



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322540-25

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 246036**

**Appeal** by Frank Heffernan of 7 Aldworth Heights, St Josephs Road, Mallow County Cork against the decision made on the 23<sup>rd</sup> day of April 2025 by Cork County Council to grant, subject to conditions, a permission to Reside (Castlepark) Limited care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A ten year Permission for the following Large Scale Residential Development (LRD) comprising of the construction of 469 number residential units to include 305 number dwelling houses (comprising a mix of 1,2,3 and 4 bed detached, semi-detached, townhouse/terraced and bungalow units) and 164 number apartment/duplex units (comprising a mix of one and two bed units), one number creche with a community room, part demolition and refurbishment of the former lodge to provide an interpretive centre and café and all associated ancillary development works including vehicular and pedestrian access (via the existing Castle Park residential estate), drainage, footpaths and cycle lanes, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin and bike storage, plant,

public lighting and all other ancillary development at Castlepark, Castlelands (townland), St. Joseph's Road, Mallow, County Cork.

## **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**

Having regard to the following:

- (a) the location of the site within the development boundary of Mallow, designated as a 'Key Town' in the Regional Spatial and Economic Strategy for the Southern Region 2020-2032 and the Cork County Development Plan 2022-2028,
- (b) the policies and objectives of the Cork County Development Plan 2022-2028 and the Regional Spatial & Economic Strategy for the Southern Region 2020-2032,
- (c) Housing for All - a New Housing Plan for Ireland (2021),
- (d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2023),
- (f) the Design Manual for Urban Roads and Streets (DMURS) (2019),



- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009),
- (h) the nature, scale and design of the proposed development,
- (i) the existing pattern of development in the area,
- (j) the availability of a wide range of physical, social and community infrastructure and services in the area,
- (k) the proposed infrastructure upgrade works that will improve the sites accessibility and connectively,
- (l) the submissions received, and
- (m) the report and recommendation of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

#### **Appropriate Assessment (AA): - 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 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

Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170) 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 (AA): - Stage 2:**

The Board considered the Natura Impact Statement, and all other relevant submissions received and carried out an appropriate assessment of the implications of the proposed development on the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170) 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 site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board 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 European sites.

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 the conservation objectives of the site. 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 (EIA):**

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

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and
- (d) the report of the Planning Inspector's.

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 EIAR is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular in the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and observers.

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:

### **Population and Human Health:**

Positive economic benefit for the area during the construction phase. Positive effects from the provision of additional housing in a mix of house types and tenure, the additional childcare facility, additional community facilities in the form of a café and interpretive centre and public amenity space and from improved pedestrian / cyclist connectivity. Construction-related impacts (vibration, dust, and traffic etc) would be mitigated / managed by a suite of appropriate construction phase management measures, including dust management, the control of construction hours and the implementation of a construction traffic management plan, resulting in no significant residual impacts during construction, significant to very significant impacts on noise sensitive receptors within 10 metres of the construction site during site clearance and preparation for phases 1a, 1b and 1c, reducing to a short term, negative, moderate to significant impact during the general construction phase. Impacts would be localised and short term and mitigated / managed through the application of appropriate construction phase management including noise minimisation measures and monitoring.

### **Biodiversity:**

Construction stage would result in the loss and / or damage of habitat which would be compensated for by additional planting and the protection of existing trees/ habitats were feasible. Spread of invasive species to be mitigated through adherence with relevant guidelines in relation to the treatment, removal and disposal of invasive species. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-commencement surveys, a suite of appropriate construction phase management (included in a Construction and



Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of amphibian and reptile habitats, bird boxes, swift bricks, bat boxes, wildflower meadows, insect hotels and unmanaged log piles.

#### **Land, Soil, Water, Air and Climate:**

The development of these lands would result in the loss of land and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area. Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology. Impacts on groundwater and surface water quality, would 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. Overall slight / imperceptible impact on climate due to the nature and scale of the development.

#### **Material Assets:**

Direct effects from construction traffic (including deliveries) would be short-term and temporary and would be mitigated through the implementation of a Construction Transport Management Plan (CTMP) and Construction and Environmental Management Plan (CEMP) and measures to minimise construction vehicle movements. The volume of operational traffic generated from the proposed development will have a moderate effect on the road network, within the norms for urban developments. Direct negative impacts on known archaeological features within (fulacht fia (CO033-090) and adjacent to the site (A ringfort (CO033-012) would be mitigated through the established or

appropriate buffer zones and separation from works areas. Direct impacts on unknown / undiscovered archaeological remains / features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage. There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas and from Mallow Town Park / amenity walkway. This will be mitigated by the proposed landscaping scheme. Once operational, the proposed development will read as part of the built-up area of Mallow and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

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

#### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. In addition, and the Commission considered that the proposed development of housing on lands specifically zoned for such development in the Cork County Development Plan 2022-2028 would be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021. 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 the 25<sup>th</sup> of October 2024, as amended by the further plans and particulars received by the planning authority on the 27<sup>th</sup> day of February 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 10 years from the date of this order.

**Reason:** Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR), received by the planning authority on 25<sup>th</sup> day of October 2024 as amended by the EIAR Addendum Report Received by the planning authority on the 27<sup>th</sup> day of February 2025 shall be implemented.

**Reason:** To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), received by the planning authority on the 27<sup>th</sup> day of February 2025, shall be implemented.

**Reason:** To protect the integrity of European Sites.

5. Prior to commencement of tree felling and/or the demolition of existing structures, the developer shall engage a suitably qualified ecologist to carry out a bat survey of mature trees and structures to confirm the absence of roosting bats. In the event that trees/ structures are identified hosting a bat roost or with potential for same, the developer is obliged to adhere to the legal provisions set out in Regulations 51 and if necessary, Regulation 54 (seek derogation licence) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Prior to the removal of mature trees and/or the demolition of existing structures, the bat survey results, methodologies for felling and any derogation licences shall be submitted for the written agreement of the planning authority.

**Reason:** to ensure the protection of bats in the interests of proper planning and development.

6. (a) The development shall be carried out in accordance with the phasing scheme dated 27<sup>th</sup> day of February 2025 lodged as part of further information, except as otherwise may be required to comply with the requirements of the conditions of this grant of permission.
- (b) Works detailed in interventions 1 to 29 (inclusive), plus 35, 39, 40, and 41 as per the 'Existing Infrastructure Upgrade Works Report' document received on 27<sup>th</sup> day of February 2025, shall be undertaken and completed by the developer at their own expense. Works shall be completed to the satisfaction of the planning



authority. These interventions shall be completed prior to the occupation of dwellings included in Phase 1 (a) and (b).

- (c) Intervention 34 (new three-metre-wide pedestrian bridge) as per the 'Existing Infrastructure Upgrade Works Report' document received on 27<sup>th</sup> day of February 2025 shall be undertaken and completed by the applicant at their own expense. Details of construction methods and timelines shall be submitted and agreed in writing with the planning authority prior to the commencement of development. Works shall be completed to the satisfaction of the planning authority. This intervention shall be completed prior to the occupation of dwellings included in Phase 1 (a) and (b).
- (d) No residential units scheduled for construction in Phase 1(c), Phase 2 or Phase 3 shall be made available for occupation until the Creche facility has been completed to a fully operational standard.

**Reason:** To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings.

- 7. Prior to the commencement of development, the developer shall submit to the planning authority, for their written agreement, a revised layout and detailed design of the following Infrastructure Improvement Works proposed within the existing Castle Park Development:
  - (a) Intervention numbers 1 and 29 – Proposed crossing location to be examined in the context of proximity to the estate entrance piers and the potential shielding of pedestrian visibility at the proposed crossing point by the piers. Supporting Safety Audit inputs are required.

- (b) Intervention Numbers 5, 7, 8, 10, 13, 15 and 29 - Position of proposed crossing tactile paving to be examined to provide crossing outside the extents of existing dwelling vehicular entrance. Supporting Safety Audit inputs are required.

**Reason:** In the interests of orderly development.

8. Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority:
- (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings / structures / buildings. The bin and bike stores shall be finished in brick.
- (b) Details of all external hard and soft landscaping materials including street furniture (seats benches, signages etc) as well as all surface treatments (paving / resin/ concrete finishes).

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

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

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



10. (a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

11. 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.

12. 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 / cycle routes through open spaces. 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.

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

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

14. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted with the application. The developer and/or the Mobility Management Plan Co-Ordinator shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following the completion of Phase 2 and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

15. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.



16. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

**Reason:** In the interest of sustainable transportation.

17. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas

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

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

19. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

20. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 14 of the EIAR following consultation with National Monuments Service. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

**Reason:** To ensure the continued preservation of archaeological features or objects on the site.



21. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

22. Prior to the commencement of the proposed development, the developer shall submit a site layout drawing (scale of at least 1:500) of the temporary site compound, giving details of materials storage areas, car parking area, machinery and equipment storage areas, fuel tanks and refilling area, and welfare facilities, bunded areas, etc. The following information shall be included as part of the site layout drawing and details:

- (a) The types, quantities and waste codes of all waste arisings from portaloos, cabins, the canteen and other mixed waste arisings anticipated from the temporary site compound during the construction phase of the development.
- (b) Measures to be put in place for the management of Surface water runoff from machinery and equipment areas, hydrocarbons storage areas and diesel filling areas of the temporary site compound will not result in environmental risks.
- (c) The temporary site compound shall not be located in any area identified as open space or in any location that may impede pedestrian and cycling travel.

**Reason:** To prevent soil contamination, water pollution and in the interest of orderly development.

23. 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.

24. There shall be no interfering with, bridging, piping, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of the Planning Authority.

**Reason:** To safeguard the amenities and prevent pollution and/or erosion.

25. (a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site.
- (b) Areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (c) 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 the development in the interest of residential amenity.

26. 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 waste shall be managed in accordance with the agreed plan.

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

27. Landscaping of this site shall be carried out in accordance with the site layout and landscaping plans submitted to the planning authority on 25<sup>th</sup> of October 2024 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 planning 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.



28. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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.

29. (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 duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers, that, 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.

30. 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.



31. 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 infrastructure upgrade works, comprising works identified in the 'Existing Infrastructure Upgrade Works Report' submitted to the planning authority on the 27th of February 2025, namely Intervention numbers 30, 31, 32, 33, 36, 37 and 38 and, road improvement works on the L-1220-25 St. Joseph Road between the construction site entrance and N72, Olivers Cross, 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.

32. 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.

  
Liam McGree

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

Dated this 28<sup>th</sup> day of AUGUST 2025