



An  
Bord  
Pleanála

## Inspector's Report ABP-301053-18

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<b>Development</b>	Demolition of existing hay shed & stable, construction of new storage shed incorporating small personnel office and toilets. The development will supersede part of previously granted application AA161769.
<b>Location</b>	Tayto Park Visitor Centre, Kilbrew, Ashbourne, Co. Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA/171418
<b>Applicant(s)</b>	Ashbourne Visitor Centre
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Fergus Casey
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> May 2018
<b>Inspector</b>	Patricia Calleary

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.76 ha is part of the overall Tayto Park visitor attraction site, which extends to 41.6 ha at Kilbrew, c.4.4km northwest of Ashbourne and 5km northeast of Rathoath in Co. Meath. The facility comprises an amenity park with amusement rides, large rollercoaster, zoo, children play areas, restaurants and shops.
- 1.2. The site consists of a field and currently contains a hay shed, stable and a temporary aviary (a large enclosure for birds) associated with the Tayto park visitor attraction. It is bounded to the north by the main car park within the Tayto Park facility, to the south by a local road, the L50161, and to the east and west by residential dwellings. Access to the site is via an agricultural entrance from the L50161 local road and there is an agricultural gate located at the northern end of the site which adjoins the Tayto park facility to the north.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the demolition of the existing hay shed and stable with a gross floor area (GFA) of c. 293 sq.m, and the construction of a new storage shed incorporating a small personnel office and toilets.
- 2.2. The storage shed would be a steel-framed building. It would measure 23m x 67m and would have a GFA of c.1,502 sq.m and a maximum height of c.7.8m. It would be largely open internally with ancillary office and toilet areas. Access to the development would be from within the Tayto park facility immediately north and would comprise a service entrance for use by LGVs and staff and a separate HGV access.
- 2.3. It is set out in the statutory site notice that the development would supersede part of previously permitted development (Meath County Council Ref. AA160769), which comprised the construction of a lofting aviary structure (960 sq.m) at this location and which would no longer take place.

2.4. In addition to the normal planning drawings, the planning application was accompanied by a Swept Path Analysis, a proposed Planting/Landscape plan, Planning report, Engineering report (Services) and a Noise Impact Assessment report.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority issued a decision to grant permission subject to 20 conditions, the following which are of note:

- **C2** – Development limited to storage purposes ancillary to the Tayto Park visitor attraction.
- **C3** - Submit a layout showing the closure of the existing agricultural access onto the L50161.
- **C5** – HGV traffic associated with the development shall be limited to 2 per day over 5.5 days.
- **C15** – Submit a construction management plan.
- **C17** – Engage an archaeologist for archaeological monitoring.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer recommended a grant of permission subject to 20 conditions. The following is a summary of the planning officer's assessment:

- The current proposals differ from the previous proposal, which was refused permission, by way of a reduced building size and alternative access arrangements. It would provide for the current and future storage requirements of Tayto Park.
- Revised building is considered acceptable due to its reduced impact on the visual and residential amenity of dwellings in the immediate vicinity.
- Landscape proposals are considered acceptable.

- Transportation section notes that the current access proposals are acceptable.
- Surface water disposal arrangements will be required to be agreed with Meath County Council.

### 3.2.2. Other Technical Reports

- |                          |   |
|--------------------------|---|
| • Water Services         | No response on file                           |
| • Road Design            | No objection subject to conditions            |
| • Environment            | No objection                                  |
| • Environment (Flooding) | No objection                                  |
| • Conservation Officer   | Further information / conditions recommended. |

### 3.3. Prescribed Bodies

- |                            |   |
|----------------------------|---|
| • DCHG                     | No objection subject to conditions (archaeological monitoring)    |
| • OPW                      | Provided a map of channels maintained by OPW and Local Authority. |
| • Inland Fisheries Ireland | No objection  |
| • An Taisce                | No response on file   |

### 3.4. Third Party Observations

- 3.4.1. One third party submission was received by the Planning Authority. The issues raised are similar to those included in the grounds of appeal summarised under Section 6 below.

## 4.0 Planning History

### 4.1. Appeal site

- **AA160769** – Permission was granted (2016) for the construction of a falconry attraction and associated structures at three separate locations all within the

existing park area and comprises of 2 no. Lofting Aviary Structures measuring c. 250 sqm gross floor area and a height of 4.3m; 1 no. Lofting Aviary Structure measuring c. 960sqm gross floor area and a height of 4.0m, 1 no. Aviary mews building measuring c. 107 sq.m GFA and a spectator stand with a capacity for c. 300 persons.

- **ABP Ref. PL17.248421 /PA Ref. AA170159** – Permission was refused (2017) for the demolition of existing hay shed and stable, construction of a storage shed incorporating personnel office and toilet used to house light goods and non-perishable materials, lean-to canopy to one-side of the shed and the incorporation of personnel office and toilet facilities.

#### 4.2. **Tayto Park Visitor Attraction Facility**

4.2.1. There is extensive planning history associated with the Tayto Park visitor attraction and this is detailed in the applicants planning report which accompanies the application and is also set out in the planning officer's report. The following history details are considered of relevance to the appeal now before the Board.

- **PA Ref. DA/60200:** Permission was granted (2007) for an educational, visitor and interpretative centre. The proposal comprised an educational interpretative centre, associated restaurant and shop, picnic and children's play area, Indian village with points of interest along forest walk and factory walk and viewing areas.
- **ABP Ref. PL17.230693 / PA Ref. DA800081:** Permission was granted (2009) for revisions to previously approved educational, visitor and interpretative centre (reg. ref. DA/60200) within a site of 6.8 hectares.
- **PA Ref. DA110626:** Permission was granted (2013) for retention of amendments to the previously permitted educational, visitor and interpretive centre including extension of the site by approximately 4.8 hectares, alterations to permitted layout and provision of additional facilities. A third-party appeal against this decision was subsequently withdrawn.
- **PA Ref. DA140179:** Permission was granted (2014) for extension of the existing Tayto Park facility on a site of approximately 18.1 hectares to include a new vehicular entrance, a new roundabout on the R155 and associated

works to the public road including localised road realignment, and a new car parking area to provide a total of 1,917 no. car parking spaces to serve the entire facility. The development also provides for construction of complementary visitor facilities and attractions to include a Wooden Rollercoaster, indoor 'Dark Ride' attraction and 'Air Race' attraction. The application was accompanied by An Environmental Impact Statement (EIS).

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2013-2019

5.1.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement. The following policies and objectives are considered relevant.

- Core Principle 7: To protect and support rural areas through careful management of physical and environmental resources and appropriate, sustainable development.
- Section 4 (Economic development) including Section 4.4 (rural enterprises) and Section 4.6 (tourism): The addition of Tayto Park has provided a new national tourist attraction into the county deviating from the traditional attraction based on its heritage and cultural offer.
- ED POL 14: Promote rural economic development.
- ED POL 17: Permit development proposals for the expansion of existing authorised industrial or business enterprises.
- ED POL 18: Permit development proposals for industrial or business enterprises in the countryside where certain criteria are met including (i) Locational, (ii) enhance strength of local rural economy, (iii) resultant development of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of surrounding area, (iv) in accordance with policies and requirements of the plan, (v) would not generate inappropriate traffic type and amount.
- ED POL 20: Normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where

the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

- ED POL 28: Encourage new and high-quality investment in tourism.
- ED POL 31: Enable, facilitate and encourage growth and sustainability of the tourism sector.
- ED POL 37: Promote Tayto Park in Curragha as a flagship visitor attraction and support further appropriate development of the facility.

## 5.2. Natural Heritage Designations

- 5.2.1. The River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) are the closest Natura 2000 sites, located c.15km to the north west of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Fergus Casey with an address at Kilbrew, Curragha, Ashbourne, Co. Meath. The principal points put forward in the appeal are summarised as follows:
- Refers to a previous application for a similar development (PL17.248421) which was refused on appeal.
  - Notwithstanding the reduction in floor area and overall height when compared to the previous development which was refused permission, the current proposal is for a substantial industrial building located in a residential area and remote from the theme park complex.
  - Development would be visually obtrusive and at odds with the rural character.
  - Development would create an unacceptable intrusion into an existing residential area including noise and light pollution.



- Unclear why two access points on the northern boundary are necessary.
- Development may be speculative industrial development, which may be subdivided and occupied by non-related uses of the theme park.
- Would add unnecessary and dangerous HGV traffic movements within a public car park.

## 6.2. Applicant Response

6.2.1. A response to the appeal was received from Declan Brassil & Co. Ltd. representing the applicant. The response is summarised as follows:

- The current application sought to comprehensively address the reasons for a previous refusal issued by the Board under PL17.248421.
- Design and screening of the proposed development has been carefully considered to mitigate against potential visual and amenity impacts on nearby residences and from the local road to the south.
- The scale and height of the building in the current proposal is reduced from that which was previously proposed.
- Noise impact assessment concludes that the proposed development would have a low impact on the acoustic character of the locality and the operational activities would not significantly impact on the existing ambient noise environment of the closest residential receptors.
- Proposed development would not result in any noise pollution.
- Proposed development would be utilised to store goods associated with Tayto Park.
- Appellant's concerns regarding the intended use of the development has been addressed by Condition No.2 and No.3 attached to the Planning Authority's decision to grant permission and these could be attached to a Boards Order in the event of a grant of permission.
- Vehicular access would be exclusively from Tayto Park internal road network and the car park.

- Condition No.5 attached to the Planning Authority's decision regulates the HGV traffic to 2 per day and developer would be satisfied with a similar condition attached by the Board in the event of a grant of permission.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority referred to the planning officer's report and requests the Board to uphold their decision to grant planning permission.

### 6.4. **Observations**

- None

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. The appeal site is located in a rural area c. 5 kilometres northeast of Ratoath and 4.4 kilometres northwest of Ashbourne, in County Meath. The site is bounded by residential properties to the east and west, by the main part of the established Tayto Park visitor attraction to the north and by a public road (L50161) to the south. The site comprises a grassed field and contains a hay shed, stable and temporary Aviary structure / bird enclosure that houses animals, birds and fodder associated with the visitor attraction.
- 7.1.2. The development would involve the construction of a storage shed with a stated floor area of 1,502 sq.m and an overall height of 7.8m. It is stated that this would supersede an extant permission (PA Ref. AA160769) to construct a lofting Aviary structure with a stated area of 960 sq.m on the same site.
- 7.1.3. The main planning issues arising in the appeal and my *de novo* consideration of the application include the following:
- Principle and Planning Policy
  - Visual Amenity
  - Residential Amenity (Noise and Light)

- Transportation
- Other Matters
- Appropriate Assessment

7.1.4. My assessment of each of the above issues is set out under the respective headings below.

## 7.2. Principle and Planning Policy

7.2.1. In relation to the principle of the development, the grounds of appeal argue that, notwithstanding that the proposed storage shed with a GFA of 1,502 sq.m is reduced in size and scale from a proposal which was previously refused which proposed a GFA of 2,218 sq.m and noting the height reduction proposed from 10.7m to 7.8m, the development is for a speculative industrial building and is inappropriate at the proposed residential location. In response, the appellant asserts that the proposed use of the development has been set out on the statutory notices and includes storage associated with merchandise and hardware spare parts for the attraction rides, all associated with the Tayto Park facility. It is submitted that the proposed development would help to ensure the successful operation of the park in meeting visitor demands through the provision of a consolidated on-site storage facility.

7.2.2. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The appeal site is located in a rural area outside of the designated settlements identified in the Development Plan and is not subject to a land-use zoning objective. It is a core principle of the Development Plan to protect and support rural areas through careful management of physical and environmental resources and appropriate sustainable development. The Plan includes a specific policy to promote Tayto Park as a flagship family visitor attraction and to support further appropriate development of the facility (Policy ED POL 37). In addition, Section 4.6.6 (tourism) sets out that the addition of Tayto Park has provided a new national tourist attraction into the county, deviating from the traditional attraction, based on its heritage and cultural offer.

7.2.3. I am satisfied that the development need has been established and the development would be solely associated with Tayto Park and would be accessed from within the facility only. Policy expressed through the current Meath County Development Plan and referenced above supports the development. Accordingly, I am satisfied that subject to complying with planning requirements, which I intend to address in the following sections of my assessment, the principle of the proposal is acceptable.

### 7.3. Visual Amenity

7.3.1. The development would lie adjacent to the existing buildings associated with Tayto Park and other processing structures (Largo Foods and MD Burns), which lie c.230m to the southwest of the appeal site. It would be located on a site between two individual houses, one which would be c.40m to the south west and another which would be c.45m to the south east of the proposed building.

7.3.2. The development proposes the omission of a previously permitted structure of a stated GFA of 960 sq.m, albeit that structure was to appear more open and at 4m in height would be significantly less visual. The current proposals would have a smaller footprint of 1,502 sq.m reduced from a GFA of 2218 sq. which was previously refused by the Board under ABP Ref. PL17.248421. It is also proposed to reduce the overall building height from 10.7m to 7.8m. Landscape screening proposals as presented on Drawing No. 109 and the accompanying planting report would comprise the provision of 44 mature trees and extensive hedgerow planting. The conservation officer required the use of matt dark green paint colour on exposed metal work for the building, gates and fences.

7.3.3. I am satisfied that while the building would initially be noticeable from roads and adjoining residences, noting the site context and the landscape proposals, the development would become part of the Tayto visitor attraction and in time would be less noticeable when the screening matures. Having regard to the need for the development to serve to sustain the visitor attraction and the policy support for Tayto Park, as set out under Section 7.2 above, I do not consider that, post implementation of the landscape and screening, any remaining visual impacts would be such as to outweigh the benefits of the development and policy support for the Tayto Park facility as a flagship and national tourist attraction, as expressed through the Meath County Development Plan.

7.3.4. Accordingly, I do not recommend that the development should be refused for reasons of visual amenity.

#### 7.4. Residential Amenity (Noise and Light)

7.4.1. The appeal raises concerns regarding noise intrusion which would arise from additional vehicles and forklifts operating within the existing residential area. Concerns are also raised around light pollution from building floodlights which would arise.

7.4.2. A noise impact assessment was included with the planning application. It noted that the potential sources of noise during the operation stage would arise from HGVs arriving to and departing from the site, loading and unloading of trucks and the use of forklifts. The impact of the proposed development was assessed against the NRA 2004 guidelines for construction stage activities and BS 5228: Noise and Vibration control on construction and open sites (BS, 2009). Noise from operational stage activities were assessed by reference to BS 4142 Methods for rating and assessing industrial and commercial sound (BS, 2014) and EPA 2016 guidance and IEMA guidance. The assessment concluded that the noise impact would be low and overall would not significantly impact on the existing ambient noise environment at the closest residential receptors. Operational noise emissions would be less than  $L_{Aeq, 1 \text{ hour}}$  of 55dB during daytime. No activity would appear to be proposed at the storage shed at night time and noise would not be an issue therefore at night. Construction stage is stated to be completed in compliance with standard construction stage noise limits. Having regard to the information provided in the noise impact assessment report and to the nature of the development for storage purposes, I am satisfied that noise levels can be controlled during construction and would not be an issue in the longer term.

7.4.3. In relation to light pollution, it is stated that the proposed development would typically operate in daytime hours during peak summer periods and is unlikely to require external lighting. The drawings and documents do not refer to proposals for floodlighting. In addition, the proposal would be screened from residents and the public road. Overall, I do not consider, given the nature of the proposal which would serve Tayto park predominately in summer periods where daylight is greatest, light pollution would arise to any unacceptable degree.

7.4.4. Having regard to the above, I do not recommend that permission should be refused for reasons of noise intrusion or and light pollution.

## 7.5. **Transportation**

7.5.1. Access to the proposed storage building is currently from a local road, L50161 to the south of the site. If permitted, it is proposed that access would exclusively be from within the Tayto Park facility to the rear (north). This would take the form of a service entrance for LGVs and staff and a separate HGV access, both from the Tayto Park facility. Drawing No. 108 submitted with the planning application provides a swept path analysis for HGVs utilising the proposed access road and which I am satisfied demonstrates that HGVs can enter and turn within the Tayto Park facility. The volume of traffic associated with the proposed development is stated as typically 2 no. HGV and 1 no. LGV delivery van movements per day, which would occur between the morning peak and evening peak periods.

7.5.2. The Road Design office of Meath County Council raised no objection to the proposals on traffic grounds subject to the closing up of the existing access onto the local road (L50161). Condition No.5 of the Planning Authority's decision included a requirement that the HGV traffic would be limited to 2 per day over 5.5 days per week. This would represent one HGV delivery in and one out. In the event of a grant of permission on appeal, the appellant states they would be satisfied with the attachment of a similar condition.

7.5.3. It is evident from details submitted and referred to above, that traffic volumes associated with the development would be low. A key difference between this application and the previous application which was refused permission is that the previous application proposed an access onto the local road, L50161, whereas the current proposals have removed this element of the proposal and all access would be from within the existing Tayto Park facility to the north. I am satisfied that the access and transportation arrangements are acceptable and permission should not be withheld for this reason.

## 7.6. Other Matters

- 7.6.1. The Engineering Assessment Report and the drawings and details submitted with the planning application are considered to satisfactorily address surface water drainage, foul drainage and water supply.

## 7.7. Appropriate Assessment Screening

- 7.7.1. The site is not located within or directly adjoining any Nature 2000 site. The River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) are the closest Natura 2000 sites, located c.15km to the north west of the appeal site. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

## 8.0 Recommendation

- 8.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Meath County Development Plan 2013-2019, including in particular policy 'ED POL 37 – Promote Tayto Park in Curragha as a flagship visitor attraction and support further appropriate development of the facility', to the general character and pattern of development in the area, to the nature, scale, extent of the development proposed and resultant traffic which would be generated within the Tayto Park facility and to the landscape and screening proposals presented with the application, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not generate any unacceptable noise emissions or light pollution for residential receptors and would be acceptable in terms of traffic

safety. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed 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 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. The land and buildings to which this permission relates shall be utilised for storage purposes associated with Tayto Park visitor attraction only, unless a further grant of permission has been applied for and granted.

**Reason:** To define the use permitted by this permission.

3. Detailed specification for all proposed external materials and finishes (including trade names) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. External cladding shall be dark green in colour.

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

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

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

5. All planting/landscaping required to comply with the specification of the landscaping scheme (Drawing No. 109 – Proposed Planting Plan) submitted to the planning authority shall be maintained, and if any tree



or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

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

6. A revised site layout plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development showing the closure of the existing agricultural access onto the L50161 local road within one month of the occupation of the proposed development. When operational, the proposed vehicular access arrangement to the site be from within the Tayto Park facility only.

**Reason:** In the interest of traffic safety.

7. HGV delivery traffic associated with the storage development shall be limited to 2 movements per day over 5.5 days per week.

**Reason:** In the interest of traffic safety.

8.
  - (a) The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to monitor all groundworks associated with the development.
  - (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
  - (c) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

9. 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 noise management measures, traffic management measures and off-site disposal of construction and demolition waste.

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

10. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of residential amenity during the construction phase.

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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the

terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Patricia Calleary  
Senior Planning Inspector

23<sup>rd</sup> May 2018