



An  
Coimisiún  
Pleanála

Direction  
CD-022149-26  
ACP-324030-26

The submissions on this file and the Inspector's report were considered at a meeting held on 06/05/2026.

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

#### Planning

Commissioner:

Paul Caprani

Date: 06/05/2026

#### DRAFT WORDING FOR ORDER

#### Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner 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:

Having regard to the following:

- a) the nature, scale, and extent of the proposed development and the pattern of existing and permitted development in the area,
- b) the provisions of the Project Ireland 2040 National Planning Framework: First Revision (April 2025),

- c) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- d) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- e) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018),
- f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2025),
- g) the provisions of the Design Manual for Urban Roads and Streets (2019),
- h) the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,
- i) the provisions of the Cork City Development Plan 2022-2028,
- j) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and Natura Impact Statement, and the grounds of appeal,
- k) the submissions and observations received on file including from the planning authority, prescribed bodies, and third parties,
- l) 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,
- m) the report of the Planning Inspector.

### 1.1. **Appropriate Assessment: Stage 1**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Cork Harbour Special Protection Area (Site Code 004030) is the only 'European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

## 1.2. **Appropriate Assessment: Stage 2**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour Special Protection Area (Site Code 004030) in view of this site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- i. the site-specific Conservation Objectives for the European Site,
- ii. the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- iii. mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission 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 Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## 1.3. **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 (EIAR) 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 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.

#### 1.4. Reasoned Conclusion on the Significant Effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

- **Population and Human Health** – A positive impact with regard to population and material assets due to the increase in housing stock, the delivery of part of the planned SAC / Link Road along the western boundary of the site and upgrades to existing roads and the provision of amenities including the proposed cycleway and public open space that would be made available in the area. Construction-related disturbance, including noise, dust, dirt, and traffic, would be mitigated by construction management measures, including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Traffic and Transport** - Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development. Continuing developments in the area, in terms of improved public transport services, improved pedestrian and cycle infrastructure provision, the delivery of part of the planned new South Ballincollig (Maglin) Urban Expansion Area (MUEA) Sustainable Access Corridor (SAC / Link Road) along the western boundary of the site, and construction of 3m wide two-way cycle track and 2m wide pedestrian footpath on the southeast side of Greenfields Road (adjacent to the site) will see an increased modal shift towards more sustainable forms of transport, with

a subsequent decrease in impacts on the local road network. Significant positive effects resulting from aspects of the development which encourage a shift towards more sustainable modes of travel and the location of the site which will allow future occupiers to benefit from improvement in public transport in the area.

**Biodiversity** – Potential disruption to birds and bats in terms of foraging and commuting due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features. Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational suitably designed and site specific surface water drainage system where the primary mechanism for controlling stormwater runoff to greenfield rates will be by means of underground attenuation tanks. Significant effects at construction phase as a result of the introduction and / or spread of invasive species which will be mitigated by way of appropriate site management practices and implementation of the Invasive Species Management Plan.

- **Water** - Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan. Operational stage surface water drainage including associated downstream impacts on biodiversity, which will be mitigated by the implementation of suitably designed and site specific Sustainable Urban Drainage System (SuDS) measures.
- **Air & Climate** – Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- **Noise & Vibration** - Likely, negative, significant, and temporary effect, as well as potential negative cumulative effects, resulting from noise impacts to during the

construction phase which would be mitigated by appropriate construction phase measures and by way of additional environmental conditions.

- **Material Assets** - Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention / protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Landscape** – There will be changed views from various locations given the change from a greenfield site to a dense residential development relative to the low-density, low rise suburban location. The site is zoned for 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 and is under construction in the immediate and wider area. The potential impact will be positive. Changes to the localised landscape character associated with the development of this site, which will be mitigated by the design and layout of the proposed development.

#### 1.5. **Proper Planning and Sustainable Development**

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable zoning objectives pertaining to the site, and other policies and objectives of the Cork City Development Plan 2022-2028, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would provide the essential community and childcare services, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. 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 in accordance with the plans and particulars lodged with the application on the 28<sup>th</sup> July 2025 as amended by the documents/drawings received by the Planning Authority on the 10<sup>th</sup> October 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 period during which the development hereby permitted may be carried out shall be eight years from the date of this Order.

**Reason:** Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report shall be implemented in full.

**Reason:** To protect the environment and the integrity of European Sites.

4. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

5. (a) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the adjacent estuary, these reports will be made available to the relevant statutory authorities, and on-site works will cease until authorized to continue by the planning authority. A compliance

monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

- (b) The developer shall commission a qualified ecologist who is a National Parks and Wildlife Service (NPWS) licenced bat worker to survey the site for bats prior to commencement of site clearance works and, if there is bat usage of the existing vegetation or buildings on the site found, the developer shall ensure that a licenced bat worker is present on site prior to and during the removal of existing trees planned for removal, and all necessary licences for relocation of bats are obtained in advance from the NPWS.
- (c) Site clearance works, including the removal of existing vegetation and buildings, shall only occur outside the bird nesting season (1<sup>st</sup> March to 31<sup>st</sup> August). Where this is not possible, such works shall only proceed if it has been verified in writing by a qualified ecologist that no active nest is present. If an active nest is present, then works shall only proceed under licence from the National Parks and Wildlife Service.

**Reason:** In the interest of clarity, biodiversity and protecting the environment and public health.

- 6. (a) Prior to the occupation of any of the residential units associated with Phase 1A and 1B, the active travel measures proposed along the entire Greenfields Road shall be completed to the satisfaction of the planning authority.
- (b) The final geo metric layout for both the Greenfields Road and the Maglin Sustainable Access Corridor shall be finalised in consultation with the planning authority and shall be agreed in writing with the planning authority prior to commencement of development.
- (c) The Maglin Sustainable Access Corridor shall be constructed to the boundary of the proposed scheme to ensure unimpeded connectivity to the neighbouring lands. The Maglin Sustainable Access Corridor shall be completed before the commencement of Phase 2A.

**Reason:** In the interest of orderly development and to support enhanced sustainable mobility and ensure the safe operation of the road network for all users.

7. Prior to operation of the creche, details of any signage and lighting associated with the creche shall be submitted to, and agreed in writing with, the planning authority.

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

8. (a) The phasing of the proposed development shall be carried out in accordance with a Final Phasing Strategy, to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.
- (c) The childcare facility shall be provided in accordance with the phasing plan submitted with the application unless otherwise agreed with the planning authority.

**Reason:** In the interest of clarity and in order to ensure the satisfactory implementation of the development and to ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

9. (a) The landscaping scheme, as submitted to the planning authority, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the planning authority, whichever is the sooner, shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (b) Details indicating how the trees proposed for the sustainable access corridor shall be positioned and details to ensure that the construction of any future bus lane shall not negatively impact on those trees or their planting pits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) In hedgerow planting and supplementary hedge planting, only native species of Irish provenance shall be planted. Any changes to the proposed planting schedule shall be confirmed and agreed in writing with the planning authority prior to planting commencing.
- (d) A stand of apple trees that form part of a historic orchard have been identified and is documented in the EIAR. Where there are trees suitable for translocation, these historic trees shall be translocated to a suitable alternative area on site, within an area of public open space. Details of same, including the exact location shall be submitted to, and agreed in writing with, the planning authority and methodology reviewed by the planning authority prior to commencement of development. Translocation efforts shall be made under arborist/ecological supervision.
- (e) All wildflower seeds used for the creation of any wildflower meadows shall be of native species, of local provenance and sourced within 50 kilometres of the proposed development site. The supplier shall provide certification of provenance and species origin prior to sowing. No substitutions of species or origin shall be permitted without prior written approval from the planning authority.
- (f) Prior to commencement of development, the developer shall submit to the planning authority for written agreement full details of the proposed Natural Play areas. The proposed play equipment shall conform to relevant European standards and the management and maintenance of the play equipment shall be the sole responsibility of the appointed Management Company.

(g) Details of the design and specification of the fencing associated with the apartment block courtyards shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual and residential amenity, to ensure that non-native/invasive plant species are introduced, to protect historic trees being retained and to avoid adverse impacts to wildlife, and to ensure the provision of sustainable play areas.

10. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. 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.

11. Details of the materials, colours, and textures of all the external finishes to the proposed development and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

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

12. 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 residential amenities of property in the vicinity.

13. (a) Public lighting associated with the proposed development, including temporary lighting associated with the demolition/construction phase, 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 and shall take account of the agreed landscaping plans.
- (b) The lighting design shall cover both the internal public lighting within the proposed development and the public lighting along Greenfields Road.
- (c) The design of the lighting scheme shall be approved by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.
- (d) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.

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

14. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann 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.

15. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning for such works and services.

- (b) The existing inlet/gully on Greenfields Road shall be tied into the new surface water drainage system for the development as per drawing number 6081-4221-E.
- (c) Upon completion, the developer shall submit a SuDS Assessment Report to the planning based on the as-constructed development. This report shall include drainage layouts, drawings, details, calculations and shall confirm the discharge rate from the development.

**Reason:** In the interest of public health, surface water management and to prevent the flooding of Greenfields Road.

16. (a) The Compensatory Flood Storage Area shall be maintained and protected for this purpose only and, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no development or landscaping (outside of that permitted herein) shall take place in this area without a prior grant of planning permission.
- (b) Prior to commencement of development, the developer shall confirm in writing that the proposed attenuation system makes adequate provision for access for inspection and maintenance (including desilting), is suitable for use in areas affected by groundwater, and is suitably load-rated to withstand traffic loadings. Where the development is to be taken in charge, attenuation tanks shall be reinforced concrete tanks.
- (c) Upon completion, the developer shall submit to the planning Authority as-built surveys, drawings and calculations detailing the final capacity of the Compensatory Flood Storage Area, which is to be no less than that submitted with the planning application.

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

17. 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.

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

18. Prior to commencement of development and/or occupation of the residential units, as applicable, a final Road Safety Audit(s) and/or Quality Audit(s) of the proposed development, including the main entrance, internal road, pedestrian/cycle path layouts, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic, pedestrian and cyclist safety, and sustainable transport.

19. (a) The internal road and cycle network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Any works carried out on the public footpath or the public road shall require a Road Opening Licence and Hoarding Licence. All works carried out on the public footpath or the public road shall be agreed with the District Engineer prior to works being carried out.
- (d) Any interference with or damage to the road or footpath in the area caused during the construction of the proposed development shall be made good at the expense of the developer to the confirmed written satisfaction of the planning authority.

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

20. (a) All off-curtilage parking serving and subject to taking in charge shall not be reserved for individual residential units. The final Taking in Charge plan shall reflect this requirement

- (b) 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.
- (c) Any vehicular gate or barrier necessitated to enter/exit the site during the construction phases only shall be positioned to ensure that any entering vehicles does not block the road carriageway and shall be removed prior to occupation of any residential unit.

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

- 21. An updated Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

- 22. (a) During the construction and demolition phase, noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

- (b) Noise during site clearance and construction shall not exceed 65 dB (A), Leq 30minutes and the peak noise shall not exceed 75 dB (A), when measured at any sensitive point off site that is agreed in writing with the planning authority.
- (c) Upon completion of the proposed noise mitigation measures outlined in Chapter 10 of the EIAR, a follow up noise impact assessment shall be undertaken by the developer to highlight the effectiveness and operational impact of the proposed mitigation measures, prior to the development becoming operational. Should the follow up noise impact assessment highlight deficiencies with the noise mitigation measures, the updated mitigation measures shall be submitted to, and agreed in writing with, the planning authority. Mitigation measures, as agreed, shall be completed prior to occupation of any house within 150 metres of the N22 National Road, to the satisfaction of the planning authority.
- (d) Full plans and details for taking in charge vs maintained by a management company, and long-term maintenance arrangements, shall be submitted to, and agreed in writing with, the planning authority. Details shall outline the nature and future management of the N22 road boundary and associated noise mitigation measures.

**Reason:** In order to ensure a satisfactory standard of development, in the interest of residential amenity.

23. 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 interest of sustainable transport and safety.

24. An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste, and for the ongoing operation

of these facilities, shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

25. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

26. (a) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy.
- (b) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge.
- (c) All areas not intended to be taken in charge by the planning authority shall be maintained by the legally constituted management company.
- (d) 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:** In the interest of orderly development, to ensure that the development is carried out and completed to an acceptable standard of construction, and to provide for the satisfactory future maintenance of the development.

27. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the planning authority Archaeologist. Prior to commencement of such works, the archaeologist shall consult with and forward to the planning authority Archaeologist or the National Monument Service, as appropriate, 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, regarding appropriate mitigation. 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 National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring 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.

28. 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) (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 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 of the area.

29. (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 and 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 i.e. 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.

30. 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 planning authority and/ or management company of roads, footpaths, watermains, drains, public open space 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 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.