



An
Bord
Pleanála

Inspector's Report 301642-18.

Development	The continuance of use of the existing concrete batching plant (this concrete batching plant was previously granted for a five-year period under Planning Application Ref. No. 02/40 and extended for a further ten-year period under Planning Application Ref. No 07/1704).
Location	Corrogemore, Tipperary, County Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	18/601281.
Applicant	Gleeson Concrete Ltd
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Mary and Elaine Heffernan.
Observer(s)	None
Date of Site Inspection	25 th July 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The site is located approximately 2 kilometres east of the town of Tipperary in a rural area. On the site is an active working sand and gravel quarry with areas of excavation of material and on site processing of material.
- 1.2. The quarry site is a large site which extends southwards from the N74 Cashel Tipperary National Secondary Route to a local road which forms the southern boundary.
- 1.3. Access to the site is from the local road which in a north westerly direction connects the site to the N24 and N74 National routes on the fringe of Tipperary town. This local road is on the southern side of the site.
- 1.4. In addition to the excavated areas and current excavation areas and associated ponds processing and grading of material occurs in the southeastern area of the site. There is a concrete batching plant located in southeastern area of the site.
- 1.5. The area is rural and mainly agricultural. Dwellings are located on the road network.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 22nd of November 2017 was for;

The continuance of use of the existing concrete batching plant (this concrete batching plant was previously granted for a five-year period under Planning Application Ref. No. 02/40 and extended for a further ten-year period under Planning Application Ref. No 07/1704. The stated area of the site specific to the development is 0.21 hectares.

Included in the documentation submitted are

- Drawings relating to the batching plant.
 - A copy of historical monitoring results of the site in relation to dust, water and noise.
- 2.2. Further information was submitted on the 23rd of March 2018 which included;

- A request that the times of operation be amended to those as specified in the Board decision;
- The entrance does not form part of the area relating to the application and falls outside of it and this access point is in use for decades and considered satisfactory. The applicant has no issues in relation to remedial works on the road network and payment of a contribution towards same.
- Reference is made to issues of dust and noise and to measures in place on the site.
- There is no evidence of any significant exceedance of dust levels or noise levels.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to 15 conditions.

Conditions of note;

- Condition no 2 limited the permission to a period 10 years.
- Condition no 3 refers to hours of operation.
- Condition no 13 refers to reinstatement of the lands on removal of the batching plant.
- Condition no 14 refers to a restoration scheme based on condition no 13 and payment of a security in relation to ensuring reinstatement.
- Condition no 15 refers to a contribution of 30,000 euro towards the reconstruction of the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 24th January 2018 refers to the

- Site history;

- Submissions received including internal reports and third party;
- Planning policy in relation to quarries and extraction
- An appraisal of the development applied for indicating the principle of the development is acceptable; consideration of design and siting which is not considered to be an issue; an evaluation of noise specifically in relation to the batching plant and that further mitigation measures be examined; a similar appraisal is outlined in relation to dust levels and issues in relation to the road network and entrance.
- Further information was recommended.

3.2.2. The planning report dated the 17th of April 2018 refers to the further information submitted and indicates that altering the hours of operation as requested are not considered acceptable, that a 10-year time limit is considered appropriate and permission was recommended.

3.3. A third party submissions was received in relation to the planning application referring to the location of the objectors' dwellings in relation to the quarry; the impact on the quarry in relation to noise and dust over a long period of time; non-compliance with permissions granted; and overall adverse impact on adjoining properties.

4.0 Planning History

The appeal site has a long planning history.

ABP Ref. No. PL.23.129310/P.A. Ref. No. 02/40

Permission granted for the retention of concrete batching plant on the 9th of October 2002 subject to 20 conditions. Condition no 2 limited the duration of permission to 5 years.

P.A. Ref. No. 07/1704

Permission granted by the planning authority for the continuance of use of the batching plant previously granted for five years under ABP Ref. No.

PL.23.129310/P.A. Ref. No. 02/40 on the 11th of January 2008 subject to 13

conditions. Condition no 1 limited the duration of permission to 10 years from the date of the order.

5.0 Policy Context

5.1. National Guidance in relation to the Extractive Industry is outlined in *Quarries and Ancillary Activities, Guidelines for Planning Authorities, (DEHLG 2004)*.

5.1.1. The document offers guidance in relation to overall policy and sets out standards to be used in assessment of development proposals.

5.2. The relevant plan is the South Tipperary County Development Plan 2009-2015 as varied. The county plan has had its lifetimes extended (11A Planning and Development Act 2000, (as amended)), and will remain in effect until a new Regional Spatial and Economic Strategy is made by the Southern Regional Assembly, thereafter a new Tipperary County Development Plan will be made.

5.2.1. Chapter 5 of the plan refers to Economic Development and section 5.6 to the Rural Economy and Natural Resources. Section 5.6.2 refers to Enterprise in the Open Countryside and the relevant policy is Policy ED9 Enterprise in the Open Countryside where it is stated that

“It is the policy of the Council to support and facilitate the provision and/or expansion of appropriate small scale rural enterprise in the open countryside within residential sites and in vacant or derelict buildings. Development proposals will be required to meet the following criteria:

a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;

b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area.

c) The development shall comply with the development management standards set out in Chapter 10.

Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will seek to encourage its re-location to a more suitable location on zoned land within towns and villages”

5.2.2. Section 5.6.3 refers to non-conforming uses and policy ED10 in this regard indicates

“It is the policy of the Council, where commercial/industrial enterprises exist as nonconforming but long established uses, to support their continued operation and expansion provided such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard”.

5.2.3. Section 5.7 of the plan relates to extractive industries where it is indicated that “the Council will facilitate the development of extractive industries, while ensuring that the environment and rural and residential amenities are protected”.

Policy ED 11 refers to Minerals, Mining and Quarrying and it is indicated that “it is the policy of the Council to have regard to the Quarries and Ancillary Activities, Guidelines for Planning Authorities, (DEHLLG 2004), and promote the extraction of minerals and aggregates, where such activities do not have a significant impact on the environment, landscape or residential amenities of the area”.

5.2.4. Chapter 10 of the plan refers to Development Management Standards and outlines standards to be considered in assessing individual development proposals.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellants in the grounds of appeal dated the 11th of May 2018 indicates refers to the following;

- Reference is made to the history of the site and the historical issues of noise and dust raised in the current and previous applications for the appeal site and to the absence of compliance.
- No EIS was submitted.
- Reference is made to the operation of the quarry and to non-compliance in relation to the operation of the quarry.

- There is no assurance that the planning authority will act on non-compliance based on the history of the site.
- Reference is made to intensification of the site and that a traffic management plan is necessary.
- The appellants reside in the closest dwelling and no monitoring occurs at what is a noise sensitive location and would give permission for such monitoring to occur.
- There are concerns in relation to health and safety.
- The appeal submission also includes documentation on correspondence in relation to the operation of the quarry and which were brought to the attention of the planning authority.

6.2. Applicant Response

The applicant in a response dated the 14th of June 2018 refers to;

- The planning history of the batching plant is outlined and there is reference to the history of the quarry.
- Reference is made to the planning permission granted for the appellants dwelling in 2009 and that her parents sold the quarry which was an operating sand and gravel quarry and would have been aware of the activities of a quarry operation.
- Other dwellings in closer proximity have not raised objections.
- Reference is made to what the current proposal is for which is the continuance of the use of a batching plant.
- No EIS is required.
- Conditions are complied with.
- There is no intensification of use.
- Monitoring is extensive and the appellants' properties can be included with their agreement.
- The appellant requests alteration of hours of operation to before 07.00 hours to provide for the rare occasion this may be required.

- The appellant requests the period of permission be extended to 20 or 25 years as the plant will be required for the lifetime of the quarry.
- Reference is made to condition nos 13 and 14 which may apply to areas outside of the batching plant. No major reinstatement works are required in relation to the area of the batching plant itself and the issue arises of having to pay for an insurance bond or cash for works which would not occur for a long time. It is not known if a bond can be secured and whether it is reasonable for a cash deposit to be tied up for many years.
- It has not been clearly demonstrated how the 30,000 euro required by condition by condition no 15 was arrived at.
- Reference is made to the ongoing monitoring which occurs and the mitigation measures in relation to noise and dust.
- The appellant is amenable to altering the monitoring locations.
- It is difficult to see why traffic is raised now after many years.
- A letter from the company director of the quarry is also submitted.

6.3. Planning Authority Response

The Planning Authority in a response dated the 14th of June 2018 refers to;

- Reference is made to the planning history.
- The application was received prior to the expiry of the previous duration of planning permission.
- The operation of the quarry is regulated by Section 261.
- EIA is not required.
- The noise monitoring is carried out within the site and it is therefore likely levels outside of the site at noise sensitive locations will be lower.
- There are conditions in relation to monitoring in relation to noise and dust.
- There is a wheel wash and the applicant is required to prevent spillage from vehicles by condition.

- There was no need for a traffic management plan identified.
- The Board is requested to uphold the planning authority's decision to grant planning permission.

7.0 Assessment

- 7.1. This is a third party appeal in relation to the grant of permission by the planning authority of the development as applied for. The development as applied for is the continuance of use of the existing concrete batching plant.
- 7.2. The development which is the subject of this appeal relates solely to the batching plant and not the quarry in which it is located.
- 7.3. It is noted that the site has a long planning history where under ABP Ref. No. PL.23.129310/P.A. Ref. No. 02/40 permission was granted for the retention of concrete batching plant on the 9th of October 2002 subject to 20 conditions. Condition no 2 limited the duration of permission to 5 years. Under P.A. Ref. No. 07/1704 permission granted by the planning authority for the continuance of use of the batching plant previously granted for five years under ABP Ref. No. PL.23.129310/P.A. Ref. No. 02/40 on the 11th of January 2008 subject to 13 conditions. Condition no 1 limited the duration of permission to 10 years from the date of the order.
- 7.3.1. The current proposal is for a further continuance of the batching plant. Condition no 2 of the planning authority's decision to grant plant planning permission limits the permission to a period 10 years. In correspondence submitted the applicant has requested that the period of permission be extended to 20 or 25 years as the plant will be required for the lifetime of the quarry.
- 7.4. The third party who resides close to the quarry in the grounds of appeal, refers to the history of the site and the historical issues of noise and dust raised in the current and previous applications for the appeal site and to the absence of compliance generally in relation to the operation of the quarry; that no EIS was submitted; to intensification of the site and that a traffic management plan is necessary.

- 7.4.1. The first party and the planning authority have responded to the issues raised. The first party has also raised issues in relation to a number of conditions and changes to the operation of the quarry.
- 7.5. In assessing the appeal, I intend to address the matters raised.
- 7.6. EIA
- 7.6.1. The nature of the development is such I consider as not to require EIA with reference to the Planning and Development Regulations 2001 as amended.
- 7.7. Impact on amenities.
- 7.7.1. A quarry by its nature has the potential to impact on the area and in particular residential properties. It is noted that the current proposal relates not to the quarry but to a specific process which is a by-product of extraction and ancillary to extraction and also that batching plants are usually located in operational quarries to avoid unnecessary movement of material. The two processes of extraction and processing may give rise to different levels of impact and in some cases cumulative impacts.
- 7.7.2. The primary impacts relate to noise, dust and traffic arising from quarrying and related activities.
- 7.7.3. The guidance as outlined in *Quarries and Ancillary Activities, Guidelines for Planning Authorities, (DEHLG 2004)* in particular in section 3 and 4 sets out standards and advice in relation to assessment of quarry activities and also requirements for ongoing monitoring of operations within quarries.
- 7.7.4. The existing quarry is established for many years dating back to pre-1963 and the operation of the quarry is regulated by Section 261 and there are conditions in relation to noise and dust levels and for ongoing monitoring which are matters for the planning authority to enforce.
- 7.7.5. The appellant refers to additional monitoring within their site but the planning authority have indicated currently the noise monitoring is carried out within the appeal site and it is therefore likely levels outside of the site at noise sensitive locations will be lower.
- 7.7.6. In relation to noise and dust emissions the planning guidelines the emphasis in relation to noise and dust emissions is the application of best practice, avoidance

and mitigation and for ongoing monitoring. In terms of standards there is reference to sensitive receptors and that limit values apply at the site boundary which I consider is reasonable as limits should therefore be lower off site in adjoining properties. I would therefore agree with the planning authority should be at the site boundary.

- 7.7.7. The issue in relation to the proposed development is that it forms part of a site which has quarrying activities and is not solely a single process. In this regard the batching plant may have different emission levels and at different periods of the working day to other processes but it is the cumulative levels at the site boundary which are of importance to determine and limit and these limits should accord with EPA limits as applied in previous permissions and provide for ongoing monitoring.
- 7.7.8. I also note that reference is made to intensification but by the nature of quarry operation it is largely a supply and demand business and dependent on customers requiring their product. It is therefore possible that after a period of low demand there is an increase in demand and activity but this does not necessarily equate to intensification. As already indicated the current proposal is for a continuance of a development which has been permitted on the site for fifteen years. There are in addition conditions in relation to monitoring in relation to noise and dust relating to the operation of the batching plant since permission was granted by the Board Under PL23.129310.

7.8. Conditions

- 7.8.1. The applicant in the response to the appeal and in the submission to the planning authority has raised issues in relation to a number of conditions though has not formally appealed these conditions.
- 7.8.2. Condition no.1.
- 7.8.3. The applicant in the response to the appeal and in the submission to the planning authority has raised the issue of duration of permission requesting a period greater than 10 years as indicated in condition no. 1 of the planning authority's decision to grant permission. A period of 20 to 25 years is referred to as the batching plant will be required for the lifetime of the quarry.

In relation to the duration of permission section 4.9 of the guidelines refers to life of planning permissions and indicates "*where the expected life of the proposed quarry exceeds 5 years it will normally be appropriate to grant permission for a longer*

period (such as 10 - 20 years), particularly where major capital investment is required at the outset. In deciding the length of the planning permission, planning authorities should have regard to the expected life of the reserves within the site. The purpose of setting a finite period is not to anticipate that extraction should not continue after the expiry of that period, but rather to enable the planning authority, in conjunction with the developer and environmental authorities, to review changes in environmental standards and technology over a decade or more since the original permission was granted’.

In relation to the batching plant it is currently ancillary to the extraction process but could equally potentially operate after extraction on the site ceases with imported material as occurs with some batching plant.

It is difficult to accurately assess the lifetime of a quarry but it is prudent in considering the batching plant that its use cease with the extraction. In this context I would consider that a period of 20 to 25 years is too long of a duration and it eliminates ongoing review based on changes in environmental standards and technology over a decade or more since the original permission was granted. In this context a period of 10 years is reasonable.

7.8.4. Hours of operation.

Hours of operation are outlined in condition no. 3 of the planning authority’s decision and specify between 07.00 and 18.00 hours Monday to Friday and 7.00 and 14.00 hours on Saturday. The applicant has requested hours of operation to permit earlier than 7.00am in the event of an extra pour being required by a client and that is would be an exceptional requirement.

I note that the planning authority condition does allow for exceptional hours outside of this period with written consent.

In section 4.7(b) of the guidelines on hours of operation *“it is recommended that normal operations should be confined to the hours between 07.00 and 18.00, Monday to Friday inclusive (excluding Bank Holidays) or as may be agreed with the planning authority, and between 07.00 and 14.00 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. Where market conditions or the nature of particular ancillary processes (such as concrete batch manufacture) would require greater flexibility of working hours, it is*

imperative that such flexibility be discussed with the planning authority at the pre-application stage, and addressed in the planning application”.

I note that there is specific reference to concrete batch manufacture.

In the original ABP grant of permission of PL.23.129310 condition no. 8 indicated that *“the concrete batching plant shall only be operational between 0800 hours and 1700 hours Monday to Friday inclusive and between 0800 hours and 1300 hours on Saturdays. No operations shall be carried out either on Sundays or on public holidays”.*

I consider that the hours of operation as defined in condition no. 3 are reasonable and do provide for limited flexibility to address exceptional requirements.

7.8.5. Condition nos 13 and 14

These conditions refer in condition no 13 to the reinstatement of the site after the removal of the batching plant and condition no 14 to payment of a surety to ensure restoration as required by condition no 13.

The applicant has indicated uncertainty as to the area required to be restored and is it solely confined to the batching plant for overall site given the application relates solely to the area of the batching plant and problems in acquiring the surety.

In my opinion the restoration applies to the site of the batching plant as specified in the wording of the condition which specifically refers to the batching plant.

In relation to payment of a bond I would note that in the original Board grant of permission condition no 6 requires the he shall be reinstated on removal of the concrete batching plant structure and ancillary structures and condition no 7 required lodgement with the planning authority of a cash deposit, a bond of an insurance company or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement.

I consider both condition nos 13 and 14 to be reasonable.

7.8.6. Condition no. 15

This condition refers to a special contribution towards the reconstruction of the road. The applicant is not objecting to the condition but the planning authority have no

specified the basis of the €30,000 contribution and was in discussion with the area to having this work carried out and also indicates that the applicant has contributed to the maintenance of this public road previously.

The planning authority has not commented on this matter

In the original ABP grant of permission of PL.23.129310 condition no.20 required payment of a contribution and the planning report refers to payment of €4,897 in respect of the permission granted under 07/1704 and on this basis the proposed development does not attract additional contributions.

The basis of this special contribution is a mem from the Cashel Tipperary Municipal Engineer dated the 11th April which refers to the need to refurbish 900 metres of public road from the Rathasseragh roundabout towards the site at an overall cost of €90,000 and it is reasonable that the quarry contributes €30,000 towards this refurbishment.

I would refer to the Development Contributions Guidelines for Planning Authorities 2013. In the guidance there is reference to Special Development Contributions and their use and that *“a special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution”*.

There is also reference in the guidance to double charging and that *“the practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution”*.

I would accept that the contribution to refurbish the section of public road would benefit the development and that a proportion of one third of the overall cost is

reasonable given the nature of HGV traffic. There may be an argument in relation to double charging but this is a specially identified improvement to infrastructure which benefits the applicant.

I recommend the condition be retained.

8.0 Recommendation

- 8.1. Having considered the submissions received in relation to this appeal I recommend that permission be granted for the development as applied for.

9.0 Reasons and Considerations

Having regard to the nature of the development and the planning history of the site it is considered that subject to compliance with the conditions set out below, the development would not detract from the character and visual amenities of the area or seriously injure the residential amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd of November 2017 and as amended by the further plans and particulars submitted on the 23rd of March 2018, 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 interests of clarity

- 2 This permission is for a period of ten years from the date of this order. The concrete batching plant and related ancillary structures shall then be removed unless, prior to the end of the period of ten years, planning

permission shall have been granted for their retention for a further period.

Reason: To allow for quarry restoration and reinstatement works to take place

- 3 All soiled surface water and water used in the plant shall be directed to settlement lagoons. All lagoons shall be suitably sized and of secure construction and maintained so as to ensure that no soiled water is discharged to the nearby watercourse or groundwater. The system shall be such that all waters in the lagoons shall be recycled for further use in the process.

Reason: To prevent water pollution and safeguard the amenities of the area

- 4 Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dB(A) (15 minute Leq) between 0700 hours and 1900 hours, Monday to Friday inclusive, and 0800 hours to 1600 hours on Saturday, and shall not exceed 45 dB(A) (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics – Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures". At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background level at the boundaries of adjoining premises. Background noise level shall be interpreted as the mean minimum sound level at the relevant place and time in the absence of noise from the premises the subject of the application. If the noise contains a discrete, continuous note (whine, hiss, screech or hum), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dB(A) shall be applied to the measured level used in assessing compliance with the specified levels.

Reason: To safeguard the amenities of the area.

- 5 Dust deposition levels arising out of activities on site shall not exceed 350 milligrams per square metre per day, averaged over a continuous period of

30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site. The location of monitoring stations shall be agreed in writing with the planning authority and the monitoring stations shall be installed and operational within three months of the date of this order.

Reason: To safeguard the amenities of the area.

- 6 The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority. This shall include the following:
- (a) Proposals for the suppression of on-site noise
 - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity and boundary of the site.
 - (c) Proposals for the suppression of dust on site and on the access road.
 - (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) Monitoring of ground and surface water quality, levels and discharges.
 - (f) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: To safeguard the amenities of the area

- 7 Operating hours for all operations on site, including the transportation of vehicles on site and truck loading, shall be restricted to between 0700 hours and 1900 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays. No operations shall take place on site on Sundays and Public Holidays. The term operations shall be interpreted by the planning authority as all activity relating to site operations and the working of any operation outside of the above stated period shall only be undertaken with the prior written consent of the planning authority.

Reason: To safeguard the amenities of the area.

- 8 The site shall be reinstated on removal of the concrete batching plant structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed with the planning authority prior to commencement of operations of the batching plant.

Reason: In the interest of orderly development.

- .9 Within six months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal of the batching plant and associated infrastructure. The form and amount of the security shall be agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory reinstatement of the site.

- .10 The developer shall pay the sum of €30,000 (thirty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of works to upgrade the road network.

This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

. Derek Daly
Planning Inspector

14th August 2018