

An  
Coimisiún  
Pleanála

Commission Order  
ACP-322787-25

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

**Planning Authority: Cork County Council**

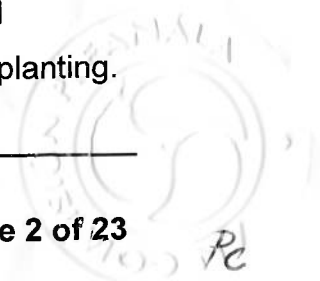
**Planning Register Reference Number: 24/05503**

**Appeal** by Morna McDowell and by Others against the decision made on the 22<sup>nd</sup> day of May 2025, by Cork County Council to grant, subject to conditions, a permission to Tullacondra Green Energy Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction, operation and decommissioning of a wind energy development including:

- Nine wind turbines each with a blade tip height of 175 metres, rotor diameter of 150 metres, hub height of 100 metres and a rated output of 4.5 megawatts.
- Turbine foundations, crane pad hardstanding areas and associated drainage.
- Upgrade of existing site tracks and construction of new site tracks and associated drainage.

- Access from the local road L5302 at Crought, Ballyclogh including a new site entrance for the construction phase and upgrading of an existing entrance for the operational phase.
- An on-site 38 kilovolt electrical substation to Electricity Supply Board Networks specification to include control building with electrical infrastructure, welfare facilities supplied by rainwater harvesting and storage tank, a wastewater holding tank with high level alarm, car parking, security fencing and lighting, and all associated infrastructure, services, and site works including a temporary construction compound.
- All associated underground electrical and communications cabling connecting the turbines to the proposed electrical substation.
- A temporary site construction compound and associated ancillary infrastructure including, but not limited to, welfare services, office accommodation, parking, fencing, lighting.
- Areas for temporary storage of excavated materials.
- A permanent meteorological mast of 100 metres height above ground level on a concrete base.
- Installation of approximately 13.5 kilometres of 38 kilovolts underground electrical cabling, mainly within the public road, between the proposed wind farm substation to the boundary of Mallow 110 kilovolt substation at Saint Joseph's Road Mallow.
- All associated site works including site clearance and ancillary development including site drainage/Sustainable Drainage System, security gates, fencing, permanent and temporary signage, and biodiversity mitigation and enhancements, including hedgerow planting.



The Applicant is seeking a 10-year duration planning permission and 35-year operational period from the date of overall commissioning of the entire wind farm. The wind farm development is proposed on a site in the townlands of Polnareagha and Ardskeagh (Templemary E.D.); and Tullacondra and Crougta, (Kilmaclenine E.D.), County Cork.

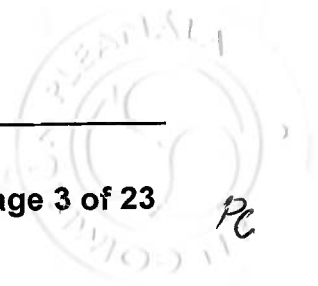
The proposed grid connection will be installed underground mainly within the public road from the wind farm site at Crougta, Ballyclogh to the boundary of the 110 Kilovolts substation at Saint Joseph's Road, Mallow passing through the townlands of Kilmaclenine, Crougta, Knockaunavaddreen, Copestown, (Kilmaclenine E.D.), Ballybeg (Buttevant E.D.), Baltydaniel East, Twopothouse, and Caurraghakerry (Caherduggan E.D); and Cloghlucas North, Curraghphadeen, Ballyvinitter Upper, Ballyvinitter Middle, Ballyvinitter Lower, Parkadallane, Carrigoon More and Carrigoon Beg Mallow Rural E.D.), 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**

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with, inter alia, the Climate Action Plan 2025 and the furtherance of the national climate objective.



And in coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).
  - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations, as amended.
  - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
  - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.

- Wind Energy Guidelines: Guidelines for Planning Authorities (2006) and the Draft Revised Wind Energy Development Guidelines (published in 2019).
- The objectives and targets of the National Biodiversity Action Plan 2023 - 2030.
- Regional and local planning policy, including:
  - Regional Spatial Economic Strategy for the Southern Region 2020 - 2032.
  - Cork County Development Plan 2022 - 2028.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development, as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The reports of the planning authority, including the specialist reports on behalf of the planning authority which informed its decision, and the further information received from the applicant on the 28<sup>th</sup> day of March 2025, and submissions received in response to same.
- The submissions made on the planning application to the planning authority and to the Commission in connection with the appeals.

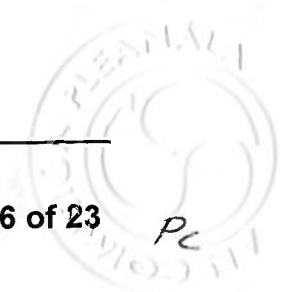
- The report and the recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

#### **Appropriate Assessment: Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment 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) and Kilcolman Bog Special Protection Area (Site Code: 004095) 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 Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) and Kilcolman Bog Special Protection Area (Site Code: 004095) 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:



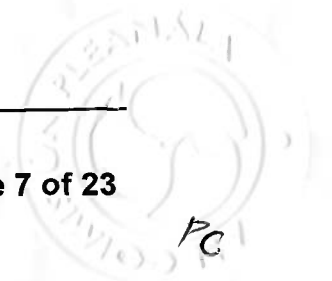
- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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. In overall conclusion, the Commission was 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 account of:

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



The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission considered, and agreed with the Planning Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

**Climate:**

The Commission is satisfied that potential negative effects on climate would be avoided, managed and mitigated during the construction phase to an acceptable level and more importantly the greenhouses gas emissions as a result of the proposed development will be offset by the operation of the proposed development. As a result the Commission is satisfied there will be a long term significant positive residual cumulative effect on climate as a result of the proposed development due to the displacement of CO<sub>2</sub> from the atmosphere which currently arises from fossil fuel energy production.

**Biodiversity:**

Loss of hedgerow habitat will result in a local significant effect which will be offset by additional hedgerow planting providing long term benefit.

### **Landscape and visual:**

Negative landscape and visual impacts arise during the operational phase of the proposed development given the placement of significant structures within the local landscape thereby changing the existing visual context. This will result in significant landscape effects within two kilometres of the proposed turbines and will result in significant visual effects on a small number of residential receptors within two kilometres of the proposed turbines, where primary and open views towards the wind farm will be experienced.

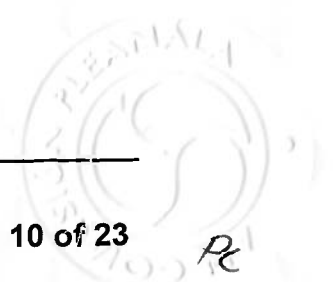
### **Material Assets:**

Negative traffic effects on the local road network during the days of turbine foundation concrete pours. Measures to plan and manage the cement mixers will be mitigated through the implementation of a construction traffic management plan.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the biodiversity, landscape and visual and traffic and transport effects, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

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

It is considered that the proposed development would accord with European, national, regional and local planning policy provision. The Commission was satisfied that an approval for the proposed development would be consistent with the national climate ambitions and with the relevant provisions of the Climate Action Plan 2025. Furthermore, the Commission has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015. The Commission considered that by reason of scale, form and extent that, subject to compliance with the following conditions, the proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022 - 2028. The proposed development would be delivered on lands in the county that are in an area 'open for consideration', which, subject to technical and environmental evaluation, are considered to be acceptable, where it has been adequately demonstrated that the proposal would avoid adverse impacts on residential amenity. The Commission is satisfied, on the basis of the robust and comprehensive assessment undertaken by the planning authority, including the independent specialist assessments undertaken on behalf of the planning authority, and the robust and comprehensive assessment undertaken by its own senior Planning Inspector, that the proposed development would not have a significant or unacceptable impact in terms of residential amenity. The proposed development would, therefore, fully accord with a number of policy objectives set out in the Development Plan, including, but not limited to, Objective ET 13-1, ET 13-2 ET 13-4 and ET 13-5. 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 received by the planning authority on the 28<sup>th</sup> day of March 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The new/permanent track shown on Drawing Reference Number 20910-NOD-XX-XX-DR-C-08006, rev. C02, between the substation and existing farm buildings to the north, shall match the alignment of the existing track. Hedgerow habitat on either side of the track shall be retained.
  - (b) The new/permanent track and the new temporary access track shown on Drawing Reference Numbers 20910-NOD-XX-XX-DR-C-08008 and 08009, rev. C02, between the meteorological mast and turbine T5 shall be combined into one track and shall utilise the existing gap in the hedgerow which shall be widened, not exceeding eight metres in width, to facilitate access.
  - (c) T5 shall be relocated 20 metres north and away from the hedgerow habitat, as outlined in the response to further information Item 4(b) received by the planning authority on the 28<sup>th</sup> day of March 2025.

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

**Reason:** In the interest of protecting biodiversity.

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

**Reason:** Having regard to the nature and extent of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

4. This permission shall not be construed as any form of consent for:
  - (a) Grid Connection Route Option 2, except for those cable sections that corresponds with Grid Connection Route Option 1;
  - (b) temporary accommodation works for turbine delivery route; and
  - (c) agreement to a connection to the national grid.

**Reason:** In the interest of clarity.

5. (a) The permission shall be for a period of 35 years from the date of the first commissioning of the windfarm, save for the 38kV substation and underground cable connecting to the National Grid. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

- (b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (c) On full or partial decommissioning, or if the windfarm ceases operation for a period of more than one year, the windfarm, the turbines and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within 12 months of decommissioning.

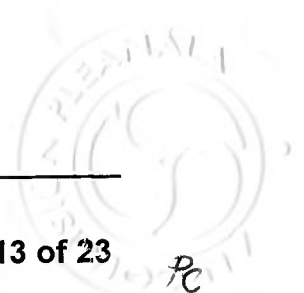
**Reason:** To enable the planning authority to review the operation of the windfarm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.

- 6. The mitigation, monitoring and enhancement measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be fully implemented.

**Reason:** To protect the environment.

- 7. The mitigation and monitoring measures contained in the submitted Natura Impact Statement (NIS) (as updated March 2025) shall be fully implemented.

**Reason:** To protect the environment and the integrity of European sites.

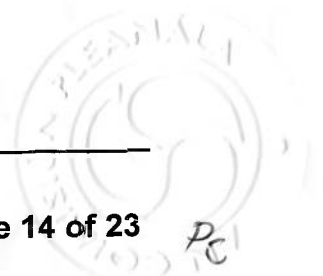


8. Prior to commencement of development, the developer shall submit to the planning authority a complete schedule of all mitigation, monitoring and enhancement measures. This shall identify who is responsible for the implementation and monitoring of these measures and timescales for implementation and monitoring (where applicable).

**Reason:** To protect the environment and the integrity of European sites.

9. (a) Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at existing nearby habitable dwellings. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.
- (b) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority indicating compliance with the above shadow flicker requirements at existing nearby habitable dwellings. Within 12 months of the commissioning of the wind farm, this report shall be prepared, submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested by the planning authority at reasonable intervals thereafter.

**Reason:** In the interest of residential amenity.



10. Noise levels generated by the windfarm following commissioning, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at existing noise sensitive locations, shall not exceed the lower of the predicted noise limits, as set out in the EIAR (Chapter 13), as received by the planning authority on the 9<sup>th</sup> day of August 2024:
- (a) For the daytime period 0700 to 2300 hours in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 37.5dB(A)L90 T10;
  - (b) For the daytime period 0700 to 2300 hours where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels;
  - (c) For the nighttime period 2300 to 0700 hours, for all noise environments, 43dB(A)L90 T10; and
  - (d) For financially involved properties, a maximum noise level for day and night of 45dB(A)L90 T10.

Prior to the commissioning of the windfarm, the developer shall submit to, and agree in writing with, the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a detailed methodology for all sound measurements including Amplitude Modulation (AM) and tonal noises, including frequency of monitoring (initially six months with confirmatory monitoring in the third year post commissioning) and recording of results, which shall be made publicly available. The results of the initial noise compliance monitoring to be submitted to, and agreed in writing with, the planning authority within 12 months of commissioning of the wind farm. The NCMP shall be fully implemented during the operation of the windfarm.

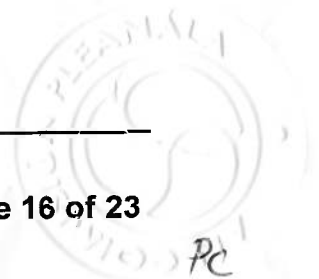
**Reason:** In order to protect the amenities of existing noise sensitive properties in the vicinity of the development.

11. The developer shall appoint a Community Liaison Officer for all stages of the development who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining complaints register, addressing complaints and for discharging information in relation to the development to residents.

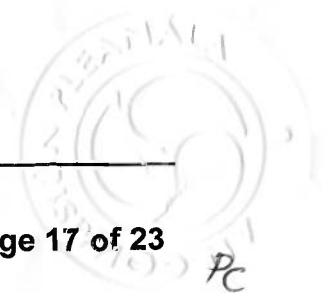
**Reason:** In the interests of amenity and orderly development.

12. The construction of the development shall be managed in accordance with a complete Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide an implementation tool for the schedule of mitigations (as conditioned) and as applicable to the construction phase and the contractor(s). The CEMP shall provide details of intended construction practice for the development, including, but not limited to, and in line with the methodology and mitigation and monitoring measures detailed within the EIAR and the NIS:

- (a) Details of the construction methodology for all the components of the development;
- (b) Details of all services and utilities along the grid connection route and methodology for crossing/diversions;
- (c) Details of on-site car parking and access arrangements for site workers and deliveries;



- (d) A Construction Traffic Management Plan. Details of abnormal load road routes and management of the abnormal load delivery process, construction haul routes, road closures and diversion, local property access arrangements, and alternative arrangements to be put in place for pedestrians in the case of the closure of any public road or footpath during the course of site development works;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) 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;
- (i) Details of marking of hydrological and hydrogeological buffer zones and silt fencing. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or groundwater;
- (j) A surface water management plan including details of water quality monitoring;
- (k) Works to be carried out in accordance with Inland Fisheries Ireland 'Guidelines on protection of fisheries during construction works in and adjacent to waters';

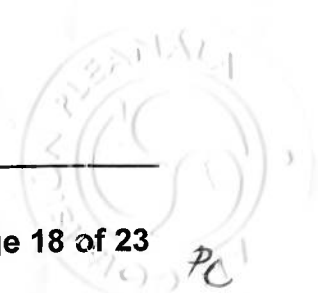


- (l) Location and specifications of any temporary storage requirements;
- (m) A waste management plan for construction waste;
- (n) Identify the location and buffer zones of all archaeological and cultural heritage constraints relevant to the development, as set out in Chapter 15 of the EIAR and as requested by the planning authority;
- (o) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be available for inspection by the planning authority, with monitoring on a daily basis of all watercourses in or adjacent to works areas; and
- (p) Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer.

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

13. Prior to the commencement of the development, the developer shall liaise with Cork County Council and ESB Networks in relation to the sequencing of the grid connection works along the L-5320 and the Mallow Relief Road, and in the event a future transfer of grid connection cables onto the relief road is required, the developer/operator of the development shall bear the cost associated with the diversions of the grid connection cables.

**Reason:** To facilitate the coordinated delivery of infrastructure in the area.



14. The following design requirements shall be complied with:

- (a) The hub height of the turbine shall not exceed 100 metres, and the rotor diameter shall not exceed 150 metres. The overall tip height shall not exceed 175 metres. Details of the turbine design, hub height, blade length, and tip height shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development;
- (b) Cables within the site shall be laid underground and located within the verge of the access track;
- (c) The wind turbines shall be geared to ensure that the blades rotate in the same direction;
- (d) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast;
- (e) The wind turbines including tower and blades, and the anemometer mast, shall be finished externally in a light grey colour; and
- (f) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission;

**Reason:** In the interests of clarity and visual amenity.

15. Prior to the commencement of development, details of external finishes to substation buildings and structures, battery energy storage system, fencing, and for provision of CCTV to the sub-station compound.

**Reason:** In the interests of clarity and visual amenity.

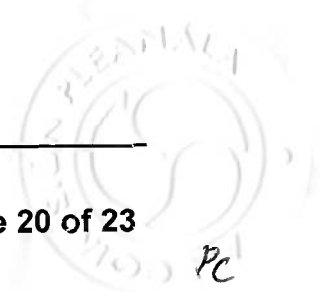
16. Prior to the commissioning of the windfarm, the developer shall submit for the written agreement of the planning authority details of actions to be taken by the developer/operator in the event of the wind turbines causing interference with telecommunication signals or television reception in the area. Such actions shall be completed to minimise interference with telecommunication signals and television reception and shall be carried out to the written satisfaction of the planning authority at the developer's expense.

**Reason:** In the interest of protecting telecommunication signals and residential amenity.

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

**Reason:** To safeguard the amenity of property in the vicinity.

18. (a) Prior to commencement of development and following consultation with the Department of Defence and Irish Aviation Authority, the developer shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.
- (b) The developer shall inform Irish Aviation Authority of its intention to commence crane operations with a minimum of 30 days prior notification of their erection.



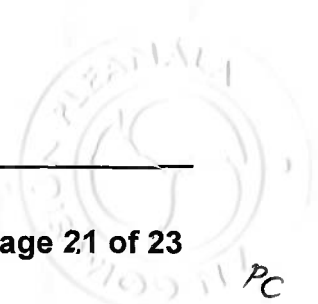
- (c) Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the as constructed positions of the turbines and the highest point of the turbines (to the top of the blade spin).

**Reason:** In the interest of air traffic safety.

- 19. The Community Benefit Scheme shall be adhered to for the life of the windfarm. The scheme shall be administered in accordance with the RESS Community Benefit Fund Good Practice Principles, 2021, prepared by the Department of the Environment, Climate and Communications.

In the event that the developer does not utilise the government's Renewable Energy Support Scheme (RESS), prior to the commencement of development, a community gain proposal shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure that the community living in proximity to the wind farm, benefits from it.



20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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.

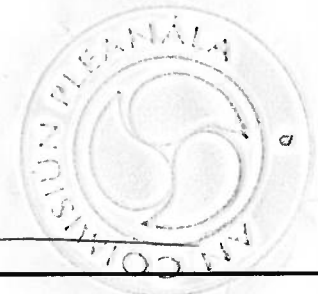
**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of such agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

22. 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.



**Paul Caprani**

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

**Dated this 21<sup>st</sup> day of May 2026**