



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-305861-19**

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<b>Development</b>	10 year duration for a proposed wind energy and grid connection project. The planning application was accompanied by an Environmental Impact Assessment Report (EIAR) and by a Natura Impact Statement (NIS).
<b>Location</b>	Carrowmore, Quigley's Point, Inishowen, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	1851230
<b>Applicant(s)</b>	Inishgaoth Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Inisgaoth Ltd.
<b>Observer(s)</b>	None.

**Date of Site Inspection**

11<sup>th</sup> March 2020.

**Inspector**

Sarah Lynch

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## **1.0 Introduction**

- 1.1. This report is an addendum to the Inspector's Report dated 14<sup>th</sup> August 2020. It assesses the further information response received from the applicant which addresses the issues raised within the further information request sought by the Board on the 25<sup>th</sup> September 2020. The issues raised relate to the hydrological regime of the development site and the surrounding area and carbon losses arising from the loss of peatlands within the development site.

## **2.0 Further Information Request**

- 2.1. The Board sought the following further information on the 24<sup>th</sup> September 2020:
  1. The Board is not satisfied that impact of the development on the hydrological regime in the area has been adequately addressed in the documentation submitted with the planning application. The applicant should submit details of the impact that both the removal of c. 6 ha area of Wet Heath and the insertion of new drainage throughout the site would have on the hydrological regime in the area, and the consequent impact on Wet Heath and Blanket Bog habitats within and surrounding the site. It is noted that changes to the hydrological regime of an area can result in the loss or deterioration of Wet Heath and Blanket Bog habitats.
  2. The applicant is requested to submit details of the quantum of carbon storage that would be lost as a result of both the removal and the drainage of peatland areas, and how the proposed development would not exacerbate climate change through the loss of carbon to the atmosphere.

## **3.0 Further information response**

- 3.1. The applicant has submitted a response prepared by Sven Kilkenberg of Minerex Environmental Ltd which outlines the impacts and associated mitigation for the project as outlined in the Environmental Impact Assessment Report and provides supplementary information in support of the EIAR submitted with the application. The response refers to the proposed water retention measures, proposals for the deposition and revegetation of peat and the Habitat Management measures.

- 3.2. The response also addresses the concerns in relation to the potential for carbon loss arising from the development and concludes that in the worst-case scenarios assessed, the estimated potential for reduction in carbon sequestering, increase in carbon loss or increase carbon emission rates is considered imperceptible relative to the carbon balance of the development, namely the carbon savings achieved by the development in operation.
- 3.3. The information submitted will be examined in detail hereunder within this addendum report.

## 4.0 **Assessment**

### 4.1. **Hydrological regime**

- 4.2. As outlined above a supplementary report has been prepared by Minerex Environmental Ltd which has been supported by a walkover of the site in October 2020. The information submitted examines the hydrological regime of the development site and surrounds and identifies particular characteristics such as the direction of flow, existing drainage and infrastructure and any impacts arising from same within the site.
- 4.3. The report submitted states that drainage features are well established within the site and in many instances vegetated. In areas of intact Wet Heath and Blanket Bog minimal eroded channels or peat degradation as a function of surface water runoff was observed. At lower elevations and in areas of relatively low incline ground conditions were wet to saturated, including in areas with proximal existing drainage.
- 4.4. At higher elevations soil depths were observed to be shallow with extensive rocky outcrops at topographical peaks and ridges across the site. Areas of the site at higher elevations were observed to be relatively well drained. In areas of cutover peat, at lower elevations and in areas of relatively low incline ground conditions were wet to saturated, including in areas with proximal existing drainage, indicating bog water levels were near ground level in these areas.
- 4.5. The most significant drainage features identified during the walkover were some of the existing access tracks which, according to the report submitted, have apparently been established by removing peat to bedrock depth (c. 2m in places). The peat directly adjacent to these areas are stated to be well drained and degrading, however it was

further stated within c. 10m of the feature ground conditions become wet to saturated again.

- 4.6. The consultants state that based on their examination of the site, The excavation, removal and replacement of soil/peat, subsoil, and bedrock (predominantly associated with Wet Heath and Blanket Bog habitats) with the development infrastructure comprising of hardstand areas and access tracks (crushed rock), turbine foundations (concrete), and associated drainage features is a direct, adverse, unavoidable and permanent (for the life of the development) impact on the receiving environment in terms of land take within the development footprint.
- 4.7. Whilst it is regrettable that the proposed development will result in the loss of such habitat, I note that this habitat is not within any European designated site and is not essential to the function and maintenance of any such protected site. The proposed development has sought to avoid the removal of ecologically sensitive areas and unmodified blanket bog.
- 4.8. The issue for consideration before the Board is the potential for the proposed development to impact the hydrological regime of the surrounding peatlands and the potential for ecologically sensitive areas of blanket bog to be degraded by the proposal.

#### Ground Water

- 4.9. In this regard the further information submitted considers the potential for impacts to arise in relation to ground water, as mentioned within the original inspector's report, the site is underlain by a poor aquifer whereby recharge rates to ground are slow. Given the soils present, surface water run off rates are high, and I am satisfied based on the information submitted with the application and further information response, that the proposed excavations within the site will not impact groundwater in the area.

#### Peat water levels

- 4.10. Impacts to peat water levels are examined in further detail within the further information received. It is important to note at this juncture that there are two distinct layers present in peat and water moves differently within each one. The top layer of a peatland, which is known as the acrotelm, extends to a depth of c. 0.5 metres across

the development site. This layer of peat is fibrous and is dependent on rainwater in order to maintain an appropriate level of saturation to sustain plant life.

- 4.11. The lower layer of peat known as the catolem is an anaerobic layer of peat which is saturated and subject to lateral flows of water which are affected by gradient. Whilst this layer is also fed by rainwater, this layer of peat is extremely vulnerable to changes to the hydrological regime of an area and changes occur over a longer period of time and result in significant long term effects such as complete peat degradation and or land instability.
- 4.12. Given the depth of excavation proposed within the development it is clear that both layers of peat will be affected by the proposed works. Evidence of peat degradation within the site has been noted within the further information submitted, whereby the report refers to the degradation of 10 metres of bog either side of the existing access roads extending into the bog.
- 4.13. The Board should note in this regard, that drainage channels associated with existing access roads facilitate the fast movement of water away from the road and adjacent peatland, thus facilitating the rapid drying out of the adjacent peat. In order to prevent such drying out to surrounding lands, the applicant within the further information submitted states that check dams and stilling ponds/buffered outfalls are to be installed along the drainage channels associated with the proposed access roads and turbine infrastructure. It is proposed that such measures will prevent water from flowing rapidly along channels and will instead be held within the channels in order to allow infiltration into the adjacent lower lying peatlands.
- 4.14. Stilling ponds or buffered outfalls will also direct water away from infrastructure to an area within the peatland whereby solids will settle and water will be allowed to infiltrate into the surrounding lands. It is stated within the further information submitted that such measures will prevent adjacent lands from drying out and will maintain water levels within the wider peatland area. The applicant suggests the use of Phreatic piezometer to monitor water levels within the site. Whilst I have reservations as to the effectiveness of the proposed mitigation, I consider that active monitoring will ensure that the surrounding habitat is protected and should the Board be of a mind to grant permission I recommend that the use of piezometers to monitor water levels is extended to areas along the boundary of the site adjacent to deeper peat locations.

Such monitoring to be carried out over an extensive period of time. This would ensure the effectiveness of the mitigation proposed and can be adequately dealt with by way of condition.

#### Borrow Pit

- 4.15. In relation to potential impacts arising from borrow pits to surrounding peatlands it is of note that the further information submitted states that peat depth data indicates that the general extents of the borrow pits are associated with relatively shallow peat (generally 0 to 1m depth with some areas up to 2m depth). However, it is noted that limited peat depth data exists between 1 no. peat depth point indicating 0-0.5m depth in the centre of the larger borrow pit, and 2 no. peat depth points indicating 2-3m peat depth directly north of the larger borrow pit.
- 4.16. It is stated within the report submitted that there is the potential for pockets of relatively deep peat (e.g., up to c. 3m depth) in this area. This area is characterised as relatively low elevation, low incline with wet to saturated ground conditions and there is a mapped Blanket Bog and associated natural drainage channels within c. 25 m north of the proposed large borrow pit area.
- 4.17. The further information submitted, further states that considering the depth of the borrow pit at this location, c. 7 mbGL, there is the potential for the presence of the borrow pit to drain the relatively deep peat areas over time, potentially leading to peat degradation, particularly during the construction stage whereby the borrow pit will be in effect an open sump. In seeking to address this issue, the report refers to Annex 20 section 6.2 of the EIAR submitted whereby it is stated that excavations in areas of peat depths in excess of 3m or deeper are avoided. It is stated that turbine foundations and excavations will be limited to a maximum of 2.5m deep.
- 4.18. In addition, it is stated that Phreatic piezometers will be installed in areas whereby peat within 20metres of the site is found to be of depths greater than 2.5 m. It is proposed to monitor bog water levels before and during excavations within the borrow pit areas with a view to establishing an early warning system for potential localised stability issues and in turn the potential for peat degradation.
- 4.19. Whilst such monitoring is welcomed, it is important to note that whilst surges in surface water flows within the acrotelm layer can assist with the predetermination of a potential slide, the drying out of the catotelm layer which is below 0.5 metres can occur over a



longer period and can also give rise to peat slides and results in the overall degradation of the peatland. Thus, as mentioned above, should the Board be of a mind to grant permission, I recommend that a condition is attached which ensures that the water levels within both the development site and up to the development boundary outlined within the application are monitored over the period of the development in order to protect against the loss of adjacent ecologically sensitive habitat such as blanket bog.

### **Carbon**

- 4.20. In relation to carbon emissions arising from the loss of peatland, the applicant estimates that the potential for reduction in carbon sequestering, increase in carbon loss or increase carbon emission rates is imperceptible relative to the carbon balance of the development, namely the carbon savings achieved by the development in operation. The applicant submits that the proposed development will avoid deep areas of peat and mitigation measures proposed will prevent the loss of peat beyond what will be excavated to facilitate the development. In addition, it is of note that the level of carbon removed from the atmosphere by bog habitat is low compared to that of forest habitat. As such, having regard to the information submitted and subject to the implementation of mitigation measures proposed and monitoring of same I am satisfied that the proposed development would not give rise to significant levels of carbon emissions via peat loss.
- 4.21. It is important to note in the context of the foregoing, that there is an overriding positive presumption in favour of renewable energy projects at National, Regional and Local levels. This is reflected in the Wind Energy Development Guidelines for Planning Authorities, 2006, the Draft Wind Energy Development Guidelines 2019 the Regional Planning Guidelines for the Border Region 2010-2022 and Regional Spatial and Economic Strategy for the Northern and Western Region and the Donegal County Development Plan 2018-2024.
- 4.22. The Climate Action Plan for Ireland 2019 also acknowledges that electricity along with transport are known to be the two greatest opportunities for the Country to meet the 2030 climate targets and the adequate provision of wind energy is essential to the achievement of such targets.
- 4.23. Therefore, on balance, having regard to the information submitted and subject to adequate monitoring conditions being imposed, I consider the proposed development

to be acceptable and in accordance with both National, Regional guidance and the policies and provisions of the Donegal Development Plan.

### **Reasoned Conclusion**

4.24. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, and my previous report dated 14<sup>th</sup> August 2020 it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

- Negative impacts on **human health and population** arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are low to moderate. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Benefits/positive impacts on the **Air and Climate**, the proposed development will have a significant positive effect on human health and population due to the displacement of CO<sub>2</sub> from the atmosphere arising from fossil fuel energy production.
- Potential negative impacts on air and climate relate to the release of carbon to the atmosphere as a result of the potential for impacts on the functioning and viability of blanket bog and other peatland habitats to arise. These impacts will be mitigated by measures outlined within the application.
- Negative impacts on **Water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system and discharging to the river thereafter during the construction and operational phases. These impacts will be mitigated by measures outlined within the application.
- Further impacts on water relate to changes to the hydrological regime of the area and the resultant impacts that this may have on the Annex I peatland habitat in the area and associated biodiversity. These impacts will be mitigated by measures outlined within the application and can therefore be ruled out.
- Negative impacts to Lands and Soils relate to the removal of 6ha of Wet Heath habitat, the status of which is bad and deteriorating and is listed for protection

within Annex I of the Habitats Directive. This habitat is not within a European Designated Site and is not essential to the maintenance of any European Designated Site. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the loss of 6ha of Wet Heath habitat, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development

- Negative **Noise and Dust** impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures. Noise disturbance from the operation of turbines is not likely to arise given the separation distances between turbines and residential properties. Impacts arising from noise and dust disturbance during both the construction and operational stage can therefore be ruled out.
- Negative **traffic** impacts arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. Impacts arising from traffic can therefore be ruled out.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that whilst the loss of 6ha of Wet Heath cannot be avoided, the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

**Appropriate Assessment:**

- 4.25. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Lough Swilly SAC (002287), Lough Swilly SPA (004075), Trawbreagha Bay SPA (004034), Lough Foyle SPA (004087) are the European sites for which there is a likelihood of significant effects.

4.26. The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Lough Swilly SAC (002287), Lough Swilly SPA (004075), Trawbreagha Bay SPA (004034), Lough Foyle SPA (004087), 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 assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Lough Swilly SAC (002287), Lough Swilly SPA (004075), Trawbreagha Bay SPA (004034), Lough Foyle SPA (004087)
- ii. Mitigation measures which are included as part of the current proposal,
- iii. Conservation Objective for these European Sites, and
- iv. Views of the Department of Culture Heritage and the Gaeltacht.

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 integrity of the aforementioned European Sites, having regard to the site's 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 the European Sites, in view of the site's conservation objectives.

## 5.0 Recommendation

I recommend that permission is granted subject to the following conditions:

## 6.0 Reasons and Considerations

Having regard to national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouses gases, the Wind Energy Development Guidelines for Planning Authorities 2006, the provisions of the Donegal County Development Plan 2018-2024 and the character of the landscape along with the history of the site and the distance to existing residential

development, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of impact on the visual amenities and landscape character of the area, and in terms of the would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and be in accordance with the proper planning and sustainable development of the area.

## 7.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information response submitted to the Board dated 6<sup>th</sup> November 2020, 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 is constructed shall be 10 years from the date of this order.

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

3. This permission shall be for a period of 30 years from the date of the first commissioning of the wind farm.

**Reason:** To enable the planning authority to review its operation in the light of the circumstances then prevailing.

4. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Statement and associated documentation are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment.

5. The developer shall ensure that water levels are monitored at regular frequency throughout all seasons of each year over the life of the development and shall ensure that water levels are maintained at a level required to maintain viable and active peat habitat within and adjacent to the site. Details of such monitoring shall be agreed in writing with the Local Authority prior to the commencement of development. Monitoring shall occur both within the site at various locations and along the development boundary of the site and shall include the use of appropriate means such as piezometers to measure ground water levels, as agreed by the Local Authority.

**Reason:** In the interest of protection of the environment.

6. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:
  - (a) Between the hours of 7am and 11pm:
    - i. the greater of 5 dB(A)  $L_{90,10min}$  above background noise levels, or 45 dB(A)  $L_{90,10min}$ , at standardised 10m height above ground level wind speeds of 12m/s or greater
    - ii. 40 dB(A)  $L_{90,10min}$  at all other standardised 10m height above ground level wind speeds
  - (b) 43 dB(A)  $L_{90,10min}$  at all other times.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

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

7. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Shadow flicker compliance monitoring programme for the subject development, including any mitigation measures such as the use of appropriate equipment and software to suitably control shadow flicker at nearby dwellings, including control of turbine rotation, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority. Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

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

8. Prior to the commencement of development, the applicant shall submit to and agree in writing with the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

**Reason:** in the interest of aviation safety.

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

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

10. Water supply, wastewater treatment and surface water attenuation and disposal shall comply with the requirements of the planning authority for such works and services.

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

11. The following design requirements shall be complied with:

(a) The wind turbines including masts and blades, and the wind monitoring mast, shall be finished externally in a light grey colour.

(b) Cables within the site shall be laid underground.

(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.

(d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

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

12. The delivery of large-scale turbine components for the construction of the windfarm shall be managed in accordance with a Traffic 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 shall of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

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

13. On full or partial decommissioning of the turbines or if the turbines cease operation for a period of more than one year, the mast and the turbine concerned shall be removed and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, within three months of decommissioning.

**Reason:** To ensure satisfactory reinstatement of the site upon cessation of the project.

14. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and



agreed in writing with, the planning authority prior to commissioning of the turbines and following consultation with the relevant authorities.

**Reason:** In the interest of protecting telecommunications signals and of residential amenity.

15. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and co-ordinates of the turbines and wind monitoring masts.

**Reason:** In the interest of air traffic safety.

16. The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

17. The developer shall retain the services of a suitably qualified and experienced Ecologist to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity.

**Reason:** In the interest of protecting ecology and wildlife in the area.

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

19. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Arts, Heritage and the Gaeltacht

**Reason:** To ensure appropriate monitoring of the impact of the development on the avifauna of the area.

20. 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 acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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.

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

21. 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 acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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.

**Reason:** In the interest of orderly development and visual amenity and to ensure satisfactory reinstatement of the site.

22. 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 the 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 the Board 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.

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Sarah Lynch  
Senior Planning Inspector

22<sup>nd</sup> March 2021

