



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323566-25

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

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 2560637**

**Appeal** by Antonio and Ann Perschini of The Commons, Glascarn Lane, Ratoath, County Meath and by Others against the decision made on the 14<sup>th</sup> day of August, 2025 by Meath County Council to grant permission subject to conditions a permission to Beo Properties Limited care of Maria Rochford, KPMG Future Analytics of 1 Stokes Place, Dublin in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the construction of 364 number residential units, a commercial building (857.05 square metres) containing a creche, a retail unit and a café and a section of the Ratoath Outer Relief Road (RORR) together with all associated ancillary accommodation, open space and site development works. The total overall gross floor area (GFA) of the development is 40,753.53 square meters of which 39,881.14 square meters is residential Gross Floor Area and 872.39 square meters is non-residential Gross Floor Area. The proposed development consists of 364 number residential units including 250 number houses and 114 number apartment / duplex units. The 250 number houses will further consist of 38 number two-Bed, 151 number three-bed, 50 number

four-bed and 11 number five-bed units each with a private residential garden. In total, 500 number car parking spaces are provided for the proposed houses. The proposed development consists of a mix of detached, semi-detached and mid-terrace housing types ranging from two- to three-storeys in height. The 114 number apartment / duplex units will be provided within a total of nine number blocks ranging from two-four storeys in height including six number. Apartment blocks with a total of 91 number apartments and three number duplex blocks with a total of 23 number duplex units. Each apartment / duplex unit will have a private balcony/terrace and access to communal open space totalling 0.118 hectares. The 114 number apartment / duplex units will further consist of 32 number one-bed units, 69 number two-bed units and 13 number three-bed units. Details of the apartment and duplex blocks are provided on a block-by-block basis below:

- Apartment block one (three-and- four-Storey Building) will consist of six number one-bed units and 13 number two-bed units
- Apartment block two (four-Storey Building) will consist of two number one-bed units and 10 number two-bed units
- Apartment block three (four-Storey Building) will consist of two number one -bed units and 10 number two-bed units
- Apartment block four (three-Storey Building) will consist of five number one -bed units and 10 number two-bed units
- Apartment block five (four-Storey Building) will consist of six number one-bed units and 14 number two bed-units
- Apartment block six (two and three -Storey building) will consist of four number one-bed units and nine number two-bed units
- Duplex block one (three-storey building) will consist of two number one-bed units, one number two-bed unit and four number three-beds units
- Duplex block two (three-storey building) will consist of three number one bed-units, one number two bed-unit and five number three-beds units
- Duplex block three (three-Storey Building) will consist of two number one-bed units, one number two-Bed unit and four number three-Beds units

In total, 152 number car parking spaces are provided for the proposed apartment / duplex units comprised of 114 number spaces for residents (including 25 number EV spaces) and 38 number spaces for visitors (including seven number EV spaces and nine number Accessible spaces). A total of 266

number cycle parking spaces is provided for the apartment/duplex units including 209 number spaces for residents and 57 number spaces for visitors. A total of four number ancillary external bin stores (59.23 square metres) is provided to serve the proposed apartment / duplex blocks. The proposed development includes a two-storey commercial building (857.05 square meters) comprising of a creche (total 692.8 square metres) at ground level and first floor level with associated creche outdoor play area at ground level (254.4 square metres), a retail unit (93.5 square metres) at ground level and a café (63.13 square metres) at ground level with associated outdoor seating area. In total, 24 number car parking spaces are provided for the commercial building including four number EV spaces, one number accessible space and two number Set down spaces. A total of eight number cycle parking spaces is provided for the commercial building. One number ancillary external bin store (15.34 square metres) is provided to serve the proposed commercial building. The proposed development will include the construction of the remaining section of the Ratoath Outer Relief Road (RORR) from its current temporary termination point to the east of the subject site to the existing Fairyhouse Road (R155) in the west. The proposed section of the RORR runs from a new proposed signalised junction on the R155, east along the southern boundary of the subject site for approximately 1.08km to the current RORR temporary termination point and for an additional 75m to put a new surface course on the adjoining constructed section of the RORR. A dedicated pedestrian path and a segregated two-way cycle path is proposed along the northern side of the proposed road. Two number bus stop laybys are proposed along the proposed section of the RORR with one number on the northern side and one number on the southern side of the proposed carriageway. A grass verge is proposed to the north of the RORR and a soft margin is proposed along the south side of the RORR. A toucan-controlled crossing is proposed along the RORR to the west of the proposed bus stop laybys to allow for safe access from the pedestrian/cycle infrastructure on the northern side of the RORR to the bus stop and Glascarn Lane on the southern side of the RORR. The proposed road will provide access to the subject site in the form of two priority

junctions on the northern side of the RORR. Three number agricultural site entrances and a new junction with Glascarn Lane are proposed on the southern side of the RORR. Dedicated pedestrian and shared pedestrian/cycle path connections are provided from the subject site to Fairyhouse Road (R155) to the west, Glascarn Lane to the north, and the RORR and Glascarn Lane to the south. The proposed development includes the realignment of an existing section of Glascarn Lane (circa 270 metres in total) to facilitate the construction of the proposed section of the RORR. To the north of the RORR, an existing section of Glascarn Lane (circa 75 metres) will have vehicular traffic removed from it and be repurposed as an active travel shared surface. To the south of the RORR, an existing section of Glascarn Lane will be upgraded to a two-lane road (circa 187 metres) with a 40 metres footpath along the eastern side of the carriageway. A total of 1.59 hectares landscaped public open space comprising a central public park area of 0.4 hectares and a series of pocket parks featuring formal and informal play and amenity areas are also proposed and distributed throughout the development. Planning permission is also sought for an extension to the foul water network, surface water and watermain along the RORR required to facilitate the development and for all associated site development and infrastructural works, services provision, foul and surface water drainage, internal roads and pathways, parking infrastructure, lighting, substations, hard and soft landscaping, boundary treatments, green and blue infrastructure and associated signage. Permission is sought for a Seven-year planning permission for a Large-scale Residential Development (LRD) at this site (12.58 hectares) located on the southern edge of the settlement of Ratoath in County Meath, within the townlands of Commons and Jamestown. The subject site is generally bound to the north by Glascarn Lane, the rear of houses at Glascarn Lane, further existing residential dwellings and a permitted strategic housing development (SHD) scheme (Register Reference Number TA17/305196); to the east by the permitted SHD scheme (Register Reference Number TA17/305196); to the south by existing agricultural fields and by Glascarn Lane; and to the west by Fairyhouse Road (R155), the rear

of houses on Fairyhouse Road, Cairn Court and Carraig na Gabhna, and existing agricultural fields.

## 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

In coming to its decision the Commission had regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework First Revision (2025),
- (c) the provisions of Delivering Homes, Building Communities (2025)
- (d) the provisions of the Climate Action Plan (2025),
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024),
- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2023),

- (h) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018),
- (i) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),
- (j) the provisions of the Design Manual for Urban Roads and Streets (2019),
- (k) the provisions of the Quality Housing for Sustainable Communities Best Practice Guidelines (2007),
- (l) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (m) the provisions of the Meath County Development Plan 2021-2027 (as varied) including the 'A2 – New Residential', 'WL – White Lands', and 'RA – Rural Area' zonings for the site and the 'Transport – Indicative Road Route' objective,
- (n) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Appropriate Assessment Screening, and the third parties' grounds of appeal,
- (o) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (p) 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 on European sites,

- (q) the planning history in the vicinity of the site, and,
- (r) the report of the Senior Planning Inspector.

### **Appropriate Assessment Screening**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviceable lands, the nature of the receiving environment which comprises a greenfield site at the edge of an urban area, the distances to the nearest European sites, the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening, and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and considered that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment was not, therefore, required.

### **Environmental Impact Assessment**

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

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

- (c ) the submissions received from the applicant, planning authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Senior Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, 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 agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

#### **Reasoned conclusion on the significant effects**

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- Positive significant permanent impact for population, due to the substantive increase in the housing stock during the operational phase.
- Temporary negative noise effects up to significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase mitigation measures.

- Direct, positive, significant, long-term traffic and transport impact in terms of improved infrastructure and permeability due to the extension and completion of the Ratoath Outer Relief Road in line with development objectives MOV OBJ 55 and RA OBJ 6 of the Meath County Development Plan 2021-2027 (as varied).

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

### **Proper Planning and Sustainable Development**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Meath County Development Plan 2021-2027 (as varied), would make efficient use of an appropriately zoned site at the edge of Ratoath, would positively contribute to an increase in housing stock and physical infrastructure in the area, in particular the extension and completion of the Ratoath Outer Relief Road, would be acceptable in terms of urban design, layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area. 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, 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 mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

**Reason:** To protect the environment.

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

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

4. (a) The 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 any development.  
  
(b) The Ratoath Outer Relief Road shall be constructed within the first phase and shall be extended and completed and fully open for use prior to first occupation of the development.

- (c) The proposed commercial building shall be within the first phase and prior to the completion of the first phase of the development hereby permitted, the permitted childcare unit, cafe unit, and retail unit shall be fully fitted out and suitable for immediate occupation and operation.
- (d) Details of all creche, cafe, and retail unit signage shall be submitted to, and agreed in writing with, the planning authority prior to operation of any of these units.

**Reason:** In the interests of the timely provision of services, residential and visual amenity, and of the proper planning and sustainable development of the area.

5. Prior to the commencement of development, the developer shall submit details of the following for the written approval of the planning authority:
  - (a) The signalised junction of the proposed Ratoath Outer Relief Road with Fairyhouse Road/R155 and the interface with the existing public road.
  - (b) The interface of the realigned section of Glascarn Lane south of the proposed Ratoath Outer Relief Road and the existing section of Glascarn Lane, and the incorporation of existing property accesses into the realigned section.
  - (c) The interface of the extended/resurfaced section of the proposed Ratoath Outer Relief Road and the existing section of the road.
  - (d) The design of the proposed Ratoath Outer Relief Road within the site boundary.

(e) A Road Safety Audit and a Quality Audit, in accordance with Transport Infrastructure Ireland and Design Manual for Urban Roads and Streets requirements, shall be completed for the proposed development. Any amended layouts that address the recommendations of the audits at each stage shall be submitted to the planning authority for agreement.

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

6. The developer shall provide a piece of public art to be designed in consultation with the planning authority, or as otherwise agreed with the planning authority. The location of the piece of art shall be agreed with the local authority prior to the commencement of works on site.

**Reason:** To comply with objective DM OBJ 38 of the Meath County Development Plan 2021-2027.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the rear garden area of Units 138 to 147, without a prior grant of planning permission.

**Reason:** In the interest of residential amenity given the depth of the rear gardens and proximity to adjacent dwellings.

8. Prior to the commencement of development on site, the developer shall submit for the written agreement of the planning authority, an updated Noise Impact Assessment which shall include details of the proposed construction methodology to mitigate noise impacts given the sites location in Zone D of the Dublin Airport Noise Zone. Details of all measures to provide satisfactory noise insulation of the proposed development shall be included on all relevant plans and particulars.

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

9. 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 high standard of development.

10. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

- 11 (a) The landscaping scheme shown on Drawing Numbers DWG.01, DWG.02, DWG.03, and DWG.04, as submitted to the planning authority on 20<sup>th</sup> day of June, 2025, shall be carried out within the first planting season following substantial completion of external construction works.

- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) The area outside the site boundary to the north of the proposed Ratoath Outer Relief Road but within the applicant's land ownership, as shown on Drawing Number DWG.04, shall be maintained as a grass verge by the landowner until such time as it is developed or taken in charge, or otherwise ceases to be a verge area. Details in relation to this shall be agreed with the planning authority prior to the completion of the Ratoath Outer Relief Road.
- (d) Final details of all boundary treatments shall be agreed in writing with the planning authority prior to commencement of development.

**Reasons:** In the interests of residential and visual amenity.

12. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

13. (a) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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.

(b) Prior to the commencement of development, the developer shall coordinate with the developer of the adjacent site under which permission was granted for development under planning authority register reference number 25/60676 with regard to the management and maintenance of the drainage ditch and mature hedgerow along the common boundary. In the event that the subject development is constructed ahead of the adjacent permitted development, the developer shall submit, for the written agreement of the planning authority, details of the management and maintenance agreement.

- (c) Prior to the commencement of development, the developer shall agree in writing with the planning authority the proposed outfall level to the ditch to ensure that any upgrade works to the culvert under the R155/Fairyhouse Road do not impact the proposed surface water design.
- (d) Prior to the commencement of development, the developer shall coordinate with the developer of the adjacent site under which permission was granted for development under planning authority register reference number 25/60676 and shall submit for the written agreement of the planning authority details of the surface water outfall location(s) and details of any regrading of the ditch and culvert upgrade works. In the event that the subject development is constructed ahead of the adjacent permitted development, the developer shall submit for the written agreement of the planning authority a surface water drainage resolution for the proposed outfall.

**Reason:** In the interests of orderly development and public health.

14. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for 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.

15. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

**Reason:** In the interests of amenity and public safety.

16. 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 interests of visual and residential amenity.

17. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions, parking areas, kerbs, and signage 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. 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 interests of amenity and of traffic and pedestrian safety.

18. Prior to the commencement of development, a drawing outlining the areas to be taken in charge shall be submitted for the written agreement of the planning authority. The development hereby permitted shall be carried out and completed at least to the construction standards, as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards, as set out in the 'Recommendations for Site Development Works for Housing Areas', issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

19. 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.

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

20. 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.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) 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 queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

(n) The appointment and responsibilities of a community liaison officer for the duration of the construction period.

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

22. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Friday inclusive, between 0800 and 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.

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company(s) contract(s), and drawings/particulars describing the parts of the development for which the company(s) would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

24. The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the development until taken in charge by the planning authority and/or Uisce Éireann at its discretion.

**Reason:** To ensure adequate maintenance of the development.

25. 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 sections 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.

26. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex 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 specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

27. 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 accepted in writing by the planning authority, to secure the protection of the trees/hedges on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedge or trees/hedges on the site or the replacement of any such trees/hedges which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees and hedges to be retained on the site.

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

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Marie O'Connor*  
Marie O'Connor

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



Dated this 17 day of December 2025.