

An  
Coimisiún  
Pleanála

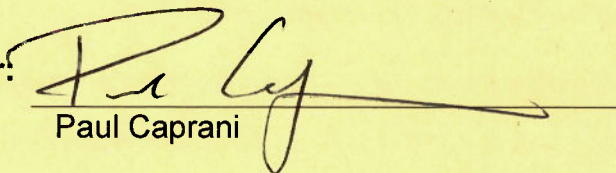
**Direction**  
**CD-020710-25**  
**ABP-322734-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 17/09/2025.

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

**Planning**

**Commissioner:**

  
Paul Caprani

**Date:** 17/09/2025

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

#### **Reasons and Considerations**

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015, as amended; the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework,

- (c) the provisions of Housing for All – A New Housing Plan for Ireland to 2030 (2021),
- (d) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (e) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),
- (g) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),
- (h) the provisions of the Design Manual for Urban Roads and Streets (2019),
- (i) the provisions of the Regional Spatial and Economic Strategy for the Southern Region (2020),
- (j) the provisions of the Cork County Development Plan 2022 including the 'Residential' and "Existing Residential/Mixed Residential and Other Uses' zonings for the site and development objective CL-R-10.
- (k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Appropriate Assessment Screening Report, and the first and third parties' grounds of appeal,
- (l) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (m) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (n) the planning history in the vicinity of the site, and,
- (o) the report and recommendation of the Senior Planning Inspector.

### **Appropriate Assessment Screening**



The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviceable lands, the nature of the receiving environment which comprises a greenfield site at the edge of an urban area, the distances to the nearest European sites, the hydrological pathway considerations, the extent of similar ex-situ foraging habitat in the vicinity, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Senior Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

## **Reasoned conclusion on the significant effects**

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- (a) Positive, direct significant impact for population, due to the substantive increase in the housing stock during the operational phase in a location that has the carrying capacity in terms of both services and amenities.
- (b) While the Commission noted the inspector's conclusions in respect of the short term, direct negative noise effects up to very significant in significance arising for population in the vicinity of site works during the construction phase, which would be mitigated as much as is reasonable by a suite of appropriate construction phase management measures. The Commission also noted the short term nature of the construction works to be carried out and the mitigation measures specifically in relation to construction in section 12.10.1 of the EIAR, including the selection of quiet plant, controlling noise at source through enclosure panels etc, creation of screening barriers and liaison with the public during the construction works. The improvement works along Mountain Road will also reduce noise propagation and nearest noise sensitive receptors. Finally the Commission noted Condition 3(b) of the inspectors report including the additional mitigation measures to be employed in the supplementary assessment. The Commission was satisfied therefore that noise impacts would be temporary and acceptable.
- (c) Significant adverse direct impact on biodiversity due to the removal of the wet grassland habitat which is unavoidable to allow for the development of this zoned site.
- (d) Moderate to significant direct negative impact on land and soil due to the loss of undeveloped land and soil which is unavoidable to allow for the development of this zoned site.
- (e) Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability, due to the upgrade of Mountain Road in line with development objective CL-U-7 of the Cork County Development Plan 2022, provision of shared pedestrian/cycle facilities along both Mountain Road



and the eastern site boundary, and the facilitation of future active travel links to the south east of the site in line with development objective CL-U-08 of the Plan.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

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

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Cork County Development Plan 2022-2028; would make efficient use of an appropriately zoned site at the edge of Carrigaline; would positively contribute to an increase in housing stock and physical infrastructure in the area; would be acceptable in terms of urban design, layout and building height; would be acceptable in terms of pedestrian and traffic safety; and would provide an acceptable form of residential amenity for future occupants. The Commission also noted that the upgrading of the Mountain Road also fulfils a specific objective set out in the Cork County Council Development Plan. The Commission concluded that the proposed development would not seriously injure the residential or visual amenities of the area or unduly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as received by the planning authority on the 14<sup>th</sup> day of May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

**Reason:** To protect the environment.

3. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority:
  - (a) An Ecological Impact Assessment of the proposed development specific to the Mountain Road area, arising from the upgrade of Mountain Road.
  - (b) A Noise Impact Assessment of the proposed development specific to the Mountain Road area, arising from the upgrade of Mountain Road.
  - (c) All mitigation measures arising from these Assessments, once approved by the planning authority, shall be included in the complete schedule of all mitigation measures referred to in condition 4 of this grant of permission.

**Reason:** In the interests of biodiversity, residential amenity, and proper planning and sustainable development.

4. Prior to commencement of development, the developer shall submit to the planning authority a complete schedule of all mitigation measures. This schedule shall identify who is responsible for the implementation of these



measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements for agreement with the planning authority:

- (a) A long-term management and maintenance plan (minimum of fifteen years) for the woodland park area. This shall include comprehensive detail of proposed decking. Responsibility for the maintenance and upkeep of this facility shall be agreed with the planning authority.
- (b) A detailed layout plan for the woodland park area shall be submitted identifying all, for example, paths, clearings, picnic or seating areas, and activity spaces. All surfacing or proposed interference with the woodland area shall be identified.
- (c) A pre-construction survey for badger shall be carried out by the developer, the results of which shall be submitted for written approval of the planning authority.
- (d) The results of the pre-construction amphibian surveys referenced in paragraph 11.11.2.6 (Pre-construction Amphibian Surveys) of the EIAR shall be submitted for written approval of the planning authority.
- (e) Where the removal of hedgerows is required, appropriate mitigation shall include translocation of hedgerow (where possible and practical). The 'extensive native hedgerow planting' as per paragraph 11.10.2.1.3 of the EIAR shall be identified on a revised landscape plan. This hedgerow detail, to include species, shall be submitted to the planning authority for written approval prior to the commencement of development.
- (f) All landscape planting shall be completed within 18 months of the completion of the development. Any trees that die or are removed within three years of planting shall be replaced within the first planting season thereafter.

**Reason:** In the interest of residential amenity, to protect the environment and in the interest of the proper planning and sustainable development of the area.

5. (a) The Mountain Road improvement works shall be carried out and completed to the satisfaction of the planning authority prior to the commencement of any development works within the housing area.
- (b) Prior to the commencement of any development on site the developer shall submit to the planning authority for written approval detail of the upgrade to Mountain Road including but not limited to all services, lighting, road markings, surface finishes, and the interfaces with both the R611 and the non-upgraded area of Mountain Road to the west.
- (c) Mountain Road shall not be closed at any time as a result of construction works and shall always remain open for vehicular and pedestrian traffic.
- (d) Prior to the commencement of any development on site the developer shall submit to the planning authority for written approval a works methodology ensuring that access to each property and the maintenance of services will be maintained during the duration of the upgrade works.
- (e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of clarity, residential amenity, traffic and pedestrian safety, and the proper planning and sustainable development of the area.

6. Prior to the commencement of development, the developer shall submit detail of the following for the written approval of the planning authority:
- (a) Full detail of the surfacing and treatment of the shared active travel link along the eastern site boundary.
- (b) Landscaping / boundary treatment with adjacent third-party properties along the boundary of the eastern shared active travel link.



- (c) The area located to the south of unit numbers 1044-1047 shall be redesigned to achieve a less dominant car parking arrangement and a high-quality people-centred space to add to the sense of placemaking and defensibility qualities. Provision for high quality surface materials in the form of a variety of paving and soft landscaping shall be included.
- (d) Revised floor plan/elevation drawings and a site layout plan which correspond exactly to each other.
- (e) Details of the playgrounds, which shall incorporate low maintenance children's play areas.
- (f) The incorporation of natural hedgerow boundary as the southern boundaries of unit numbers 4053-4069.

**Reason:** In the interests of clarity and residential amenity.

7. The development shall be carried out in accordance with the proposed phasing plan lodged with the application, except as follows:
- (a) The Mountain Road improvement works shall be carried out as per condition 5 (a), above.
  - (b) The woodland park area shall be completed to the satisfaction of the planning authority and open for public use prior to the occupation of houses in phase 2.
  - (c) The creche, community room, and café shall be fully fitted out and suitable for immediate occupation and operation prior to the occupation of houses in phase 2.
  - (d) A revised phasing plan detailing the above shall be submitted to the planning authority, for written agreement, prior to the commencement of development.

**Reason:** To ensure the timely provision of services and recreational areas and in the interest of residential amenity.

8. (a) Trees and hedgerows shall be retained in accordance with the Hedgerow Treatment map in the submitted Landscape Concept document.
- (b) Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1<sup>st</sup> day of March and the 31<sup>st</sup> day of August.
- (c) 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 protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or 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.
- (d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows which are to be retained have been protected by this fencing. No work 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.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

9. Detail of signage to the commercial units and the community room shall be submitted to, and agreed in writing with, the planning authority prior to operation of the units.

**Reason:** In the interests of clarity and the visual amenities of the area.



10. (a) All footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).
- (b) The 'possible additional connection' on the south east of the site layout plan to the adjoining property shall be constructed up to the boundary of land ownership to provide access to the adjoining land with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).
- (c) The road to the west of unit number 3086 and the road to the east of unit number 3062 shall be constructed up to the boundary to the south to provide access to the adjoining lands, including footpaths/cycle paths, with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).
- (d) The shared path on the eastern side of the south eastern internal road, that is, on the opposite side of the road to unit number 3048, shall be extended southwards to the south eastern turning head to allow a future connection to the neighbouring site as per paragraph (b) of this condition.
- (e) These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of permeability and proper planning and sustainable development.

11. The materials, colours, and textures of the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

12. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering 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).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces, shall take account of trees and hedgerows, and shall be bat friendly. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

**Reason:** In the interests of amenity and public safety.

14. 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 interests of visual and residential amenity.



15. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions, parking areas, kerbs, and signage shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. Footpaths shall be ditched at road junctions in accordance with the requirements of the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

16. (a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) A Car Parking Management Plan for the communal car parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority. The specific measures detailed in Section 7 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** In the interest of sustainable transportation.

17. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) site clearance works, topsoil stripping, and groundworks (areas to agreed following consultation with the Local Authority Archaeologist). Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority Archaeologist a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service (NMS), regarding appropriate mitigation [preservation in-situ/excavation]. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the NMS, shall be complied with by the developer.
- (b) The developer shall engage a suitably qualified archaeologist to preserve, by record, the following features:
- (i) a layer of charcoal/oxidised silt deposits (F1) and a narrow linear feature or possible slot-trench (F2) in trench 2 (field M1).
  - (ii) a small pit (F17) containing charcoal/oxidised soil and five possible post-holes/pit features (F18-22) in trench 21 (field M5).
  - (iii) a small group of shallow features (F18-22) in trench 21.
  - (iv) two pits (F4 and F6) in trench 5 (field M1) and trench 9 (field M2).
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing



the results of the monitoring and excavations and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

18. (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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores for the apartments, the locations and designs of which shall be included in the details to be submitted. All bin/bike stores shall be constructed in brick, shall be roofed, and shall be provided with water points.
- (c) This plan shall provide for screened bin stores for terraced houses, which shall accommodate not less than three standard sized wheelie bins within the curtilage of each house plot.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols and address any invasive species arising on site.

The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

20. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

21. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.



23. 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:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) the location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) 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;
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (i) the 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;
  - (j) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
  - (k) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- (l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.
- (m) A community liaison officer shall be appointed for the duration of the construction works

**Reason:** In the interest of amenities, public health and safety and environmental protection.

24. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of environmental protection, residential amenities, and public health and safety.

25. (a) The areas of the development for taking in charge shall be agreed in writing with the planning authority prior to the commencement of development.
- (b) All areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.



- (c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the development until taken in charge by the planning authority and/or Uisce Éireann at its discretion.

**Reason:** To ensure adequate maintenance of the development.

27. 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 sections 96(2) and (3)(b) (Part V) of the Planning and Development Act, 2000 (as amended), unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** 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 for the area.

28. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

29. 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, watermain,



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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree(s) or hedgerow(s) on the site or the replacement of any such trees or hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 Coimisiún Pleanála for determination.

**Reason:** To secure the protection of trees on the site.

31. 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 Coimisiún 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.