



An  
Bord  
Pleanála

**Board Direction**  
**BD-003882-19**  
**ABP-304311-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/08/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the residential zoning objective pertaining to the site as set out in the Clare County Development Plan 2017-2023, to the planning history on the immediately adjoining lands, to the prevailing character and to the form of established and permitted development in the vicinity, it is considered that subject to compliance with the conditions as set out below the proposed development would form an acceptable development on the site, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 5<sup>th</sup> March 2019, except as may otherwise be required in order to comply with the following

conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. No development of the proposed dwelling houses shall commence until the upgrading works at the Ballina Wastewater Treatment Plant to facilitate the development are completed, and the developer has obtained a Connection Agreement from Irish Water to connect into the upgraded Waste Water Treatment Plant.

**Reason:** In the interest of public health and to ensure there are no adverse effects on the integrity of the Lower River Shannon Special Area of Conservation.

3. Prior to the making available for occupation of any house, the internal roads, footpaths, lighting and open space shall be provided pursuant to planning reference P15/723 to the satisfaction of the Planning Authority.

**Reason:** To ensure timely and satisfactory provision of such site development works.

4. The dwelling houses shall be constructed and completed using the same palette of materials, colours and textures as the existing adjoining dwellings within the housing scheme unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The development shall be carried out in accordance with the mitigation measures outlined in the site assessment and Management Plan for the Eradication of Non-Native Invasive species received by the Planning Authority on 5<sup>th</sup> March 2019.

**Reason:** To prevent the spread of invasive species in the interest of residential and visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential amenity.

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

**Reason:** In the interest of public safety and residential amenity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, water mains, drains, car parks, public open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

10. Proposals for a house numbering scheme shall be submitted to and agreed with, the planning authority prior to commencement of development.

**Reason:** In the interest of legibility.

11. 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.

**Board Member**

**Date:** 26/08/2019

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Chris McGarry