



An
Bord
Pleanála

Inspector's Report

ABP-313833-22

Development	Construction of 3 houses on site 1,2,3 and associated site development works to services previously granted under P4/367 and P08/717, accompanied by NIS
Location	Acha Mhara, Shore Road, Seaside, Belmullet, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	211203
Applicant(s)	Eamon Padden.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	James & Martina Lavelle.
Observer(s)	None.
Date of Site Inspection	6 th October 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a site of .1765 hectares located on the Shore Road in Belmullet Co Mayo. Belmullet (Béal and Mhuirthead) is a coastal gaeltacht town located in northwest Mayo between Broadhaven Bay and Blacksod Bay at the entrance to the Mullet peninsula. The appeal site is to the southwest of the town within an existing housing development Acha Mara. The development overlooks the shore and is accessed from a public road running from the pier along the shoreline.
- 1.2. The southern site boundary of the appeal site is defined by the entrance roadway to the Acha Mara Estate. To the east a wall and adjacent green space beyond which the estate roadway fronted by a row of semi-detached dwellings. A detached two storey dwelling site (owned by the appellants) adjoins the appeal site to the north. The appeal site overlooks the public roadway and shoreline beyond lies to the west.

2.0 Proposed Development

- 2.1. The proposal involves the development of three detached houses and all associated site development works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 23 May 2022 Mayo County Council issued notification of its decision to grant permission and 13 conditions were attached which included condition 12 requiring payment of a Development Contribution (€9,915) and condition 13 requiring payment of a bond (€12,000) as security for the provision and satisfactory completion of roads, footpaths, public lighting open space and other services.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.1.1 Initial planner's report sought additional information to include contextual site sections, window to rear elevation to be opaquely glazed, details of boundary treatment, pre connection enquiry from Irish Water and a site specific Construction Management Plan.

The second report recommends permission subject to conditions.

3.2.2. Other Technical Reports

Preliminary Flood Risk Assessment report – No flooding on site or along access road. No further flood risk assessment required.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

Submission by the third party appellants James and Martina Lavelle, Shore Road Belmullet - outline concern regarding site levels and inconsistent ridge heights. The Northernmost dwelling will not achieve the minimum 22m separation distance. Northerly dwelling will have overlooking windows to the side elevation resulting in loss of privacy exacerbated by the siting and non-adherence to the established building line. Loss of outlook, sunlight and daylight and negative impact on established residential amenity. Proposal on coastal road will reduce visibility of the natural environment. Coastal flood risk - Seafront along this road has flooded in recent times. Site is an ideal habitat for wildflowers to help pollinating insects such as the great yellow bumblebee. Photomontage is not an accurate representation.

4.0 Planning History

2360 (Site to the southeast of the appeal site) Application for permission for complete residential development previously granted under P04/3679 comprising 3 no semidetached 3 bed units and 1 no 4 bed detached unit and associated site

development works and connection to existing services. Further information requested 30/03/2023

04/3679 Permission for housing development at Shore Road. 24/05/2005.

PL16.230150 P08/717 Permission granted 2009 following third party appeal for retention of alterations to previous planning permission 04/3679 namely revision to house type on site 6 and all ancillary site services and works. Condition no 3 restricted finished floor levels of house numbers 1, 2 and 3 to 95.7m 95.9m and 95.9m respectively.

08/343 Incomplete application.

5.0 Policy Context

5.1. Development Plan

The Mayo County Development Plan 2022-2028 refers.

Belmullet is designated as a Tier II Self Sustaining Growth Centre.

The site is zoned Existing Residential as set out on Map BT1 - Béal and Mhuirthead Land Use Zoning.

5.2. Natural Heritage Designations

The site is within 10m (on the opposite side of the public road) of the Mullet / Blacksod Bay Complex SAC and Blacksod Bay / Broadhaven SPA. A number of other sites also occur within 15km.

Natura 2000 Site	Site Code	Distance
Mullet Blacksod Bay Complex SAC	000470	9m
Blacksod Bay Broadhaven SPA	004037	9m
Broadhaven Bay SAC	00472	900m
Mullet Peninsula SPA	004227	2.3km
West Connacht Coast SAC	002998	4.5km
Termoncarragh Lake & Annagh Machair SPA	004093	4.9km
Inishglora and Inishkeeragh SPA	004084	8.3km

Carrowmore Lake Complex SAC	000476	10.7km
Carrowmore Lake Complex SPA	004052	10.7km
Inishkea Islands SPA	004004	14.1km

5.3. EIA Screening

Having regard to the nature of the development comprising an infill scheme of three dwellings within an established residential neighbourhood it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by James and Martina Lavelle. Shore Road, Belmullet, owners of the dwelling to the north of the appeal site. Grounds of appeal are summarised as follows:

- Inconsistent levels are provided for the ridge heights of the three houses.
- Proposal disregards the building line north of the development.
- Coastal flooding risk. Site was flooded in 2009.
- Proposal would require approximately 2m in infill to achieve the stated finished floor levels which would result in disparity with boundary walls of the appellant's property.

6.2. Applicant Response

6.2.1 The response by James O'Donnell, Planning Consultant on behalf of the first party is summarised as follows:

- Proposed infill development on this serviced site within the settlement of Belmullet is in the interest of consolidated urban development and will serve to complete the housing estate at this location.
- The proposal will result in a high quality residential environment in keeping with the character of the area and will not adversely affect the amenities of the area.
- Proposal is consistent with the National Planning Framework and will contribute towards compact form for the town on fully serviced lands.
- Regarding ridge height the proposal is the same as previously permitted under P04/367. Ridge height of the appellant's house is 103.69m while the proposed dwelling alongside is 103.81m - an imperceptible difference. Proposals follow the existing ground levels with increase slightly from north to south. Slight variation will contribute to visual interest.
- Finished floor levels are designed to assimilate with the existing ground levels and will not require any significant recontouring at construction stage. Northernmost site would sit on same level as the appellant's house 95.73m and boundary wall would be unaffected.
- There is no record of flooding at this location. Site is outside the indicative flood risk area and finished floor levels are >2m above the coast road to the west.
- Design and forward projection of the building line will mitigate any perceived overlooking with regard to rear garden.
- Distance of the northernmost dwellinghouse from the common boundary has been increased from 8.13m to 11.5m in original permission. First floor window alongside the gable of house 1 will be opaquely glazed and serves a landing.
- No significant daylight or sunlight impacts arise.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

No submissions

7.0 Assessment

7.1 Having reviewed the proposal in the light of national planning guidelines, the Mayo County Development Plan 2022-2028, the planning history on the site, the submissions of the parties, and my own site visit I consider that it is appropriate to confine assessment to the issues raised in this appeal regarding finished floor levels, building line and flood risk. The issue of Appropriate Assessment also needs to be addressed. Regarding the principle of development three dwellings were previously granted by way of the governing permission on the site P04/367 and amending permission P08/717. The proposed residential infill scheme is appropriate in the context of the zoning objective existing residential and is In line with the requirements of the National Planning Framework which seeks to ensure that at least 30% of all new housing development is delivered within the existing built-up area of towns and villages on infill and or brownfield sites.

7.2 As regards finished floor levels and ridge heights, I note that the proposal does not involve any significant fill above existing ground levels and the proposal assimilates effectively with established adjacent development. (Finished floor level of house 1 at 95.9m relative to the appellant's dwelling 95.7m). Regarding the building line the proposal adheres to the established building line of dwellings to the south within the Acha Mara Estate and the siting effectively mitigates potential negative impacts on the appellant's dwelling. I consider that the set back distance and landscaping boundary treatment effectively mitigates any significant impact on established residential amenity. I conclude that the development is acceptable in terms of its design and layout and impact on established residential amenity.

7.3 As regards flood risk as noted within the Planning Report the site is outside the flood risk zone A and B as identified on Map BT4 Béal and Mhuirthead Land Use Zoning with Environmental Constraints. Finished floor levels of the proposed dwellings are in excess of 2m above the road level to the west.

7.4 Appropriate Assessment

7.4.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background to the application

On the issue of appropriate assessment, the application is accompanied by a Screening Assessment and Natura Impact Statement by Marie Louise Heffernan, Aster Environmental Consultants Ltd. and following a request for additional information by the Planning Authority a Construction Environment Management Plan was also submitted. The appropriate assessment screening report provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential pathways and impacts, and assesses the significance of potential impacts.

The applicants AA screening report concluded that significant effects are expected on the qualifying interest or conservation objectives of the surrounding Natura 2000 sites Blacksod Bay / Broadhaven SPA and Mullet / Blacksod Bay Complex SAC as a result of the proposed development, alone or in combination with other plans and projects in the area, and therefore a Natura Impact Statement is required.

Having reviewed the documents, I am satisfied that the information allows for an examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

7.4.2 Screening for Appropriate Assessment – Test of likely significant effects

The proposed development is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European Site.

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas SAC and Special Protection Areas SPA to assess whether it may give rise to significant effects on any European site.

Description of Development

The applicant provides a description of the project in Section 2.0 of the AA Screening Report. In summary, the proposal comprises the construction of 3 no 3 bed dwellinghouses and all associated site development works.

The Construction Environmental Management Plan, submitted in response to the request for additional information, describes best practice environmental control measures to be employed during construction stage.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related – uncontrolled surface water silt / construction related pollution.
- Operational – uncontrolled surface water pollution run off
- Habitat loss / fragmentation
- Habitat disturbance / species disturbance (construction and or operational)

Submissions and observations.

No submissions raise specific issues with regard to impact on European sites. .

7.4.3 European Sites

The development site is located adjacent (separated by the public roadway) within 10m of the Mullet Blacksod Bay Complex SAC 000470 and the Blacksod Bay / Broadhaven SPA 004037. A number of other European sites occur within 15km of the site within a possible zone of influence. Where a possible connection between the development site and a European Site has been identified, these sites are examined in more detail. European sites within 15km possible zone of influence include :

Natura 2000 Site	Site Code	Distance
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Mullet Blacksod Bay Complex SAC	000470	9m
Blacksod Bay Broadhaven SPA	004037	9m
Broadhaven Bay SAC	00472	900m
Mullet Peninsula SPA	004227	2.3km
West Connacht Coast SAC	002998	4.5km
Termoncarragh Lake & Annagh Machair SPA	004093	4.9km
Inishglora and Inishkeeragh SPA	004084	8.3km
Carrowmore Lake Complex SAC	000476	10.7km
Carrowmore Lake Complex SPA	004052	10.7km
Inishkea Islands SPA	004004	14.1km

7.4.4 Identification of Likely Effects

The site of the proposed development comprises an infill site of previously disturbed ground with habitats of buildings and artificial surfaces and amenity grassland/recolonising bare ground. The proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. The site of the proposed development is not located in a European site however is immediately adjacent to the Mullet Blacksod Bay Complex SAC and Blacksod Bay Broadhaven SPA. While the Broadhaven Bay SAC occurs within 900m it can be screened out from significant effects as it lies within a different hydrological catchment. On the basis of absence of source pathway receptor connection to the remaining sites above there is no likelihood of significant effects on these sites and they are screened out.

The range of activities arising from the construction and operation of the proposed development that would possibly have any potential effects on European sites would relate to pollution of surface water due to run off including during construction activities and species disturbance.

As regards In-combination effects there are no known development projects or plans with which significant in-combination effects would arise.

Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European site have been relied upon in this screening exercise.

7.4.5 Screening Determination

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that there is no likelihood of significant effects to 8 sites within the possible zone of influence. The potential for significant effects to European Sites, the Mullet/Blacksod Bay Complex SAC and Blacksod Bay / Broadhaven SPA, cannot be excluded due to proximity and surface and groundwater connectivity. As the project individually or in combination with other plans or projects would be likely to give rise to significant effects on Mullet Blacksod Bay Complex SAC and Blacksod Bay / Broadhaven SPA in view of their Conservation Objectives, Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed development, with emphasis placed on surface water discharges,
- The proximity to European sites, and
- The known pathways between the site and the European sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

Broadhaven Bay SAC	00472
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Mullet Peninsula SPA	004227
West Connacht Coast SAC	002998
Termoncarragh Lake & Annagh Machair SPA	004093
Inishglora and Inishkeeragh SPA	004084
Carrowmore Lake Complex SAC	000476
Carrowmore Lake Complex SPA	004052
Inishkea Islands SPA	004004

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.4.6 The Natura Impact Statement

The application included a Natura Impact Statement and Construction Environmental Management Plan by Marie Louise Heffernan, Aster Environmental Consultants Ltd. which examines and assesses the potential adverse effects of the proposed development on the following sites:

Mullet Blacksod Bay Complex SAC 000470

Blacksod Bay / Broadhaven SPA 004037

The NIS sets out an assessment of potential adverse effects arising from potential mobilisation of sediments, fuel spillage or leakage use of concrete products resulting in pollution run off to the bay and sets out mitigation measures to address potential adverse effects arising from diffuse pollution to surface waters. The conclusion of the NIS was as follows:

“With mitigation in place no negative impacts on the conservation status of the Natura 2000 network and its associated habitats and species are anticipated as a result of this development.”

I note the considerations of the local authority Planner, outlined in the planning report following submission of the site specific construction and environmental management plan, which was that “The CEMP has provided site specific information with regard to the necessary mitigation measures to ensure adverse impacts would

not occur with regard to the nearby Mullet / Blacksod Bay Complex SAC, the Blacksod Bay / Broad Haven SPA and the Broadhaven Bay SAC. Having reviewed the CEMP the Planning Authority are satisfied that there is certainty / clarity in terms of the methods which will be utilised during the construction phase of the development significant adverse impacts on the Natura 2000 networks can be ruled out.

7.4.7 Appropriate Assessment of Implications of the Proposed Development

This assessment considers aspects of the proposal which could result in significant effects. Mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted AA Screening, the Natura Impact Statement, and the reports on file.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

7.4.8 European Sites

The following sites are subject to Appropriate Assessment

Mullet/Blacksod Bay Complex SAC 000470

Blacksod Bay / Broadhaven SPA 004037

A description of the sites and their conservation and qualifying interests / special conservation interests, including any relevant attributes and targets for these sites, are set out at Section 8 of the NIS.

Relevant Aspects of the Proposed Development

The main aspects of the proposed development that could adversely affect the conservation objectives of the European site are potential pollution from hydrocarbons, wet cement and silt laden run off.

Pathways for significant effects on the Integrity of the qualifying habitats are identified in relation to the site specific conservation objectives of *Mudflats and sandflats not covered by seawater at low tide 1140* , *large shallow inlets and bays 1160*, *reefs 1170* and *otter lutra lutra 1355*.

In relation to the Blacksod Bay / Broad Haven SPA special conservation interest species wintering birds with potential for impact are Ringed Plover A137, Dunlin Calidris alpina alpina A149, Bar tailed godwit Limosa lapponica A157 and curlew Numenius arquata A160.

Potentially Significant Cumulative Effects

There are no known development projects or plans with which significant in-combination effects would arise.

Mitigation

The submitted NIS and CEMP detail the range of mitigation measures intended to be employed as part of the proposed development. These include:

- Installation of gravel driveway.
- Installation of drain guide to capture sediments oils and hydrocarbons and contaminated water. Terram Screening.
- Plant refuelling away from site.
- Emergency spill kits and drip trays.
- Maintenance of plant and equipment.
- Biosecurity measures.

Much of what is being proposed constitutes best practice construction and operation methodologies.

Integrity Test

I have noted above the proposed mitigation measures aimed to ensure that significant effects would not result for the qualifying features of the Mullet/Blacksod Bay Complex SAC and Blacksod Bay / Broadhaven SPA.

In relation to **Mullet Blacksod Bay Complex SAC Site Code 00470** the conservation objective is to maintain or restore the favourable conservation condition of the protected habitats and species. The project is not within the SAC and therefore no direct impacts are predicted. In relation to indirect impact to Annex 1 habitats, 1140 Mudflats and sandflats not covered by seawater at low tide, 1160 Large shallow inlets and bays and 1170 reefs the pathway for adverse effect during operational and construction phase relate to potential water pollution risks as a result of disturbance of soil and mobilisation of sediments on site, fuel spillage or leakage, use of concrete during construction draining to the bay and protected habitats. As regards Annex II species Otter lutra lutra no direct impacts are expected. Indirect impacts from potential hydrocarbon pollution or sedimentation to shoreline. Lighting is a potential impact though not significant as the site is within the built up area with established streetlighting.

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Mullet Blacksod Bay Complex SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

In relation to the **Blacksod Bay / Broadhaven SPA** the objective to maintain or restore favourable conservation status of habitats and species of community interest. Indirect impacts to *Ringed Plover A137, Dunlin Calidris alpina alpina A149, Bar tailed godwit Limosa lapponica A157 and curlew Numenius arquata A160* are identified as these species are known to use the coastline to the west of the site.

Potential sedimentation or pollution by hydrocarbon run off from the development gives rise to potential for impact on quality of habitat or food resources. Lighting has potential for impact however there is already street lighting at this location which is within the built up area and therefore it is not deemed to be significant.

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Blacksod Broad Haven SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.4.9 Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on the Mullet / Blacksod Bay Complex SAC and the Blacksod Bay / Broad Haven SPA. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site Mullet / Blacksod Bay Complex SAC 000470 and the Blacksod Bay / Broad Haven SPA 004037, or any other European site, in view of the site's Conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects.

The conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Mullet / Blacksod Bay Complex SAC and the Blacksod Bay / Broad Haven SPA
- Detailed assessment of in combination effects with other plans and projects and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Mullet / Blacksod Bay Complex SAC and the Blacksod Bay / Broad Haven SPA

Recommendation

Having considered the contents of this application in detail, the decision of the planning authority, the provisions of the Development Plan, the national guidelines, the grounds of appeal, my site inspection and my assessment of the planning issues, I consider it appropriate to recommend to the Board that permission be granted subject to the following schedule of conditions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site on zoned lands, the layout of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. Taking account of the nature scale and location of the development within a zoned and serviced urban area and having regard to the Natura Impact Statement and Construction Environment Management Plan the proposed development by itself or in combination with other plans or projects would not adversely affect the integrity of the Mullet / Blacksod Bay Complex SAC (000470) or the Blacksod Bay / Broad Haven SPA (004037) or any other European site in view of the sites' conservation objectives. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 29th day of April 2022, except as may otherwise be required in order to comply with the following conditions

Reason: In the interest of clarity.

2. Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and in the interest of visual amenity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

4. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in

writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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. 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 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 if the Act be applied to the permission.

8. 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 of roads, footpaths, water mains. Drains,

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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination,

Reason: To ensure the satisfactory completion of the development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bríd Maxwell
Planning Inspector

06 April 2023