



An
Bord
Pleanála

Inspector's Report 309726-21

Development	Retention of works to Protected Structure
Location	Flynn's Bar, Main Street, Townparks Td., Carrick-on-Shannon, Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	20/227
Applicant(s)	JS Flynn's Bar Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Grant Retention Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Rachael Keaney
Observer(s)	Eamonn Crudden
Date of Site Inspection	4 th May 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.018 ha and is located at the junction of Main Street and Bridge Street, Carrick-on-Shannon, Co. Leitrim. The site accommodates an existing licensed premises known as Flynn's Bar, a 3-storey Protected Structure with a stated floor area of 104 m². The development to be retained generally comprises a beer garden with 2 no. recessed snugs which are accessed through the bar and adjoin the rear façade of the building. A fire escape door has been provided within the rear (eastern) boundary of the beer garden, which connects to a laneway via a set of concrete steps. A residential scheme, known as the "Archway Apartments" is located towards the end of this laneway, to the rear of the existing properties on Main Street and Bridge Street.
- 1.2. A 2-storey commercial premises (pizza restaurant/take-away) adjoins the subject site to the north-east fronting onto Main Street. Costello Memorial Chapel, a single-storey structure, adjoins the subject site to the south and is set-back behind the front façade of Flynn's Bar, with the subject property wrapping around this structure to the rear. The development to be retained extends in a south-easterly direction to the rear of a 3-storey vacant commercial building (Armstrong's) which adjoins Flynn's Bar and the Costello Memorial Chapel fronting onto Bridge Street.
- 1.3. Some of the upper floors of the neighbouring buildings on Main Street and Bridge Street were noted to be in residential use.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of development to an existing licensed premises (Flynn's Bar) which is a Protected Structure as follows:
 - (1) the construction of a beer garden to the rear of the property, including the provision of canopies fixed to external walls and all associated works such as decorative artificial plants placed along existing walls.
 - (2) the change of use of old storage shed attaching to the adjacent Armstrong's public house to snug areas that now form part of the beer garden to be retained.
 - (3) the provision of fire escape to the rear of the property.

(4) the removal of external window to store and replacement with external door to access the new beer garden and fire escape to be retained.

2.2. The works to be retained have a stated floor area of 51 m², comprising 21 m² of floor area relating to the change of use and 30 m² relating to the open area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Retention Permission subject to 5 no. conditions issued on 17th February 2021.

3.1.2. Condition no. 3 requires that all external noise generating equipment and activities shall be restricted to 10:00 hours – 23:00 hours Monday to Thursday inclusive (including bank holidays), from 10:00 hours to 23.59 hours on Fridays, from 00:00 to 01:00 and 10:00 to 23:59 hours on Saturdays and from 00:00 to 01:00 and 10:00 to 23:00 hours on Sundays. Three noise monitoring locations are to be agreed with the Planning Authority within 3 months of the permission, with monitoring to be undertaken as requested subject to a max. of 8 no. requests within a rolling 12-month period.

3.1.3. The noise level from the premises, measured at noise sensitive locations in the vicinity, shall not exceed an LAeq15 mins value of 55 dB(A) between 20:00 hours and 08:00 hours of the following day. Noise levels within the beer garden/external bar area/smoking area and all associated external areas of the development shall not exceed 85dB LAeq. Notwithstanding the 85dB LAeq maximum noise levels permissible, noise levels at noise sensitive locations shall not, at any time, exceed the levels specified at noise sensitive (residential) locations as specified above.

3.1.4. Condition no. 4 requires that the external areas shall not operate independently of the existing public house and shall only operate when the premises is open. The external smoking area shall not be used to host special events or functions and shall only be used as a smoking area associated with the licensed premises.

3.1.5. Condition no. 5 requires that any revisions to the permitted design required to ensure that building complies with the requirements of the Building Regulations shall be

submitted to the Planning Authority for its written consent prior to commencement of any works.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority's decision.

3.2.3. Leitrim County Council's Planning Officer considered that the design and layout of the retained development was acceptable and would have no impact on the ACA or Protected Structure, or the adjacent protected monument and NIAH listed Memorial Chapel. The Planning Officer considered that the noise impacts of the development could be appropriately addressed by way of condition. It was also considered that the retained development would improve pedestrian movements to the front of the site, by removing pub patrons from the public footpath.

3.2.4. **Other Technical Reports**

3.2.5. **Planning Enforcement:** Recommends that retention permission be granted subject to conditions.

3.2.6. **Environmental Health Officer:** None received.

3.3. **Prescribed Bodies**

3.4. **An Taisce:** None received.

3.5. **An Comhairle Ealaíonn:** None received.

3.6. **Minister for Arts, Heritage and the Gaeltacht:** None received.

3.7. **Fáilte Ireland:** None received.

3.8. **The Heritage Council:** None received.

3.9. **Third Party Observations**

3.9.1. A total of 7 no. third party observations were made on the application from: (1) Ivan Keaney, Bridge Street, Carrick-on-Shannon, Co. Leitrim (owner of the Keaney building on Bridge Street) (2) Gerard Kelly, Quidsworth, Bridge Street, Carrick-on-Shannon, Co. Leitrim (owner of Quidsworth premises on Bridge Street), (3) Patri Savoie, 18 The Archway Apartments, Bridge Street, Carrick-on-Shannon, Co.

Leitrim, (4) Cara Crewdson, No. 11 Lios Beag, Keadue, Boyle, Co. Roscommon, (5) Eamonn Crudden, Cootehall, Boyle, Co. Roscommon, (6) Timothy McManus, 39 Maigh Glass, Carrick-on-Shannon, Co. Leitrim, (7) Rachael Keaney, Keaney Residence, Bridge Street, Co. Leitrim.

3.9.2. I note that 3 no. of the third parties support the retained development, while 4 no. raise objections in relation to same.

3.9.3. The points which are raised can be summarised as follows: (1) noise levels have not been excessive from the beer garden, (2) the proprietors of Flynn's Bar have been good neighbours at this location and have acquired an adjoining building which has been neglected, with the intention of refurbishing/upgrading same, (4) the proposed development will enhance the town's reputation as a tourist destination, (5) the proposed development will stop patrons congregating on the public footpath outside the premises, (6) the covid-19 pandemic has shown the need for hospitality businesses to have outdoor dining facilities, (7) the proposed development will have no noise or visual impacts on the residents of the Archway apartments, which are closer to 2 no. very substantial existing smoking areas, (8) the outbuildings/sheds form part of the neighbouring building which is listed on the NIAH (Armstrong building) and does not have the benefit of a pub or food licence, (9) the proposed development is proximate to 2 no. monuments, (10) the works are not sympathetic to the existing building heritage, visual amenity and relevant development plan provisions, (11) the fire escape terminates within a private courtyard and is accessed by an adjoining private alleyway, with the use of this alleyway by patrons of the pub constituting a material change of use, (12) non-compliant with fire safety requirements and the needs of physically disabled customers, (13) noise impacts, (14) no car parking provided, (15) structural concerns related to the floor of the snugs in the yard area and an old chimney overhead in the beer garden, (16) no soundproofing, (17) unsafe fire exit route, (18) anti-social behaviour and misuse of alcohol in close proximity to residents and their vehicles.

4.0 Planning History

4.1. None.

5.0 Policy and Context

5.1. Leitrim County Development Plan 2015-2021

5.2. Conservation/Heritage

- 5.2.1. The existing building on the subject site is a Protected Structure (RPS Ref. No. 288). The neighbouring Costello Memorial Chapel is also a Protected Structure (RPS Ref. 47), a National Monument and is listed as being of regional value on the National Inventory of Architectural Heritage (NIAH). The Armstrong building which adjoins both the subject site and the memorial chapel is also listed as being of regional value on the NIAH.
- 5.2.2. **Policy 103:** It is the policy of the Council to protect all structures in the Record of Protected Structures (Appendix A, volume 2 of the development plan).
- 5.2.3. The subject site is also located within an Architectural Conservation Area (ACA) as identified on map 4.13 of the plan.

5.3. Noise

- 5.3.1. **Policy 108:** It is the policy of this Council to seek to achieve a healthy and comfortable environment that minimises unwanted noise. To achieve this, the Council will implement the EU Directive on Assessment and management of Environmental Noise.

5.4. Carrick-on-Shannon Local Area Plan (2010-2019)

- 5.4.1. The Planning Authority confirmed verbally that this LAP has been extended and remains the relevant statutory local area plan for the town.

5.5. Land Use Zoning

- 5.5.1. The site is subject to a "Mixed-Use" zoning objective under the LAP, under which "pub" land uses are acceptable in principle. Section 2.02 of the plan states that zones designated as "Mixed Use" have been identified in the core of the Town Centre within which a mix of residential and commercial activity takes place. More generally, buildings designed and located so as to be capable of adaptation to a range of other uses will be encouraged. In determining the suitability of development within this zone regard shall be given to the environmental impact of the proposed development on neighbouring uses.

5.6. Development Management Standards

5.6.1. Car Parking

5.6.2. Table 3.1 of the plan confirms that car parking is required at a rate of 1 space per 5 m² of public floor space for bars/lounges/function rooms. The Council reserves the right to alter the above requirements having regard to the circumstances of each particular development and the proper planning and sustainable development of the area.

5.6.3. Noise

5.6.4. The Council will seek to ensure that new development does not cause an unacceptable increase in the noise levels affecting surrounding properties. Noise standards appropriate for the receiving environment shall be applied when assessing any application for development, where noise may be an issue. The Council recognises that received noise standards for various types of properties, including residential properties, in Town Centre locations will be different to those where the property is in a peri-urban, suburban or rural location, and the standards applied will be appropriate for the location and established ambient noise levels.

5.7. Natural Heritage Designations

5.7.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been lodged by John Gerard Cullen Solicitors on behalf of Rachael Keaney, which also includes a detailed submission from the appellant. The grounds of appeal can be summarised as follows:

- The proposed development would constitute a traffic hazard due to inadequate means of egress in the event of fire and inadequate sight-distance for oncoming traffic in respect of persons exiting from the narrow obstacle-strewn laneway.

- The proposed development is in a residential area and would pose an unacceptable increase in traffic, traffic impediments, intensification in traffic noise and increase in traffic hazard.
- The proposed development would constitute a gross invasion of privacy and gross interference with the rights to ancient light of some of the adjacent residents.
- The proposed development would interfere with the right to residential amenity and quiet enjoyment of neighbours and would represent a gross escalation and intensification of existing excessive noise and traffic levels from beer gardens and pubs.
- The proposed development would not be consistent with the architectural heritage of the area and would damage and undermine a fragile Protected Structure (Armstrong's pub).
- The current commercial extension at the rear of the laneway is already an unauthorised structure and the retained development would exacerbate existing breaches of proper planning and development and fire safety legislation.
- The proposed development would constitute an unacceptable intensification of such uses, which would constitute an unacceptable drain on local services.
- The planning application is founded on incorrect information, which includes but is not limited to (1) works are portrayed to be on a concrete yard area, (2) works are portrayed to be on "outbuildings providing storage" or "sheds", (3) works are portrayed to be on the premises of Flynn's Bar, a beer licensed property.
- The needs of physically disabled customers have not been catered for.
- The proposed development would be contrary to relevant provisions of the Leitrim County Development Plan 2015-2021, the Leitrim Local Economic and Community Plan 2015-2021 and the Carrick-on-Shannon Local Area Plan 2010-2019.

6.2. Applicant's Response

6.2.1. A response was received from TBP Planning and Development Consultants on behalf of the applicant on 15th April 2021, which can be summarised as follows:

- Public houses have had to adapt to changing circumstances during the pandemic and to invest in their premises at a time of little to no income.
- In these exceptional times, the Board is requested to grant planning permission for the retention of the beer garden.
- In the interests of clarity, it is noted that Flynn's Bar, the chapel and the entire of Armstrong's property are owned by the applicant as shown on the planning application drawings.
- The owner of Keaney Photography on Bridge Street has noted in his submission that Flynn's Bar has been a good neighbour and that noise levels from the premises have not been excessive.
- The 2 no. snugs have been adapted out of the upper floor of the rear return attaching to Armstrong's building, which is the only part of this building which has been converted.
- The supporting structure of the beer garden deck is a timber frame which sits on what was the rear yard of Armstrong's building. In essence, the timber deck fills in the rear yard of the former Armstrong's pub. It is not unreasonable to assume the yard was used as an active part of that property when it was an operational public house.
- The omission of the support structure for the beer garden decking from the planning drawings is not a substantive technical or legal issue. The plans adequately show the works in the context of the full heights of the 2 buildings.
- The only works which have been undertaken to a Protected Structure are those which were required to increase the size of a blocked-up window to provide door access from the interior of the bar to the beer garden.
- The works to the wall between Flynn's and Armstrong's 2-storey rear return were to an existing wall which is not understood to be a Protected Structure.

- The true importance of the Protected Structure at Flynn’s Bar is found in its Main Street/Bridge Street façade and not its enclosed rear. The works have no impact on the front of the building or the setting of the chapel.
- The Armstrong building is not a Protected Structure, not is its rear yard or its 2-storey outbuildings within which the snugs are located. The rear wall where the fire door was provided is part of this property, and as such, is not a Protected Structure.
- The steps down from the fire exit already existed as part of the fire exit of the adjoining takeaway (also in the applicant’s ownership). The merits of this exit in terms of fire safety is not a planning matter and a Fire Certificate has issued for the property.
- Patrons of Flynn’s Bar do not and will not have access to the lower yard and cannot gain entry onto the alleyway or large public car park in case of emergency. The rear yard is for the sole use of owners and staff.
- While the appellant’s noise concerns are noted, it must be accepted that this is a town centre, mixed-use area and the likelihood of noise disturbance from multiple sources exists to a much greater degree than it would in a suburban residential estate.
- The letter of support from the owner of the Keaney building is highlighted to the Board and the applicant has no objection to condition no. 3 of the Notification of the Decision to Grant Retention Permission.
- There is no need for additional car parking to facilitate the proposed development.
- Outdoor space is a critical element of the pub, particularly during the pandemic restrictions, and to the overall health of the town centre, which accommodates a dynamic mix of day and night-time uses.
- The Board is requested to grant retention permission for the development.

6.2.2. I note that a letter from Collins LLP Solicitors accompanies the applicant’s appeal response.

6.3. Planning Authority Response

- 6.3.1. A response to the appeal was received from the Planning Authority on 15th April 2021 (duplicate response received on 16th April 2021). The Planning Authority is satisfied that it has assessed the application in a comprehensive manner. No new issues have been raised.

6.4. Observations

- 6.4.1. One observation has been received from Eamonn Crudden, Cootehall, Boyle, Co. Roscommon. The points which are raised can be summarised as follows:

- The split-level nature of the two buildings which are impacted by the development is not mentioned in the Planning Officer's Report.
- The structure has been built at a raised upper storey level and not at cement yard level and this has not been acknowledged, nor has the fact that the development is at the same upper floor level as the over-the-shop residents.
- Information about the substructure, the previous fire and water damage, the ownership/right of way of the fire egress are not addressed in the application, and a Request for Further Information has not been sought in relation to same.
- The Appropriate Assessment screening was based on an incomplete description of the works.
- No in-combination impacts have been taken into consideration.
- Fire safety issues have not been addressed.
- While the Planning Officer noted that storage sheds were used to provide snug areas for the beer garden, this information is incorrect, with the upstairs bedrooms belonging to the neighbouring Armstrong building being converted.
- The full extent of work, including further demolition works, carried out on both Protected Structures, is not mentioned or considered at the time of the grant of planning permission.
- The smoking area to the rear of the premises is contrary to the Council's current public realm policy of increasing footfall and vibrancy, with a seating

area currently being created for patrons to the front of Flynn's Bar. Over-the-shop residents will now be impacted by noise from all sides.

- No planning condition can address the uncontrollable noise that will be generated on foot of the development, with noise measurements at this location carried out on council request, clearly showing night-time audio levels of 68 dB, prior to the existence of the beer garden.
- The beer garden is being used as a large floor extension of the pub.
- The proposed development will accommodate hen & stage party-based businesses to the detriment of overseas tourism and local residents.

6.4.2. A copy of the observer's third-party submission is included with the observation.

7.0 **Assessment**

7.1. In my opinion, the main issues for consideration in this case include:

- Principle / Nature of the Development
- Impact on Protected Structure
- Impact on Residential Amenity
- Traffic Impacts
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle / Nature of the Development**

7.3.1. The subject site is located in the heart of the town centre and is zoned for mixed-use purposes. I note that pub land uses are permissible under this zoning objective, and as such, I am satisfied that the development to be retained is acceptable in principle at this location, subject to its compliance with all other relevant planning policies and development management standards.

7.3.2. I note that the appellant has asserted that the planning application is founded on incorrect information, which includes but is not limited to (1) works are portrayed to be on a concrete yard area, (2) works are portrayed to be on "outbuildings providing

storage” or “sheds”, (3) works are portrayed to be on the premises of Flynn’s Bar, a beer licensed property.

- 7.3.3. In considering the issues which have been raised, I am satisfied that the development which is the subject of this application has been appropriately illustrated on the accompanying planning drawings and that the development as described reflects my on-site observations. I consider that Drawing Nos. 3 and 4 (Elevation A-A and Elevation B-B) confirm that the beer garden is elevated above ground level and illustrate its relationship to the existing building on the subject site and on the neighbouring site (Armstrong building). While I note that the supporting structure underneath the beer garden is not illustrated on the drawings as identified by the appellant, I do not consider that this is a substantive planning issue, having regard to the urban, infill nature of the development and given that the supporting structure is concealed. I further consider that the suitability of this structure to support the beer garden is a construction/health and safety matter, which is not open for adjudication under this appeal case.
- 7.3.4. I also consider that the planning drawings confirm that the 2 no. snugs to be retained are located to the rear of the adjoining Armstrong building, which is also within the applicant’s ownership, rather than forming part of the Flynn’s bar building. I note that the Armstrong building is not a Protected Structure as asserted by the appellant and while I acknowledge that it is listed as being of regional importance on the NIAH, a review of the entry for this property on the NIAH website indicates that the value is attached to the front façade of the building, rather than its internal layout. I also note that the Armstrong building is currently vacant, and that the applicant intends to refurbish same in the future. While the appellant submits that the snugs are located within former bedrooms of this property, rather than an “old storage shed” as stated on the statutory notices, I note that a change of use of this part of the building has been sought under this permission and I am satisfied that I can assess the application on this basis.
- 7.3.5. As such, in my opinion, the information which has been provided with the planning application is sufficient to illustrate the nature of the retained development and that the application can be appropriately assessed on this basis.

7.4. Impact on Protected Structure

- 7.4.1. The appellant submits that the proposed development would not be consistent with the architectural heritage of the area and would damage and undermine a fragile Protected Structure (Armstrong's pub). In considering this issue, I note that the Armstrong building is not a Protected Structure as previously identified. I further note that the Costello Memorial Chapel which adjoins the subject site to the south is a Protected Structure, a National Monument and is listed as being of regional value on the NIAH. However, the retained development does not directly adjoin this structure, and as such, I am satisfied that no impacts can arise in this context.
- 7.4.2. The existing building on the subject site (Flynn's Bar) is a Protected Structure (RPS Ref. 288). In considering the impact of the retained development on this structure, I note that the works which have been undertaken, include the enlargement of an existing window in the rear elevation of the building to provide a doorway access to the beer garden and the attachment of timber cladding, canopies and artificial planting to the rear building façades. In my opinion, these works are largely reversible and given their location to the rear of the building, I am satisfied that they have no undue impact on the character or setting of the Protected Structure.

7.5. Impact on Residential Amenity

- 7.5.1. The appellant has raised numerous concerns in relation to anti-social behaviour in the town and the impact of such behaviour on tourism. It is also submitted that the proposed development would interfere with the right to residential amenity and quiet enjoyment of neighbours and would represent a gross escalation and intensification of existing excessive noise and traffic levels from beer gardens and pubs. It is further submitted that the proposed development would constitute a gross invasion of privacy and gross interference with the rights to ancient light of some of the adjacent residents.
- 7.5.2. In my opinion, the concerns which have been raised by the appellant in relation to anti-social behaviour within the town are not relevant to the assessment of this appeal case. I further consider that the retained development would have no impacts on the privacy of any adjoining residential property, given its location to the rear of the pub and that the space is generally enclosed along its boundaries, with canopies provided overhead. I also consider that no evidence has been submitted to

demonstrate the manner in which the retained development would interfere with the rights to ancient light of adjacent residents.

- 7.5.3. In my opinion, the key issue in this case is the potential for noise and disturbance impacts to arise to the neighbouring residential properties on foot of the retained development. In considering this issue, I note that the subject site is located in the town centre which is mixed in land-use terms, and as such, would not have the same expectations of noise and activity as a primarily residential zone, as identified by the applicant's agent. I also note that some third-party submissions express support for the retained development and have noted that noise levels arising have not been excessive (see section 3.9.3 of this report for summary of third-party submissions).
- 7.5.4. Notwithstanding the foregoing, the noise concerns which have been raised by the appellant are valid and the noise emissions from the outdoor space must be of an appropriate level to ensure that undue negative impacts do not arise with respect to the residential amenity of the neighbouring properties. I note that Condition no. 3 of the Planning Authority's Notification of the Decision to Grant Retention Permission requires the undertaking of noise monitoring within the outdoor space to the agreement of the Planning Authority. The applicant's agent has confirmed the applicant's willingness to comply with these requirements.
- 7.5.5. On balance, I consider that the retained development would be acceptable at this location having regard to its scale and town-centre location. While I acknowledge that there are residential uses in the vicinity of the subject site, I note that these form part of a mixed-use zone which is characterised by noise and activity from various sources throughout the day and evening. In my opinion, the noise emissions from the beer garden can be reasonably managed by ongoing noise monitoring. This matter can be addressed by way of planning condition in the event the Board decides to grant retention permission in this instance.

7.6. Traffic Impacts

- 7.6.1. The appellant submits that the proposed development would constitute a traffic hazard due to inadequate means of egress in the event of fire and inadequate sight-distance for oncoming traffic in respect of persons exiting from the narrow obstacle-strewn laneway. It is also submitted that the proposed development is in a residential

area and would pose an unacceptable increase in traffic, traffic impediments, intensification in traffic noise and increase in traffic hazard.

7.6.2. In considering the issues which have been raised, I note in the first instance that the subject site is located in a mixed-use area, rather than a residential area as stated. I also note that the proposed fire exit will only be used in the case of an emergency, and as such, I do not consider that any substantive traffic related impacts, impediments or hazards would arise on foot of the retained development. I note that no car parking is proposed to facilitate the retained development, and having regard to its nature and scale, I consider this approach to be appropriate. Thus, I am satisfied that the point of appeal is without substance and can be dismissed.

7.6.3. In the interests of clarity, I note that the suitability of the proposed fire access arrangements is subject to assessment under a separate code, and as such, this matter is not a valid planning consideration.

7.7. Appropriate Assessment

7.7.1. Given the nature and scale of the development, comprising a beer garden associated with an existing public house, the public wastewater infrastructure serving the site and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that retention planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the site's mixed-use land use zoning objective, within which a mix of residential and commercial activity takes place, and the existing, established use on the site, it is considered that, subject to compliance with the conditions set out below, the retained development would not seriously injure the residential amenities of the area or of property in the vicinity. The retained development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>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.</p>
3.	<p>(a) During the operational phase of the retained development, the noise level arising from the development, as measured at the nearest noise sensitive locations shall not exceed:</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive.</p>

<p>(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.</p> <p>(b) Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

Louise Treacy
Planning Inspector

23rd July 2021