



An
Coimisiún
Pleanála

Direction

CD-022485-26

ACP-324237-26

The submissions on this file and the Inspector's report were considered at a meeting held on 21/09/2026.

The Commission decided to make a split decision, to

- (1) **GRANT** permission for the construction of 321 number residential units and a childcare facility in accordance with the said plans and particulars based on the reasons and considerations marked (1) under, generally in accordance with the Inspector's recommendation, and subject to the conditions set out below

and

- (2) **REFUSE** permission for the portion of the site located on lands within Folio **GY48097** and which comprise 41 number residential units (unit numbers 86 to 126 inclusive), their associated amenity areas, parking, access roads and services and the shared pedestrian and cycle path connecting the proposed development site to Kingston Road, generally in accordance with the Inspector's recommendation, for the following reasons and considerations marked (2) under.

Planning

Commissioner:


Liam McGree

Date: 23/09/2026

Reasons and Considerations (1)

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, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

In coming to its decision, the Commission had regard to:

- (a) the location of the site in Galway City,
- (b) policies and objectives set out in Project Ireland 2040 – National Planning Framework, First Revision (April 2025) and the Regional Spatial and Economic Strategy for the Northern & Western Regional Assembly 2022-2032,
- (c) policies and objectives set out in the Galway City Development Plan 2023-2029 (as varied), including the zoning objectives for the subject site, and the permitted uses therein,
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (e) the provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024,

- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025,
- (g) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (h) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- (i) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019,
- (j) The Climate Action Plan 2025 prepared by the Government of Ireland,
- (k) the objectives and targets of the National Biodiversity Plan 2023-2030,
- (l) the nature, scale and design of the proposed development,
- (m) the existing and prevailing pattern of development in the area,
- (n) the availability of physical, social and community infrastructure and services in the area, including existing public water and wastewater networks, and public transport services,
- (o) the submissions received,
- (p) the grounds of appeal,
- (q) the reports from the planning authority, and
- (r) the report and recommendation of the Planning Inspector

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and
- (d) the report and recommendation of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information contained above, and in particular in the Environmental Impact Assessment Report and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and the third-party appellants, the Commission considered, and agreed with, the Planning Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are:

Population and Human Health:

Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of additional housing and a childcare facility when complete and the provision of public open space areas and improved permeability/connectivity at local level.

Short-term, negative impacts during the construction phase on residential amenity, tourism, transport, connectivity and human health in terms of general disturbance, noise, dust and construction traffic. This is readily mitigated by standard good practices as outlined in Chapter 17 Schedule of Mitigation of the Environmental Impact Assessment Report and the Construction and Environmental Management Plan.

Biodiversity:

Construction stage would result in the loss and/or damage/fragmentation of habitat, including the loss of sub-optimal foraging and commuting bat habitat. The initial impact would be significant but would be reduced to insignificant over time once the proposed landscaping and tree planting scheme becomes established.

Direct/indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, proposed landscaping, the appropriate timing of works and various enhancement measures including the creation of wildflower meadows and the linear green corridors.

Spread of invasive species to be mitigated through the Implementation of Invasive Species Management Plan.

Land, Soil, Water, Air and Climate:

The development of these lands would result in the loss of and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including several pollution prevention and control measures resulting imperceptible residual impacts on land, soils and geology.

Impacts on groundwater and surface water quality, would be mitigated by standard good practice measures including a Construction Environmental Management Plan, by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures and connection to public mains water and wastewater networks.

Overall slight/imperceptible impact on climate and air quality due to the nature and scale of the development.

Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures.

Material Assets, Cultural Heritage and the Landscape:

Direct impacts on unknown/undiscovered archaeological remains/features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features/deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage.

There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas. This will be mitigated by the proposed

landscaping scheme. Once operational, the proposed development will read as part of the built-up area and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

Potential for light short-term negative impacts in terms of construction traffic to be mitigated as part of a Construction and Environmental Management Plan and haulage plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and thought the implementation of a Mobility Management Plan. The development will provided additional critical mass to support existing public transport services and bus routes.

Potential effects on waste management during construction will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Planning Inspector.

Appropriate Assessment - Stage 1:

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 nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission agreed with the screening assessment and conclusion carried out in the Inspector's

Report that Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment - Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031) in view of these sites Conservation Objectives.

The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of

the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this suburban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Galway City Development Plan 2023-2029, as varied, save for the provisions of the plan relating to Amenity Open Space Provision in Residential Areas (Chapter 11, Section 11.3.1(c) on Communal Open Space. Nevertheless, having regard to the overall design quality of the proposed residential scheme, and the quality public/communal amenity open space proposed in terms of its design, layout and location, it is considered that the proposed scheme would deliver a high standard of residential amenity to future occupants and would not unduly impact the amenities of existing properties in the area.

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), it is considered, having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would 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.

Conditions

1. This element of the proposed 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 5th day of February 2026, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. This permission does not include for that part of the proposed development on the portion of the site associated with Land Registry **Folio GY48097** and which comprise 41 number residential units (unit numbers 86 to 126 inclusive), their associated amenity areas, parking, access roads and services and the shared pedestrian and cycle path connecting the proposed development site to Kingston Road.

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

Reason: The Commission is not satisfied on the basis of the information provided that the developer has clearly demonstrated legal consent for the inclusion of these lands in compliance with Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended).

3. The period during which the development hereby permitted may be carried out shall be **five years** from the date of this Order.

Reason: Having regard to the nature, scale and location of the development, the Commission considers a standard five year duration of planning permission to be appropriate in this instance.

4. The development hereby permitted shall contain 321 number residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

5. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be fully implemented.

Reason: To protect the environment.

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

Reason: To protect the integrity of European Sites.

7. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall

be submitted to the planning authority at the end of the main construction period.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

8. The proposed development shall be amended as follows:

House number 48 (Threadneedle Quarter) – the proposed first-floor rear (west) facing bay window shall be omitted and replaced with a new west facing window fitted with obscure glazing to a height of 1.8 metres. An additional north facing window shall also be provided to serve that bedroom

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 and to prevent direct overlooking.

9. Prior to the commencement of development, the developer shall submit an improved layout for the cul-de-sac type roadway along the proposed creche, providing either a turning circle, or a revised reversing location, these details shall be agreed with the planning authority in writing.

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

10. No residential unit dwelling, apartment or duplex unit shall be occupied until such time as the roadway, footpaths and cycle paths accessing the site from the school/roundabout roadway, **permitted under Planning Reference 24/60370**, have been fully constructed.

The developer shall inform the planning authority in writing of the completion of this element of the development and shall seek a letter of compliance from the planning authority. Until the receipt of such a letter of compliance by the developer from the planning authority.

Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.

11. Details of the materials, colours and textures of all the external finishes to all proposed buildings and structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

12. No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

13. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer

has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

14. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

15. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

Prior to the commencement of development, the developer shall submit to the planning authority, for written agreement, a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

16. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

17. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

18. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

19. All roads and footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing (a revised taking in charge drawing), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

20. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

21. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR and NIS for the application.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

22. (a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The CTMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required.

The agreed CTMP shall be implemented in full during the course of construction of the development.

- (b) No construction traffic shall enter the site via the Kingston Road.

Reason: In the interest of traffic safety and convenience and residential amenity.

23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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.

24. 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. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

25. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

26. A 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, within each house plot and/or for each apartment unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed

waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

28. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

29. (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.

30. The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design Rationale Report, lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5th day of February 2026, and 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.

Reason: In the interests of residential and visual amenity.

31. All mitigation measures in relation to archaeology and cultural heritage as set out in the Chapter 12 of the EIAR included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

32. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted (houses and duplex units), to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest

in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

33. Prior to commencement of development, the developer 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.

34. Prior to the commencement of development, the location of two pieces of artwork shall be agreed to be located within this development. The evolution of the design should include the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by

the developer. The details and timeframe for its erection shall be agreed in writing with the planning authority prior to the commencement of development.

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

35. 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.

36. 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.

Reasons and Considerations (2)

The Commission is not satisfied on the basis of the information provided that the developer has clearly demonstrated compliance with Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended) for the parcel of land identified as **Folio GY48097** and therefore permission for this portion of the proposed development comprising 41 number residential units should be refused.