

An
Coimisiún
Pleanála

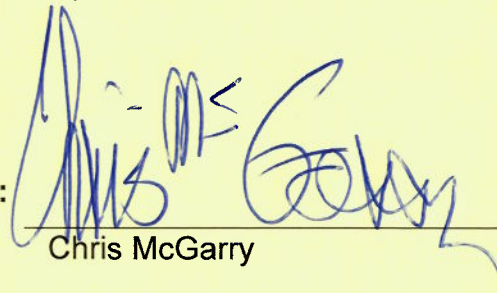
Direction
CD-022430-26
ACP-324286-26

The submissions on this file and the Inspector's report were considered at a meeting held on 31/08/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Chris McGarry

Date: 31/08/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

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:

- (a) The policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,
- (b) The policies and objectives set out in the Limerick Development Plan 2022-2028, including the location of the site on lands subject to the zoning objective New Residential where the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure,
- (c) Delivering Homes Building Communities 2025-2030 issued by the Department of Housing, Local Government and Heritage in November 2025
- (d) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024)
- (e) the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (f) the National Biodiversity Action Plan 2023–2030,
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities (2020),
- (h) the Design Manual for Urban Roads and Streets (2013) (updated 2019),
- (i) the Childcare Facilities Guidelines for Planning Authorities (2001),
- (j) the Development Management Guidelines for Planning Authorities (2007),
- (k) the availability in the area of a wide range of social and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning report and supporting technical reports of Limerick City and County Council
- (n) the submissions and observations received,
- (o) the grounds of the appeals, observations and further responses on appeal, and
- (p) the report and recommendation of the planning inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lower River Shannon Special Area of Conservation (Site Code 002165) and the is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Lower River Shannon Special Area of Conservation (Site Code 002165), in view of the site's 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 conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) 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 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 its conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application.,
- (c) the submissions received from the applicant, planning authority, prescribed bodies and observers in the course of the application, and,
- (d) the Planning Inspector's report.

The Commission considered that the EIAR, 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 agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on the Significant Effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

Population and Human Health:

A positive impact with regard to population and material assets due to the increase in housing stock. Construction-related disturbance, including noise, dust, dirt, and traffic, would be mitigated by construction management measures, including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.

Traffic and Transport:

Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management 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 implementation of a Mobility Management Strategy for the development. Significant positive effects resulting from aspects of the development which encourage a shift towards more sustainable modes of travel and the location of the site which will allow future occupiers to benefit from improvement in public transport in the area.

Biodiversity:

Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features. Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational suitably designed and site specific surface water drainage system. Significant effects at construction phase as a result of the introduction and / or spread of invasive species which will be mitigated by way of appropriate site management practices and implementation of the Invasive Species Management Plan.

Water:

Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a

Construction Environmental Management Plan. Operational stage surface water drainage including associated downstream impacts on biodiversity, which will be mitigated by the implementation of suitably designed and site specific Sustainable Urban Drainage System (SuDS) measures.

Air & Climate:

Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.

Noise & Vibration:

Likely, negative, significant, and temporary effect, as well as potential negative cumulative effects, resulting from noise impacts to during the construction phase which would be mitigated by appropriate construction phase measures.

Material Assets:

Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention / protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.

Landscape – There will be changed views from various locations given the change from a greenfield site to a dense residential development relative to the low-density, low rise suburban location. The site is zoned for development, and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists and is under construction in the immediate and wider area. The potential impact will be positive. Changes to the localised landscape character associated with the development of this site, which will be mitigated by the design and layout of the proposed development.

Proper Planning and Sustainable Development

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable zoning objectives pertaining to the site, and other policies and objectives of the Limerick Development Plan 2022-2028, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would provide the essential community and childcare services, would not seriously injure the residential, visual or operational amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. 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 in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report shall be implemented.

Reason: To protect the environment and the integrity of European Sites.

4. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the environment and the integrity of European Sites.

5. (a) All works shall be supervised by an on-site Ecological Clerk of Works / suitably qualified Project Ecologist who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the adjacent estuary, these reports will be made available to the relevant statutory authorities, and on-site works will cease until authorized 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.

- (b) A detailed cut and fill exercise shall be carried out across the development to determine the volume of fill required and together with the CEMP shall outline the construction controls required during earthworks to minimise impacts on surrounding environment via noise, dust, vibration and construction traffic. A programme for monitoring and inspection of the drainage network, with periodic desilting of the drainage network to remove sediment and any blockages that arise shall also be agreed.
- (c) Swift bricks nest or nest sites shall be included in suitable locations within the development. Full details shall be submitted and agreed with the planning authority prior to commencement of work on site.
- (d) The site contains an existing approximately 900 millimetres diameter surface water pipeline / trunk drain traversing the lands in an approximate west-east alignment that is owned and maintained by Limerick City and County Council. A minimum 6.5 metres wayleave corridor shall be maintained along the alignment of the existing surface water pipeline within the site to ensure continued access for inspection and maintenance. Any proposed works to this surface water pipeline / trunk drain shall be agreed in writing and in advance of such works with Limerick City and County Council.
- (e) Noise mitigation measures outlined in the EIAR shall be implemented and shall include noise monitoring outside of 'daytime' hours. Details, including corrective action to be included in the Environmental Management Plan if exceedances of permitted noise limits or any emissions to air are recorded, shall be agreed in writing with the planning authority.

Reason: In the interest of biodiversity, protecting the environment and public health and the proper planning and sustainable development of the area.

- 6. (a) The phasing of the proposed development shall be carried out in accordance with a Final Phasing Strategy, to be submitted to, and agreed

in writing with the planning authority prior to the commencement of the development.

- (b) Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.
- (c) The phasing strategy shall incorporate the pocket park in Phase 1 to serve the dwellings in the south of the application site. Prior to completion of the development, the creche shall be completed to an operational standard, and, prior to operation of the creche, details of any signage and lighting associated with the creche shall be submitted to and agreed in writing with the planning authority.
- (d) A revised site layout drawing clearly identifying a setback of three metres from the Monaleen road edge shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (e) As constructed drawings for the development shall be submitted upon completion of any phase in both hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system. Upon completion of any phase of the development, the developer shall submit certification from all the service providers to the planning authority.

Reason: In the interests of orderly development and clarity and in order to ensure the satisfactory implementation of the development and to ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

- 7. (a) The landscaping scheme as submitted to the planning authority 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.

- (b) Final schedule and details of type/numbers and location of proposed play and exercise equipment to be submitted to, and agreed in writing with, the planning authority prior to any occupation of the development.

Reason: In the interest of visual and residential amenity.

- 8. Prior to the commencement of development, the developer shall submit further details of landscaping and boundary treatments for the written agreement of the planning authority to include the following:

- (a) Design details for the site boundary with the adjoining golf course lands to the south and south-west of the application site. The proposals shall include, inter alia, a boundary wall (of minimum height 2.5 metres) and landscaping proposals incorporating mature planting.
- (b) Details of the rear boundaries to include a 2.4m concrete block wall, capped, between the rear boundaries of units identified as 1 to 23, 143 to 157, side and rear of number 158, and 159 to 164.
- (c) The gates at the opening of the permeability path onto the Dublin Road (these gates shall be place prior to the opening of the shared path).
- (d) The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the area including the amenities of adjoining properties.

9. (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 and/or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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.
- (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.

10. 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.

11. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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.

13. (a) Public lighting associated with the proposed development including temporary lighting associated with the construction phase 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. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed

landscaping plans.

- (b) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

14. Prior to the commencement of development, the developer shall:

- (a) Enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.
- (b) Carry out the proposed development in compliance with Uisce Éireann's Standard Details and Codes of Practice.
- (c) Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.
- (d) Contact Uisce Éireann representatives to agree general access arrangements, prior to the commencement of construction on site.

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 details for the disposal of surface water from the site for the written agreement of the planning authority.

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.

Reason: In the interests of visual and residential amenity

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

Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

18. (a) The internal road and cycle 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).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- (c) Any works carried out on the public footpath, or the public road shall require a Road Opening Licence and Hoarding Licence. These licences are available from the District Engineer. All works carried out on the public footpath, or the public road shall be agreed with the District Engineer prior to works being carried out.

- (d) Any interference with or damage to the road or footpath in the area caused during the construction of the development shall be made good at the expense of the developer to the confirmed written satisfaction of the planning authority.

Reason: In the interest of traffic and pedestrian safety.

19. (a) All off-curtilage parking serving and subject to 'taking in charge' shall not be reserved for individual residential units. The final 'Taking in Charge' plan will need to reflect this requirement.
- (b) A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.
- (c) The developer will be responsible for entering into an agreement with a Charge Point Operator for chargers until the Taking in Charge process has been completed, where applicable. The developer shall submit to and agree with the planning authority, evidence of such engagement, prior to occupation of the development.
- (d) Car Share spaces shall be provided within the development; the applicant shall be responsible for entering into an agreement with a Car Share service provider. Evidence of such engagement shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: In the interest of sustainable transportation and to provide for and / or future proof the development such as would facilitate the use of electric vehicles.

20. The construction of the development shall be managed in accordance with an updated Construction and Environmental 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) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) the details of site security fencing and hoardings;
 - (d) the details of on-site car parking facilities for site workers during the course of construction;
 - (e) the 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;
 - (g) the details of intended construction practice for the development with measures to reflect mitigation described in the submitted NIS and EIAR for the application;
 - (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (i) 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;

- (j) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) the 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;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) the 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 Environmental Management Plan shall be available for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

21. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

22. An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, 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 OWMP.

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

23. Prior to the commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

24. (a) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy.
- (b) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.

- (c) All areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (d) 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: In the interests of orderly development, to ensure that the development is carried out and completed to an acceptable standard of construction and to provide for the satisfactory future maintenance of this development.

25. Prior to the commencement of development on site that applicant shall submit the following for the written agreement of the planning authority:

- (a) Submit on completion of the ground works a report detailing the results of the licensed archaeological monitoring works to the Department of Housing, Local Government and Heritage and the planning authority. The report shall contain a drawing showing the exact extent of the area that was archaeologically monitored certified by the archaeologist. Excavators should include a catalogue of excavated features with 12 figure Irish Transverse Mercator (ITM) coordinates for the centre point of each feature. In the event that the development is phased, interim reports shall be submitted at each stage showing the area monitored and giving preliminary results.
- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision

as to how best to deal with the archaeology. The Development Applications Unit, National Monuments Service, Department of Housing, Local Government and Heritage and the Planning Authority Archaeologist shall be informed immediately. The developer shall be prepared to be advised by the National Monuments Service, Department of Housing, Local Government and Heritage and the planning authority with regard to any necessary mitigating action.

- (c) Should an archaeological excavation be required then the following shall apply: the developer shall provide satisfactory arrangements for the recording and excavation of any archaeological material that may be considered appropriate to excavate and shall undertake to complete all post excavation analysis up to and including final report stage. Excavators should include a catalogue of excavated features with 12 figure ITM coordinates for the centre point of each feature. Within twelve months of the completion of the excavation a final report (in the format recommended in the Guidelines for Authors of Reports on Archaeological Excavations 2006 National Monuments Service) shall be submitted to the planning authority.

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

26. 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 sections 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.

27. 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 and/ or management company 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.

28. 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.

Note 1: The Commission noted recommended condition No. 2 of the inspector which set out an eight year appropriate period for the permission. However the Commission noted and shared the conclusion of the planning authority that a five year appropriate period was warranted. In this regard the Commission noted and agreed with the view of the inspector that there are no obvious complexities with developing out this site that merit or justifying the granting of permission for 10 years. The Commission determined that this consideration of the facts of the case, would also apply to an 8 year life. Furthermore, the Commission noted the concerns regarding a 10 year construction period expressed in the third party appeal submissions, and concluded that a five year period was warranted for the proposed development as set out in the application.

Note 2: The Commission noted recommended condition No. 7(a) of the inspector in their report, which set out a requirement for ball-stop netting of a suitable height, along the boundary of the application site with the adjoining golf course. Having considered the facts of the case, including the set back of residential buildings from the boundary, the zoning of the site for residential use and the wording of the Commission's condition 8(a) as set out in the Order, which provides for a 2.5 metre wall and mature planting details to be submitted to and agreed in writing, the Commission determined that the recommendation of the inspector would not be proportionate to the issue as raised in the third party appeal. The Commission concluded that the proposed residential development as conditioned, would not encroach on the use of the adjoining golf course lands for recreational, use noting that the golf course itself may implement options to ensure the optimum management of its established use within its own landholding. In this regard the Commission noted and agreed with the wording of the condition as set out in the decision of the planning authority.