacement building is an improvement in visual terms on the converted hay shed structure which currently comprises the shop on the site.

9.2.2 Archaeology

There are a number of megalithic monuments within the Lough Gur complex – served by a Visitor Centre. The closest part of the site to Lough Gur itself (the water body) is 500m. There are a number of intervening hedgerows between the appeal site and Lough Gur, and the lough is not visible from ground level at the site. The site is entirely within the boundary of archaeological potential of the massed Lough Gur sites no.s 4-40, as indicated on the Sites & Monuments Record of the OPW. The application was accompanied by an Architectural Heritage Survey & Statement of Justification, which addressed the issue of proximity to Lough Gur. However, no archaeological testing has been carried out within the proposed expanded site area. The application was referred to the Executive Archaeologist of Limerick County Council, who expressed concern about the impact of the development on the Lough Gur Special Development Control Area. It was indicated that phased archaeological testing would be required. However, the report was not received in time for the issuing of the initial request for additional information (which related to other issues such as traffic and effluent treatment). The issue of archaeology was dealt with by way of attaching condition 9 to the

Notification of decision to grant planning permission – which referred to the possibility that development would have to be halted if archaeological remains were unearthed. The application was referred by the Board for comment to the Development Applications Unit of the Department of Arts, Heritage and the Gaeltacht: no response was received. The application is largely for a replacement-type facility – although one which extends further to the north along the R512 into grassed areas where ground has not been disturbed. Objective EH O11(c) of the Development Plan clearly states that it is an objective of the Plan- “To have regard to the archaeological importance and richness of the area indicated in Map 7.5 as a zone of archaeological amenity. Any developments within the zone will be required to provide for an archaeological examination during the course of excavations or other ground disturbance”. Whilst the objective does not specifically refer to prior test-trenching and exploratory work, it would seem prudent that such examination should have been carried out under licence prior to any development – particularly where the discovery of archaeological remains or materials might require alterations or amendments to the development. The development will require excavation for foundations for the proposed building, but will not require excavation for new fuel storage tanks – the existing tanks being utilised. This obviates the need for excavation which would have been to a considerable depth. It would be possible to grant planning permission for this development with a condition requiring archaeological appraisal of all ground works.

9.3 Traffic

- 9.3.1 The application was accompanied by a Traffic Impact Assessment. Traffic counts were undertaken for the AM and PM peak periods at the end of August 2015 (when schools had re-opened). The traffic volumes are low in relation to the capacity of the road and the crossroads junction to the south. The proposed development will replace an existing (closed) similar-type development. It is located on a Regional Road. Dedicated access/egress points (2 in no.) will serve the filling station. A further third egress point was inserted by way of additional information submission, for use by coaches only, but was removed again by way of clarification of additional information submission. The additional turning movements into and out of the filling station will not have a significant impact on traffic safety in the context of a replacement-type development in the vicinity of an existing public house and crossroads just to the south. The site has been extended to the north, in order to improve sight visibility. This will involve the removal of approximately 150 linear metres of roadside boundary hedgerow – approximately 100m of which will be replanted along a set-back line. A public footpath is to be provided along that part of the R512 boundary in front of the filling station proper. The Roads Engineer and the Travel & Transportation Section of Limerick City &

County Council were satisfied with the revised access and parking arrangements for this development. These arrangements are acceptable in terms of traffic safety and convenience.

- 9.3.2 Parking is to be provided for 23 no. cars and 2 no. coaches within the curtilage of the site – as per the revised layout of 7th January 2016. In addition, bicycle parking stands are to be provided and a bay for recharging electric cars. This is an acceptable level of parking, which should ensure no overspill onto the edges of the R512.

9.4 Water

9.4.1 Water Supply

The application form indicates that there is an existing mains water supply to the site. The location of the connection is not shown on drawings submitted. The application was referred by the Council for comment to Irish Water. It was noted that the connection was not one operated by Irish Water. The Water Services Department of Limerick City & County Council noted that there was a 100mm/150mm watermain through the site which would require diversion as a result of the proposed development. This watermain has not been indicated on drawings submitted. The Council requires the diversion of this watermain (at the expense of the applicant) along the L1500-243 County road to the junction and along the R512 Regional road. This requirement would not appear to be reflected in any condition attached to the Notification of decision to grant planning permission. It would be prudent to attach such a condition to any grant of planning permission issuing from the Board.

9.4.2 Foul Waste

The additional information submission of 23rd November 2015, indicated that an existing septic tank serving the public house (and associated uses) on the adjoining site was to be replaced with a 'Tricel' effluent treatment plant to serve the public house and the proposed development. A Site Characterisation Report was submitted. The water table was encountered at 2.2m below ground level on 17th December 2013 (undertaken as part of a previous planning application for new changing rooms for the football club on the adjoining site). The existing septic tank discharges to a Bord na Móna enclosed secondary treatment unit by way of pumping. It is proposed to double the size of the Bord na Móna units, which will become tertiary treatment, in order to serve the proposed development. It is recommended that the peat within the existing Bord na Móna unit be replaced. The new system will serve the existing public house, small hairdressing salon, the proposed development and the football club – an estimated p.e. of 172. The Bord na Móna units will discharge to a gravel filter area of 406sq.m. These elements are located outside of the site as outlined in red, but within the wider site as outlined in blue – in the control

of the applicant. For this reason, conditions could be attached relating to works to be carried out outside of the site as outlined in red. Unsolicited additional information, received on 25th November 2015, included a description of the existing system serving the public house. The additional information submitted on 23rd November 2015, indicated a grease trap on the foul discharge system. Condition 15 of the permission relates to the installation of the proposed new system. The proposed new car-wash will operate on a closed zero discharge system. A Class 1 fuel retention interceptor for all hardstanding areas is proposed – indicated in the clarification of additional information submission of 7th January 2016. Condition 11 of the permission addresses this issue. The discharge to ground from the new system would be subject to requirement for a Discharge License from the Council.

9.4.3 Surface Water

For a site of this nature, all surface waters from hardstanding areas could potentially be contaminated with hydrocarbons and so would come under foul discharge consideration. The clarification of additional information submission of 7th January 2016, proposed a new Class 1 interceptor system for the forecourt. This was acceptable to the Environment Section of the Council. Condition 7 of the permission deals with this issue. Roof water from the building is to be discharged to a soak-pit to the southeast of the site – within lands outlined in blue under the control of the applicant. I would be satisfied that the proposed arrangements for surface water disposal are acceptable and will not result in pollution of groundwater or surface waters.

9.5 **Other Issues**

9.5.1 Commercial Competition

The 3rd party appellant has argued that the proposed development will be in direct competition with a similar-type facility operated by him, some 3km to the south on the R512. This is not a relevant planning consideration.

9.5.2 Financial Contribution

Condition 2 required payment of a development contribution of €9,450. The amount of this contribution has not been disputed. A condition should be attached to any grant of planning permission issuing from the Board, requiring payment of a development contribution in accordance with the Development Contribution Scheme in force at the time.

9.5.3 Waste

The proposed demolition will result in the creation of C&D waste. The Environment & Waste Management Section of the Council was satisfied with the proposed development. Condition 16 addressed this issue, and a similarly-worded condition should be attached to any grant of permission

issuing from the Board. Existing underground fuel tanks for the disused filling station are to be re-used for the proposed development.

9.5.4 Appropriate Assessment

The application was screened by Limerick City & County Council for appropriate assessment, and it was concluded that there would be no adverse affect on any European site. The proposed development is largely for a replacement-type facility. The closest European site is Glen Bog SAC (Site code 001430) some 2.4km to the southeast. The site hosts priority habitat 'Alluvial Forests with *Lanus glutinosa* and *Fraxinus excelsior*'. All foul and surface waters will be treated within the site prior to discharge to ground waters. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no. 001430 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

9.5.5 Signage

There are no signage proposals indicated for either the canopy, shop building or totem sign. It would seem from drawings submitted that the existing totem sign (slightly dilapidated at present) is to be retained. Condition 6 required that no display or goods or materials or advertising boards shall be carried out on the public footpath or roadway. A condition should be attached to any grant of planning permission to issue from the Board, relating to signage.

10.0 Recommendation

I recommend that permission be granted for the reasons and considerations set out below and subject to the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development – being an extension to an existing (but not operational) use on part of the site, the limited area of the retail facility proposed, the design of the building, arrangements made for access/egress and parking, and proposals for treatment of foul effluent, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact deleteriously on the Lough Gur Architectural Conservation Area or the Lough Gur Area of Special Development Control, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The 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 on the 23rd and 25th day of November 2015, and 7th day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external walls of the shop building (apart from stone features) shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. In particular, a 100/150mm watermain, which is believed by the planning authority to traverse the site shall be relocated onto the L1500-243 County road to the south of the site and the R512 Regional road to the west of the site, at the expense of the developer and with the written agreement of the planning authority, prior to commencement of trading of the filling station/shop/coffee shop.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. The roadside boundary hedgerow along the R512 Regional road shall be replaced along that portion of the site to the north of the filling station forecourt. A hedgerow of indigenous species shall be planted on the set-back line within the first planting season following commencement of construction of the development. In addition, an hedgerow of native species shall be planted along the new northern and eastern boundaries of the filling station forecourt with the football pitches to the north and east.

Reason: In the interest of protecting the visual amenities of this area within the Lough Gur Landscape Character Area.

5. All lighting used within the forecourt shall be directed so as not to interfere with passing traffic.

Reason: In the interest of traffic safety.

6. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interest of protecting the visual amenities of this area within the Lough Gur Landscape Character Area.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

8. At least one external litter bin shall be provided in front of the shop building, for use of customers during trading hours.

Reason: To prevent littering and protect the amenities of the area.

9. The total net retail sales space of the forecourt shop shall not exceed 100 square metres.

Reason: To comply with national policy, as set down in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in January 2005.

10. The site shall only be used as a petrol filling station/shop/coffee shop, and no part shall be used for the sale, display or repair of motor vehicles.

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

11. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of protecting the visual amenities of this area within the Lough Gur Landscape Character Area.

12. Details of any branding signage to be affixed to the canopy, shop or free-standing totem sign shall be submitted for the written agreement of the planning authority, prior to commencement of trading.

Reason: In the interest of visual amenity and to avoid visual clutter in this Architectural Conservation Area.

13. The developer shall facilitate the 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,

(b) submit to and agree in writing with the planning authority revised proposals for the design of the filling station, which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance,

(c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any 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.

**Michael Dillon,
Inspectorate**

7th June 2016.