



An
Bord
Pleanála

Inspector's Report ABP-305050-19

Development	Construct a 24m high multi user lattice telecommunications structure.
Location	Cregduff, Galway Road, Kilmaine
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	19354
Applicant(s)	Signal Infrastructure
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure
Observer(s)	Joyce Fitzpatrick.
Date of Site Inspection	23 rd October 2019.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located on the western side of the N84 in a rural area about 0.7km south of Kilmaine village, 8km south of Ballinrobe and 6km north of Shrule which is on the county border with Galway. It is a rural area with dispersed one-off housing. There is a junction with a local road to the north within 100m.
- 1.2. The site relates to a small part of a green field set in a gently undulating terrain. The road frontage of the field is marked by a stone wall set back from the carriageway with a generous grass margin. There is an existing recessed vehicular entrance with wing walls. The field is traversed by overhead electricity cables on timber poles.
- 1.3. The site as delineated in red has a total area of 266 sq.m. It is irregularly shaped with a narrow frontage as defined by the existing entrance and consists of narrow strip from the gate which extends to a rectangular area. It is part of a larger rectangular holding of 52m x 32m approximately as outlined in blue in the submitted plans.

2.0 Proposed Development

- 2.1. Construction of a 24m high multi-user lattice telecommunication structure carrying antennae and dishes enclosed within a 2.4m high palisade fence compound, including new access track together with associated ground equipment cabinets and associated site works. The proposed mast is 51m from the road.
- 2.2. It is proposed to use an existing agricultural entrance to serve the site.
- 2.3. In further information a landscape scheme is proposed around the perimeter of site. It is also proposed to lower the wall on the southern side of the entrance to 1m in height to improve visibility.
- 2.4. The application is accompanied by a planning report. This report explains how Signal is provider of multi-operator infrastructure developing tower sites for mobile and broadband operators. Its customer base includes a range of Irish mobile operators and semi state entities as well as commercial organisations, emergency services and local wireless internet service providers. This developer is part of a practical improvement of rural network coverage assisting in achieving the objectives of the National Broadband Programme. This structure can be used to enhance the

mobile phone and wireless broadband services in the area to address an identified requirement to improve the coverage and capacity of rural mobile phone services and wireless broadband service available to the local community. The report sets addresses

Visual Impact

Technical Justification for the site in the Cregduff townland

Planning Policy

Designated sites/Heritage

3.0 Planning Authority Decision

3.1. Decision

The Planning authority issued notification of a decision to refuse permission by order dated 8th July 2019 for the stated reasons:

- The proposed development is located off a National Secondary Road (N84). The proposed development if permitted would contravene materially the development objectives of the Mayo County Development Plan 2014-202 with specific reference to paragraph 16.1.2 (no new accesses or development that generates increased traffic from existing access onto National Roads outside the 60km/hr speed limits of such roads shall be permitted in accordance with provision of section 2.5 of the DoECLG Spatial Planning and National Road Guidelines). Therefore the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
- Notwithstanding the submission to date the applicant has not submitted satisfactory evidence that the minimum sight distances for a national secondary road can be achieved in both directions of the proposed site to ensure that no traffic hazard is created as a result of the development. It is considered that the proposed development if permitted would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
- Having regard to the siting of the proposed development in an open exposed and visually prominent site close to the roadside of the N84 it is considered that the proposed development would constitute a visually strident feature that would be

seriously injurious to the visual amenities of the area. Furthermore it considered that the location of the development and consequent adverse visually impact would set an undesirable precedent for similar future developments in the area. The proposed development would thus injure the amenities of the area, contravene objective LP-01 Landscape protection' of the Mayo County Development Plan 2014-2020 and would interfere with the character of the landscape which is necessary to preserve.

- Having regard to the guidelines relating to telecommunications antennae and support structures which were issues by the Department of the Environment and Local Government to planning authorities in July 1996 the applicant has not submitted evidence to the satisfaction of Mayo County Council that the proposed developemtn would lead to a proliferation of telecommunications structures where possible opportunities for co-location existing in the surrounding area. Accoridngly the proposed development would therefore seriously injure the visual amenities of the area and would interfere with the character of the landscape which is necessary to preserve.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Site is 260m from the nearest protected structure and there is no recorded monument with 260m of site.
- The main criteria for assessment is in section 55.3 of the development plan vol 2 and is based on:
 - Visual impact
 - Potential for co-location
 - Proximity to residential, school, rural houses and smaller towns and villages
 - Impact on conservation area, protected structures and recorded monuments and established walking routes
 - Potential to locate in industrial or commercial area in urban area or in forested areas in rural areas
 - Potential positive effect on telecommunications services including Broadband.

- The development is considered a traffic hazard and would be contrary to section 16.1.2 re vehicular access. No satisfactory evidence of sight lines - the area engineer is noted to have concerns.
- The site is considered to be in an open and exposed area and development would therefore interfere with the character of the area and detract from the visual amenities and residential amenities of the area. Contrary to LP-01 landscape protection.
- Insufficient evidence of need - not convinced that there are no alternatives for co-location accordingly it would constitute a proliferation of such structures.
- Further information would not address issue of principle relating to development on a national route and visual impact.

3.2.2. Other Technical Reports

- Archaeology: Archaeological assessment required
- Area Engineer: concerns regarding southbound visibility. Refer to Roads Department and Mayo National Road Design Office for comments.
- Area liable to flooding – FRA required.

3.3. Prescribed Bodies

- 3.3.1. TII: The proposal is considered to be at variance with official policy in relation to control of development on National Roads as outlined in the Spatial Planning and National Roads Guidelines for Planning authorities (DoECLG, 2012) which states that official policy in relation to development involving access to national roads and development along such roads is set out in the Guidelines. The proposal if approved would create an adverse impact on the national road.

3.4. Third Party Observations

- 3.4.1. There is a large volume of objections to the proposed development and the reasons relate to
- Proximity to residential dwelling
 - Proximity to nature walks

- Visual obstruction to protected structures
- Environmental impacts
- Health implications
- Wildlife
- Broadband coverage is sufficient
- Impact on village setting

4.0 Planning History

The site: There is a withdrawn application for outline permission for 2 houses.

5.0 Policy Context

5.1. Development Plan

5.1.1. Masts

- TC-01 – objective to support and facilitate ICT infrastructure subject to not having significant adverse effects on environment
- TC-02 - It is an objective of the Council to locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.
- TC-03 – co-location
- Section 55 of Volume 2 sets out development control guidance for telecommunications

5.1.2. Landscape Policy

- LP-01 It is an objective of the Council, through the *Landscape Appraisal of County Mayo*, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure

that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

- The site is in Policy area 4 Drumlins and Inland Lowland. This area is broadly categorised as the most robust area in terms of ability to absorb development with creating adverse impacts to landscape character. Within this framework Mast area are likely to be widely conceived as normal and appropriate unless siting and design area poor.
- There are no identified views and prospects in the vicinity of the site on Map 4 of the development plan.

5.1.3. Landscape Appraisal for County Mayo: The site is located in landscape Area L south east Mayo Plains. This area is a mosaic of high-quality pasture with distinct paddocks divided by rock walls and well-maintained hedgerows. There are occasional pockets of transitional pasture and woodland scrub throughout the gently rolling drumlins.

5.2. Natural Heritage Designation

There are a number of SACs within 3-6 Km from the site:

Clyard Kettle Hols Site no. 000480 - 3km

Skealaghan Turlough Site no. 00541 - 3.8km

Shrule Turlough Site no. 00525 - 3.9km

Mochora Lough Site no. 01536 - 4.2km

Ardkill Turlough Site no. 00461 - 3.9km

Greaghans Turlough Site no. 00503 - 5km

Lough Corrib Site no. 00297 - 6.3km

The SPAs are further away:

Lough Corrib Site no. 04042 SPA - 9.2km

Lough /Mask Site no. 4062 SPA- 11.5km

Lough Carra/ Mask complex Site no.1774 SAC - 11km

5.3. National Planning Framework

- 5.3.1. Objective 48: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

5.4. Ministerial Guidelines

- 5.4.1. Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996. As amended by Circular letter PL07/12 which states that Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life. The practice of restricting telecom structures from with 1km of houses and schools is also discouraged. Bonds are no longer considered necessary . Health and safety are regulated by other codes and should not be regulated by the planning process required. All development contributions should include waivers for broadband infrastructure provision.

5.4.2. Visual Impact

Section 4.3 of the Guidelines states:

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect
- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.5. Regional Planning Guidelines

- 5.5.1. Section 5.6 refers to telecommunications and its key role in social and economic progress in the Western Region. Telecommunications Masts are an essential element in providing a communication network for the region.

5.6. EIA Screening

Having regard to nature of the development comprising a telecommunications structure and ancillary development, together with the fact that the development is for the replacement of infrastructure within a brownfield site, 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.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has made a detailed submission which explains the nationwide operation of Signal in its capacity as Telecommunications infrastructure provider for a host of private semi-state and state services. It sets out the policy framework in the Development plan, regional and national spatial strategies as well as European policy for broadband.

- With respect to the principle of using an existing entrance on the N84, section 16.1.2 of the Development plan provides for a less restrictive approach in the case of exceptional circumstances and where such development will not generate increased traffic. Mitigation measures may apply. The full context of this policy was not applied.
- Traffic generation will be minimal at this existing agricultural entrance which presently has potential for daily/weekly use.
- The proposed does not material contravene the development plan in view of the limited traffic. It is further submitted that there is conflict within the development plan and furthermore the proposal accords with regional and

national policy, accordingly section 37 (b) (ii) and (iii) should be invoked to grant permission.

- The reasons for refusal on the basis of visual impact are strongly refuted. While it is accepted that short range views are possible but that the view shed is comparatively small. As longer-range views are not possible in this contoured location (as evident on maps) it cannot be reasonably described as an open and exposed and visually prominent site.
- There is no scenic designation in the area
- The guidelines provide for mast in scenic areas e.g. Along major roads or tourist routes or viewed from traditional walking routes, mast may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental. Similarly along such routes views of the mast may be intermittent and incidental in that for most of the time viewers may not be facing the mast. In these circumstances while the mast may be visible or noticeable it may not intrude overly on the general view or prospect.
- It cannot be accepted that a passing or incidental view of a mast on a non-designated non scenic route (N84) as in the current instance can be considered to an adverse visual impact.
- As it is for co-location precedent is not an issue.
- The landscape appraisal classification system is focussed on being clear as to where mast can be provided and so avoiding disappointment. This has informed the approach to site selection.
- The VIA is entirely accurate in its demonstrating of likely impacts. With the exception of tip view from Kilmaine village at a distance of 650m, views are generally contained within a 300-400m range due to the capacity of the landscape absorb development.
- The extensive technical justification submitted with the application appear not to have been adequately assessed by the planning authority and there is no basis for the reason for refusal in this regard.

6.2. Planning Authority Response

- No further comments

6.3. Observations

6.3.1. One observation has been submitted by Joyce Fitzpatrick

- A structure of this size cannot be screen by landscaping
- There is a house opposite the site
- As there are no trees it is unsuitable.
- The site is in a 100km/hr speed zone.
- Site is more exposed than the Roscommon site and is not comparable.
- The site is being justified by the applicant as it their only site rather it being the only site.
- The structure will be a distraction to roads users particular with its signal lights.
- It would not fit into the landscape.
- As the development is not in line with landscaping and surrounding area objections cannot be dismissed as anti- development,
- Refusal will prevent further development of similar scale in similar locations.
- Kilmaine is a scenic well-kept village with established walks 2 of which are metres from the site. The structure will detract from the amenities which the locals have worked hard to maintain in a voluntary capacity.
- There is a large volume of locals objecting and state that coverage is adequate which undermines the justification for the proposal being within a search ring.

7.0 Assessment

7.1. Issues

- 7.1.1. This appeal relates to a telecommunications mast in a rural area which has been refused on grounds of traffic hazard and visual impact and in this way the permission is seen as a contravention of the development plan. During the course of consideration the planning authority received a large volume of objections from residents in the area. Having regard to the submissions, the pertinent issues arising centre on

- Principle of development
- Traffic hazard
- Visual impact
- Material contravention
- Appropriate Assessment
- Other matters

7.2. Principle of development

- 7.2.1. The need for the mast is explained in the application and again in the grounds of appeal. It is explained how Cignal is a provider of tower sites and fibre infrastructure and has acquired 400 towers throughout the country. Its customer base includes all the mobile network and a range of other entities and services as set out in the application documentation.
- 7.2.2. In support of the proposal at this location, Eir confirms that this site would provide coverage to its customers living and visiting in the area. Failure to progress this installation is stated to threaten the provision of future technologies to its network subscribers. Imagine, a national services broadcaster, in its letter of support states that the location will ensure the required network.
- 7.2.3. Figure 6 of the submitted details maps the existing and predicted indoor coverage which notably illustrates an increase in coverage in Kilmaine village and along the N84 corridor in addition to other areas.
- 7.2.4. With respect to alternatives, a list of existing telecommunications site in the area is provided. The nearest is a rooftop site in the village and it is explained that the positioning of the equipment at this location would not meet coverage requirements of the target area and there is no benefit in adding further equipment. Similarly in the case of the nearest 4 other sites at distances of 3.4km to 5.83km it is explained these are either outside the search ring or would not meet coverage requirements.
- 7.2.5. The case is ultimately made that the proposed site provides the best possible solution in which to provide a satisfactory level of service at a location where there is a requirement for high speed data services for residential and commercial users. While I note the comment about the adequacy of the service as stated by many businesses and residents in the area, I also note the comments by the providers and

the needs to augment the infrastructure for upgrading of services. The improvement of such by way of a multi-operator service in policy 4 landscape area broadly accords with policy of the development plan for telecommunications which is mandated in national and regional spatial strategies in addition to national broadband plans. I am satisfied based on the information submitted that the proposal which is to advance the availability of telecommunications and broadband services in Cregduff and Kilmaine village in addition to improving services to the N84 and local road network accords with policy and objectives of both the Development Plan and national strategy for telecommunications. I therefore consider the proposal is acceptable in principle subject to not having adverse impacts on the environment.

7.3. Traffic safety

- 7.3.1. The planning authority has refused permission on grounds of traffic hazard. This is based on anticipated intensification of use of an entrance on a national secondary route and concerns about adequacy of sightlines. The appellant has submitted drawings which illustrate existing sightlines to the north and south of 160m and achievable sightlines of 215m from the 2.4m setback.
- 7.3.2. It is proposed to lower the boundary to further enhance visibility. The applicant also offers to conduct a traffic safety audit if required and states that this was not achievable within the time frame of the appeal.
- 7.3.3. While I note the concerns of the TII, the projected post development traffic is stated to be in the order a few visits per annum and to be in a van with 1.4m high visibility. I do not consider this to constitute a significant intensification of the existing entrance. The improvement of an existing entrance is a positive development in terms of traffic safety. The issue of construction traffic can be dealt with by condition. Accordingly having regard to the sightlines and nature of traffic I do not consider this to constitute a traffic hazard.
- 7.3.4. Material contravention: The planning authority decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the development plan in respect of its policy on controlling development on national routes. However, having regard to the provisions of Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 and the

development plan provisions for exceptional circumstances and in particular, to Government policy, as expressed in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, I consider that a grant of planning permission would be in accordance with the proper planning and development of the area.

7.3.5. In view of the foregoing I do not consider there is sufficient basis to uphold reasons for refusal based on traffic hazard.

7.4. Visual impact

7.4.1. The planning authority has concluded that the proposed development would be unacceptably visually intrusive in what is considered to be an open and exposed site and would therefore contravene the development plan policy in respect of protecting landscape character.

7.4.2. The applicant explains that a visual impact assessment was carried out as part of the design process. 10 viewpoints were selected within a 1.3km range.

7.4.3. It is accepted by the applicant that there will prominent views from the close range and from nearby dwellings and adjacent roads. The views from the road will however be transient and short lived. There will be a moderate impact from the north east and from the village to the north at distance of 320-670m. The views of the mast from the village are mitigated by the trees and vegetation and the closer views of the mast are less dominant by virtue of the existing utility poles and structures. While accepting the visibility, the highest being from the nearest dwelling at 130m, the impact in overall terms is considered moderate to low due to the landscape context.

7.4.4. Having inspected the site and environs, the undulating terrain and road alignment, I consider the Visual Impact Assessment conclusions to be reasonable. I further note the site is located in an area that is classified as being the most robust in terms of accommodating a range of types of development which includes mast structures. The site, being of an undulating terrain with intermittent vegetation, is fairly typical of the type of landscape in Policy 4 area. The site is not a designated scenic area, and could I consider reasonably fall within the category of non-scenic within the meaning of TC-2 which provides for the siting of masts in non-scenic area. While I accept that the mast will be visible in near distance views, in the context of its strategic role in

the provision of infrastructure and the local and national policies that support such development, it is not an unreasonable intrusion on the local landscape.

7.4.5. **Material Contravention:** The planning authority decided to refuse permission in part because it was considered that the proposed development would constitute a contravention of the development plan in respect of its policy on protecting landscape character. While it does not state this to be material, I would comment that, having regard to the provisions of Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 and the development plan provisions for telecommunications and nature of the landscape policy area in which the site falls and in particular, to Government policy, as expressed in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, I consider that a grant of planning permission would be in accordance with the proper planning and development of the area.

7.5. Appropriate Assessment

7.5.1. The subject site is not located within any designated Natura 2000 site. Having regard to the nature and scale of the proposed development, 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.

7.6. Other matters

7.6.1. **Health and safety.** In line with ministerial guidance and specifically clarified in the ministerial circular of 2012 this matter is regulated by a separate regularity code and is not planning issue.

7.6.2. **Development Contribution.** By reference to the ministerial guidelines and the Mayo Development contribution scheme and also the nature of the proposal I do not consider a development contribution to be applicable

7.6.3. **Heritage.** Having regard to the limited extent of development, the proposed structure is sufficiently separated from national monuments and protected structure and an archaeological survey is not warranted. As a precaution measure an archaeological survey condition could be applied.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to:

(a) National strategy regarding the improvement of mobile communications services and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 issued by the Department of the Environment and Local Government,

(b) the Mayo County Development Plan 2014 – 2020,

(c) the need to improve telecommunications infrastructure in the locality,

(d) the general topography and landscape features in the vicinity of the site,

(e) the separation distance between it and Kilmaine village and dispersed development,

(f) the existing pattern of development in the vicinity, and

(g) the extremely limited generation of traffic together with the available sightlines at this existing entrance as modified in the details submitted the Board,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute a traffic hazard, would not seriously injure the amenities of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

- 9.1.1. The Board noted that the planning authority decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the development plan in respect of its policy on controlling development on national routes. However, having regard to the provisions of Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 and the development plan provisions for exceptional circumstances and in particular, to Government policy, as expressed in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, it is considered that a grant of

planning permission would 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. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

3. The existing front boundary shall be retained except to the extent that its modification is necessary to provide for improved sightlines at the entrance to the site. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development on site.

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

4. Landscaping of the site shall be carried out in accordance with a

landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

7. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

8. Prior to construction details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance during construction stage, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

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 traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures

and off-site disposal of construction/demolition waste, as well as protective measures to be employed during the construction of the pedestrian access track with respect to boundary hedgerow.

Reason: In the interests of public safety and amenity.

10. 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.

Suzanne Kehely

Senior Planning Inspector

6th December 2019