



An
Bord
Pleanála

Inspector's Report PL26.246705

Development	Retain storage shed for grain imports and finished products at Adamstown, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20160285
Applicant	Biogreen Energy Products Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Appellant	Tom and Edel English
Observer	None
Date of Site Inspection	23 rd September 2016
Inspector	Mairead Kenny

1.0 **Site Location and Description**

- 1.1. The site is of stated area of 1.1 hectares. It is located adjacent a minor road and within 500m of the regional road network, which is to the east. The site has an established facility built around the intake of rape seed, pressing of the rape seed to produce oil. The area in which the site is located is a rural area dominated by agricultural uses. The holding to the northwest of the site contains a dwellinghouse and a commercial premises based around the production of fruit and trees. That is the place of residence of the appellants.
- 1.2. The main buildings on site are a large store, which is primarily for rapeseed, silos with dryers, offices and a weighbridge. The subject of this appeal is a new smaller store building located at the north-eastern boundary of the site. This houses small quantities of a few types of grain.
- 1.3. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 **Proposed Development**

- 2.1. Permission is sought to retain a storage shed for grain imports and for storage of finished products. The stated gross floor area of the building to be retained is 228.3 square metres.
- 2.2. which is exported as an animal feed and separately exporting from the site the 'expeller cake' which is the solids left in the press. The majority of the expeller cake appears to be exported to major feed producers. Some
- 2.3. and which is important as a product for feeding cattle. The oil is mainly used in agriculture, having been set up originally to provide an alternative fuel for vehicles.

- 2.4. The application cover letter submitted indicates that the applicant was established in 2002 and became the major national supplier of cold-pressed rapeseed oil as a fuel in adapted diesel engines. A by-product rapeseed expeller cake is a substitute for soya meal – this is supplied to animal feed compounders as a protein supplement. Due to changes in regulation and the economy there was a need to restructure the business which now concentrates on the agricultural sector. The applicant states that it is now the only surviving rape seed oil / animal feed producers.
- 2.5. The business now includes compounding of expeller cake with local sourced grain to produce a coarse ration for the beef industry. The expeller cake is partly exported off site to other manufacturing facilities and part of it is retained on site and mixed in situ and sold directly to farmers. The facility operates under a licence from the Department of Agricultural and their requirements include separate storage of the coarse ratio feed. The storage shed is stated to have been constructed in the context of risk of closure of the business.

3.0 **Planning History**

- 3.1. **PL26.227785** relates to a decision of the Board (September 2008) to uphold the decision of the Planning Authority to grant permission under Reg. Ref. 20064460 for retention of a grain dryer and holding silos, commercial use including manufacturing of oil from oil seed rape, retention of structure containing grain intake and chaff removal and retention of a weighbridge, offices and holding tanks.

3.1.1. Conditions included:

- Condition 2 – ‘This permission relates to the retention of the grain dryer and holding silos, a section of agricultural shed for use as rapeseed oil press, a weighbridge, two temporary offices for a period of five years, a grain

intake/chaff removal facility, three number holding tanks, a water tank and site boundary changes and boundary fencing.' (In the interest of clarity).

- No open storage on site – all storage within buildings, including refuse
- Restriction on time of operation of the grain dryer to between 0800 and 2000 Monday to Friday and between 10th July and 20th October, unless otherwise agreed in writing by the Planning Authority (In the interest of residential amenity).
- Conditions 8 and 9 - Noise limits as specified and annual noise survey to be undertaken during grain drying season or as required by the Planning Authority
- Staff toilet facilities to be provided in accordance with Reg. Ref. 20071898.
- Access improvement to be completed within one month.

Submissions on file include a **noise assessment report (AWN)** which states that it is understood that the noise is associated with the operation of the dryer unit and that this unit typically operates from mid-July to early August and from mid-August to mid-September and that in 2006 it ran for under 400 hours.

- 3.2. **Reg. Ref. 20071898** – this relates to a permission granted (October 2007) for a toilet block and a wastewater treatment system to serve the existing industry – the permission was not taken up.
- 3.3. **Reg. Ref. 20062813** – permission refused (September 2006) for a grain storage shed and canopy over existing grain dryer for reasons relating to public health and residential amenities.
- 3.4. **Reg. Ref. 20052771** – permission granted (September 2005) for a commercial building for storage of oil seed rape. It was noted that another application was to be made in relation to retention of various works on site. Conditions related to noise and dust and bunding of tanks.

3.5. **Reg. Ref. 20050063** – permission refused for storage unit for agricultural products. Reasons for refusal related to inadequate public notices and insufficient information regarding environmental, noise and traffic impacts of the proposed development involving the distilling of oil.

3.6. **Ref. 0096/2015** is the relevant ongoing enforcement case.

4.0 **Planning Authority Decision**

4.1. **Planning and Technical Reports**

4.1.1. Planner's report – notes two enforcement cases (0291/2010 and 0096/2015). The business carried out at this location is eminently suited to a rural location and as such there can be an expected noise level associated with the day to day operation. The claims relating to excessive noise and health impacts are noted and this is not acceptable. In recommending a grant of permission strict noise and dust conditions will facilitate compliance with permitted noise and dust. The application is in response to a warning letter – this is an ongoing rural commercial enterprise that has been operating since 2005 and I see no point in refusing permission for this element which would still permit the overall operation of the business. More stringent noise and dust conditions are attached which should facilitate easier future enforcement if required. AA screening report attached.

4.1.2. Environment – no objection subject to conditions relating to dust and noise.

4.2. **Third Party Observations**

4.2.1. The concerns raised relate to noise and to disposal of waste and other matters and are re-iterated in the appeal.

4.3. **Decision**

4.3.1. The Planning Authority decided to grant permission subject to conditions including:

- Noise emanating from the development at facing elevation of any dwellinghouse in the area during the hours 0700-2100 shall be under 55dB(A)(Laeq, 1hour) and between 2100 and 0700 and Saturdays and Bank Holidays shall be under 42dB(A)(Laeq, 1hour) – noise shall not be impulsive in nature or have any tonal element which is 5bD(A) above the adjacent frequency
- Dust emissions or total particulate release shall not exceed 350mg/m²/day.

5.0 **Grounds of Appeal**

5.1. The main points of the appeal are:

- 5.1.1. No objection in principle to a rural enterprise at the site – appeal due to failure to comply with permissions while continuing to diversify and intensify their operation without due regard to public health and neighbouring properties – the sources of complaint in this appeal relate to matters which are a result of the change to recent operations of the business – that is the company's emphasis on the production of animal feed
- 5.1.2. The Biogreen plant is 50m from our house – conditions 3, 5, 6 and 8 of the decision of the Board under PL26.227785 refer
- 5.1.3. The development description fails to refer to the diversification or intensification which has occurred and as a result significant planning matters including compliance with development plan policy, increased noise pollution, increase in vehicular traffic and impacts on groundwater have not been assessed

- 5.1.4. There is a 'new' noise also which is additional to the other noises from the making of rapeseed oil - noise previously highlighted related to high frequency noise from the processing machines which peaked during the summer months from July to the end of September - recent noise is a low frequency noise which impacts inside and outside of our home, is worst in the supposed 'quiet time' of the year and has hugely negatively impacted on our family's health and wellbeing disturbing sleep and exposing us to noise which is relentless
- 5.1.5. Noise pollution is increasing and now occurs all year round (low frequency) together with the harvest season noise and a bird squealer and traffic noise – this is as a result of the intensification and diversification of the business
- 5.1.6. The storage shed is representative of the intensification and diversification and the increased emphasis on the production of rapeseed cake – a change of use has occurred
- 5.1.7. Waste feed was dumped on lands to the north-west of our property – this is a threat to water sources including our private well – it also attracted seagulls – animal dung was piled at the road side of the mound and this obscured views of what was behind
- 5.1.8. A noise survey was undertaken by Fehily Timoney in April 2015 this was during the off peak hence the high frequency noise at harvest time was not present and the low frequency noise was not detectable with the equipment used
- 5.1.9. The impact on our well resulting in contamination of our water supply and admission in August 2015 of our daughter to hospital after contracting e-coli / cryptosporidium - dumped material has not been removed 6 months after our complaint
- 5.1.10. Our well water has been contaminated with e-coli resulting in a boil notice and following which we had to install an ultra violet filtration system

- 5.1.11. Water quality issues are of concern in relation to our fruit nursery business as well as our family health
- 5.1.12. The intensification has resulted in an increased volume of unsuitable traffic in the area and the road is not suitable
- 5.1.13. The increased emphasis on production of rapeseed cake has resulted in increased machinery work on site and an increase in the number of large trucks - as the only Irish producer of rape seed oil and animal feed the business supplies nationwide and across the UK – there are no laybys along the road and the roads are no longer safe for walking and cycling – the increased traffic since the last period has made the local roads even more hazardous – the applicants have never been required to submit a traffic survey or plan
- 5.1.14. There has been a continuous breach of the hours of operation imposed by condition 6 of PL26.227765 and commercial vehicles come and go including at night-time and weekends
- 5.1.15. We have no issue with rural businesses and operate one ourselves but the continued operation of the plant is failing to adhere to planning policy at a national and local level including in relation to protection of the natural environment, the pattern of development and inappropriate scale and intensification, noise pollution, air pollution,
- 5.1.16. We have no direct link between family health problems (including repeated ear problems and e-coli pollution) and the facility but we are of the opinion that it is the source and we are certain that the disturbance of sleep and distress is playing a part
- 5.1.17. The Planning Authority has failed to safeguard our residential amenity and the development plan objectives N01, N01, N03, N04

- 5.1.18. The conditions of the Planning Authority extend the hours of operation by two hours
- 5.1.19. The development is also contrary to section 10.6.6 of the development plan regarding agricultural waste
- 5.1.20. Regarding the shed we have no issue with its location or design but we do have an issue with the cumulative impact of this shed and other existing structures on the local area
- 5.1.21. Section 18.23 of the development plan refers – the shed and its cumulative impact with other units is of a scale and size that is out of character and injurious to local amenity and resulting in unsuitable level of traffic on roads that do not have the capacity to accommodate it and represents a direct threat to the local environment and water sources
- 5.1.22. Policies ED02, ED19 and ED20 support farm diversification and enterprise but subject to compliance with normal planning and environmental criteria – the policies are contravened by this operation
- 5.1.23. ED04 relating to extensions to existing facilities in the countryside is subject to normal planning and environmental criteria
- 5.1.24. Policy ED08 refers to supporting ‘green’ industries that are of a scale and size which is in keeping with the character of the area and subject to complying with normal planning and environmental criteria – ED14 and EN13 likewise
- 5.1.25. Such criteria include protection of residential amenity, public health and local character – the subject business is at a scale, size and intensity that is wholly detrimental to the local character, environment and amenity and should be refused

- 5.1.26. There is a history of non-compliance and the site is subject to ongoing enforcement including in relation to the removal of waste dumped on land north-west of our property
- 5.1.27. The application should have been refused by the Planning Authority having regard to section 35 of the Act
- 5.1.28. The site has never been screened for Appropriate Assessment
- 5.1.29. Permission should be refused on the grounds of the proper planning and sustainable development.
- 5.1.30. Enclosed is a log of noise which includes references to low vibrating noise in the house including during the night time
- 5.1.31. Enclosed are details of water quality, boil notices and medical expenses for a hospital stay.

6.0 **Responses**

6.1. Planning Authority response

- 6.1.1. The Planning Authority reiterates points made in the planner's report.

6.2. First Party response

- 6.2.1. The first party comments include: -

- 6.2.2. The appeal contains a number of false assertions and allegations

- 6.2.3. Since the granting of permission by the Board under PL26.227785 no issues have been raised with us by the planning authority until late 2015 and these matters were regularised and the file closed

- 6.2.4. The appeal is vexatious and the appellants themselves have undertaken a range of development some of which is questioned in terms of its compliance with planning law and suitability including in relation to traffic
- 6.2.5. There is reference to the court proceedings in October 2007 and the permission prevailing and the conditions (20054460)
- 6.2.6. Condition 9 of PL26.227785 which requires noise surveys is noted – no noise surveys were requested prior to November 2015 – the information arising from the survey required in 2015 shows that noise levels were not exceeded
- 6.2.7. Further the annual throughput of seed which is cleaned and dried has declined since 2007 from 7,000 tons of seed to 1,600 tons in 2015
- 6.3. The condition relating to commercial vehicles has not been breached and traffic volumes are considerably reduced in recent years
- 6.4. Air quality impacts are addressed by the cleaner installed in 2005 at a cost of €145,850
- 6.5. The claim relating to dumping of waste is refuted and Biogreen has no interest in lands beyond the site boundary
- 6.6. There has been no material change in the operations and production on site
- 6.7. Since starting the business all cake produced (and some of the oil) was being sold to the agricultural sector – now all products are sold into the local agricultural sector
- 6.8. All the cake, which is 2/3 of the tonnage, always was and is sold for inclusion in animal feed
- 6.9. Enclosures include results of noise surveys and a production chart and letters of support from local residents.

7.0 **Policy Context**

- 7.1.1. The **Wexford County Development Plan 2013-2019** contains a range of policy objectives to encourage and facilitate the agricultural economy including through diversification and product development and subject to protection of public health, character and amenity.
- 7.1.2. Policy ED04 is to permit extension to an existing industrial or enterprise facility in the countryside subject to scale and form being compatible with the area and compliance with environmental and other standards.

8.0 **Assessment**

- 8.1. I consider that the main issue in this appeal relates to the noise from the development and its impact on the amenities of the area. The related matter is whether there has been a change in the activity which has given rise to increased levels of noise and traffic.

8.2. **Nature of the development, traffic and noise**

- 8.2.1. The proposal before the Board relates only to permission to retain an existing shed which is being used for the storage of grains, which are mixed with rapeseed expeller cake and sold from the premises to farmers.
- 8.2.2. The main activity on the site remains the pressing of rapeseed oil. The major change since the previous appeal in 2008 is that all of the oil and rapeseed expeller cake are sold into the agricultural sector.
- 8.2.3. The activity previously permitted was for the production of an alternative fuel for vehicles – a small proportion of the oil was sold to the agricultural sector also. The previous appeal information includes that in 2008 the applicant hoped to produce 3,000 tonnes of liquid bio fuel.

- 8.2.4. The annual production figures presented with the current appeal indicate that the levels of oil produced peaked at 2,223 tonnes in 2008, then declined and rose to 1,748 in 2015.
- 8.2.5. The appellant's submission is that the nature of the development over recent years has materially altered, constitutes a change of use and has resulted in increased machinery working on the site and an increase in the number of large trucks.
- 8.2.6. I note that the planning history of this site does not limit the output. The statement in the 2008 application / appeal that the aim was to increase the output to 3,000 tonnes. There is no indication that the Board had any objection to that increase or considered that it would result in unacceptable impacts on the residential amenities of the area.
- 8.2.7. The history of this facility is one of successful growth and development. The facility supports the agricultural land uses in the immediate and wider area. Considerable investment has been made in the plant to date and no doubt the operators have developed expertise in its running. The development is served by a local road which appears generally adequate for the purpose and the site is close to the regional road network. The general principle of the development has previously been approved by the Planning Authority and the Board.
- 8.2.8. I submit that the issue for the Board in this case is whether the nature or intensity of the development has altered in terms of its consequences for the environment and for the amenities of the area.
- 8.2.9. It is appropriate in my opinion that there is clarity regarding the nature of the development, particularly in view of the enforcement history. The output from the oil press has relevance in terms of the seed storage, seed handling, hours of operation of dryers and the traffic generation. To ensure clarity on these matters and in the interest of clarifying and limiting the impacts arising I recommend that the Board

attach a condition requiring that the output be limited to 3,000 tonnes oil per annum. Any increased output would require a further permission and could be assessed with appropriate levels of information.

- 8.2.10. Regarding the nature of the ongoing activity the appellant refers to an increased emphasis on the production of animal feed. Based on my inspections and consideration of the written submissions and the history details I agree that the emphasis of the operation now includes production on site of solid feed. This appears to constitute a change in process as outlined below.
- 8.2.11. Ancillary processing involves mixing of expeller cake with grains to produce a cattle feed, which I understand is created on demand. Such demand would be likely to peak in the winter months. There are consequences therefore for noise generation in addition, discussed later. From inspection I submit that this activity appears to generate a lot of traffic by smaller vehicles. Furthermore, the intake of grain for mixing with expeller cake generates traffic, which I understand involves delivery by large vehicles.
- 8.2.12. The amount of the expeller cake is directly proportional to the tonnage of oil produced. It is appropriate in my opinion to clarify the amount of cake mixed on site – this could be limited to no more than 10% of available expeller cake. It is not desirable that this matter which is directly related to the proposed development be left uncontrolled as it involves increased traffic generation.
- 8.2.13. As background to the above I note that the traffic which would result from pressing the same amount of oil and exporting all of the expeller cake would be lower than that if there is on-site processing. I note that the submission by the first party under the history file was that sale of biofuels was mostly to larger volume customers. Thus the nature of the traffic generated would have involved relatively small numbers of large vehicles. The recommended conditions relating in particular to the limit on mixing of the expeller cake will ensure that the traffic volumes are not materially

altered compared with the development previously permitted. Without that condition all of the expeller could be mixed on the site, which would have significant consequences for traffic and possibly for noise (due to movement of front loaders and the association reversing alarms) and required hours of operation.

8.2.14. The context of considering this appeal is one of significant and continuous complaints from the owner/occupier of the adjacent house, particularly on the matter of noise impacts. The enforcement of conditions of the permitted development (PL26.227785) is a matter for the Planning Authority. Those conditions include strict limits on the hours of operation and the months in which the development can operate.

8.2.15. The applicant has not indicated that the nature of the proposed development requires that these conditions be adjusted. I note that the conditions of the decision of the Planning Authority do not limit the months in which the dryers can operate. I note also that the recommended condition *which is stated to be more stringent* in terms of noise control in fact extends the hours of operation insofar as 'daytime' noise levels of 55dB(A)(Laeq, 1hour) are permitted to operate between 0700 and 2100. This would appear to be less onerous than the existing operating conditions.

8.2.16. I note the submitted noise survey results. I also note that the application does not indicate any significant change in the nature or intensity of the development and that no permission is sought for changes to the process. As such it would appear to me that there is no reason to alter the controls of the permitted development. The conditions of the previous decision relating to noise thus appear to me to be valid to the current appeal also.

8.2.17. I consider that the relevant condition attached under PL26.227785 should be restated in the interest of clarity and to protect the residential amenities of the area, which was the reason it was first attached. The Inspector noted *inter alia* that the dryer operates for a maximum of 3 months per annum and the Board attached a

condition to that effect. The first party has not objected to / commented on that condition in the current case.

8.2.18. In summary I recommend that the Board limit the development to accord generally with the permitted operation in terms of the traffic and noise impacts. The recommendations required to achieve this relate to

- output of oil
- use of expeller cake as a mixer
- re-stating of the previously permitted hours and months of operation
- re-stating the noise limits.

8.2.19. Subject to those conditions I do not consider that the development would be materially different in terms of planning impacts to the previously permitted development.

8.2.20. In the event that the Board does not agree with the recommended conditions, my opinion would be that further information is required relating to the nature and origin of the traffic, hours of operation, noise impact and composition and tonnages of seed and grain inputs and of products.

8.3. Other issues

8.3.1. The appellant has raised a number of other matters; to which I now refer.

8.3.2. The appellant 's comments relating to deposition of waste and contamination of well water are noted. The development involving a shed for the storage of dry goods including grain would not give rise to water quality impacts. The conditions of the previous appeal relating to waste should be re-stated.

8.3.3. The development subject of this appeal will not result in significant air quality impacts or water quality impacts. I find that there is no evidence to support that contention.

- 8.3.4. The building which is proposed to be retained is small in scale and lower in height than the existing buildings and is acceptable in terms of visual amenity.
- 8.3.5. Landscaping of the site is governed by the previous permission.
- 8.3.6. I note the development plan policies pertaining to development of this type, which is generally positive subject to protection of the environment and amenities. Subject to the recommended conditions and having regard to the nature of the development which it is proposed to retain, I consider that the development is compatible with the objectives of the development plan and that it accords with the criteria for extensions to existing facilities in rural areas.

9.0 **Appropriate Assessment**

- 9.1. The nearest Natura 2000 sites are
- Slaney River Valley SAC, Site Code 000781
 - Wexford Harbour and Slobs SPA, Site Code 00406
 - River Barrow and River Nore SAC, Site Code 002162
 - Blackstairs Mountains SAC, 00770.
- 9.2. The site is closest to the Slaney River Valley SAC, which is also connected to the Wexford Harbour and Slobs SPA.
- 9.3. The documentation on file refers to the screening of the site by the Planning Authority for Appropriate Assessment. Any such report is not available to me at the time of writing. The nature of the development is properly described and can be clearly understood.
- 9.4. There is no significant hydrological connection between the site of the proposed development and the Natura sites.
- 9.5. The nature of the subject development is a covered store for dry goods, which are agricultural in origin and which are found growing throughout the catchment.

- 9.6. The project is unlikely to have any significant effects on the designated Natura 2000 sites within 15km of the site.
- 9.7. I consider that the project would not have any effects in conjunction with other plans or projects on any designated Natura 2000 site.
- 9.8. It is reasonable to conclude that on the basis of 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 any designated Natura 2000 and that a Stage 2 Appropriate Assessment is not therefore required.

10.0 **Recommendation**

I recommend that permission be granted for the reasons and conditions and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the established agri-business facility on site, the nature of the development, the availability of adequate vehicular accessibility to the site, the scale of the development relative to the site area, the pattern of development in the area and the site landscaping, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, 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 within three months of the date of this decision.

Reason: In the interest of clarity.

2. This permission relates only to the retention of a shed for the storage of grains and finished product.

Reason: In the interest of clarity.

3. The following shall apply to the development.

(a) The primary use of the facility shall remain the production of oil from rapeseed and the exporting from the site of expeller cake.

(b) The output from the oil press shall not exceed 3,000 tonnes per annum.

(c) No more than 10% of the expeller cake shall be processed for the manufacture of animal feed on site. The remaining 90% shall be exported from the site for processing elsewhere.

Reason: In the interest of protecting the residential amenities of the area and the protection of the environment and to ensure the development complies with the permitted development as revised by the development subject of this application.

4. Storage of raw materials, finished goods and waste, including refuse, shall be confined within the buildings. There shall be no open storage on site.

Reason: In the interest of orderly development and visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. Unless otherwise agreed in writing by the planning authority, the grain dryer shall not be used:

(a) outside 0800 hours and 2000 hours, Monday to Friday (excluding Bank Holidays) on a daily basis, and

(b) outside the dates of the 10th day of July to the 20th day of October on a yearly basis.

Reason: In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

7. Unless otherwise agreed in writing by the planning authority, commercial vehicles shall not bring materials to or from the site outside 0800 hours and 2000 hours, Monday to Friday (excluding Bank Holidays).

Reason: In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

8. Appropriate measures shall be implemented on site to control dust arising. Total dust deposition values shall not exceed 350 mg/m²/day averaged over a 30 day period.

Reason: In the interest of public health.

9. Noise emissions from the site when measured at site boundaries shall not exceed 55 dB (L_{Aeq} 30 min) between 0800 hours and 2000 hours, Monday to Friday and 45 dB (L_{Aeq} 15 min) at any other time. Daytime level shall be rated by the inclusion of a five dB penalty where emissions from the site include total or impulsive characteristics. No tones or impulses (for example, warning signals from reversing vehicles) shall be permitted between 2000 hours and 0800 hours.

Reason: In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

10. A comprehensive noise survey shall be undertaken by the developer during each grain drying season, or at other times as may be required by the planning authority. Survey results shall be made available to the planning authority when requested.

Reason: In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

11. 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.

Mairead Kenny
Senior Planning Inspector

27th September 2016