



An
Bord
Pleanála

Inspector's Report ABP-304535-19

Development	Demolition of existing petrol filling station and construct new filling station with a convenience shop.
Location	Amber Service Station, Lagamore, Waterford Road, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19600023
Applicant(s)	Amber Service Station
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Petrogas Group Ltd
Observer(s)	None
Date of Site Inspection	5 th of November 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located on Waterford Road outside of Clonmel town close to the large Bulmers factory. It is positioned on the north side of a national road (N24) within a site area of 0.54Ha. The area is industrial in nature with a number of residential developments to the north.
- 1.2. On the site, there is an existing filling station with 4No. pumps, a canopy and a small shop, with a large secondhand car sales area to the side of the premises, and an associated car service area to the rear. There is a large hard standing area to the rear storing cars. There is a tall totem sign along the road frontage of the N24.
- 1.3. There is a large two storey dwelling immediately to the east of the site (the landowner's dwelling), and a commercial premise to the west of the site. The N24 is to the south with two access points from the site onto the N24.
- 1.4. There are two other filling stations in the vicinity of the site, an Applegreen 420metres to the west (owned by the third-party appellant), and a Circle K filling station on the opposite side of the N24 to the subject site. In addition, there is a domestic fuel depot on the opposite side of the N24 to the subject site.

2.0 Proposed Development

- 2.1. The proposed development involves the demolition of the existing petrol filling station, car showrooms and car servicing area, and to construct a new filling station comprising of a convenience shop and ancillary areas, a deli-/ café, food stores, staff amenities, offices, ATM, stores, forecourt canopy and fuel dispensing pumps, storage tanks, parking areas etc.
- 2.2. The gross floor area of the proposed development is 762.88sq.m. with 45No. carparking spaces, and 4No. HGV/bus parking bays, and 5No. motorcycles bays.
- 2.3. The planning application documentation includes a Traffic and Transportation Impact Assessment and a Stage 1 Road Safety Audit.

Planning Authority Decision

2.4. Decision

Following a request for further information on 11/03/2019 and a response to same from the applicant on 10th of April 2019, Tipperary Co. Co. granted planning permission for the proposed development on 2nd of May 2019, subject to 17No. standard conditions. Of note is the following condition:

2. The total net retail space of the forecourt shop shall not exceed 100sq.m.

2.5. Planning Authority Reports

2.5.1. Planning Report

The proposed development is in keeping with **Section 9.25** of the *Clonmel Town and Environs Development Plan 2013*

2.5.2. Other Technical Reports

Roads: One-way Entrance and Exit is recommended. Further information is required regarding TIA and RSA to take account of flexible bollards, site circulation difficult for large vehicles, pedestrian connectivity.

Following receipt of further information, the Roads Section had no objection to the proposed development.

2.6. Prescribed Bodies

The proposed development was referred to the statutory bodies.

Transport Infrastructure Ireland had no objections to the proposed development.

2.7. Third Party Observations

Petrogas Limited wants to be informed of any decision.

3.0 Planning History

Planning Registration Reference 18/600398

Refusal for a similar development on the subject site, which was larger in scale than the current proposal. Refusal was for traffic reasons. The current proposal is on foot

of the previous refusal and aims to express the concerns of the planning authority's reason for refusal.

4.0 Policy Context

4.1. Development Plan

South Tipperary County Development Plan 2009as varied and Clonmel Environs Development Plan 2013 are relevant to the current proposal. The subject site is governed by a zoning objective for *Light Industry and Employment Uses*.

Under this zoning objective, a petrol filling station is Open for Consideration.

9.25 Petrol Filling Stations

The traditional role of filling stations is expanding to include the provision of general convenience retail and sometimes delicatessen. Petrol filling stations can provide a wide range of retail goods in an associated shop. While the important role of such provision is recognised, such shops shall, in general, remain secondary to the use as a filling station. The Guidelines for Planning Authorities – Retail Planning published by the DECLG in 2012 stipulates that generally the maximum net retail floor space shall not exceed 100sqm. Where floor areas in excess of this figure are proposed, the development shall be subject to the retail sequential test approach.

The Council will facilitate new filling stations or redevelopment of existing stations on appropriately zoned land where they comply with the following:

- The proposed development is in accordance with land use zoning objectives;
 - The net retail sales area does not exceed 100 sqm or detract from the viability and vitality of the town centre;
 - The proposed development complies with the requirements of the Retail Strategy and the Retail Planning Guidelines 2012 (DECLG), or amendments thereto;
- and,

The Council will require compliance with the requirements of S.I. 311 of the 1979 Dangerous Substances (Retail and Private Petroleum Stores Regulations), Building Regulations 2000 and the following:

- A minimum of frontage of 30m within a 50 kph area and 45m in other speed limit areas;

- A minimum distance of 7m from the pump island to the road boundary;
- Two access points, between 7-9m wide, with a minimum junction radius of 10.7m;
- A minimum distance of 50m from entrance to nearest major junction and 25m to nearest minor junction;
- A footpath of 2m wide with 0.5m high wall along the front boundary;
- A petrol/oil interceptor to the surface water drainage;
- Adequate facilities for storage of refuse and waste on site;
- A scheme of landscaping;
- Any associated retail unit shall cater for motor related goods, and ancillary convenience type shops limited to a floor area not exceeding 100 square metres gross. An associated workshop may be permitted where there is no adverse effect on the amenities of the area.

4.2. **Natural Heritage Designations**

The nearest Natura 2000 site is the Lower River Suir SAC (Site Code 002137) located c. 0.2km south of the site.

4.3 **Environmental Impact Assessment**

Having regard to the brownfield urban nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

6.1.1 ***Underestimation of Proposed Impact Due to Misleading Public Notices***

The public notices should have stated the floor area of the filling station in order to give members of the public some idea of the scale of the development. There is a significant difference between 400sq.m. and 762sq.m. The description 'deli seated café area' reads as a single food entity. However, the plans show two food counters.

The ambiguity around the amount of food offers a serious issue in terms of assessment of the application. The provision of two food offers is a material planning consideration. The appellant reserves the right to seek a judicial review if this issue is not addressed as part of the appeal.

6.1.2 *Impact on The Town Centre*

The scale of the development is exceptional for an edge of town filling station, and is akin to a motorway service area.

The combined size of two restaurants and associated seating area will impact on town centre and be contrary to Policy TC3 and it will have a negative impact on the vitality of the town centre. A Town Centre Impact Analysis was not provided. The scale, range of uses and functions imply the proposal will compete with the town centre.

6.1.3 *Need*

The only rationale given for the proposal is that it needs to modernize. It would be acceptable if it was a modernization of the existing premises, however the proposal is a significant increase in development that is not needed given the close proximity of two other filling stations serving passing trade.

6.1.4 *Impact on National Primary Route*

The proposed development is car based and will generate significant movements onto and off the national road. There was a previous refusal for a larger development proposal on the site, but the current proposal will generate the same traffic. The TTA states the total vehicle trips at AM peak at the existing station area 70 arrivals and 63 departures, with PM peaks at 64 arrivals and 69 departures. The TRICS indicates trips will rise by 19No. under the current proposal. This is a significant increase. There is limited HGV and bus parking provided within the proposal

5.2. Applicant Response

A summary of the applicant's response is as follows:

- The site is zoned Light Industry and Employment Uses

- The proposal complies with Section 9.25 of the Clonmel Environs Development Plan
- The floor area of the existing building on the site is 1134sq.m. the floor area of the proposed building is 762sq.m.. The existing premises includes a petrol filling station, a shop, car showroom and associated warehouse. The plot ratio is reduced to 0.139.
- The existing car showroom space could be changed to retailing without planning permission as per 8RL.2856.
- The total net retail floor space of the proposed development is equal to 99.4sq.m.. The circulation areas are not part of the retailing area.
- The food facility is ancillary to the main use of the development as a service station. The food on offer will be no different to other filling stations.
- The Town Centre Initiative Report 2016 for Clonmel indicates that the town centre is vibrant, mixed and growing. There are 34No. food outlets in the town centre, and the town centre is well served by a diversity of food outlets. The subject site is on the eastern edge of Clonmel on the periphery at 3km from the town centre. The site will be mainly used by motorists due to its location. In addition, most trips to a petrol filling station are not created by the filling station itself but are pass-by trips.
- Santry Filling station granted under 18A/0235 has a building 912sq.m. and a food offer area of 151 sq.m. to cater for a total seated area of 228.4sq.m. The sites serves a similar population threshold, the sites are redevelopment of existing filling station sites, and both are located in areas serving residential and industrial.
- The current site is occupied by an outdated service station. The proposed development is a modernisation of the site. An Bord Pleanala granted permission for a similar development under reference PL92.248331.
- The parking for HGVs on site was at the request of the planning authority to prevent parking on the N24
- TII were satisfied with the proposed development.

- The proposed HGV and bus/coach parking is in excess of expected demand.

5.3. Planning Authority Response

The planning authority nothing further to add.

5.4. Further Responses

The appellant responded to the applicant's appeal submission stating:

- Open to consideration requires more justification in planning terms than citing section 9.25 of the development plan.
- The proposed filling stations is one of the largest in the country and should be compared to other filling stations. The type of food offers is critical particularly if they offer hot food off the premises.
- The proposed development is highly likely to pull people from the town centre, in particular reason for refusal ABP 301445 is cited.
- There is no objection to the modernisation of the current filling station. The applicant has given no justification for the scale of the proposals especially when there are two existing filling stations beside the proposed development.

6.0 Assessment

6.1 The main issues of the appeal can be dealt under the following headings: 7.1.

- Principle of development
- Impact on Town Centre
- Roads and Traffic
- Other Matters
- Appropriate Assessment

6.2 Principle of development

The site is located on the periphery of Clonmel Town along the National Primary Route from Waterford, within a 40kmph speed limited. The site is an existing filling station and large car showrooms. The relevant development plan is the *Clonmel and Environs Development Plan 2013* whereby the site is zoned **Light Industry and**

Employment, which is to provide for light industry and technology, incubation units, general employment and related uses. Under the zoning objective Petrol Filling Stations are 'Open For Consideration'. I consider the proposal is in line with the zoning objective because of the existing and long established use on the site as a filling station. The existing filling station on site is outdated in appearance and function compared to modern day filling stations. The new proposal will provide a new modernised filling station with facilities that include a convenience shop, a deli, food counter, a seated area, toilets and an outdoor seating.

The grounds of appeal argue the "food area" proposed in the development is much larger in scale than indicated on the public notices and the proposed development represents one of the largest filling stations in the country, and therefore the principle of development is not acceptable.

Retail floor space: The proposed retail floor space at 99.48sq.m., is less than 100m². The *Retail Planning Guidelines* and Section 9.25 of the Clonmel Development Plan include a 100m² restriction on convenience floor space for petrol stations. I note Condition No. 2 limited the net floor area of the retail floor space which does not include circulation areas to be less than 100sq.m. I am satisfied the proposal meets requirements in this regard and will not impact on the town centre of Clonmel in terms of retailing.

Restaurant/ Deli : The grounds of appeal argue that the proposed "food offer" area is excessive, and will impact negatively on the restaurants in Clonmel town centre. The appellant also argues the public notices do not reflect the scale and extent of the proposed development in terms of food offer. I note the submitted drawings state 'Food Offer: 1', when in fact, there are two food counters on the floor plans submitted. There is no Drive-Thru proposed. There are three seating areas proposed within the building. It reasonable to conclude, the hot food bought on the premises will be consumed on the premises and not off the premises, given the level of seating area. In addition, there is no mention of a takeaway in the planning notices or planning application documentation. I consider the proposal to be in line with an modern filling station which would normally have 2-3 different food offerings within the filling stations, and the restaurant use is ancillary to the main use as a filling station. The facility is purely seen as a setdown area aimed at customers

looking for a quick meal as part of their intermediate rest/ refuelling stop, and is not aimed at the local residents. The Traffic Impact Assessment reports on the appeal file state the main trade will be passer-by trade. In fact, the HGV and bus parking to the rear of the premises was included into the proposal at the request of the planning authority in order to facilitate this passing trade on site and not to encourage HGV parking along the N24.

In my opinion, the current convenience shop is outdated in terms of modern-day filling stations. In the context of the overall development, I consider the second food counter does not represent a material planning issue. The seating area and associated toilets accounts for the bulk of the increased floor area from the existing building to the replacement building. There is no capacity within the current shop area to eat food/ sandwiches/ coffee purchased on the premises, therefore the customers eat in their vehicles or continue their journey after purchasing goods which is not acceptable. The customers will have a communal area to sit down in front of food offer area. The National Road Safety authority encourage drivers to rest. Patrons can now eat on the premises and this provides a safe environment off the national primary route for passing traffic. In terms of the scale and extent of the proposal it should be noted that Transport Infrastructure Ireland had no objection to the proposal. Having regard to the scale of the existing development on site which is to be demolished, I consider the public notices reflect the new development proposal in a satisfactory manner. The notices state clearly the various facilities and uses proposed on site. It is not usual planning practice to state the floor areas of each use cited in the public notices.

6.3 **Impact on Town Centre**

The appellant is concerned that the scale of the proposed development at 762sq.m. is exceptional and is akin to the motorway service station. It is submitted, the combined size of the two restaurants (174sq.m.) and seating area 298sq.m. is large and will impact on Clonmel town centre viability and vitality. Firstly in terms of scale, the existing buildings on site that are to be demolished account for 1132sq.m. The Board should note the applicant could have retained the existing building and considered a change of use to a shop as defined by the Planning Act, as the bulk of the existing buildings includes an existing shop and car showrooms 362sq.m.

However a new contemporary modern replacement building is proposed whereby, the overall the plot ratio on site has been significantly reduced from 0.207 to 0.139. Furthermore, the main use of the site is a petrol filling station, and the existing petrol station is a long-established use on the site.

The applicant has not applied for a motorway service station. There is no motorway fronting the site. The development has not been designed as a motorway station. It has not been assessed as a motorway station. There is no credibility to the appellants argument that the proposal is similar to a motorway service station.

It is accepted the scale of the facilities within the development are larger than the current filling station. The current filling station is from a different era and has a notably small convenience shop, and a very large car showroom area. The proposal is upgrading to offer the same facilities as other modern filling stations. The proposed services to be provided play an important role in catering for motorists who are involved in taking long journeys. The concept of the proposal is not to compete with existing restaurant facilities in Clonmel town centre. The proposed development is car dependent and located just under 3km from Clonmel town centre. There is no basis to conclude that the proposal will draw custom from the town centre to use its restaurant and shop. This argument by the appellant should be dismissed by the Board.

6.4 Traffic and Roads

It is accepted the previous planning application on the site, for a larger development, was refused on the basis of traffic grounds as assessed under planning registration Number 18600398. The applicant addressed the concerns of the first application under this current proposal. The current planning application included a Transportation Infrastructure Stage 1 Safety Audit, and *Transportation Infrastructure Ireland* were satisfied with the proposed development on the N24 National Primary Route.

There is a separate one-way entry and one way exit arrangement proposed which does not exist at the present time. This will enhance the safety of traffic turning movements into and out of the site along the N24. There will be a right turning junction box provided along the N24 so that it will not conflict with right turn outbound vehicles waiting to exit the site.

There have been flexible bollards placed along both sides of the N24 in the general vicinity of the site along the N24. Therefore, the proposed parking provision for 45No. cars and 4No. trucks/ buses is a welcome facility. I noted at the Petrogas Applegreen (appellant) site located c. 450metres west of the site, there is limited parking available for patrons and the facility does not cater for passing trucks. Therefore, the opening up of the subject site to cater for large HGV passing traffic will, in my opinion, enhance the safety and operational efficiency of the N24 in close proximity to Clonmel enroute eastwards/ westwards.

6.5 Other Matters

I consider the third-party appeal has exaggerated the impact of the proposed development, as the proposal is a replacement and enhancement of an existing service station, and not an entirely new development. Furthermore, I do believe the appellant who is Petrogas Limited, has a commercial motivation for appealing the planning authority's decision, as opposed to a planning reason. As stated earlier there is a Petrogas Ltd filling station less than half kilometre from the site also on the north side of the N24. In my opinion, the third-party appeal is somewhat disingenuous given that both companies are competing for the same business along this stretch of the N24.

The subject site is located along one of the main approach roads into Clonmel town from Waterford/ Kilkenny. Although the approach is highly industrial in nature, with particular regard to the large Bulmers factory located east of the subject site, and number of industrial units located adjacent to the subject site to the west, I consider the new modernised and contemporary design for the filling station will greatly enhance the appearance of the area. The design has simple clean lines with use of profiled cladding and curtain walling, and it will be a significant improvement, in visual terms, to the existing old fashioned filling station and large portal framed structures on the site.

Finally, I note the absence of electric car charging facility on site which should be included as part of the conditions of this permission.

6.6 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, being a brownfield site in the urban area, and notwithstanding the proximity of the site to the Lower River Suir SAC (Site Code 002137), 400m to the south of the site, I am satisfied that 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.

7.0 Recommendation

- 7.1. I recommend the planning authority's decision to grant permission for the proposed development be upheld.

8.0 Reasons and Considerations

Having regard to the long established use of the site as a service station, the zoning objective in the current development plan for the area, the pattern of development in the area, the planning history of the site, the nature and scale of the proposed development it is considered subject to compliance with the conditions set out below, the proposed development would represent a traffic safety improvement on the existing service station, would not lead to a significant intensification in traffic movements on the N24, would not seriously injure the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th of April 2019, 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. (a) No additional advertisements or advertisement structures shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

(b) The illumination of the entry and exit signage, advertising hoarding and floodlighting is limited to the petrol filling station's permitted hours of operation.

Reason: In the interest of visual amenity.

3. The filling station and ancillary services shall operate solely between 0700 hours and 2300 hours on a daily basis. No deliveries shall take place outside these hours.

Reason: To safeguard the amenities of the area.

4. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

5. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

7. Prior to commencement of development, the developer shall engage an appropriately qualified environmental consultant to carry out a site contamination report complete with appropriate remediation measures. The report shall be submitted to, and agreed in writing with, the planning authority and all the agreed remediation measures shall be carried out in full.

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

8. 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.

9. The proposed development shall be subject to a Stage 2 and Stage 3 Road Safety Audits in accordance with Transportation Infrastructure Ireland publication GE-STY-01027. All reports, and audits shall be submitted to the planning authority and shall be in accordance with the requirements of the TII Audit team.

Reason: In the interests of traffic safety

10. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and to provide for a satisfactory standard of development.

11. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder;

(ii) Details of screen planting [which shall not include cupressocyparis x leylandii]

(iii) Details of roadside/street planting [which shall not include prunus species]

(iv) Hard landscaping works, specifying surfacing materials, and finished levels.

(b) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. Any totem signs shall not exceed four metres in height. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, as amended, shall be displayed or erected on the building or within the curtilage of the site without the agreement of the planning authority.

Reason: In the interest of visual amenity.

13. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the on-going operation of these facilities.

Reason: To provide for appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

14. All-on site lighting shall be directed into the forecourt area and shall not spill onto surrounding residential properties and/or public road in a manner, or to an extent, likely to cause a nuisance to residential amenity or road users.

Reason: In the interest of traffic safety and visual and residential amenity.

15. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

16. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:

- (a) 40 standard sized parking spaces which shall be not less than 2.4 by 4.8 metres];
- (b) 5 number parking spaces which shall be reserved for persons with impaired mobility which shall be not less than the dimensions set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority).
- (c) circulation aisles with a minimum width of [six] metres,
- (d) landscaping within the boundary of the parking area,
- (e) lining or other method of demarcation of the individual spaces,
- (f) Parking for 6 Number HGVs / Buses to the rear of premises.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity

17. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

18. 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.

19. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority on a revised site layout drawing a facility to include adequate parking bays to cater for the charging of electrical vehicles.

Reason: In the interests of sustainable development.

20. 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 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.

Caryn Coogan
Planning Inspector

14th of November 2019