

An
Coimisiún
Pleanála

Commission Order
ABP-322341-25

Planning and Development Acts 2000 to 2022

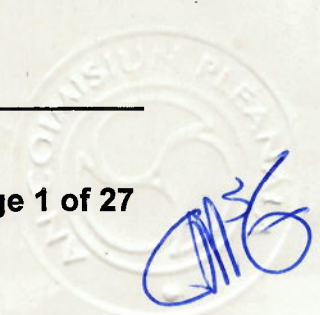
Planning Authority: Meath County Council

Planning Register Reference Number: 2460415

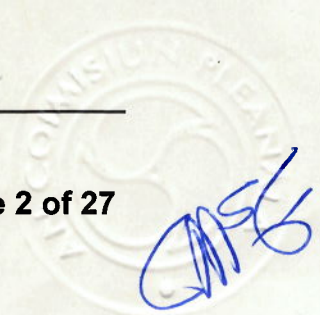
Appeal by Stephen Flanagan of 12 The Court, Glenveigh, Navan, County Meath against the decision made on the 25th day of March 2025, by Meath County Council, to grant, subject to conditions, a permission to Albert Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Large-Scale Residential Development: The (Phase 1B) development will consist of the construction of a mixed-use development comprising 322 number dwellings, a community centre and sports hall, a neighbourhood centre, and a district public park as follows:

- (a) 212 number houses consisting of 177 number three-bedroom houses and 35 number four-bedroom houses (all houses two-storeys except House Types F1, F2, F3 [corner], E1, E2, and E3 [corner] – (with variations to finishes);
- (b) 26 number duplex units comprising 13 number two-bedroom units and 13 number three-bedroom units (in two number three-storey blocks [with eight number duplex units abutting Apartment Block 2 in a three-storey configuration];



- (c) 84 number apartments across three number apartment buildings (Block 2 [five-storeys] comprises 24 number apartments consisting of 12 number one-bedroom apartments and 12 number two-bedroom apartments), Block 3 [five-storeys above neighbourhood centre – six-storeys in total] comprising 36 number apartments consisting of 14 number one-bedroom apartments and 22 number two-bedroom apartments and Block 4 [four-storeys above community centre – five-storeys in total] comprising 24 number apartments consisting of nine number one-bedroom apartments and 15 number two-bedroom apartments (all apartments with balconies);
- (d) Series of landscaped/public open space areas of circa 3.72 hectares including playground areas and a public park of circa 1.65 hectares of open space as well as additional communal open space for the apartments and duplex apartments;
- (e) Provision of a circa 512 square metres creche at ground floor of Block 2 as well as a 1,778 square metres community centre and sports hall (including a circa 837 square metres sports hall [double height] ancillary changing rooms, four number community rooms and ancillary administration/office space rooms/ESB Substation);
- (f) Provision of a convenience anchor retail unit (net floor space 1,000 square metres [Gross Floor Area 1,390 square metres]), takeaway, circa 82 square metres, café, circa 210 square metres, pharmacy circa 88 square metres and general practice surgery circa 232 square metres) as well as ESB substation and bins, all accommodated within the ground floor level of the neighbourhood centre to the north-west of the site;
- (g) 693 number car parking spaces, 289 number bicycle parking spaces throughout the development;
- (h) Provision of a temporary foul water pumping station (and associated storage) located within the district public park to service the scheme;



(i) Provision of surface water attenuation measures as well as all ancillary site development works (reprofiling of site and field drain diversions as required),

(j) Hard and soft landscaped areas, public lighting, bin stores, all ancillary landscape works including planting and boundary treatments and the provision of cycle paths, and all ancillary site development works,

all within the townlands of Ferganstown, Ballymacon and Athlumney, Navan, County Meath. The proposed development was revised by further public notices received by the planning authority on the 29th day of January 2025.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission made its decision consistent with the relevant provisions of the Climate Action Plan 2024 and 2025, and the Commission had regard to the following:

- (a) the location of the site in an area where residential, community including gym and childcare uses, commercial uses and open spaces development is permitted under the land use zonings 'A2' – 'New Residential, in addition to 'C1' – 'Mixed Use' and 'F1' - Open Space and the location of the Meath County Development Plan 2021-2027;

- (b) the policies and objectives of the Meath County Plan 2021-2027;
- (c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) the pattern of existing and permitted development in the area;
- (e) the provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (f) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024;
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (h) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;
- (i) Design Manual for Urban Roads and Streets (DMURS), 2019;
- (j) the objectives and targets and National Biodiversity Action Plan (NBPA) 2023-2030;
- (k) the policies and objectives set out in the National Planning Framework, including the National Planning Framework First Revision, April 2025;

- (l) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (m) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (n) the grounds of appeal and submission from the planning authority; and
- (o) the report and recommendation of the Planning Inspector.

The commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable use mix, pattern of development, layout of public open space and residential density and quality of residential amenity, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 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 River Boyne and River Blackwater Special Protection Area (004232) and the River Boyne and River Blackwater Special Area of Conservation (002299) 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 River Boyne and River Blackwater Special Protection Area (004232) and the River Boyne and River Blackwater Special Area of Conservation (002299) 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 Sites,
- (ii) submissions from observers, prescribed bodies and the reports of the planning authority,
- (iii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, particularly the potential construction stage water quality impacts on the Ferganstown and Ballymacon Stream and Mill race, and the downstream European Sites within the River Boyne and River Blackwater, and

- (iv) avoidance, mitigation and monitoring 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. The Commission identified that the main likely impacts arising from the proposed development on the European Sites would arise from construction stage water quality impacts and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density. Having regard to these potential impacts and the avoidance, mitigation, and monitoring measures as set out in the Natura Impact Statement, the Commission concluded that the proposed development, subject to the identified mitigation measures, would not adversely affect any of the habitats or species within the relevant 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 sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 content of the appeal, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) the report of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report (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 is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Commission agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Commission is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Commission's decision.

Reasoned Conclusions on the Significant Effects

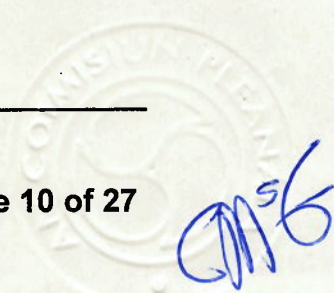
The Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:



- **Population and Human Health:** Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Dust Minimisation Plan and a Traffic Management Plan.
- **Population and Human Health:** Positive socioeconomic effects at operational stage through the availability of additional housing, village centre and employment space, together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.
- **Biodiversity:** Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- **Biodiversity:** Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- **Biodiversity:** Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes and artificial badger sett.
- **Land and Soil:** Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

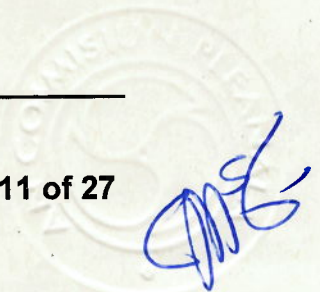


- **Land and Soil:** Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.
- **Water:** Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.
- **Air Quality and Climate:** Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in a Construction Environmental Management Plan, the implementation of the site-specific Resource and Construction Waste Management Plan and the energy efficient building design to meet the highest standards of sustainable design and construction with regard to the optimum use of sustainable building design criteria such as passive solar principles and also green building materials.
- **Traffic and Transportation:** Impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. Operational traffic impacts on the capacity of the road network which will be mitigated by traffic management measures at existing and proposed junctions, proposals to improve active/sustainable travel options, and the implementation of a Mobility Management Plan.



- **Material Assets:** Services, Infrastructure and Utilities. An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- **Landscape:** Changes to landscape character which will be mitigated by the design and layout of the proposal, including the retention of existing vegetation and the provision of additional landscaping and open space.
- **Archaeology and Architectural Heritage:** Construction and operational impacts would be mitigated by archaeological supervision, landscaping and design. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

The Commission is, therefore, satisfied that, subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and compliance with the conditions set out below, the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.



Conclusions on Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Meath County Development Plan 2021-2027 and would constitute an acceptable density of development at this location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 20th January 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The 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 and scale of the development, the Commission considers it appropriate to specify a period of validity of this permission not in excess of five years.

3. The developer shall ensure that all mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement, submitted with the application, shall be implemented in full.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

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4. The development shall be amended as follows:

- (a) The nine dwellings (numbers 230-238) with vehicular access/egress off Old Road, shall be omitted from the permitted development. Any future consent for dwellings at this location shall either be served by separate vehicular access/egress arrangements from the main body of the overall site or shall be accompanied with clear and implementable proposals for an improved pedestrian and road carriageway along Old Road, eastwards from the site frontage to the roundabout at the LDR6 Road.
- (b) The pavement to the rear (east) of Block 2 and dwelling units 59 to 66 shall be enhanced by means of surfacing, width, landscaping as appropriate, to ensure a more seamless relationship with the cycle/pedestrian route to the south of dwelling units 59-60 which leads to the central park open space.

Reason: In the interest of pedestrian, cycle and traffic safety and to ensure safe and usable vehicular and active travel access to these dwellings and in the interest of improved active travel and pedestrian environment from Block 2 to the central park open space area.

5. The proposed development shall be for 313 residential units only.

Reason: In the interest of clarity.



6. The development shall be carried out on a phased basis. The phasing plan submitted with the application shall not be permitted.

The revised phasing scheme shall provide for the following:

- (a) The childcare facility shall be completed to an operational standard in phase one.
- (b) The district park shall be complete by the end of phase two and shall be developed for, and devoted to, public use, and shall be maintained as a district park by the developer until taken in charge by the local authority or management company.
- (c) The community building and sports centre shall be completed by the end of phase three and shall be developed for, and devoted to, public use in perpetuity.
- (d) A revised site layout plan which incorporates the alterations listed above, and any other considered necessary, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed residential development and wider area.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

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8. Details of management, signage, and hours of operation of the proposed Community Centre and Sports Hall, Neighbourhood Centre and Creche shall be submitted to, and agreed in writing with, the planning authority prior to the making available for occupation of any residential units at the overall site.

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

9. (a) The developer shall employ a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures proposed in the Archaeological Impact Assessment Report to include the excavation of the archaeological features identified to date (to be carried out in advance of any construction works) and archaeological monitoring under licence of all groundworks in the designated area.
- (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 developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (c) The planning authority and the Department shall be furnished with a report describing the results of the archaeological testing and subsequent monitoring.

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

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10. Within four weeks of the date of planning permission a Badger Conservation Plan shall be submitted to the planning authority for its written agreement as follows:
- (a) The plan shall provide for the immediate resurvey of the development site and surrounding lands for badger setts, and the construction on the development site as soon as possible of an artificial badger sett at the previously selected location.
 - (b) This plan shall provide the clear demarcation on the ground of a 50-metre exclusion zoned of machinery around the existing main sett on the site, this machinery exclusion zoned shall be maintained until the badgers from the main sett are themselves excluded from the sett.
 - (c) The plan shall provide a clear methodology and timetable for the works proposed to encourage the badgers to move from the main sett on the development site to the artificial sett including the laying of a bait trail from the main to the artificial sett and provision made for the option of trapping the badgers from the main sett to remove them to the artificial sett.

If the construction programme for the principal elements of the proposed development result in the main sett being cut off from the artificial sett and open country before the badgers from the main sett have established themselves in the artificial sett or a neighbouring alternative sett, and their exclusion from the main sett becomes necessary for other development works to proceed; this plan to be implemented in full and a report on its implementation to be submitted to the planning authority on the successful removal of the badgers from the main sett on the development site within one year of the granting of planning permission whichever is sooner.



Reason: To avoid the proposed development causing detrimental effects to fauna and natural habitats.

11. Proposals for an estate/street name, house numbering scheme, neighbourhood centre/community centre and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate placenames for new residential areas.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, and the underground car parks 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). 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.

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



13. A minimum of 10% of the proposed car parking spaces shall be provided with electric vehicle charging stations or points. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of 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.

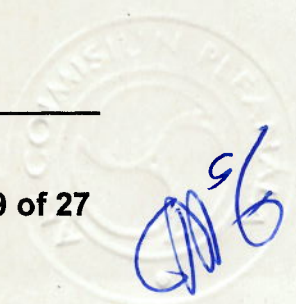
Reason: In the interest of sustainable transport.

14. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Parking for apartment and duplex units shall be clearly identified and shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: In the interest of clarity.

15. 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. The scheme shall include lighting along pedestrian routes through open spaces and shall be consistent with the biodiversity mitigation measures outlined in Environment Impact Statement. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.



16. In the context of the proposed apartment blocks, no additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment unless otherwise agreed in writing with the planning authority.

Reason: To protect the visual amenities of the area.

17. (a) 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.
- (b) The developer shall comply with the requirements of ESB networks regarding the 10 kV Medium Voltage overhead electricity line traversing the proposed site. Any works to this overhead line shall be agreed in writing in advance of any development works commencing on site.

Reason: In the interests of visual and residential amenity.

18. Drainage arrangements, including the attenuation and disposal of surface water (inclusive of the adjoining Lagan Homes site), shall comply with the requirements of the planning authority for such works and services.

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

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

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

20. The landscaping 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 interest of residential and visual amenity.

21. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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 and the amenities of properties in the vicinity.

22. 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.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) 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) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers;



- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) 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.
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

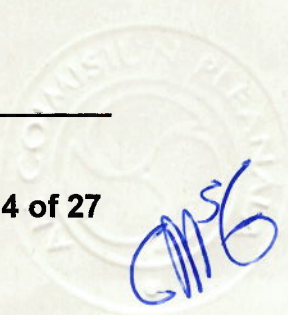


24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

25. (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.



26. (a) Prior to the commencement of any house or duplex unit in 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 houses and duplex 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 specified house or duplex unit 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.

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27. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

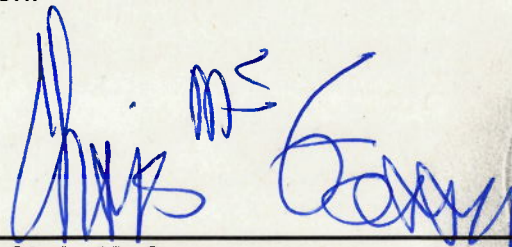
28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.



29. 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.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 28th day of July 2025.