



An  
Bord  
Pleanála

**Board Direction**  
**BD-007486-21**  
**ABP-308431-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/02/2021.

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**

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the Galway County Development Plan 2015-2021,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013 (as updated)
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,

- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Galway County Council, and
- (n) the report of the Inspector

### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than European site no. 000268 (Galway Bay Complex SAC) and European site no. 004031 (Inner Galway Bay SPA), which are European sites for which there is a likelihood of significant effects.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- b) the mitigation measures which are included as part of the current proposal, and
- c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from observers and prescribed bodies and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various

environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. The main significant effects, both positive and negative are:

- A significant direct positive effect with regard to population and material assets due to the increase in housing stock that would be made available in Bearna and to the Galway Metropolitan Area (GMA), within which Bearna is located.
- Biodiversity Impacts: Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including construction management measures, retention of the existing riparian corridor along Trusky Stream and landscaping. The proposed development would not have a significant negative impact on biodiversity.
- Potential effects on water due to the location of residential development proximate to Trusky Stream and risk of flooding. The information submitted in the EIAR and the other documentation submitted with the application regarding the proposed measures to mitigate this impact is sufficient to demonstrate that such measures are likely to be successful in protecting the proposed development from flooding and comply with the justification test for

residential development within flood risk zones A and B, as set down in the 2009 Guidelines on The Planning System and Flood Risk Management.

- Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a Construction and Environmental Management Plan. There will be no significant negative impact on traffic junctions in the immediate area.
- Landscape and Visual Impacts: A significant effect on the landscape as there will be changed views from various locations given the change from a greenfield site to a residential development, however, the lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be mitigated by the design, retention of a riparian corridor, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- Potential impacts on air quality and climate, which will be mitigated by measures set out in the EIAR.
- Potential effects arising from noise and vibration during construction, which will be mitigated by appropriate management measures.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of surface water management and traffic and pedestrian safety and convenience.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, a grant of permission could materially contravene provisions of the core strategy and density. The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii) and (iii) of the Planning and Development

Act 2000, as amended, the grant of permission in material contravention of the Galway County Development Plan 2015-2021 would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

The objectives of the development plan are not clearly stated in so far as the development is concerned, with regard to the density range proposed within 'DM Guideline DM1' and the application of CS8 and the associated core strategy density provision.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

The Board considers that the proposed development materially contravenes the Core Strategy and Density as set out Galway County Development Plan 2015-2021. In relation to Core Strategy, while the proposal is in breach of the housing yield of 130 units assigned to Bearnna, the development in all other regards accords with the principles of proper planning and sustainable development, and is of a scale and nature, that in the opinion of the Board, does not significantly undermine the county's settlement hierarchy, notwithstanding the breach of the housing target, or proposed pattern of growth and does not undermine the principles of compact growth and sustainable development for the county or town. In this regard the Board notes that in respect of the subject site, the lands are zoned, serviceable, and spatially sequential to the settlement, will provide for a development of a reasonable density with a range of house types, will enhance and improve pedestrian connectivity within

Bearna, as well as provide for and open up amenity lands. The Board have reviewed and considered the National Planning Framework, Regional Spatial and Economic Strategy and MASP, and Galway County Development Plan Core Strategy relating to Bearna and are satisfied, that notwithstanding the overarching principles and high level population targets in the National Planning Framework and Regional Spatial and Economic Strategy, there are no specific objectives or population targets in the national plans that the development plan is required to meet at a micro level relating to Bearna. The development is in accordance with the broad principles and objectives of the national and regional planning framework documents. The proposal would contribute to the objectives of the adopted RSES and the Galway Metropolitan Area Strategic Plan (MASP) contained therein, where Bearna is identified as a residential opportunity site in the MASP and the primary strategy is for consolidation and higher density development on zoned lands. The proposed development would be in keeping with the sustainable development of Bearna and overall of the Galway Metropolitan Area in a reasonably compact and coherent form and would be consistent with the provisions of the National Planning Framework in this regard. It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, specifically National Policy Objective 27, 33 and 35; and the 'Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009' (in particular Chapter 5).

In relation to Density, it is the opinion of the Board that the proposed development is in accordance with the National Planning Framework, specifically NPO 27, 33, and 35; the Urban Development and Building Height Guidelines SPPR 4; and the 'Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009' (in particular Chapter 5).

## 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and Natura Impact Statement, as set out in Chapter 16 of the EIAR 'Schedule of Mitigation' and in Section 5.2 of the NIS, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> <li>(a) Detailed construction drawings and an associated construction management plan in relation to the works proposed to the L1321, including public lighting and surface water drainage, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. As conditioned in 17(a) hereunder no unit shall be occupied prior to the completion of the footpath and associated improvements to the L1321.</li> <li>(b) A planted privacy strip shall be provided at ground level to the apartments in Block A4, and between Blocks A1 and A2, where ground level windows adjoin public footpaths.</li> </ul>



	<p>(c) The eastern elevation of Block A3 shall be revised with the provision of additional windows to provide adequate overlooking of the adjoining open space.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity, visual amenity, public realm and ecological protection.</p>
4.	<p>A minimum of 20% of the houses hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. The developer shall submit a completed Linguistic Impact Statement to the planning authority providing details of compliance with this requirement prior to the commencement of development. Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish. Details of the standard of Irish to be achieved and method of evaluating this shall be agreed in writing with the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Scéim Deontais Tithe will automatically qualify). Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.</p>

	<p><b>Reason:</b> To ensure that development in the area in which the site is located is appropriately restricted.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>Details of signage for the childcare facilities shall be submitted to and agreed in writing with, the planning authority prior to the occupation of the building.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
7.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
8.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development/installation of lighting. Such lighting shall be sensitive to bat and otter species in the area and shall have regard to EUROBATS and Dark Sky lighting recommendations.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
10.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned and managed.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units.</p>
12.	<p>The number of bicycle parking spaces within the site, shall be agreed in writing with the planning authority. Details of the layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
13.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>

14.	Model condition re.Mobility Management Strategy including COVID.
15.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
16.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to, and agree in writing with, the Planning Authority for a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
17.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement prior to commencement of any development. In particular, this scheme shall include the following:</p> <p>a) The pedestrian connection on the L1321, with its associated drainage, lighting, signage, and all associated works, shall be completed in Phase 1 prior to the making available for occupation of</p>

	<p>any residential units and shall be completed in accordance with the detailed construction standards of the planning authority for such works.</p> <p>b) The public linear park, identified as ‘Landscape Phase 1’, ‘Landscape Phase 2’ and ‘Landscape Phase 3’ on the development phasing drawing no. 924-MDO-XX-XX-DR-01202 shall be completed in accordance with the submitted Landscape Plan as part of Phase 1.</p> <p><b>Reason:</b> To ensure the timely provision of services, and the provision of a pedestrian connection to the centre of Bearna, for the benefit of the occupants of the proposed dwellings.</p>
18.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, with the exception of the revised elements (a) and (b) hereunder. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>The following elements shall be incorporated into a revised landscape plan and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>a) The shrub <i>Cotoneaster Franchetii</i> shall be omitted.</p> <p>b) The European Communities (Sustainable Use of Pesticides) Regulations 2012 and the Irish National Action Plan for the Sustainable Use of Pesticides – notably part 4.c ‘Reduction of risk in Sensitive Areas’ shall be addressed within the Landscape Plan.</p> <p><b>Reason:</b> In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the public open space areas and their continued use for this purpose.</p>
19.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This</p>

	<p>protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) to be retained, particularly at the western boundary, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.  <b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
20.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.  <b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
21.	<p>a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing</p>

	<p>operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
23.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
24.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, generally in accordance</p>

with the commitments set out in the Environmental Impact Assessment Report, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include specific proposals as to how the CEMP will be implemented effectively, and prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including inter alia:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of tree protection measures;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site, and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.



	<b>Reason:</b> In the interest of amenities, public health and safety.
25.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
27.	<p>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 until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 the 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.</p>

	<p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
29.	<p>The developer shall appoint a person with appropriate <u>archaeological</u> expertise to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.</p> <p><b>Reason:</b> In the interest of clarity and to protect the archaeological environment during the construction and operational phases of the proposed development.</p>
30.	<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><b>Reason:</b> 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>

**Board Member**

**Date:** 05/02/2021

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Stephen Bohan