



An  
Bord  
Pleanála

## Inspector's Report ABP-315074-22

---

<b>Development</b>	The construction of 27 no. dwelling houses, 46 no. car parking spaces, footpaths and pedestrian crossing, and all site development works, site landscaping and public service connections.
<b>Location</b>	Westport Road, Clifden, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	22/404
<b>Applicant(s)</b>	TML Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	TML Properties Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> May 2023
<b>Inspector</b>	Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
4.0 Planning History.....	6
5.0 Policy and Context.....	6
5.1. National Planning .....	6
5.2. Development Plan.....	6
5.3. Natural Heritage Designations .....	8
5.4. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Planning Authority Response .....	9
6.3. Observations.....	10
6.4. Further Responses.....	10
7.0 Assessment.....	10
8.0 Recommendation.....	26
9.0 Reasons and Considerations.....	26
10.0 Conditions .....	26

## 1.0 Site Location and Description

- 1.1. The site lies on the northern outskirts of Clifden, 390m “as the crow flies” from the town centre. This site is located off the northern side of the Westport Road (N59), along a 50 kmph stretch of this national secondary road. It is accessed via St. Anne’s Road (L5123), which is a short road that serves existing residential properties.
- 1.2. The site extends over an area of 0.8 hectares. Its main body is of regular shape, and it incorporates the nearside of the N59 to the south and the entirety of the L5123 to the east. Its “tail” extends eastwards along the N59 for 210m. Accordingly, the existing junction between these two roads lies within the site.
- 1.3. The site itself is vacant and composed of uneven and largely overgrown ground, which rises generally from the south-eastern corner to a localised raised area, which lies in a central position adjacent to the northern boundary of the site. The Bradog Stream flows from west to east across the southern portion of the site, and it is accompanied by lower lying wet land. The site’s southern and eastern roadside boundaries are open, albeit a gravelled area abutting part of the eastern boundary is presently enclosed by means of temporary fencing. The northern boundary abuts the grounds of a bungalow, and it is enclosed by a row of tall mature evergreen planting. The western boundary abuts the grounds of a two-storey apartment building, and it is enclosed by means of semi-mature deciduous planting.

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of 27 no. residential units (2572 sqm) within four blocks, denoted as A, A1, B, and C. The proposal would also entail the realignment of the adjoining portion of St. Anne’s Road (L5123), and the provision of parallel parking spaces and a footpath on its nearside. An access point from this Road would be formed towards the north-eastern corner of the site and an on-site access road would be laid out to serve rows of perpendicular parking spaces within the northern and central portions of the site. Blocks A and A1 would be sited beside and in parallel to St. Anne’s Road, Block B would be sited in the southern portion of the site to face north/south, and it would be accompanied by communal open space to its south, east, and west, and Block C would be sited in the northern portion of the site to face north/south, too.

- 2.2. The four blocks would provide 8 no. one-bed units, 14 no. two-bed units, and 5 no. three-bed units. These units would be distributed between the blocks as follows:
- Block A: two-storey block composed of 3 no. three-bed terraced units,
  - Block A1: three-storey block composed of 2 no. three-bed terraced units, 2 no. one-bed single-level units, and 2 no. two-bed duplex units,
  - Block B: two-storey block composed of 6 no. two-bed single level units, and
  - Block C: three-storey block composed of 6 no. one-bed single level units and 6 no. two-bed duplex units.
- 2.3. The blocks would be finished in stone and render under dark slate/tile roofs. Freestanding walls would, likewise, be finished in stone. Surface finishes would distinguish the access road, footpaths, and parking spaces.
- 2.4. The proposed parking provision would total 46 no. car parking spaces, including 3 no. disabled spaces, and 18 no. bicycle stands.
- 2.5. Dedicated private open space would be provided to each of the units in either rear gardens or terraces/balconies. Communal open space would be laid out in conjunction with the stream in the southern portion of the site and at the western end of the central portion.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following receipt of further information and clarification of further information, the Planning Authority refused permission for the following reason:

The site is adjacent to a watercourse which joins the Owenglin River (part of the Twelve Pins/Gaurran Complex SAC). Under the proposal, surface water would discharge to this watercourse without any pre-treatment. The Planning Authority is not therefore satisfied that any negative effect on the integrity and conservation objectives of this SAC can be ruled out. The potential thus exists that its qualifying interests would be adversely affected and so the proposal would materially contravene Policy Objectives NHB 1 & 2 and DM Standard 50 of the CDP.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Further information was sought with respect to the following:

- i. Works to the N59 to be the subject of a design report.
- ii. Proposed surface water sewers to be sited to ensure their future maintenance is facilitated.
- iii. Proposed retaining structure beside public road to be reconsidered.
- iv. Public and private consents needed for the realignment of St. Anne's Road.
- v. Details of the design of the public road and footpath, including tie-ins, to be submitted.
- vi. How will on-street car parking spaces be served by electric charging points?
- vii. SuDS to incorporate nature-based solutions.
- viii. Brick paving to be replaced by another material in prospective "taking-in-charge" areas.
- ix. Revisions to surface water drainage to include re-specification of perforated pipes, appropriate separation distances between pipes and other utilities, adequacy of attenuation tank to be demonstrated, and identify characteristics of the stream at the proposed outfall point and demonstrate how they have influenced the design of the outfall.

Clarification of further information was sought with respect to the following:

- i. Applicant to liaise with Galway National Roads Project Office.
- ii. Public sewers to avoid private property.
- iii. Concerns over retaining structure persists.
- iv. Concerns over consents persists.
- v. Insufficient electric chargers proposed.

### 3.2.2. Other Technical Reports

- TII: Original proposal critiqued: Detailed response submitted by the applicant by way of unsolicited information.

- Roads and Transportation: Comments made following receipt of clarification of further information:
  - New road gullies would discharge to the stream in the site without any pre-treatment, and the installation of such pre-treatment may require this stream to be realigned. Other new road gullies to be connected to a 300mm diameter stormwater sewer, whereas 225mm combined sewer under N59.
  - Letters of consent from third parties remain outstanding with potential implications for proposed footpath provision.

## 4.0 Planning History

- 99/373: 7 no. detached traditional style dormer roofed dwelling houses: Permitted.
- 05/350: 22 no. dwelling houses and public open space (POS): Refused on the grounds that the POS would not be properly integrated, and boundary walls along the N59 would be detrimental to visual amenity.
- 06/3144: 5 no. two-storey detached dwelling houses and 3 no. two-storey buildings comprising 12 no. apartments: Permitted.
- 21/1024: Same description as current proposal: Withdrawn.

## 5.0 Policy and Context

### 5.1. National Planning

- Sustainable Residential Development in Urban Areas Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines
- Design Manual for Urban Roads and Streets

### 5.2. Development Plan

Under the Galway County Development Plan 2022 – 2028, Clifden is identified as a small growth town. Under the Clifden Local Area Plan 2018 – 2024, the site is zoned

residential (phase 1). Under Residential Development Objective (RD 1), the Planning Authority undertakes to “Support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements...”

The Planning Authority’s reason for refusal cites the following provisions of the CDP:

#### Policy Objective NHB 1

*Protect and where possible enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts) and extend to any additions or alterations to sites that may occur during the lifetime of this plan.*

*Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).*

*Support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network.*

#### Policy Objective NHB 2

*To implement Article 6 of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. All such projects and plans will also be required to comply with statutory Environmental Impact Assessment requirements where relevant.*

#### DM Standard 50: Environmental Assessments

*The following measures shall be applied in respect of designated environmental sites:*

*a) Appropriate Assessment*

*Screening for Appropriate Assessment and/or Appropriate Assessment will be required with all applications where it is considered that the proposed development may impact (directly and indirectly), or in combination with other projects, on a Natura 2000 designated site i.e., a Special Area of Conservation (SAC) or a Special Protection Area (SPA), to inform decision making. The appropriate assessment shall be carried out in accordance with Article 6 of the Habitats Directive the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), as relevant.*

### **5.3. Natural Heritage Designations**

- The Twelve Bens/Gaurran Complex SAC (002031)

### **5.4. EIA Screening**

Under Items 10(b)(i) and (vi) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, where more than 500 dwelling units would be constructed and/or where an urban site of more than 10 hectares would be developed, the need for a mandatory EIA arises. The proposal is for the development of 27 dwellings on a 0.8-hectare site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant has submitted its appeal along with a revised proposal of the engineering detail that prompted the Planning Authority's refusal. It states that this revision is a minor amendment, and it acknowledges that the Board has discretion as to whether such amendment can be accepted. In this respect, the applicant cites the case of *British Telecommunications PLC v Gloucester City Council 2001*, which identified the following factors to be of relevance:



- *Whether the amendment would alter the substance of the development applied for, and*
- *Whether those who should have been consulted on the changed development would be deprived of consultation.*

The applicant contends that neither of these two factors would apply in the case of the Board's acceptance of its minor amendment.

The applicant summarises the various aspects of its proposal, and it states that, notwithstanding further information and clarification of further information requests, the issue encapsulated in the Planning Authority's reason for refusal was not raised with it.

The applicant summarises the planning policy context of Clifden and the site, which is strongly supportive of the principle of the proposal, i.e., the residential development of the site.

The revised plans address the Planning Authority's reason for refusal by specifying the following:

- The installation of a hydrocarbon interceptor into the stormwater sewer (cf. drawing no. 21/557-01 dated 02/11/22), which would serve St. Anne's Road. This interceptor would be sited prior to the outfall of this sewer into the stream. At present run-off from this Road occurs in an uncontrolled manner, and so the interceptor would represent a marked improvement.
- New gullies along the northern edge of Westport Road would be connected to the existing public stormwater sewer in this Road (cf. drawing no. 21/557-09 dated 02/11/22). Formerly, the applicant proposed that they would drain to the stream in the site, in a bid to minimise roadworks to the N59. However, given the risk of hydrocarbons entering this stream, the said alternative approach is now proposed. The net impact on this sewer would be negligible, i.e., less run-off would flow into existing gullies along the southern edge of Westport Road.

## 6.2. Planning Authority Response

None

### 6.3. **Observations**

None

### 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of Sustainable Residential Development in Urban Areas Guidelines, Quality Housing for Sustainable Communities: Best Practice Guidelines, Design Manual for Urban Roads and Streets, the Galway County Development Plan 2022 – 2028 (CDP), the Clifden Local Area Plan 2018 – 2024 (LAP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminaries,
- (ii) Zoning and density,
- (iii) Development standards,
- (iv) Visual and residential amenity,
- (v) Traffic, access, and parking,
- (vi) Water,
- (vii) Biodiversity, and
- (viii) Appropriate Assessment.

### **(i) Preliminaries**

7.2. Under further information and clarification of further information requests, the Planning Authority expressed concern that the proposed realignment of St. Anne's Road (L5123) may not all be on lands either under the control of the applicant or the Roads Authority, i.e., it may encroach onto third party lands. The applicant responded to this concern by reassuring the Planning Authority that this was not the

case, and it has drawn attention to the provisions of Section 34(13) of the Planning and Development Act, 2000 – 2023.

- 7.3. The applicant further responded to this concern by submitted a copy of an email dated 24<sup>th</sup> August 2022 between its architect and the County Council's Roads and Transport Department, which was accompanied by and commented upon a sketch site plan. This plan shows the existing alignment of St. Anne's Road hatched in yellow, the proposed alignment outlined in red, and an additional area on the eastern side of the existing Road hatched in green, which has been tarmacked by the County Council. The existing road has been "taken-in-charge", and the proposed road would, likewise, be "taken-in-charge". The latter would ideally incorporate a short portion of the tarmacked area hatched green at its northern end.
- 7.4. Whereas the Planning Authority has not indicated where it considers that the proposed realignment may encroach onto third party lands, I consider that *prima facie* this may be the said short portion of the tarmacked area hatched green. Accordingly, it is of significance that this area is not essential, but only desirable, for the proposed realignment.
- 7.5. I conclude that there are no preliminary matters that would impede the Board assessing/determining the application/appeal in the normal manner.

**(ii) Zoning and density**

- 7.6. Under the CDP, Clifden is identified as a small growth town. Under the LAP, the site is zoned Residential Development Objective (RD 1), under which the Planning Authority undertakes to "Support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements..." Under the proposal, the site would be developed to provide 27 no. residential units, and so it would comply with this Objective.
- 7.7. Under the 2016 Census, Clifden has a population of 1597. Accordingly, under Chapter 6 of the Sustainable Residential Development in Urban Areas Guidelines, Clifden is categorised as a small town, i.e., between 400 and 5000 people. These Guidelines advise on density. They address centrally located, edge of centre, and edge of town locations. Densities should normally cascade downwards with distance from town centres from 30 – 40+, to 20 – 35, to 15 – 20 dwellings per hectare.

- 7.8. During my site visit, I observed that the site lies towards the edge of Clifden, but it is within 390m “as the crow flies” from the town centre. In these circumstances, edge of centre and edge of town locations could be considered to merge somewhat. During my site visit, I also observed that to the east of the site, there is a line of ribbon development, which is accompanied by the crescent shaped two-storey Hawthorn Lodge in a recessed position further to the east. To the west lies a two-storey apartment building. Thus, the context of the site includes instances of development of greater scale and density than the housing comprised in the ribbon development.
- 7.9. Under the proposal, the site, which has an area of 0.8 hectares, would be developed to provide 27 no. residential units. It would thus have a density of 33.75 dwellings per hectare, which would be relatively high for its location. The applicant has commented upon this density to the effect that the Planning Authority raised no objection. Given my aforementioned observations, I, too, raise no objection.
- 7.10. I conclude that the proposal would accord with the zoning objective of the site and its density would be appropriate to the site within its context.

### **(iii) Development standards**

- 7.11. The applicant submitted a Design Statement, which provides a rationale for the scale, height, design and layout of the proposal. This rationale draws attention to the opportunities afforded by the site’s location and topography to provide a housing scheme which would include a well-defined south-eastern corner to the site, in conjunction with a reconfigured junction between Westport Road and St. Anne’s Road, and which would include, too, buildings of three-storey form, e.g., in the northern portion of the site, which would be sunken in relation to the existing bungalow to the north and the two-storey apartment complex to the west. It also draws attention to the range of residential units, which would include ground floor units that would be suitable for the elderly, and two-storey units that would be suitable for families.
- 7.12. The proposal would provide a total of 27 no. residential units, which would disaggregate as 8 no. one-bed units, 14 no. two-bed units, and 5 no. three-bed units. This would represent a good mix of sizes.
- 7.13. The Design Statement compares the size of the proposed residential units with the recommended standards set out in Table 5.1 of the Quality Housing for Sustainable

Communities: Best Practice Guidelines. With respect to overall areas, aggregate daytime and night-time areas, and internal storage areas, these standards would be met. With respect to room dimensions, these standards would be largely met, except for residential units nos. 1 – 5 (inclusive), where the width of the living area would be 3.4m rather than the recommended 3.6m. As this area would be continuous with the kitchen/dining area, which would otherwise be satisfactory, I do not object to this nominal infringement of the standards.

- 7.14. Qualitatively, each of the residential units would be dual aspect, apart from residential unit no. 7. This ground floor unit would have a south-westerly aspect only. The lighting of the continuous living and kitchen/dining room space would decrease with distance from the glazed south-westerly opening that would serve it. The kitchen/dining area would be served by a store, which would abut the north-eastern elevation. This store would contain part of the stairs, which serves the duplex above. Nevertheless, the opportunity to provide a lightwell through it by means of a window and glazed internal door should be availed of, thereby allowing the admission of some morning sunlight into the kitchen/dining area. These minor amendments should be conditioned.
- 7.15. Each of the residential units would be served by dedicated private open space either in front/rear gardens or in balconies. The allocation of such space would entail a mismatch in the case of Block C insofar as the ground floor one-bed units would be served by front and rear gardens, while the two-bed duplex units above would be served only by balconies. That said, these balconies would exceed the minimum area of 7 sqm cited in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and they would be south facing.
- 7.16. The Design Statement addresses the public open space (POS), which would be provided as part of the proposal in the southern and central portions of the site. This Statement calculates that the POS would comprise 20% of the area of the site, excluding the stream, which would feature within it. It states that this area would include a hard landscaped community plaza, which would be sited centrally within the site. The soft landscaped area would comprise a footpath and footbridges alongside the stream, which would be partially realigned in the south-west corner of the site. Seating would be installed, too, and a kick about area would be provided on

a “reasonably flat” surface in the western end of the central portion of the site. The POS would thus allow for passive and active recreation.

- 7.17. The applicant has submitted a document entitled “Landscape Masterplan, Design Rationale and Specification of the Landscape for the Proposed Residential Development.” This document provides further details of the hard and soft landscaping proposed for the development.
- 7.18. I conclude that the proposal would afford a satisfactory standard of amenity to future residents.

**(iv) Visual and residential amenity**

- 7.19. The applicant has submitted 3-D images and cross sections of the proposal within the wider context of the site. These images and sections illustrate the proposal itself and how it would relate to existing development surrounding the site.
- 7.20. The proposal would essentially entail the construction of two and three-storey buildings, which would form a cluster of four blocks. Blocks A and A1 would comprise mainly two-storey buildings, which would be distinguished by a slight rise in their levels from south to north. A pair of three-storey buildings would lie at the southern end of Block A1. Likewise, Block B would comprise two-storey buildings, which would be distinguished by a slight rise in their levels from west to east. The remaining Block C would comprise pairs of three-storey buildings that would be accompanied by two-storey mediating elements housing circulation spaces.
- 7.21. The proposal would be finished in a variety of materials. Stone would be used on the lower reaches of elevations and/or in accompanying publicly visible boundary walls. Elsewhere, render would be specified. Roofs would be double pitched with straight gable ends and they would be clad in dark slates/tiles. Openings would be rectangular in shape, and they would add a contemporary feel to the otherwise traditional design forms and finishes of the scheme.
- 7.22. Surrounding buildings would comprise mainly bungalows or dormer bungalows, along with the two-storey crescent of buildings known as Hawthorn Lodge and the two-storey apartment complex. These buildings are of conventional form, and they are finished in traditional materials. The proposal would be an aesthetically sympathetic addition to them.

- 7.23. Blocks A and A1 would be sited opposite existing ribbon development on the far side of St. Anne's Road. This development does not follow a consistent building line. The nearest dormer bungalow would be 24m from the roadside elevations of these Blocks. Blocks B and C would present their western gabled ends to the apartment complex beyond. Intervening clearance distances would be 21m and 19m, respectively. Block C would be sited to the south of a bungalow on elevated land to the north of the site. The front elevation of this bungalow would face slightly to the east of due south and so it would correspond with the rear (northern) elevation of Block C. Immediately beyond the northern boundary of the site, the curtilage of the bungalow is heavily planted with mature evergreens, which effectively screen the bungalow from view. The applicant's drawings nos. PL(920)03 & 04 show a distance of c. 22m between windows in the corresponding elevations and the shadow line that Block C would typically cast throughout the year in the absence of the evergreens.
- 7.24. I note that the difference in ground floor levels between the bungalow and Block C would mean that the former would correspond with the first floor of the latter. Window openings in the first-floor rear elevation would serve circulation spaces only, and, where window openings would serve habitable rooms on the second floor, they would be specified as high-level ones. Consequently, in the absence of the evergreens, neighbour privacy would be safeguarded. I note, too, that, in the absence of the evergreens, any overshadowing would be of a lesser order than exists at present from this planting.
- 7.25. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

**(v) Traffic, access, and parking**

- 7.26. The applicant has submitted a Traffic and Transport Assessment (TTA). This TTA examines the performance of the junction between the N59 and the L5123. It draws upon pre-pandemic traffic figures, and it allows for traffic growth in the intervening years to the projected opening year of 2023 and the 15-year time horizon beyond of 2038. The TTA concludes that there would be ample capacity under scenarios for this junction examined for these two years, which include the marginal increase in traffic movements that would arise from the proposal itself.

- 7.27. The proposal would incorporate a realignment of St. Anne's Road (L5123) as it passes the site. This realignment would include the addition of a public footpath on the nearside of the carriageway to the site, and the reconfiguration of the junction so that the L5123 meets the N59 at right angles. New public footpaths would also be added to the northern side of the N59 as it passes the site, and to the south-east of the site on the northern side of the N59 where it passes two existing bungalows.
- 7.28. The aforementioned new junction would be just inside the 50 kmph zone, as distinct from the 60 kmph zone, which lies to the west on the N59. Accordingly, this junction would be served by visibility splays that would be appropriate, under the Design Manual for Urban Roads and Streets (DMURS), for the 60 kmph zone, i.e.,  $x = 3m$  and  $y = 65m$ .
- 7.29. The site itself would be accessed from St. Anne's Road at a point towards its north-eastern corner. The proposed access point would be served by visibility splays that would reflect the Road's rising gradient from south to north. Thus, the northern splay would reflect an assumed downhill speed of 50 kmph and the southern splay would reflect an assumed uphill speed of 30 kmph, i.e.,  $x = 2.4m$  and  $y = 45m$ , and  $x = 2.4m$  and  $y = 23m$ . The former splay would be unaffected by parallel parking spaces along the roadside frontage of the site. The latter splay would be so affected. In this respect, DMURS permits minor encroachments in low-speed zones.
- 7.30. The applicant has submitted a Stage 1/2 Road Safety Audit (RSA) and a DMURS Statement of Compliance. It has also included within the TTA a commentary on pedestrian and cyclist provision. The former would include the provision of a public footpath over the redundant portion of the existing St. Anne's Road in the vicinity of its junction with Westport Road and the provision of an informal crossing point on Westport Road further to the south-east. The latter would entail the provision of 36 no. cycle spaces in three rows of 6 no. stands (12 no. spaces).
- 7.31. The applicant envisages that the 36 no. cycle spaces would serve primarily those residents that would not have gardens, i.e., 21 no. of the 27 no. residential units. However, I note that only 5 no. of these gardens are shown as being externally accessible, i.e., residential units nos. 1 – 5 (inclusive), although the dwarf walls enclosing the front gardens to nos. 11, 12, and 14 would be low enough to access easily, too. Accordingly, 19 no. residential units (8 no. one-bed and 11 no. two-bed)



would need to be provided for. Under Section 4.17 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, 1 cycle space per bedroom for residents is cited, and 1 cycle space per two residential units for visitors is cited. Accordingly, 30 no. spaces for residents, and a further 10 no. spaces for visitors would be appropriate. If the applicant's proposed provision of 36 no. spaces was to be extended by 4 no. spaces, then this level of provision would be met. Residents' spaces should also be provided in covered accommodation. These matters should be conditioned.

- 7.32. Under the proposal, 46 no. car parking spaces would be provided. Under DM Standard 31 of the CDP, each of the residential units should be accompanied by 1.5 spaces. Twenty-seven residential units are proposed and so 41 spaces would be an appropriate level of provision. Accordingly, an over provision of 5 no. spaces would arise. If spaces nos. 43 – 46 and space no. 31 were omitted, then the opportunity to provide the aforementioned cycle accommodation could be realised centrally within the site and extra pedestrian facilities would be added to. These matters should be conditioned.
- 7.33. Three mobility impaired car parking spaces would be provided. Under clarification of further information, the applicant submitted drawing no. PL(910))1 revision E, which shows that each of the parking spaces would be served by an electric charging point. These levels of provision would accord with DM Standard 31.
- 7.34. I conclude that the traffic generated by the proposal would be capable of being accommodated on the public road network. Proposed access arrangements to the site would be satisfactory. Proposed car and cycle parking arrangements would, subject to certain revisions, be capable of being satisfactory, too.

#### **(vi) Water**

- 7.35. The proposal would be served by the public water mains and the public wastewater sewerage system. The applicant has made a pre-connection enquiry, and Irish Water has confirmed that connections to its infrastructure in the N59 would be feasible without the need for upgrades in either the public water mains or the public sewer.
- 7.36. The proposal would be served by an on-site stormwater drainage system, which would discharge to the Bradog Stream, which flows through the site. The applicant

has submitted a document entitled “Design of Storm Water and Foul Water Sewers”. This document describes the SuDS measures that would be incorporated in the stormwater drainage system to ensure that run-off from the proposed impermeable surfaces is intercepted and managed prior to discharge to the Stream. It sets out how the two attenuation tanks would be sized to handle 1 in 100-year storm events plus a 20% allowance for climate change. They would be fitted with hydro-brakes and petrol interceptors. The discharge rate would be set to simulate the greenfield run-off rate from the site.

- 7.37. The applicant has also submitted an Engineering Design Report, which describes the proposed extension to the existing culvert in the south-eastern corner of the site, and which sets out the basis for its design.
- 7.38. The Planning Authority’s reason for refusal expresses concern over surface water that would discharge into the Bradog Stream without any pre-treatment. Such water would arise from two new gullies that would be fitted to Westport Road in conjunction with the provision of a new footpath along the northern side of the carriageway, and from the realigned St. Anne’s Road. In the absence of pre-treatment, the Planning Authority is concerned that the water quality of the Stream may be affected by hydrocarbons borne from these Roads by surface water run-off.
- 7.39. At the appeal stage, the applicant has submitted revisions to its proposal that would address the Planning Authority’s concern. It has set out the case as to why the Board should exercise its discretion in admitting these revisions, i.e., they would not alter the substance of the development, and third parties would not be disadvantaged in anyway. I accept this case, and so consider that the Board should admit these revisions.
- 7.40. The first revision would be to connect the proposed gullies to the existing stormwater public sewer in the N59 (cf. drawing no. 21/557-09 dated 02/11/22), thereby ensuring that surface water run-off from the carriageway is directed away from the Bradog Stream. The second revision would be to install a petrol interceptor prior to the outfall point of the stormwater sewer that would serve the realigned St. Anne’s Road (cf. drawing no. 21/557-01 dated 02/11/22), thereby providing the needed pre-treatment.
- 7.41. Under the OPW’s flood maps, the site is not shown as being the subject of any identified flood risk.

7.42. I conclude that, at the appeal stage, the applicant has fully addressed all relevant matters of concern with respect to the proposal's impact upon water.

**(vii) Biodiversity**

7.43. The applicant has submitted an Ecological Impact Assessment (EclA). This EclA draws upon a field study of the site, which led to the identification of the habitats occurring therein. Under Table 5.1, key ecological receptors are identified, and mitigation measures are set out to address any impacts upon these receptors during the construction and operational phases of the proposal. In this respect, the EclA undertakes to, amongst other things, replace any tree loss that would ensue. The EclA concludes that "Following the implementation of best practice and mitigation, there will be no significant impacts on biodiversity." It also concludes that "The potential residual impacts on ecological receptors will not be significant and no potential for the proposed development to contribute to any cumulative impacts on biodiversity when considered in-combination with other plans and projects was identified."

7.44. The applicant has submitted an Invasive Species Survey (ISS). This ISS draws upon a field study of the site, which led to the identification of the widespread incidence of Giant Rhubarb, a recognised invasive species, on the site. Under Table 4.1, chemical treatment options for the eradication of this invasive species are set out. It advises that chemical treatment should be undertaken in August/September, and repeated until eradication is secured. It also advises that soil retention on the site is permissible, provided eradication is secured.

7.45. The applicant has submitted an Ecological Impact Assessment of the Stream Diversion (EclASD). Under the proposed works to the Bradog Stream, its course would be altered in the south-western corner of the site, and the section of culverting in the south-eastern corner would increase slightly in length, c. 6m, in connection with the reconfiguration of the junction between Westport Road and St. Anne's Road. This EclASD identifies best practice mitigation measures, which would address any risk to water quality that would occur when the proposed works are undertaken. It also addresses the operational phase of the proposal to the effect that the altered stream would be designed to preserve the character of the existing stream as much as possible. The additional section of culverting should be seen in the light of the

extensive downstream culverting of the Bradog Stream, and the incidence of heavy scrub overgrowth upstream. The impact is, therefore, deemed to be not significant. The EclASD concludes that “there will be no residual effects on biodiversity as a result of the proposed diversion and culverting of the stream.”

7.46. I conclude that the applicant has satisfactorily addressed the impact of the proposal on biodiversity.

#### **(viii) Appropriate Assessment**

7.47. The Planning Authority’s reason for refusal states that, in the absence of comprehensive pre-treatment of surface water run-off, it is not satisfied that any negative effect on the integrity and conservation objectives of the Twelve Pins/Gaurran Complex SAC can be ruled out. As discussed, under the sixth heading of my planning assessment, at the appeal stage, the applicant proposes some revisions that would ensure that comprehensive pre-treatment would occur. I will, therefore, undertake the Stage 1 and Stage 2 exercises below on the basis of this latest iteration of the proposal.

7.48. The applicant’s NIS includes a Stage 1 screening exercised that prompted the NIS, itself. I will draw upon this NIS and the NPWS’s website in undertaking my own Stage 1 screening exercise, and Stage 2 appropriate assessment below.

7.49. The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under Part XAB, Sections 177U & V of the Planning and Development Act 2000 (as amended) are considered fully. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive,
- Screening the need for appropriate assessment,
- The NIS, and
- Appropriate assessment of the implications of the proposed development on the integrity of each European site.

#### **Compliance with Article 6(3) of the EU Habitats Directive**

7.50. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive

requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

### **Screening the need for appropriate assessment**

- 7.51. The applicant has submitted a screening report for appropriate assessment as part of its NIS, which is entitled Natura Impact Statement Proposed Housing Development at Westport Road, Clifden, Co. Galway, and which is dated 10<sup>th</sup> June 2021.
- 7.52. The screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. This report concludes as follows:
- Taking a precautionary approach, a potential pathway for indirect effects was identified in the form of deterioration of water quality through potential silt laden run-off and other pollutants during the construction phase via the watercourse that flows along the edge of the proposed development site. This drains into the Owenglin River (part of the Twelve Pins/Gaurran Complex SAC) which flows into Clifden Bay and the Atlantic Ocean.*
- 7.53. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.
- 7.54. The applicant provides a description of the project on Page 3 of its NIS. Essentially, this project would comprise the provision of 27 no. dwellings arranged in separate blocks. The applicant also provides a description of the site on Page 8 of its NIS. The dominant site habitat is wet grassland and scrub.
- 7.55. 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:

- Pollution of surface water during the construction and operational phases of the development and, due to its run-off, the contamination of the Owenglin River.

7.56. The site is not located in or immediately adjacent to a European site. The closest European site is 0.55km to the south, i.e., Twelve Pins/Gaurran Complex SAC (002031). The qualifying interests and conservation objectives, i.e., M – maintain their favourable conservation condition, or R – restore their favourable conservation condition, are listed below.

### **Twelve Pins/Gaurran Complex SAC**

*Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] – M*

*Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] – M*

*Alpine and Boreal heaths [4060] – R*

*Blanket bogs (\* if active bog) [7130] – R*

*Depressions on peat substrates of the Rhynchosporion [7150] – R*

*Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] – R*

*Calcareous rocky slopes with chasmophytic vegetation [8210] – R*

*Siliceous rocky slopes with chasmophytic vegetation [8220] – R*

*Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] – M*

*Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] – R*

*Salmo salar (Salmon) [1106] – M*

*Lutra lutra (Otter) [1355] – M*

*Najas flexilis (Slender Naiad) [1833] – M*

7.57. During the construction phase, construction works could pollute surface water with silt, cement, and hydrocarbons leading to the possible contamination of the River Owenglin, with consequent, adverse impacts upon water quality in the European site. During the operational phase, hydrocarbon pollutants in surface water run-off could potentially have adverse impacts upon water quality in this site, too.

7.58. The qualifying interests that could be affected by a deterioration in water quality would be as follows:

- Salmon, and
- Otter.

7.59. In-combination effects from other development sites could potentially arise.

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

7.61. The proposed development was 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 the project either individually or in combination with other plans and projects could have a significant effect on European site No. 002031, in view of its conservation objectives, and appropriate assessment is therefore required.

### **The NIS**

7.62. The application included an NIS, which is entitled Natura Impact Statement Proposed Housing Development at Westport Road, Clifden, Co. Galway, and which is dated 10<sup>th</sup> June 2021. The NIS examines and assesses potential adverse effects of the proposed development on the following European site:

- Twelve Pins/Gaurran Complex SAC (002031)

7.63. The NIS was prepared in line with current best practice guidance, and it concluded as follows:

*This NIS has provided an assessment of all potential direct or indirect adverse effects on European sites.*

*Where the potential for any adverse effect on any European site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites.*

*Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.*

7.64. Having reviewed the NIS, I am satisfied that the information allows for a complete assessment of any adverse effects of the development. On the conservation of the following European site alone, or in combination with other plans and projects:

- Twelve Pins/Gaurran Complex SAC (002031)

**Appropriate assessment of implications of the proposed development on each European site**

7.65. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed, and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.66. The following site is subject to appropriate assessment:

- Twelve Pins/Gaurran Complex SAC (002031)

The qualifying interests and conservation objectives for this site is set out above under my screening exercise.

7.67. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site are:

- Pollution of surface water during the construction and operational phases of the development and, due to its run-off, the contamination of the Owenglin River.

During the construction phase, construction works could pollute surface water with silt, cement, and hydrocarbons leading to the possible contamination of the Owenglin River, with consequent, adverse impacts upon water quality in the European site. During the operational phase, hydrocarbon pollutants in surface water run-off could potentially have adverse impacts upon water quality in this site, too.

7.68. The qualifying interests that could be affected by a deterioration in water quality would be as follows:

- Salmon, and
- Otter.



- 7.69. The applicants' NIS sets out a series of mitigation measures, which would address the factors, which could adversely affect the integrity of the identified European site. Accordingly, during the construction phase, standard best practice methodologies would be employed with respect to the management of fuel, the handling of cement-based material, and the disposal of construction waste. During the operational phase, the applicant's proposal, as revised at the appeal stage, would entail SuDS methodologies that would ensure the comprehensive pre-treatment of surface water run-off from impermeable surfaces on the developed site.
- 7.70. With the above cited mitigation measures in place, no residual impacts are foreseen.
- 7.71. In-combination effects from other development sites would not potentially arise.
- 7.72. I am therefore able to ascertain with confidence that the project would not adversely affect the integrity of the Twelve Pins/Gaurran Complex SAC.
- 7.73. The Westport Road project has been considered in light of the assessment of the requirements of Section 177U & V of the Planning and Development Act 2000, as amended.

Having carried out screening for appropriate assessment, it was concluded that it may have a significant effect on the Twelve Pins/Gaurran Complex SAC (002031). Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of this site in light of its 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 No. 002031, or any other European site, in view of the site's conservation objectives.

The conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. This conclusion is based on:

- A full and detailed assessment of the proposed project, including mitigation measures, in relation to the conservation objectives of European Site No. 002031.
- An assessment of in combination effects with other projects.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Sites No. 002031.

## 8.0 Recommendation

8.1. That permission be granted.

## 9.0 Reasons and Considerations

Having regard to the

- Sustainable Residential Development in Urban Areas Guidelines,
- Quality Housing for Sustainable Communities: Best Practice Guidelines,
- Design Manual for Urban Roads and Streets,
- Galway County Development Plan 2022 – 2028, and
- Clifden Local Area Plan 2018 – 2024,

It is considered that, subject to conditions, the proposal would fulfil the residential zoning objective for the site, and it would exhibit an appropriate density for the site within its context. This proposal would afford an acceptable standard of amenity to future residents, and it would be compatible with the visual and residential amenities of the area. Traffic generated by the proposal would be capable of being accommodated on the public road network, and proposed access arrangements would be satisfactory. The proposal would mitigate any biodiversity loss from the site. No outstanding water or appropriate assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on 1st July 2022 and 20th September 2022 and by the further plans and particulars
----	---

	<p>received by An Bord Pleanála on the 9th day of November, 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) A lightwell through the store in residential unit no. 7 shall be formed by the installation of a window in the north-eastern elevation of the unit and the specification of a glazed internal door to the store.</p> <p>(b) The proposed 36 no. cycle spaces shall be increased to 40 no. cycle spaces and these spaces shall be provided in covered accommodation.</p> <p>(c) Proposed car parking spaces denoted as no. 31 and nos. 43 – 46 (inclusive) shall be omitted. The former space shall be incorporated into the paved area for pedestrians and the latter spaces shall be used in conjunction with any regrouping of cycle spaces that may be needed to ensure that 40 no. covered cycle spaces are provided.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of the amenities of future residents, the avoidance of excessive car parking spaces, and the provision of an adequate number and a satisfactory specification of cycle parking spaces.</p>
3.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for</p>

	<p>and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed residential blocks and the hard surfaces comprised in the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development, the invasive species, the Giant Rhubarb, shall be eradicated from the site. Written confirmation of such eradication shall be submitted to the Planning Authority by a recognised expert in the field.</p> <p><b>Reason:</b> In order to safeguard biodiversity.</p>
7.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Street lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>

9.	<p>Proposals for an estate/street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
10.	<p>The landscape masterplan, shown on drg no. DWG.01 revision E and accompanied by a commentary in the document entitled "Landscape Masterplan, Design Rationale &amp; Specification of the Landscape" dated March 2022, 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 local 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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
11.	<p>The management and maintenance of the proposed development comprising the public open space, and on-site access and drainage arrangements, following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event that the open space, access and drainage arrangements are taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>

12.	<p>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:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>(e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>(f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> <li>(g) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</li> <li>(h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</li> <li>(i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</li> </ul> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
13.	<p>Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Planning Authority.</p>

	<b>Reason:</b> In the interest of good traffic management and road safety.
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>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 residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all 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.</p> <p><b>Reason:</b> 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.</p>
16.	<p>Stage 3 &amp; 4 Road Safety Audits to be undertaken of the proposed access arrangements to the site. Any recommendations to be submitted to the planning authority for agreement.</p> <p><b>Reason:</b> In the interest of road safety.</p>
17.	<p>Prior to the commencement of occupation of any of the residential units, the realignment of St. Anne's Road adjoining the site shall be completed, along with the proposed addition of footpaths on the northern side of the carriageway to Westport Road within the vicinity of the site.</p> <p><b>Reason:</b> In the interest of road safety and in order to improve pedestrian access to the site from the outset of the use of the new development.</p>

18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
-----	---

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.

---

Hugh D. Morrison  
Planning Inspector

27<sup>th</sup> June 2023