

An
Coimisiún
Pleanála

Ordú ón gCoimisiún
Commission Order
ABP-322725-25

An tAcht um Pleanáil agus Forbairt, 2000, arna leasú
Planning and Development Act 2000, as amended

Údarás Pleanála: Comhairle Contae Chiarraí
Planning Authority: Kerry County Council

Uimhir Thagartha ar an gClár Pleanála: 24/60764
Planning Register Reference Number: 24/60764

Achomharc ó Irene Flannery, Ard na Gréine, Daingean Uí Chúis, Contae Chiarraí, in aghaidh an chinnidh a rinne Comhairle Contae Chiarraí an 12^ú lá de mhí na Bealtaine 2025 cead a dheonú, faoi réir coinníollacha, do Social Housing Company, an tSráid Mhór Uachtarach, Daingean Uí Chúis, Contae Chiarraí, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin.

Forbairt Bheartaithe: 69 n-aonad cónaithe a thógáil ina mbeidh tithíocht leathscoite dhá stór agus tithíocht sraithe dhá stór. Chomh maith leis sin, déanfaidh an fhorbairt socrú do spásanna coiteanna páirceála carranna do chónaitheoirí agus cuairteoirí, do limistéir ghlasa oscailte, d'imfháluithe coiteanna araidí dramhaíola, agus do bhánna coiteanna páirceála rothar. Déanfaidh sí socrú freisin do gach aonad a nascadh le seirbhísí poiblí agus go ndéanfar na hoibreacha láithreáin gaolmhara uile, agus iad go léir suite ar an nGróbh, Daingean Uí Chúis, Contae Chiarraí, mar a athbhreithníodh leis

M/91

na fógraí poiblí breise a fuair an t-údarás pleanála an 29^ú lá de mhí Eanáir 2025, ar fógraí iad lenar méadaíodh an fhorbairt bheartaithe go 72 aonad cónaithe.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Ag féachaint do chineál, scála agus láthair na forbartha beartaithe, meastar, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, go mbeadh an fhorbairt bheartaithe ag teacht le cuspóirí iomchuí agus forálacha eile Phlean Forbartha Contae Chiarraí 2022-2028 agus Phlean Limistéir Áitiúil Thoghlímistéar Chorca Dhuibhne 2021-2027 araon, go mbainfeadh sí úsáid éifeachtúil as láithreán atá críosaithe go cuí i nDaingean Uí Chúis, go mbeadh sí inghlactha ó thaobh deartha uirbigh agus leagan amach láithreáin de, go mbeadh sí inghlactha ó thaobh sábháilteacht coisithe agus tráchta de, nach ndéanfaidh sí díobháil thromchúiseach do thaitneamhachtaí cónaithe an limistéir, agus go soláthródh sí cineál inghlactha taitneamhachta cónaithe d'áititheoirí amach anseo. Dá bhrí sin, bheadh an fhorbairt bheartaithe i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

Coinníollacha

1. Déanfar an fhorbairt bheartaithe agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas, mar a leasaíodh leis na pleananna agus na sonraí breise a fuair an t-údarás pleanála an 16^ú lá de mhí Eanáir 2025 agus an 15^ú lá de mhí Aibreáin 2025, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglófar leis na coinníollacha sin go gcomhaontófaí mionsonraí leis an údarás pleanála, comhaontóidh an forbróir mionsonraí den sórt sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt bheartaithe, agus déanfar an fhorbairt agus críochnófar í i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Leasófar an fhorbairt bheartaithe mar a leanas:
 - (a) Soláthrófar cosán/raon rothar laistigh den limistéar spáis oscailte ar an taobh thuaidh d'uimhir láithreáin 52, agus tógfar é suas go teorainn an láithreáin chun rochtain gan bhac a sholáthar ar thailte tadhlacha, lena n-áireofar aon déanmhas a chur in airde a bheadh ina fhorbairt dhíolmhaithe ar shlí eile faoi na Rialacháin um Pleanáil agus Forbairt, 2001, arna leasú.

Cuirfear líníochtaí athbhreithnithe lena léirítear comhlíonadh an cheanglais sin faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le tréscaoilteacht agus taitneamhacht cónaithe agus ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

3. Soláthróidh an forbróir an cosán/raon rothar ón láithreán go Pobalscoil Chorca Dhuibhne, ach amháin i gcás go léireofar chun sástacht an údaráis pleanála nach féidir é sin a dhéanamh.

Cúis: Ar mhaithe le tréscaoilteacht agus taitneamhacht cónaithe agus ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

4. (a) Is mar phríomháiteanna cónaithe buana ó cheann ceann na bliana ar fad a úsáidfear na tithe beartaithe.
- (b) Ní úsáidfear na tithe beartaithe mar thithe saoire ná mar áiteanna cónaithe tánaisteacha.

Cúis: Chun Cuspóir D-RES-2 de Phlean Limistéir Áitiúil Thoghlímistéar Chorca Dhuibhne 2021-2027 a chomhlíonadh.

5. Sula dtosófar an fhorbairt, déanfaidh an forbróir comhaontú alt 47 leis an údarás pleanála chun díol na coda comhaontaithe de na haonaid chónaithe den fhorbairt a cheadaítear leis seo a theorannú dá n-úsáid ag áititheoirí a bhfuil inniúlacht/líofacht chuí acu i nGaeilge. Leis an gcomhaontú, déanfar socrú do na nithe seo a leanas:

Déanfar 66% ar a laghad de na haonaid chónaithe a cheadaítear leis seo a theorannú dá n-úsáid acu sin ar féidir leo a léiriú go bhfuil cumas acu teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint. Beidh feidhm ag an teorannú sin ar feadh tréimhse 15 bliana ó dháta na chéad áitiúchta.

Is í Comhairle Contae Chiarraí a chinnefidh agus a mheasúnóidh an caighdeán cuí inniúlachta/líofachta i nGaeilge a theastaíonn chun comhlíonadh an chlásail áitiúchta seo a léiriú, agus is le ceann an teaghlaigh a bhainfidh sé. Beidh feidhm ag an teorannú maidir le teaghlaigh a áiteoidh na haonaid chónaithe seo, cibé acu mar úinéirí, mar shealbhóirí léasa nó mar thionóntaí.

Cúis: Chun a chinntiú go n-úsáidfear na haonaid tithíochta bheartaithe chun ceanglais an údaráis pleanála a chomhlíonadh, lena n-áirítear KCDP 8-8, agus go mbeidh forbairt sa limistéar seo teoranta go cuí chun teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

6. D'ainneoin na bhforálacha de na Rialacháin um Pleanáil agus Forbairt, 2001, arna leasú, ní úsáidfear aon chuid d'aon teach a cheadaítear ar an láithreán chun críche aoí-chóiríochta tráchtála thar oíche gan cead pleanála a bheith deonaithe roimh ré.

Cúis: Ar mhaithe le taitneamhacht cónaithe agus ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

7. Cuirfear mionsonraí faoi ábhair, dathanna agus uigeacht na mbailchríoch seachtrach uile ar an bhforbairt bheartaithe faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le taitneamhacht amhairc agus chun caighdeán cuí forbartha a chinntiú.

8. (a) Maidir leis an ngréasán inmheánach bóithre lena bhfreastalófar ar an bhforbairt bheartaithe, lena n-áireofar bána casta, acomhail, limistéir pháirceála, cosáin, agus colbhaí, agus maidir leis an acomhal beartaithe leis an mbóthar eastáit atá ann cheana, comhlíonfaidh siad caighdeáin mhionsonraithe tógála an údaráis pleanála le haghaidh oibreacha den sórt sin agus na caighdeáin deartha atá leagtha amach sa Lámhleabhar Deartha do Bhóithre agus Sráideanna Uirbeacha.

- (b) Déanfar cosáin a leacú ag aomhail bóithre i gcomhréir le ceanglais an údaráis pleanála. Cuirfear mionsonraí faoi gach láthair agus ábhar atá le húsáid faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le taitneamhacht agus ar mhaithe le sábháilteacht tráchta agus coisithe.

9. (a) Soláthrófar spásanna páirceála carranna don fhorbairt bheartaithe i gcomhréir le leagan amach mionsonraithe páirceála, rud a chuirfear faoi bhráid an údaráis pleanála, agus a chomhaontófar i scríbhinn leis, sula dtosófar an fhorbairt. Déanfaidh an leagan amach socrú do 144 spás páirceála carranna ar a mhéad, móide aon bhánna a shannfar lena n-úsáid ag club cairr, stáisiúin ainmnithe luchtaithe gearrghanachta d'fheithiclí leictreacha ar an tsráid, nó spásanna páirceála inrochtana. Cinnteoidh an leagan amach páirceála carranna go mbeidh spás páirceála amháin ar a laghad curtha in áirithe do gach teach.
- (b) Cuirfidh an forbróir Plean Bainistíochta Carrchlóis, lena n-áireofar mionsonraí faoi dhearadh agus bainistíocht na spásanna páirceála carranna, faoi bhráid an údaráis pleanála lena chomhaontú i scríbhinn aige sula dtosófar an fhorbairt.
- (c) Soláthrófar pointí feidhmiúla luchtaithe feithiclí leictreacha d'aon limistéir chomhchoiteanna pháirceála a bheidh ag freastal ar na haonaid chónaithe bheartaithe, agus soláthrófar naisc leictreacha do na spásanna páirceála carranna uile laistigh den chúirtealáiste a bheidh ag freastal ar aonaid chónaithe ionas go mbeifear in ann pointí luchtaithe feithiclí leictreacha a sholáthar amach anseo, agus beidh na naisc sin suite ar an taobh amuigh den teach. Cuirfear mionsonraí faoi conas a chomhlíonfar na ceanglais sin faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

- (d) Soláthrófar spásanna sábháilte slána páirceála rothar laistigh de chúirtealáiste gach láithreáin tí le haghaidh tithe lárshraithe. I gcás nach féidir iad sin a sholáthar do thithe lárshraithe, soláthrófar spásanna sábháilte slána páirceála rothar ag ráta de spás amháin in aghaidh an tseomra leapa i láthair áisiúil i ngar don teach iomchuí/na tithe iomchuí. Déanfar socrú do mheascán de chineálacha rothar. Cuirfear mionsonraí faoi na saoraidí stórála rothar sin faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.
- (e) Soláthrófar pointí luchtaithe leictirigh ag láthair inrochtana le haghaidh rothair/scútair/scútair shoghluaisteachta a luchtú. Cuirfear mionsonraí faoi sin faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le hiompar inbhuanaithe, ar mhaithe le sábháilteacht, agus chun a chinntiú go mbeidh soláthar leordhóthanach páirceála ar fáil chun freastal ar an bhforbairt bheartaithe.

10. Déanfar an fhorbairt bheartaithe de réir a chéile, i gcomhréir le scéim céimnithe, rud a chuirfear faoi bhráid an údaráis pleanála, agus a chomhaontófar i scríbhinn leis, sula dtosófar an fhorbairt. Sula dtosófar an fhorbairt ar an láithreán foriomlán, cuirfear mionsonraí faoin gcéad chéim faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis.

Cúis: Chun soláthar tráthúil seirbhísí a chinntiú, chun tairbhe d'áititheoirí na dteaghaisí beartaithe.

11. Cuirfear tograí le haghaidh ainm eastáit, le haghaidh scéim uimhriúcháin tithe agus le haghaidh comharthaí gaolmhara faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt. Ina dhiaidh sin, soláthrófar gach comhartha eastáit agus sráide agus gach uimhir thí i gcomhréir leis an scéim chomhaontaithe. Beidh an t-ainm beartaithe/na hainmneacha beartaithe bunaithe ar ghnéithe stairiúla nó topagrafacha áitiúla nó ar roghanna eile a bheidh inghlactha ag an údarás pleanála. Ní dhéanfar aon fhógraí ná aon chomharthaí margaíochta a bhaineann le hainm na forbartha a chur suas go dtí go mbeidh comhaontú i scríbhinn faighte ag an bhforbróir ón údarás pleanála i leith an ainm bheartaithe nó na n-ainmneacha beartaithe.

Cúis: Ar mhaithe le hinléiteacht uirbeach.

12. Comhlíonfaidh maolú agus diúscairt uisce dromchla ceanglais an údaráis pleanála le haghaidh oibreacha agus seirbhísí den sórt sin. Sula dtosófar an fhorbairt, cuirfidh an forbróir mionsonraí faoi conas a dhiúscrófar uisce dromchla ón láithreán isteach lena gcomhaontú i scríbhinn ag an údarás pleanála.

Cúis: Ar mhaithe leis an tsláinte phoiblí.

13. Sula dtosófar an fhorbairt, déanfaidh an forbróir comhaontú/comhaontuithe um nasc le hUisce Éireann chun socrú a dhéanamh do nasc seirbhíse/naisc sheirbhíse leis an soláthar uisce poiblí agus leis an líonra bailiúcháin fuíolluisce.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus chun saoráidí leordhóthanacha uisce/fuíolluisce a chinntiú.

14. Soláthrófar soilsiú poiblí i gcomhréir le scéim, rud a chuirfear faoi bhráid an údaráis pleanála, agus a chomhaontófar i scríbhinn leis, sula dtosófar an fhorbairt. Áireofar leis an scéim soilsiú feadh bealaí coisithe trí spásanna oscailte. Soláthrófar soilsiú den sórt sin sula gcuirfear aon aonad cónaithe ar fáil lena áitiú sa chéim sin.

Cúis: Ar mhaithe le taitneamhacht agus sábháilteacht an phobail.

15. Beidh gach cábla seirbhíse a bhaineann leis an bhforbairt bheartaithe (amhail cáblaí leictreacha, cáblaí teileachumarsáide agus cáblaí comhchoiteanna teilifíse) lonnaithe faoi thalamh. Soláthróidh an forbróir duchtú ionas gur féidir bonneagar leathanbhanda a sholáthar laistigh den fhorbairt bheartaithe. Déanfar gach cábla láithreach os cionn talún a athlonnú faoi thalamh mar chuid de na hoibreacha forbartha láithreáin.

Cúis: Ar mhaithe le taitneamhacht amhairc agus cónaithe.

16. Déanfar an scéim tírdhreachaithe atá léirithe ar uimhreacha líníochta SHC/01/125 REV E, SHC/01/141 REV E, agus SHC/01/142 REV E, a chur i gcrích laistigh den chéad séasúr cuir tar éis oibreacha tógála seachtracha a chríochnú go substaintiúil. I dteannta na dtograí atá sa scéim a cuireadh isteach, soláthrófar speicis crann aibí, chun sástacht an údaráis pleanála, feadh na dteorainneacha cúil d'uimhreacha láithreáin 62 go 68 chun ingearchlónna cúil na dtithe sin a sciathú. Déanfar na plandaí ar fad a chosaint go leordhóthanach ar dhamáiste go dtí go mbunófar iad. Aon phlandaí a éagfaidh, a bhainfear nó a thiocfaidh chun bheith an-damáistithe nó an-ghalrach laistigh de thréimhse cúig bliana ón bhforbairt a chríochnú, nó go dtí go nglacfaidh an t-údarás pleanála an fhorbairt faoi chúram, cibé acu is túisce, cuirfear ina n-ionad plandaí eile de mhéid chomhchosúil nó de speiceas comhchosúil laistigh den chéad séasúr cuir eile, ach amháin i gcás go

gcomhaontófar a mhalairt i scríbhinn leis an údarás pleanála.

Cúis: Ar mhaithe le taitneamhacht cónaithe agus amhairc.

17. Maidir le hoibreacha forbartha agus tógála láithreáin, ní dhéanfar iad ach amháin idir 0700 agus 1900 ón Luan go dtí an Aoine, agus an dá lá sin san áireamh, agus idir 0800 agus 1400 ar an Satharn, agus ní dhéanfar aon oibreacha ar bith ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar aon imeacht ó na hamanna sin ach amháin in imthosca eisceachtúla ina bhfuarthas réamhcheadú i scríbhinn ón údarás pleanála.

Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine sa chomharsanacht a choimirciú.

18. Bainisteofar tógáil na forbartha beartaithe i gcomhréir le Plean Bainistíochta Tógála, rud a chuirfear faoi bhráid an údaráis pleanála, agus a chomhaontófar i scríbhinn leis, sula dtosófar an fhorbairt. Soláthrófar sa phlean sin mionsonraí faoin gcleachtas beartaithe tógála don fhorbairt bheartaithe, lena n-áireofar na nithe seo a leanas:
- (a) láthair an láithreáin agus an chompúin/na gcompún ábhar, lena n-áireofar an limistéar/na limistéir atá sainaitheanta le haghaidh dramhaíl tógála a stóráil;
 - (b) láthair na limistéar le haghaidh oifigí láithreáin tógála agus saoraidí foirne;
 - (c) mionsonraí faoi fhálta agus ballaí clár slándála ar an láithreán;
 - (d) mionsonraí faoi shaoraidí páirceála carranna ar an láithreán d'oibrithe láithreáin le linn na tógála;
 - (e) mionsonraí faoi uainiú agus ródú an tráchta tógála isteach sa láithreán tógála agus amach as agus faoi threochoimharthaí

gaolmhara, lena n-áireofar tograí le haghaidh seachadadh ualaí neamhghnácha chuig an láithreán a éascú;

- (f) bearta chun teacht roimh chiúáil tráchta tógála ar an ngréasán tadhlach bóithre;
- (g) bearta chun doirteadh nó sil-leagan cré, spallaí nó smionagair eile a chosc ar an ngréasán bóithre poiblí;
- (h) mionsonraí faoi bhearta cuí le haghaidh torann, deannach agus tonnchrith a mhaolú agus le haghaidh faireachán a dhéanamh ar leibhéil torainn, deannaigh agus tonnchreatha;
- (i) an dóigh a ndéanfar an breosla agus an ola ar fad a bhaineann leis an tógáil a shrianadh laistigh de bhundáí saintógtha chun a chinntiú gur lánsrianta a bheidh aon doirteadh breosla. Beidh díon ar bhundáí den sórt sin chun uisce báistí a choinneáil amach;
- (j) an dóigh a ndiúscrófar dramhaíl tógála/scartála lasmuigh den láithreán, agus mionsonraí faoin dóigh a mbainisteofar ithir thochailte; agus
- (k) na modhanna chun a chinntiú go rialófar rith uisce dromchla chun srutha ionas nach rachaidh aon siolta ná truailleáin eile isteach i séaraigh nó draenacha áitiúla uisce dromchla.

Cuirfear taifead á léiriú go mbíonn seiceálacha laethúla á ndéanamh i gcomhréir leis an bPlean Bainistíochta Tógála ar fáil lena iniúchadh ag an údarás pleanála.

Cúis: Ar mhaithe le taitneamhachtaí, leis an tsláinte phoiblí agus sábháilteacht an phobail, agus le cosaint an chomhshaoil.

19. Sula dtosófar an fhorbairt, ullmhóidh an forbróir, nó aon ghníomhaire a bheidh ag gníomhú thar a cheann, Plean Bainistíochta Acmhainní agus Dramhaíola, mar atá leagtha amach sna Treoirínte Dea-Chleachtais ón nGníomhaireacht um Chaomhnú Comhshaoil maidir le Pleananna

Bainistíochta Acmhainní agus Dramhaíola a Ullmhú do Thionscadail Tógála agus Scartála (2021), ar Plean é ina léireofar an dóigh a gcloíonn na tograí leis an dea-chleachtas agus le prótacail. Áireofar leis an bPlean Bainistíochta Acmhainní agus Dramhaíola tograí sonracha maidir le conas a thomhaisfear éifeachtacht an Phlean agus conas a dhéanfar faireachán ar an éifeachtacht sin; cuirfear na mionsonraí sin ar an gcomhad agus coinneofar iad mar chuid den taifead poiblí. Cuirfear an Plean Bainistíochta Acmhainní agus Dramhaíola faoi bhráid an údaráis pleanála lena chomhaontú i scríbhinn aige sula dtosófar an fhorbairt. Cuirfear na taifid uile (lena n-áireofar taifid a bhaineann le dramhaíl agus leis na hacmhainní uile) de bhun an Phlean chomhaontaithe Bainistíochta Acmhainní agus Dramhaíola ar fáil lena n-iniúchadh ag an oifig láithreáin i gcónaí.

Cúis: Ar mhaithe le pleanáil chuí agus forbairt inchothaithe.

20. (a) Sula dtosófar an fhorbairt, cuirfear faoi bhráid an údaráis pleanála, agus comhaontófar i scríbhinn leis, plean ina mbeidh mionsonraí faoin dóigh a mbainisteofar dramhaíl (agus, go háirithe, ábhair in-athchúrsáilte) laistigh den fhorbairt, lena n-áireofar mionsonraí faoi shaoráidí a sholáthar le haghaidh dramhaíl agus, go háirithe, ábhair in-athchúrsáilte a stóráil, a scaradh agus a bhailiú. Ina dhiaidh sin, bainisteofar dramhaíl i gcomhréir leis an bplean comhaontaithe.
- (b) Déanfar socrú leis an bplean sin do stórais araidí sciata, ina mbeidh spás do líon nach lú ná trí araid rothaí de mhéid chaighdeánach ar a laghad laistigh de chúirtealáiste gach ceapaí tí nó do cibé líon a chomhaontófar leis an údarás pleanála.

Cúis: Chun socrú a dhéanamh do bhainistíocht chuí dramhaíola agus, go háirithe, do bhainistíocht chuí ábhar in-athchúrsáilte, ar mhaithe leis an gcomhshaol a chosaint.

21. (a) Fostóidh an forbróir seandálaí atá cáilithe go cuí (atá ceadúnaithe agus incháilithe) chun faireachán a dhéanamh (agus é/i ceadúnaithe faoi Achtanna na Séadchomharthaí Náisiúnta) ar na hoibreacha glantacháin láithreáin, an bhaint barrithreach agus na hoibreacha talún ar fad a bhaineann leis an bhforbairt bheartaithe. Sula dtosóidh sé/sí oibreacha den sórt sin, rachaidh an seandálaí i gcomhairle le seandálaí an údaráis pleanála nó Sheirbhís na Séadchomharthaí Náisiúnta, de réir mar is cuí, agus cuirfidh sé/sí ráiteas modha ar aghaidh chuig an seandálaí sin lena chomhaontú i scríbhinn aige/aici. Beidh sé riachtanach uirlisí cuí agus/nó innealra cuí a úsáid chun a chinntiú go ndéanfar aon iarsmaí seandálaíochta a bheidh fágtha a chaomhnú agus a thaifeadadh. Más rud é go sainaithneofar iarsmaí seandálaíochta le linn an fhaireacháin seandálaíochta, scoirfear de na hoibreacha uile sa limistéar is díol spéise ó thaobh seandálaíochta ar feitheamh cinneadh ón údarás pleanála maidir le maolú cuí (caomhnú in situ/tochailt), ar cinneadh é a dhéanfar i gcomhairle le Seirbhís na Séadchomharthaí Náisiúnta.
- (b) Cabhróidh an forbróir leis an seandálaí aon iarsmaí a shainaithneofar a thaifeadadh. Comhlíonfaidh an forbróir aon cheanglais eile maolaithe seandálaíochta a shonróidh an t-údarás pleanála tar éis dul i gcomhairle le Seirbhís na Séadchomharthaí Náisiúnta.
- (c) Tar éis an obair seandálaíochta ar fad a chríochnú ar an láithreán, agus tar éis aon sainanailís riachtanach iarthochailte a chríochnú, tabharfar tuarascáil seandálaíochta deiridh don údarás pleanála agus do Sheirbhís na Séadchomharthaí Náisiúnta, ina dtabharfar tuairisc ar thorthaí an fhaireacháin agus aon oibre/tochailte imscrúdaithe seandálaíochta a bhí ag teastáil ina dhiaidh sin. Is é an forbróir a íocfaidh na costais seandálaíochta iarmhartacha agus ghaolmhara uile.

Cúis: Chun caomhantas leantach áiteanna, uaimheanna, láithreán, gnéithe nó rudaí eile is díol spéise ó thaobh seandálaíochta a chinntiú, cibé acu in situ nó trí thaifead.

22. Is í cuideachta bainistíochta atá bunaithe go dleathach, nó an t-údarás pleanála, i gcás go nglacfar an fhorbairt faoi chúram, a bheidh freagrach as an bhforbairt bheartaithe a bhainistiú agus a chothabháil tar éis í a chríochnú. Cuirfear tograí mionsonraithe faoi sin faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Chun a chinntiú go ndéanfar an fhorbairt a chríochnú agus a chothabháil go sásúil.

23. Sula dtosófar an fhorbairt, déanfaidh an t-iarratasóir nó duine eile a bhfuil leas aige nó aici sa talamh lena mbaineann an t-iarratas comhaontú i scríbhinn leis an údarás pleanála i ndáil le tithíocht a sholáthar i gcomhréir le ceanglais alt 94(4) agus alt 96(2) agus 96(3)(b) (Cuid V) den Acht um Pleanáil agus Forbairt, 2000, arna leasú, ach amháin i gcás gur deonaíodh deimhniú díolúine faoi alt 97 den Acht, arna leasú. I gcás nach féidir teacht ar chomhaontú den sórt idir na páirtithe, déanfaidh an t-údarás pleanála nó aon pháirtí ionchasach eile sa chomhaontú an ní atá faoi dhíospóid (seachas ní a bhfuil feidhm ag alt 96(7) maidir leis) a tharchur chuig an gCoimisiún Pleanála lena chinneadh aige.

Cúis: Chun ceanglais Chuid V den Acht um Pleanáil agus Forbairt, 2000, arna leasú, agus ceanglais na straitéise tithíochta sa phlean forbartha don limistéar a chomhlíonadh.



24. (a) Sula dtosófar an fhorbairt, mar atá ceadaithe, déanfaidh an t-iarratasóir nó aon duine a bhfuil leas aige nó aici sa talamh comhaontú leis an údarás pleanála (ar comhaontú é nach mór uimhir agus láthair gach aonaid tí a bheith sonraithe ann) de bhun alt 47 den Acht um Pleanáil agus Forbairt, 2000, arna leasú, lena dteorannófar na haonaid chónaithe iomchuí cheadaithe uile dá n-áitiú ag ceannaitheoirí aonair ar dtús, is é sin le rá, iad sin nach eintiteas corparáideach iad, agus/nó acu sin atá incháilithe le haghaidh tithíocht shóisialta agus/nó inacmhainne a áitiú, lena n-áirítear tithíocht ar cíós de réir costais.
- (b) Maidir le comhaontú a rinneadh de bhun alt 47, beidh feidhm aige ar feadh thréimhse an cheada pleanála, ach amháin i gcás, tar éis tréimhse nach lú ná dhá bhliain ó dháta críochnaithe gach aonaid tithíochta shonraithe, go léireofar é chun sástacht an údaráis pleanála nach rabhthas in ann gach ceann de na haonaid chónaithe a dhíol lena úsáid ag ceannaitheoirí aonair agus/nó acu sin atá incháilithe le haghaidh tithíocht shóisialta agus/nó inacmhainne a áitiú, lena n-áirítear tithíocht ar cíós de réir costais.
- (c) Beidh an cinneadh ón údarás pleanála a cheanglaítear i mír (b) faoi réir fianaise dhoiciméadach shásúil a bheith faighte ag an údarás pleanála agus ag an údarás tithíochta ón iarratasóir nó ó aon duine a bhfuil leas aige nó aici sa talamh maidir le díol agus margú na n-aonad tithíochta sonraithe. Sa chás sin, deimhneoidh an t-údarás pleanála i scríbhinn don iarratasóir nó d'aon duine a bhfuil leas aige nó aici sa talamh gur foirceannadh an comhaontú a rinneadh faoi alt 47 agus gur comhlíonadh ceanglas an choinníll pleanála sin i leith gach aonaid tithíochta shonraithe.

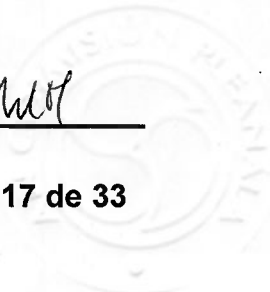
Cúis: Chun forbairt tithíochta nua a theorannú dá húsáid ag daoine d'aicme nó de thuairisc ar leith chun rogha agus soláthar leordhóthanach tithíochta, lena n-áirítear tithíocht inacmhainne, a chinntiú ar mhaithe le leas an phobail.

25. Sula dtosófar an fhorbairt, taiscfidh an forbróir leis an údarás pleanála taisce airgid, banna de chuid cuideachta árachais nó urrús eile chun a áirithiú go soláthrófar bóithre, cosáin, príomhlíonra uisce, draenacha, spás oscailte poiblí agus seirbhísí eile a cheanglaítear i ndáil leis an bhforbairt agus go ndéanfar iad a chríochnú agus a chothabháil go sásúil go dtí go nglacfaidh an t-údarás pleanála faoi chúram iad, mar aon le comhaontú lena dtabharfar de chumhacht don údarás pleanála urrús den sórt sin nó cuid de a úsáid chun aon chuid den fhorbairt a chríochnú nó a chothabháil go sásúil. Comhaontófar foirm agus méid an urrúis idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an gCoimisiún Pleanála lena chinneadh.

Cúis: Chun a chinntiú go ndéanfar an fhorbairt a chríochnú agus a chothabháil go sásúil go dtí go nglacfar faoi chúram í.

26. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais i leith bonneagar agus saoráidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht sula dtosófar an fhorbairt nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Comhaontófar mionsonraí chur i bhfeidhm na Scéime idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an gCoimisiún Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.



MLP

Appeal by Irene Flannery of Ard na Greine, Dingle, County Kerry against the decision made on the 12th day of May, 2025 by Kerry County Council to grant, subject to conditions, a permission to Social Housing Company of Upper Main Street, Dingle, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 69 residential units comprising of two-storey semi-detached and two-storey terraced housing. The development will also make provision for common car parking for residents and visitors, open green areas, common waste bin amenity enclosures, and common bicycle parking bays, all units to be connected to public services and also to include all associated site works, all at Grove, Dingle, County Kerry, as revised by the further public notices received by the planning authority on the 29th day of January, 2025, increasing the proposed development to 72 residential units.

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 nature, scale, and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant objectives and other provisions of both the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, would make efficient use of an appropriately zoned site in Dingle, would be acceptable in terms of urban design and site layout, would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the residential amenities of the area, and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of January 2025, and the 15th day of April 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The proposed development shall be amended as follows:
- (a) A footpath/cycle path shall be provided within the open space area north of site number 52 and shall be constructed up to the site boundary to provide access to adjoining lands with no obstruction, including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended.

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

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

3. The developer shall provide the footpath/cycle path to Pobalscoil Chorca Dhuibhne from the site, unless it has been demonstrated to the satisfaction of the planning authority that this cannot be provided.

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

4. (a) The use of the proposed houses shall be as primary permanent all-year-round residences.
- (b) The proposed houses shall not be used as holiday or second homes.

Reason: To comply with Objective D-RES-2 of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027.

5. Prior to commencement of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of the agreed portion of the residential units of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish. The agreement shall provide for:

A minimum of 66% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht. This restriction shall apply for a period of 15 years from the date of first occupancy.

The appropriate standard of competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be determined and assessed by Kerry County Council and shall relate to the head of the household. The restriction shall apply to households who occupy these dwelling units whether as owners, leases or tenants.

Reason: To ensure that the proposed housing units are used to meet the requirements of the planning authority, including KCDP 8-8, and that development in this area is appropriately restricted to preserve and protect the language and culture of the Gaeltacht, in the interest of the proper planning and sustainable development of the area.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no part of any house permitted on site shall be used for the purpose of overnight commercial guest accommodation without a prior grant of planning permission.

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

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

8. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, and the proposed junction with the existing estate road, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. (a) Car parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for a maximum of 144 car parking spaces plus any bays assigned for use by a car club, designated short-stay on-street Electric Vehicle (EV) charging stations, or accessible parking spaces. The car parking layout shall ensure that at least one car parking space is reserved for each house.

- (b) The developer shall submit a Car Park Management Plan, including details of car parking design and management to the planning authority for written agreement prior to commencement of development.
- (c) Any communal parking areas serving the proposed residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) Safe and secure bicycle parking spaces shall be provided within the curtilage of each house site for mid-terrace houses. Where this cannot be provided for mid-terrace houses, safe and secure bicycle parking spaces shall be provided at a rate of one space per bedroom in a convenient location close to the relevant house(s). Provision shall be made for a mix of bicycle types. Details of these cycle storage facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (e) Electric charging points shall be provided at an accessible location for charging cycles/scooters/mobility scooters. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation, safety, and to ensure that adequate parking provision is available to serve the proposed development.

10. The proposed development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commencement of development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

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

11. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house 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 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.

12. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

13. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

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

14. 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 commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

Reason: In the interest of amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

16. The landscaping scheme shown on drawing numbers SHC/01/125 REV E, SHC/01/141 REV E, and SHC/01/142 REV E shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, mature tree species, to the satisfaction of the planning authority, shall be provided along the rear boundaries of site numbers 62 to 68 to screen the rear elevations of these houses. 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.

17. 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 or public holidays. Deviation from these times shall 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.

18. The construction of the proposed 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 proposed 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 during the course of construction;
 - (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 the 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) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (i) 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;
 - (j) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
 - (k) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

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

19. Prior to 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 a 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 shall be submitted to the planning authority for written agreement prior to 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.

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, 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.

- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot, or as agreed with the planning authority.

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

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 and groundworks associated with the proposed development. Prior to commencement of such works, the archaeologist shall consult with and forward to the planning authority archaeologist or the National Monuments Service (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 NMS, 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 NMS shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis, the planning authority and the NMS 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. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of the development.

23. 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 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.

24. (a) Prior to 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 unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, 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.

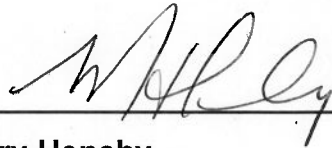
Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.

26. 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.



Mary Henchy

**Coimisinéir Pleanála den
Coimisiún Pleanála atá
údaráithe go cuí chun séala
an Coimisiún a
fhíordheimhniú**

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



Dátaithe ar an



lá seo de

 **2025**