



An
Coimisiún
Pleanála

Commission Direction
CD-000999
PL-501197-DL-26

The submissions on this file and the Inspector's report were considered at a meeting held on 29 July 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:


Stephen Bohan

Date:

30th day of July 2026

Following amendments **DRAFT WORDING FOR ORDER**

Reasons and Considerations

Having regard to the provisions of the 'Established Development' Zone of the appeal site, its proximity to Letterkenny Town Centre and to the nature and scale

of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity and would be acceptable in terms of the protection of existing residential amenity, traffic and pedestrian safety and 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 and completed in accordance with the plans and particulars lodged with the application on 6th September 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 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 5 years from the date of this Order.

Reason: The Coimisiún did not consider it reasonable or appropriate to specify a period of the permission in excess of five years. Having regard to the identified water infrastructure constraints in the area a further application for extension may be required.

3. The proposed development shall be amended as follows :

a) The siting of House Nos. 37 and 38 shall be amended by relocating the dwellings further to the northwest, or in the alternative by relocating the hammerhead to the end of the street, as may be agreed in writing with the planning authority.

- b) Vertical louvres shall be fitted to the rear bedroom window of House No. 37 to restrict the views onto the rear garden of existing House no.27 on Lios Na Greine. Details to be submitted and agreed in writing with the PA.
- c) Provide updated plans to show the location and numbers of safe and secure bicycle storage and bin storage for the terraced units, for the permitted development.

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 interest of residential amenity of surrounding properties and of future residents and to ensure an appropriate layout and satisfactory residential arrangement.

4. No development shall commence on the site until such time as the following have been agreed and complied with:

(a) All amenity/open spaces, roads, footpaths, public lighting, water, and wastewater services shall be completed in accordance with the standards and conditions set out in the Departmental publication Recommendations for Site Development Works for Housing Areas, except where superseded.

(b) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction

of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

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

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

6.

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), 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.

7. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health

8. Prior to the first occupation of any dwellinghouse within the scheme all infrastructure, including but not confined to, service connections to existing utility networks, open space provision, footpaths and public lighting, necessary to support the delivery of services and quality of life to the new residential development and its neighbourhood shall be completed.

Reason: In the interest of orderly development of the area

9. 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

10. Lighting

11. Urban Housing (Residential Estates)-Naming

12 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.

13 UrbanManage3

14. CMP 2

15. 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. This plan shall be prepared in accordance with the 'Best Practice

Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

16. 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.

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

Reason: To ensure the satisfactory completion of the development.

18. 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.

19. 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.

20. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the raised table at the entrance into Lios Na Greine (as shown on drawing No. 10441-K2D-XX-01-DR-C-001) submitted as part of the further information on 6th March 2026, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.