



An
Bord
Pleanála

Inspector's Report

ABP-312578-22

Development	Retention permission for subdivision of part of existing retail unit and full planning permission for change of use from part of retail unit to take away unit.
Location	Unit 7 Aston Green, Aston Village, Drogheda, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	211352
Applicant(s)	Robert Whelan.
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Francesco and Giulia Macari.
Observer(s)	None.
Date of Site Inspection	18 th of March 2022.

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site is located within the Aston Village neighbourhood centre, Drogheda, Co. Louth. Aston Village is a large residential estate located along the northern suburbs of Drogheda and consists of a mix and range of uses. The subject site, Unit 7, fronts onto the main square associated with the neighbourhood centre. Other uses within the neighbourhood centre include, *inter alia*, a dry cleaners, Café, Chinese takeaway, medical uses and large bargain retail store.
- 1.2. Unit 7, the subject site, is in use as a retail store “The Village Store”. The signage associated with this use remains on the façade of the unit. A large temporary signage relating to “Pizza Dog” is currently hanging on the front of the subject site.
- 1.3. A ducting vent extends from the side of the premises, along the west. There is a residential unit located on the first floor of this premises, fronting onto Mallard Square, to the south.

2.0 Proposed Development

- 2.1. The proposed development comprises of:
 - Retention of Subdivision of an existing retail unit,
 - Full permission for change of use from part of the retail unit to take away unit (60m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 7 no. conditions as detailed below:

C1 - Plans and Particulars

C2 - Hrs of operation

C3 - Submission of a Litter Control Scheme

C4 - Submission of details of the extractor ducting and flue system.

C5 - Restriction of emissions

C6 - Restriction on advertisement signs

C7 - Section 48 Development Contribution

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and is summarised below:

Principle of Development

- The site is located within a defined neighbourhood centre which permits commercial use.
- There is already a precedence for fast food outlets in the vicinity of the site.
- It is not considered the change of use to a fast-food outlet would adversely impact the function of the neighbourhood centre.

Layout, Design and Height

- The work is internal.
- There are no external alterations.
- A condition regarding signage should be included.

Residential Amenity

- There are residential units above the premises on the first floor.
- The environment section has no objection in principle.
- There should be a restriction on the hours of operation between 14.00 and 24.00.

Traffic and Transportation Considerations.

- No concerns have been raised by the roads in relation to traffic safety.

3.2.2. Other Technical Reports

Infrastructure: No objection subject to conditions

Environment: No objection to the proposal.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One third party submission was received from the appellant and the issues raised are similar to the grounds of appeal, detailed below in Section 6. The submission is summarised as follows:

- The application content is not in compliance with the Planning and Development Regulations, 2001-2021.
- The location of the site and the site history is detailed.
- The policies of the development plan are detailed.
- There is an existing takeaway and restaurant in the neighbourhood centre and the proposal will lead to a proliferation of these uses.
- The additional takeaway will prevent a mix of uses in the neighbourhood centre.
- There will be negative impacts on the residential amenity.
- The national guidelines for LAPs request the careful consideration of fast-food outlets.
- The proposal is in close proximity to a crèche and national school.
- The entrance is shared by a retail unit.
- An extract flue attached to the gable wall does not have planning permission and is inconsistent with the surrounding area.
- There is no letter of consent for the attachment of the flue to the side of the building.

4.0 Planning History

- 4.1. There is no specific site history on the appeal site although the following history relates to other permissions for takeaways within the neighbourhood centre.

Site on the opposite site of the neighbourhood centre

Reg Ref No 18/971

Permission granted for the change of use of a ground floor unit of Unit 15 from Retail to Takeaway/ restaurant seating use, as the expansion of the existing Takeaway in Unit 16 (Reg Ref 05/1443) to be operated as one. The proposal includes minor alterations and modifications to the existing double doors, associated signage and site works.

Adjoining Site to the east

Reg Ref 05/1821

Permission granted for alterations from retail (class 1) to hot food takeaway with seating at Unit 2

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027 (LCDP 2021-2027)

Section 13.21.9 Land use Zoning

B2 Neighbourhood Centre: Objective- To provide for and improve local neighbourhood facilities.

- Takeaway/ Fast Food Outlet: Open for Consideration

Guidance for development in Neighbourhood centres

- It is intended that land zoned for 'neighbourhood centre' will be developed to provide an appropriate range of local services including commercial, office, retail and community uses, to support the local community.
- Supermarket (Convenience) type development up to 1,500 m² of net retail floor space will generally be permissible in this zone.
- Neighbourhood centres may where appropriate include an element of residential development particularly above ground floor level.

13.14.6 Lower Order Retailing

In assessing planning applications for lower order retail uses including, inter alia, Fast Food Outlets/Takeaways, the following considerations will be taken into account:

- The need to safeguard the vitality and viability of the defined retail area and to maintain a suitable mix of retail uses;
- The proliferation of such existing facilities in the area;
- The effect on the amenities in the area arising from noise, hours of operation and litter;
- Proposed façade design, the type and degree of any advertising/lighting and its integration with the character of the area;
- Location and appearance of vents and other external services and their impact on adjoining amenities in terms of noise/smell/disturbance/ visual impact;
- Careful consideration of the location of fast food outlets in the vicinity of sensitive locations such as schools and parks; and
- Fast food outlets/takeaways with proposed drive through facilities will be assessed on a case-by-case basis.

5.2. Natural Heritage Designations

The site is located c. 1.5km to the north of the River Boyne and River Blackwater SAC (site code 002299) and c. 1.6km to the north of the Boyne Estuary SPA (site code 004080).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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 grounds of appeal are submitted by a Planning Consultant on behalf of the owners of Bruno's Café, which occupies the adjoining unit to the east of the site. The submission includes an overview of the site and context, the relevant site history of the area, and the policies of the development plan relating to neighbourhood centres and takeaways.

The main issues raised in the grounds of appeal are summarised below:

Objection to the permission

- This grant of permission will be the third takeaway which means 35% of the southern block will be used as takeaway.
- There will be a proliferation of takeaways in this neighbourhood centre and the cumulative floorspace for the existing and proposed takeaways is not in keeping with the pattern of development in Aston Village.
- The proposed use will lessen the protection of the residential amenities of the area by reason of air quality, noise, traffic, overflowing litter bins, lighting and visual amenity.

Planning and Development Regulations, 2001-2021.

- The public notices do not describe the exact location and/or unit of the site within Aston Village either by trade name (Village Store) or unit no (Unit 7).
- The PA considered the site notices satisfactory.
- This is not in keeping with Article 26 (3) (b) of the Regulations.
- A notice could relate to any unit and therefore not in keeping with the Regulations.

Red Line Boundary

- Article 23 (1) (a) of the Regulations require the red line of the site to be in red and the blue line for other lands under the control of the owner.

- The extent of the red line is different on the site location map and the site layout map.

Letter of Consent.

- The document did not include a letter of consent from the owner of the site, Peter Plunkett.
- The application form notes Robert Whelan as the owner and Peter Plunkett as the owner.
- A property web search states the owner is Manor Park Homebuilders Limited with a lease registered to Clondyke Investments.
- The planning authorities web site does not list any letter of consent as being submitted.
- The planning authority is obliged to publish all the documentation within 5 days.

Assessment of planning application

- The planner's report contained national guidance relating to EIA, Flood Risk and DMUS.
- The relevance of this national guidance is unknown.

Development Management Guidelines to Planning Authorities (DEH&LG) June 2007.

- Best practice was not followed by the PA.
- The planers report failed to adequately address the issues raised in the third-party submission (Paragraph 5.25 and Policy Objective EE 64).
- The planner's assessment was very brief.

Local Area Plans Guidelines to Planning Authorities (DEC&LG) June 2013

- Paragraph 5.2 of the above requires planning to promote active and healthy lifestyles with consideration given to the location of fast-food outlets in the vicinity of schools and parks.
- Evidence indicates the level of childhood obesity is linked to the gathering of children at hot food takeaways.

- The existing Bruno's Café and takeaway was granted permission before these guidelines.

6.2. Applicant Response

The applicant's response to the grounds of appeal is summarised below:

Objection to the granting of permission

- There are 2 no existing takeaways in Aston Village, an Italian chipper and a Chinese takeaway.
- The proposed development is for pizzas and hotdogs.
- The permission will not prevent sustainable growth in this commercial area.
- The proposal will not impact the residential amenities
- There is a high-end range extraction fan system, and we have a litter plan.

Planning and Development Regulations, 2001-2021.

- Louth County Council visited the site on 2 no occasions and there were no concerns.
- The letter of consent was given but not included, this was an oversight.

Local Area Plans Guidelines to Planning Authorities (DEC&LG) June 2013

- There is a healthy food policy, and the foods are not exposed to high fats or sugars.

Additional Information

- The appeal has caused a delay and set back to the opening of a new business in the area.
- Letter from the applicant to state that the pizza prepared is healthy and there are vegan and vegetarian options available.
- Information in relation to the size and operation of the fans and ducting.
- A signed letter of support from 7 no. business operators in the vicinity of the site.

6.3. Planning Authority Response

A response was received from the PA on the 14th of February 2022 in relation to the grounds of appeal which is summarised below:

- There are a variety of uses within Aston Village Neighbourhood Centre and a change of use of 60m² will not result in an excessive concentration of fast-food outlets or detract from the overall function/ mix of the Neighbourhood Centre.
- The PA is satisfied the proposal will not adversely impact the residential amenity and conditions have been included. The visual impact is minimal.
- The PA is satisfied the description of development is correct and in accordance with the Regulations.
- The red line on the site location plan and the site layout plan corresponds, albeit at a different scale. There are no lands outlined in blue as there are no additional lands owned by the applicant.
- The letter of consent was not published on the website to ensure compliance with the General Data Protection Regulations.
- The relevant national guidelines were used in the assessment of the planning applications.
- The PA is satisfied the proposal is in compliance with Policy EE64 and Chapter 13 of the LCDP 2021-2027.
- The location of the crèche and primary school is acknowledged although it is not considered (having regard to the age profile) those attending would readily avail of a takeaway.

6.4. Observations

None received

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Principle of a Fast-food outlet/ takeaway at this location
- Impact on Residential Amenity
- Procedural Matters
- Appropriate Assessment

Principle of a Fast-food outlet/ takeaway at this location

7.2. The proposed development relates to the change of use of part of a shop (160m²) from retail to fast food takeaway (60m²). The grounds of appeal consider the principle of this change of use is unacceptable as there are too many takeaways in neighbourhood centre at present. In addition, they do not consider the PA have fully considered and/or detailed the overall impact of the proposed development.

7.3. The site is located in a designated neighbourhood centre of Aston Village. Aston Village is a large residential suburb to the north of Drogheda town. The overall aim of the neighbourhood centre objective is to provide for an improve neighbourhood facilities. Fast-food outlets and takeaways are open for consideration within the neighbourhood centre zoning. Section 13.4.6 of the development plan provides specific guidance for any proposals relating to fast food outlets/ takeaways (Lower Order Retailing) as listed below:

- The need to safeguard the vitality and viability of the defined retail area and to maintain a suitable mix of retail uses;
- The proliferation of such existing facilities in the area;
- The effect on the amenities in the area arising from noise, hours of operation and litter;
- Proposed façade design, the type and degree of any advertising/lighting and its integration with the character of the area;
- Location and appearance of vents and other external services and their impact on adjoining amenities in terms of noise/smell/disturbance/ visual impact;

- Careful consideration of the location of fast-food outlets in the vicinity of sensitive locations such as schools and parks; and
- Fast food outlets/takeaways with proposed drive through facilities will be assessed on a case-by-case basis.

7.4. The grounds of appeal also make reference to Policy EE64 of the LCCDP 2021-2027 for assessing lower order retailing uses. I note these objective states *“To promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas”*. I consider that guidance in Section 13.4.6 of the LCCDP 2021-2027 is sufficient to allow the undertaking of a full assessment of any fast-food outlets/ takeaway proposal and as such I have assessed the proposal against this specific guidance as detailed below.

Vitality and Viability

7.5. In relation to the impact on the vitality and viability of the neighbourhood centre, I note the range of uses currently provided for. The subject site (160m²) is currently in use as retail and the proposal includes the change of use of 60m² for takeaway. 100m² will be retained as retail. There is a large discount retail store is located to the west of the site “Mr Price, Branded Bargains” which provides a large range of convenience goods in addition to some comparison goods. Other uses within the neighbourhood centre include dry cleaning service, physiotherapist, dance studio, hairdressers etc. I consider the existing range of services provides a wide range for the neighbourhood. I do not consider the reduction of the existing retail unit (160m²) by 60m² would significantly alter the functioning of the existing retail unit or prevent its operation.

7.6. Therefore, having regard to the size of the unit and the retention of the retail function in Unit 7 and the current range of uses within the Aston Village, I do not consider the proposed use of the site as a takeaway would have a negative impact on the overall vitality and viability of the neighbourhood centre.

Proliferation of uses

7.7. There is at present a café/ takeaway business adjoining the subject site. In addition, I noted a Chinese takeaway on the opposite side of the “Village square”. The grounds

of appeal, submitted by the owners of Bruno's Café, consider this additional takeaway will lead to a proliferation of takeaways and cause an excessive concentration. The applicant's response to the grounds of appeal notes the other two takeaways are different in operations (Italian chipper and Chinese takeaway) and the proposal to provide Pizza and Hotdogs will not lead to a proliferation of uses.

- 7.8. I note the size of the neighbourhood centre, which supports a large residential suburb and I consider the inclusion of 3 no takeaway premises would not be regarded as a proliferation of uses. As stated above, there is a wide variety of uses within the neighbourhood centre and I do not consider the part reduction of a retail unit and change for a pizza/ hotdog takeaway would lead to a proliferation on tis one use. In addition, I note part of the existing retail element will be retained.

Impact on Amenities

- 7.9. The impact on the amenities of the surrounding area arising from noise, hours of operation and litter is also raised by the grounds of appeal, who consider this operation will lead to a negative impact on the residential amenities. The Board will note a detailed assessment on the impact of the residential amenity is included separately below.
- 7.10. I note the hours of operation being evening and the hours of operation of other commercial uses in the neighbourhood centre and I consider the dual use would support the vitality of the overall village centre. A condition restricting the operation of hrs during these times is considered reasonable.
- 7.11. In relation to the impact from any littering, I note condition no 3 of the grant of permission requires the submission of a litter control scheme within 6 weeks of any grant of permission and includes the provision of a litter bin and refuse storage facilities. I consider this condition, or similar condition, reasonable to prevent any adverse impact on the surrounding area by way of littering.

External Design

- 7.12. The proposal does not include any external modifications. I note a temporary sign advertising employment relating to the proposed use was on the front façade. I consider any grant of permission could reasonably include a condition requiring the separate submission of any advertising to facade changes.

Impact of Vents/ external services

- 7.13. The applicant's response to the grounds of appeal includes extractor fan details which note a 2m stainless steel extraction canopy complete with dual grease filter and 4 inserts. The applicant notes the unit serves as a condenser for steam. The technical data of the fan, including the noise etc. is also included. The grant of permission includes a condition requiring the submission of these details for the written agreement of the PA.
- 7.14. I note the location of the fan protruding from the side of the premises along the western boundary. Full details of the ducting were not included in the planning application although I note the location, c. 5m, from the rear building line is at a sufficient distance to prevent any direct impact on the residential property above. I note the information submitted with the applicant's response to the grounds of appeal and the technical information, which indicates that extractions would be minimised. I consider a condition on any grant of permission for the submission of details relating to the ducting and fan appropriate and reasonable to ensure sufficient consultation with the Environmental Section and the PA.

Local of fast-food in the vicinity of schools and Parks.

- 7.15. Aston Village Neighbourhood Centre is located c. 200m from the Aston Village Educate Together primary school and the Pugwash Bay Creche. The grounds of appeal provide reference to the national guidance for Local Area Plans¹ which states that the location of fast-food outlets should be carefully considered in the vicinity of schools and Parks.
- 7.16. Section 5.2 of the LAP guidance provides guidance to support the appropriate development for local communities. The promotion of foods that are high in fat, salt or sugar and their associated exposure to children is highlighted. I note the applicant's response to the grounds of appeal details the menu options of which some they have classified as healthy. I also note the submission from the PA notes the location of the subject site from the school and crèche and the age profile of those children and they do not consider there would be any negative impact.

¹ Local Area Plans Guidelines to Planning Authorities (Department of Environment, Community and Local Government June 2013)

7.17. I note the proposed hours of operation (14:00 to 24:00) are in the evening and therefore I do not consider the operation of the takeaway will have any direct links to the school going children. In addition, I note the location of the neighbourhood centre separate from the crèche and primary school and I consider they are located at a sufficient distance and separated by housing so as not to be directly connected.

Conclusion

7.18. Having regard to the scale of the proposed development (60m²) and the location of the site within a designated neighbourhood centre, I consider the principle of development is acceptable at this location and in compliance with the zoning objective of the site. Overall, I consider the proposal complies with the criteria included in Section 13.4.6 of the LCCDP 2021-2027 and as such the principle of a fast-food outlet/takeaway at this location is acceptable.

Impact of Residential Amenity

7.19. The subject site occupies part of a ground floor retail unit in the neighbourhood centre. The first floor of the neighbourhood centre includes residential use. The residential unit above the subject site faces south, onto Mallard Square, and includes a balcony on the corner.

7.20. The grounds of appeal consider the overall activities associated with a takeaway including litter, noise, ducting etc would have a negative impact on the residential amenities. The PA refer to the conditions attached to the grant of permission which they consider reasonable.

7.21. As stated above, I note the location of the ducting and ventilation and having regard to the information submitted and the scale of the proposal I do not consider any emissions associated with the pizza/ hotdog business would have a significant impact on the surrounding area. In relation to other impacts such as noise and littering. I note the hours of operation are 14:00 to 24:00 and the entrance to the property is located to the north, towards the village centre. The balcony of the first-floor residential unit is to the south, separated from activities associated with the customer entrance. I consider a condition relating to any littering management plan is sufficient to ensure the management of waste on site.

7.22. Overall, having regard to the location, scale and nature of the proposed change of use of part of a retail unit for use as a takeaway, I do not consider there would be an significant impact on the residential amenity of the residential unit on the first floor or in the vicinity of the site.

Procedural Matters

7.23. The grounds of appeal have raised concern in relation to the development address, the red line boundary and the absence of any letter of consent. In this regard, the appellant considers the proposed development is not in compliance with the requirements of the Planning and Development Regulations, 2001 (as amended) (Regulations).

Development Address

7.24. The site notice and newspaper notice state the site location as Aston Village. The appellant notes the specific addresses (Unit 7), or the name of the unit (Village Store) is included public notices and therefore cannot be considered as compliant with the Planning and Development Regulations, 2001.

7.25. The Planning and Development Regulations, 2001 (as amended) require the location of the site on the public notices and the application. Article 18 (1) (b) of the Regulations require "*the location, townland or postal address of the land or structure to which the application relates (as may be appropriate)*". The site notice is required to be in accordance with article 17 (1) (b). The applicant has included Aston Village as the location of the site in both public notices and the planning application.

7.26. Aston Village is a modest neighbourhood centre where all the units are visible from a central location and within walking distance. A site notice was erected at the front of the site. I consider the unit, which was the subject of the application, would have been easily identifiable to a member of the public, having regard to the location of the public notices as Aston Village, Drogheda. The Board will note the PA were satisfied with the public notices.

7.27. In this regard, I do not consider the information in the application is misleading or non-compliant with the Planning and Development Regulations, 2001.

Red Line Boundary

- 7.28. A site location map and site layout map accompanied the application. The appellant considered the red line boundary is different and no lands have been included in blue.
- 7.29. I note the plans and particulars submitted with the application where the red line boundary includes Unit 7, The village Store. Both red lines are the same, albeit of a different scale (as per the Regulations). The Plan & Section drawing (Drwg 1) detail only that part of the unit, which is for the takeaway, which I consider reasonable.
- 7.30. The blue line boundary has not been detailed as the applicant does not own an additional land in the vicinity of the site (Article 23 (1) (a) of the Regulations).
- 7.31. Overall, I consider the plans and particulars submitted with the application are sufficient to detail the proposed development and comply with the requirements of the Regulations.

Letter of Consent

- 7.32. The planning application states the applicant is not the owner of the site. The owner of the site has been listed in Question 10 of the application.
- 7.33. The appellant considers a letter of consent from the owner should have been made publicly available on the webpage. The PA consider this information would not be made available having regard to the General Data Protection Regulations.
- 7.34. I note Article 22 (1) (d) of the Regulations requires that planning applications “*state the legal interest of the applicant in the land or structure and, if the applicant is not the owner, state the name and address of the owner*”. As stated above, the applicant has provided this information. I do not consider the information in the application is misleading to the public or non-compliant with the Regulations.

Appropriate Assessment

- 7.35. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **granted**, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development and compliance with the provisions of the Louth County Development Plan 2021-2027 relating to takeaways and development in a designated Neighbourhood Centre, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenity of the area. The proposed 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 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
3.	<p>The hours of operation shall be between 14:00 hours and 24:00 hours.</p>

	Reason: In the interest of the amenities of property in the vicinity.
4.	Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities. Reason: In the interest of visual amenity
5.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority. Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area
6.	The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of public health and to protect the amenities of the area
7.	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
8.	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.
9.	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

	<p>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>
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Karen Hamilton
Senior Planning Inspector

21st of March 2022