



An
Coimisiún
Pleanála

Direction
CD-022228-26
ACP-324107-26

The submissions on this file and the Inspector's report were considered at a meeting held on 21/05/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, as indicated in the draft Order below.

Planning

Commissioner:

Date: 29/05/2026

Tom Rabbette

Draft Order

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (i) the site's location on lands with a zoning objective 'A – Town Centre with an objective 'To protect, improve and provide for the future development of the town centre' in the Maynooth and Environs Joint Local Area Plan 2023 – 2029,

- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2023 – 2029, as varied, and appendices contained therein,
- (iii) the planning history pertaining to the subject landholding, specifically, the extant planning permission, planning register reference number 21370 (An Coimisiun Pleanála reference 313264),
- (iv) to Delivering Homes, Building Communities 2025 - 2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (v) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (vi) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vii) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (viii) the Architectural Heritage Protection Guidelines for Planning Authorities (2011),
- (ix) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (x) the availability in the area of a wide range of social and transport infrastructure,
- (xi) to the pattern of existing and permitted development in the area,
- (xii) Planning Report and supporting technical reports of Kildare County Council,
- (xiii) to the submissions and observations received, and
- (xiv) the Inspector's report.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, architectural heritage protection, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

Appropriate Assessment: Stage 1:

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Site for which there is potential for significant effects is the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398). The Commission concluded, in agreement with the Inspector, that appropriate assessment is required for this European Site.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an appropriate assessment of the implications of the proposed development for the European Site in view of the conservation objectives for the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398). The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the Site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

Environmental Impact Assessment Screening:

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

- The location of the site on lands within the Kildare County Development Plan 2023 – 2029 as varied, and the results of the strategic environmental assessment of the Kildare County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site on lands governed by zoning objective A – Town Centre with an objective ‘To protect, improve and provide for the future development of the town centre’ in the Maynooth and Environs Joint Local Area Plan 2023 – 2029, and the results of the strategic environmental assessment of the Maynooth and Environs Joint Local Area Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Management Plan.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered the proposed development to be generally in accordance with National and Regional Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area. They were satisfied that this subject site, which is located in an established urban area in Maynooth, on appropriately zoned lands, with a range of services available and which is in an accessible location, is suitable for the development of 195 apartment units and they note the following:

- The location of the site within an established urban area. This vacant undeveloped site is located in Maynooth, within the Kildare County administrative area and is within an area which has an established history of residential development.
- The lands are suitably zoned for residential development of this nature. Under the Maynooth and Environs Joint Local Area Plan 2023 – 2029, the site is zoned A – Town Centre with the objective: ‘To protect, improve and provide for the future development of the town centre’ which allows for residential, childcare, café and commercial development,
- The planning history pertaining to the subject landholding, specifically, the extant planning permission, planning register reference number 21370 (An Coimisiun Pleanála reference 313264),
- The area is well served by community, social, retail and amenity infrastructure. The proposed development provides for a creche.
- The area is well served by public transport and active travel measures. Public transport is available from the adjacent Maynooth station and a bus interchange on the Straffan Road to the east of the subject site.
- There is a clear requirement for residential units in this part of Kildare County and more specifically in the Maynooth area. The proposed development offers an alternative type of housing to the predominant current form of two storey units in this area.
- The proposal is acceptable in terms of meeting the requirements of relevant guidelines including the Apartment Guidelines 2025 and also demonstrates compliance with the Kildare County Development Plan 2023 – 2029 as varied in terms of meeting relevant residential standards.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, architectural heritage protection, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The boundary treatment, and interface, between the application site red line boundary and the subject landholding blue line boundary to the rear of the former Rectory on the landholding (as indicated on the 'Site Plan', Drawing Number PAX_00_XX_DR_JFA_AR_P2000 received by the planning authority on the 21st day of November 2025) shall be amended to allow for, and facilitate, a future integrated and interfacing development between the proposed development and the development potential of the lands within the subject landholding to the rear of the Rectory. This amendment shall include for the removal of at least 8 number car parking spaces along the shared boundary at this location and shall facilitate pedestrian and possible vehicular connectivity between the application site and the remainder of the associated landing to the rear of the Rectory. Plans and sections showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate integration between the proposed development and future development potential on lands to the rear of the Rectory on the associated landholding in accordance with section 11.1.3 Maynooth Central Urban Design Framework and associated Figure 11.2 of the Maynooth and Environs Joint Local Area Plan 2025-2031.

4. No gates or controlled access shall be provided at either end of the pedestrian path and cycle lane route along the northern boundary of the application site connecting Parson Street and the canal tow-path.

Reason: In the interest of clarity, pedestrian permeability, sustainable transportation and to accord with the provisions of the Maynooth Central Urban Design Framework, Figure 11.2, and Map 7.1 and 7.2 of the Maynooth and Environs Joint Local Area Plan 2025-2031.

5.
 - (a) Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority, detailed design proposals for the cut stone piers at the entrance to the site off Parson Street which shall be reinstated as terminating piers to the truncated front boundary wall along Parson Street as referred to at section '5 – Assessment of impact' of the Architectural Heritage Impact Assessment (John Cronin & Associates) submitted with the application.
 - (b) The existing wrought and cast-iron gates to the main entrance will be repaired, painted and will be relocated to the property of the Rectory (for future re-use) as referred to at section '5 – Assessment of impact' of the Architectural Heritage Impact Assessment (John Cronin & Associates) to the written satisfaction of the planning authority.
 - (c) The recommendations at section 6 of the Architectural Heritage Impact Assessment (John Cronin & Associates) shall be implemented in full to the written satisfaction of the planning authority.

Reason: In the interests of clarity and architectural heritage protection.

6. The proposed development shall be amended as follows:
 - a) Screening shall be provided to the western side of Apartment A.01.10 for a length of 1m to the north west corner. This may be a solid or louvred screen.
 - b) The developer shall submit to the planning authority, details of the pedestrian and cycle linkages, and access for emergency between the development and Parson Lodge.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

7. The developer shall implement in full the recommendations of the Ecological Impact Assessment and the Biodiversity Enhancement Plan.

Reason: In the interest of ecology and biodiversity development.

8.
 - a) The external finishes of the proposed apartment blocks shall be of high-quality and durable materials and shall not include the use of self-coloured or coloured render.
 - b) Details of the materials, colours, and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity and visual amenity.

9.

a) Prior to the commencement of development on site, the Developer shall submit for the written agreement of the planning authority, full details of all the boundary treatments on the subject site, including those along the Royal Canal.

(b) Galvanised fencing/ railings shall be finished in black/ dark green powder coating.

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

10. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11.

a) The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Saturday inclusive except public holidays and shall not operate on Sundays or public holidays.

b) Full details of operating hours, numbers of children and details of signage shall be submitted for the written agreement of the planning authority.

c) Any change to the nature of the facility or opening hours shall not be undertaken without the prior grant of planning permission.

Reason: In the interest of residential amenity.

12. Full details of the operating hours, details of signage and nature of use for the café/ commercial space shall be submitted for the written agreement of the planning authority prior to first occupation.

Reason: In the interest of clarity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15.

a) The road network serving the proposed development, including turning bays, the junction with Parson Street and associated works, revision of car parking on Parson Street, footpaths and kerbs, access road to service areas, provision of suitable set-down/ pick-up areas/ service delivery areas, and car parking shall be in accordance with the detailed construction standards of the planning authority for such works.

b) Stage 2 and 3 Road Safety Audits shall be provided in accordance with the requirements of Kildare County Council.

In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

16.

(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development as indicated and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of

the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Car parking for the creche shall be clearly identified for that purpose only.

(c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

(d) A revised site layout plan indicating that a minimum of three spaces (one per block) shall be allocated to a car share scheme, shall be agreed with the Planning Authority prior to first occupation of each apartment block, unless alternative arrangements are made.

(e) A revised site layout plan indicating that a minimum of six motorcycle parking spaces (two per block) shall be agreed with the Planning Authority prior to first occupation of each apartment blocks.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

17. A minimum of 20% of the car parking spaces serving the apartment units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

18. A total of 429 no. bicycle parking spaces, room for cargo bicycles and E-Bikes with suitable infrastructure, shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Coimisiún Pleanála with this application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

19. The developer shall implement in full the recommendations of the submitted Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

Reason: In the interest of promotion of sustainable transport.

20. Drainage arrangements including the attenuation and 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 surface water management.

21. The developer shall enter into water and waste water connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

22.

a) The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

b) Full details of site management to be agreed with the planning authority prior to the commencement of development.

c) A fully qualified Landscape Architect, and a fully qualified Arborist shall be employed during the site clearance, including the felling of trees, and landscaping phases of the development.

d) All trees and hedgerows identified for retention shall be protected and maintained

in accordance with BS 5837 and the Arborist's Method Statement.

Reason: In the interest of residential and visual amenity.

23.

(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

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

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

24.

a) Prior to the commencement of development, a qualified ecologist shall submit for the written approval of the Planning Authority, a report confirming the absence of Japanese knotweed on the site.

b) The site shall be monitored for Japanese knotweed throughout the construction phase, particularly in areas of soil disturbance, storage, or stockpiling, and any occurrence shall be notified in writing to the planning authority and be managed in accordance with best practice.

Reason: To ensure the protection of species and habitat on site.

25. Bat boxes, swift boxes, and all other identified measures in the Biodiversity Enhancement Plan received by the planning authority on 21st day of November 2025 shall be installed exactly as specified.

Reason: To ensure the protection of ecology on site.

26. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, as appropriate, following consultation with the Local Authority Archaeologist. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

27.

(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities

for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

28. The proposed development shall be in compliance with the Kildare County Council Third Noise Action Plan 2019 – 2023 and the British Standards BS 8233:2014 and the Developer shall incorporate mitigation measures into the design of the residential buildings to ensure that the potential noise impact of future increased train movements does not have an adverse impact on the internal environment within the development and to ensure that the ProPG internal noise limit criteria is achieved.

Reason: In the interests of the health and safety for all users of the development.

29. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

30. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development,

including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network and no construction vehicles are to use Parson Lodge to access the site;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) 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.

n) Provision of a Construction Management Traffic Plan.

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

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

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

32. 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 Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

33. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the

substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

34. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

35. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.