



An
Coimisiún
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Kingston Stables Limited

(b) Address

First Floor, Technology House Galway, Technology
Park, Parkmore, Galway.

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Katie Fleming, MKO

(b) Agent's address

MKO, Tuam Road, Galway, Ireland H91VW84

✓

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the
address in Part 1

☐

The agent at the address in
Part 2

☒

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Galway City Council

(b) Planning authority register reference number

(for example: 18/0123)

25/60320

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Rahoon, Knocknacarra, Galway

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see refer to the Grounds of Appeal documents accompanying this application form.

Supporting material

6. The Planning and Development Act 2000 (As Amended), Section 127 states *“An appeal or referral shall be accompanied by such documents, particulars or other information relating to the appeal or referral as the appellant or person making the referral considers necessary or appropriate”*

Please note: An Coimisiún Pleanála will receive a complete copy of documents, drawings and maps that were submitted to the local planning authority as part of the planning application stage and are displayed on the planning authority's website. Therefore, we advise you **not to upload** any of these documents as part of the supporting material with your appeal. When uploading supporting material, please **only include new documents**. This does not apply to third party appeals where you **must** include a copy of the planning authority's acknowledgement letter.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal.
You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

Oral hearing request

9. If you wish to [request the Commission to hold an oral hearing](#) on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒



An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902
Address

Our ref: 260423-b

6th May 2026

Re: First Party Planning Appeal in relation to a condition attached to a Grant of Permission (Pl. Ref. 25/60320) by Galway City Council for a Large-Scale Residential Development in Ragoon, Knocknacarra, Galway.

Dear Sir/Madam,

On behalf of our client Kingston Stables Limited (the Applicant), First Floor, Technology House Galway, Technology Park, Parkmore, Galway, MKO have prepared a First Grounds of Appeal submission to An Coimisiún Pleanála in respect of Condition No. 28 attached to the decision by Galway City Council (GCC) to grant permission for a Large-Scale Residential Development, on lands at Ragoon, Knocknacarra, Galway (Pl. Ref. 25/60320). Permission was granted on the 9th April 2026 and the appeal deadline is the 6th May 2026.

A copy of the decision notice relating to Galway City Councils decision (Pl. Ref. 25/60320) is enclosed in Appendix 1 of this appeal submission. As this appeal relates to Section 48 of the Planning and Development Act, it is concluded it is appeal type A8 and is subject to a fee of €220. This fee is paid via credit card payment at time of submission of this appeal (6th May 2026).

The Condition being appealed is worded as follows –

Condition No. 28

‘The development shall pay the Planning Authority a financial contribution as a special contribution under section 48(2)C, of the Planning and Development Act 2000, as amended, in respect of works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road. The amount of the contribution shall be agreed between the Planning Authority and the development, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.’

Grounds of Appeal

Galway - MKO, Tuam Road, Galway, H91 VW84 (**Correspondence address**)
Dublin - MKO, 9C Beckett Way, Park West Business Park, Dublin, D12 XN9W

+353 (0)1 735 611 | [mkoireland.ie](mailto:info@mkoireland.ie) | info@mkoireland.ie

McCarthy Keville O'Sullivan Ltd t/a MKO. Registered in Ireland No: 462657. VAT No: IE9693052R
MKO Water Limited t/a MKO. Registered in Ireland No: 338589. VAT No: IE6358589Q
MKO Estates & Project Management Ltd. Registered in Ireland No: 613029. VAT No: 3497697JH

In 2023, a design team appointed by the project developers of the Knocknacarra District Centre (South) and the broader 'Kingston lands', illustrated in Figure 1, undertook a master planning process including the subject site. By incorporating adjacent lands to the north and northeast, zoned as '*Regeneration and Opportunity Sites*' in the Galway City Development Plan, and coordinating a joint approach among project developers, the land bank's full potential could be realised through a number of distinct planning applications, which were informed by early master planning exercises in consultation with the planning authority. Through this process, a cohesive plan for access, connectivity, permeability and a diverse mix of uses could be established, with individual developers and landowners then progressing to detailed design and eventually would seek permission for individual development from Galway City Council.



Figure 1: Knocknacarra District Centre (South) Masterplan Site

An initial meeting was held with Galway City Council in January 2023 with follow up meetings in March and December 2023 and January 2024. The purpose of the meetings was to discuss the main constraints of the subject lands and agree basic design principles for the lands. Galway City Council offered input on what, in their view were the key deliverables for the subject lands, as well as high level agreement on site access strategies, connectivity and character areas.

It was established through the pre-application meetings and design coordination meetings that upgrade works at the Altan Road entrance were the only infrastructure interventions required to facilitate the delivery of the masterplan site. Through collaboration of the masterplan project developers, it was agreed these upgrade works would form part of Pl. Ref. 24/60360. These upgrades were assessed as part of Pl. Ref. 24/60360 and subsequently granted permission by Galway City Council on the 23rd July 2025.

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At no stage during the extensive pre-application engagement process did the Planning Authority identify the works now referenced in Condition No. 28 as infrastructure necessary to facilitate the Proposed Development. The absence of any such requirement throughout the master planning and pre-application process further demonstrates that the identified works are not development-specific enabling infrastructure arising from the Proposed Development.

The works referred to by GCC in the subject condition as ‘*works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road*’ and the lands in which GCC refer ‘*from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road*’ relate to a wider public road corridor already forming part of the established active travel network within Knocknacarra/Rahoon, as indicated below in Figure 2. The works therefore constitute broader area-serving infrastructure improvements rather than development-specific infrastructure required to facilitate the Proposed Development. As such, the necessity and justification for these additional works have not been demonstrated, particularly in the context of the previously agreed and permitted scope of infrastructure required to enable the Proposed Development.



Figure 2: Application Site Context in relation to works referred to in Condition No. 28

As demonstrated in Figure 2, the Proposed Development is well served by a comprehensive network of active travel infrastructure, including existing pedestrian and cycle routes in the surrounding area. In addition, the Proposed Development itself delivers a direct active travel connection between Millers Lane and Kingston Road, thereby enhancing permeability and connectivity within the local network.

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In this context, the works referenced by Galway City Council under Condition No. 28 do not relate specifically to the Proposed Development and are not required to enable its delivery or operation. Rather, they pertain to wider infrastructure objectives that extend beyond the nature and scale of the Proposed Development. Accordingly, no clear or evidence-based justification has been provided to demonstrate that such works are necessary or proportionate in this instance.

GCC stated Condition No. 28 is made in accordance with Section 48(2)(c) of the Act. Section 48(2)(c) states:

'A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development' (our emphasis added)

As set out above, a Planning Authority may require the payment of a special contribution where specific exceptional costs, not covered by the general contribution scheme, are incurred by the Planning Authority in respect of specified particular works of public infrastructure and facilities which benefit the Proposed Development.

The *Development Management Guidelines 2007* state that it is essential that the basis for calculation of the exceptional costs be explained and that the nature and scope of the works and the apportionment to the specific development must be transparent. In this instance, The Planning Authority has not identified any quantum of contribution, any estimated exceptional cost, any methodology for apportionment, or any evidential basis upon which the Applicant could assess the validity or proportionality of the contribution. In effect, the Planning Authority has sought to reserve a right for a future determination of an unspecified contribution, absent to any identified exceptional cost or apportionment exercise. This is contrary to the statutory requirements of Section 48(2)(c) and the principles of transparency and proportionality set out in the *Development Management Guidelines*.

The *Development Contributions Guidelines 2013* state that special contributions arise where conditions require the provision of specific public infrastructure or facilities to address the particular needs of a proposed development. In this instance, the pedestrian and cycle infrastructure set out in Condition No. 28 is not specific to the Proposed Development and would benefit a wide range of existing landowners, residential properties and the wider Ragoon/Knocknacarra area. Furthermore, no evidence has been provided demonstrating that the Proposed Development gives rise to any need for the identified works, or that the proposed development would generate impacts necessitating such works.

Section 48(2)(c) clearly establishes a high threshold for the imposition of a special contribution. The provision applies only where '*specific exceptional costs*' arise. The provision of pedestrian and cycle infrastructure is a standard requirement in the proper planning and sustainable development of an urban area. As such, this provision cannot be considered exceptional, nor can the associated costs incurred be regarded as exceptional. No evidence has been provided by Galway City Council to demonstrate that the works referred are in excess of what would normally be provided by a Local Authority and hence no evidence has been provided of exceptional costs of its provision. In this regard, it is important not to confuse exceptionality with benefit. Section 48(2)(c) does not permit a special contribution merely because infrastructure may confer some benefit on a development. The statutory test is whether specific exceptional costs arise.

In this context, the provision of pedestrian and cycle infrastructure, rather than being an exceptional infrastructural requirement or exceptional cost, forms part of the general functions of the Planning

Authority. In MKOs view, the provision of pedestrian and cycle infrastructure along an existing public roadway, with existing pedestrian infrastructure currently in place, does not constitute an exceptional infrastructural requirement and does not give rise to exceptional costs. The infrastructure referenced in Condition No. 28 forms part of a wider strategic active travel network serving the broader Knocknacarra/Rahoon area and multiple existing and future landholdings. Such infrastructure is inherently public and area-serving in nature rather than development-specific infrastructure necessitated by the Proposed Development.

In addition to the above, The Planning Authority has not demonstrated that the identified infrastructure costs are excluded from the adopted Development Contribution Scheme or other public funding mechanisms. Pedestrian and cycle infrastructure of the nature proposed is ordinarily funded through standard Section 48 development contributions, capital expenditure programmes and active travel funding streams. No evidence has been provided that the alleged costs fall outside these mechanisms.

Conclusion

As set out above, the Applicant respectfully submits that Condition No. 28 shall be removed for the following reasons –

- The Planning Authority has failed to demonstrate the existence of ‘specific exceptional costs’ as required under Section 48(2)(c) of the Planning and Development Act 2000 (as amended);
- The condition fails to identify any contribution amount, cost basis, apportionment methodology, or evidential justification and is therefore vague, uncertain and contrary to the requirements of Section 48(2)(c);
- The identified infrastructure constitutes general area-serving public infrastructure benefiting the wider Knocknacarra/Rahoon area and is not development-specific infrastructure required to facilitate the Proposed Development;
- No evidence has been provided demonstrating a direct relationship between the Proposed Development and the alleged requirement for the identified works; and
- The Planning Authority has not demonstrated that the costs concerned are not already covered under the Development Contribution Scheme or other public funding mechanisms.

It is therefore considered that the special development contribution attached as Condition No. 28 is not in accordance with Section 48(2)(c) of the Planning and Development Act, 2000 as amended. Accordingly, it is respectfully requested that An Coimisiún Pleanála remove Condition No. 28 from the decision of Galway City Council to grant permission under Pl. Ref. 25/60320 dated 9th April 2026.

Yours sincerely,

Katie Fleming

Katie Fleming

Planner

Enclosed

- Galway City Council Decision to Grant Pl. Ref. 25/60320

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Appendix 1

*Galway City
Council Decision to
Grant (Pl. Ref.
25/60320)*

GALWAY CITY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 (as amended)

NOTIFICATION OF DECISION UNDER SECTION 34 OF THE 2000 ACT

**To: Kingston Stables Ltd
c/o Evelina Sadauskaite
MKO
Tuam Road
Galway
H91 VW84**

Ref. No. in Planning Register: 25/60320

Date of Receipt of Application: 16/10/2025

In pursuance of the powers conferred upon them by the above-mentioned Acts, Galway City Council, being the Planning Authority for the City of Galway have by order dated 09/04/2026 decided to grant PERMISSION to the above named for development of land, namely:-

Notice for a Large-Scale Residential Development Application to Galway City Council. Permission for development which consists of: We, Kingston Stables Limited, intend to apply for permission for development of a Large-Scale Residential Development (LRD) for a 10-year planning permission, on a site which extends to 5.37 ha on lands located at Ragoon, Knocknacarra, Galway. The application is being made under the provisions of the Planning and Development (Amendment) (Large Scale Residential Development) Act 2021. The proposed development will consist of: 1. Provision of 362 no. residential units in 4 no. development areas with a mix of apartment and house types on a site area of 5.37 ha. The buildings range between 2 no. and 6 no. storeys in height. The development will comprise the following: • 4 no. 2-bed townhouses; • 40 no. 3-bed townhouses; • 21 no. 4-bed townhouses; • 15 no. 1-bedroom duplex apartments; • 46 no. 2-bedroom duplex apartments; • 15 no. 2-bedroom duplex houses; • 46 no. 3-bedroom duplex houses; • 114 no. 1-bedroom apartments; • 56 no. 2-bedroom apartments; • 5 no. 3-bedroom apartments. 2. Demolition of existing structures (333.8 sqm); 3. Vehicular access to the proposed development from a permitted road (Planning Reference 24/60370 refers); 4. The provision of new active travel cycle and pedestrian access from Millers Lane; 5. Upgrades to the existing access at Kingston Road 6. The provision of a childcare facility (440 sq.m.); 7. The provision of public open space; 8. The provision of 665 no. bicycle parking spaces; 9. The provision of 313 no. car parking spaces; 10. Public lighting, bin stores, signage, services, ESB substation, site landscaping and all ancillary site development and enabling works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development. All application documentation including the NIS and EIAR is available to view online at the following website set up by the applicant www.kingstonstableslrd.com

at Lands at Ragoon, Knocknacarra, Galway,

in accordance with all documentation lodged in respect of this application, including those submitted on 16/10/2025, and subject to the conditions set out in the schedule attached hereto.

Main reasons and considerations on which the decision is based: -

SCHEDULE REFERRED TO IN CHIEF EXECUTIVE'S ORDER NO. PL.26.0287

PLANNING REGISTER REFERENCE NO.

25/60320

The proposed development has been assessed, within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policies, objectives and the development management standards and guidelines of Galway City Council, as set out in the Galway City Development Plan 2023-2029. Based on this assessment, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and with the provisions of the Development Plan.

Details of the appeals procedure, including time limits, fees, etc. are explained on the An Coimisiún Pleanála website www.pleanala.ie.

Signed on behalf of Galway City Council:

pp Kevin O'Connor

Senior Staff Officer
Planning Department

Date: 09/04/2026

This notice is not a grant of Permission/Outline Permission/Retention

It should be noted that until a grant of Permission/Outline Permission/Retention Permission has been issued, the development in question is **NOT AUTHORISED**.

If there is no appeal, a grant of Permission/Outline Permission/Retention Permission will be issued after the expiration of the period within which an appeal may be made to An Coimisiún Pleanála.

1. The development shall be carried out and completed in accordance with the application made on the 16/10/2025 as amended by the revised details and drawings received on the 5/2/2026, but subject, however to the requirements of the further conditions hereinafter incorporated.

REASON:

To ensure that the development is carried out in accordance with the permission and that effective control is maintained.

2. The development hereby permitted shall be carried out within ten [10] years from the date of the grant of permission.

REASON:

Having regard to the nature, scale and location of the proposed development, the Planning Authority considers that it is reasonable and necessary to specify a period of validity of this permission in excess of five years.

3. The communal open space, recreational facilities and related landscaping, located along the eastern and central sections of the site hereby granted permission, shall be fully constructed and completed within the first phase of development. No residential unit, dwelling/apartment/duplex unit shall be occupied until the communal open space, recreational facilities and related landscaping are fully completed, accessible and available for use by the residents of the permitted units. The developer shall inform the Planning Authority in writing of the completion of this element of the development and shall seek a letter of compliance from the Planning Authority. Until the receipt of such a letter of compliance by the developer from the Planning Authority, No residential unit, dwelling/apartment/duplex unit shall be occupied.

REASON:

To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.

4. This development forms part of an overall masterplan, in this case the areas where this site abuts other lands forming part of the wider masterplan area, their proposed connectivity points for vehicles, pedestrians, cyclists and the communal open space, shall not be blocked off or have any permanent fencing or walls erected. The erection of any proposed temporary fencing, along the border of this site and other lands forming part of the overall masterplan area shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

REASON:

To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.

5. No residential unit dwelling, apartment or duplex unit shall be occupied until such time as the roadway, footpaths and cycle paths accessing the site from the School/Roundabout roadway have been fully constructed. The developer shall inform the Planning Authority in writing of the completion of this element of the development and shall seek a letter of compliance from the Planning Authority. Until the receipt of such a letter of compliance by the developer from the Planning Authority, No residential unit, dwelling/apartment/duplex unit shall be occupied

REASON:

To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.

6. No residential unit dwelling, apartment or duplex unit shall be occupied until such time as the footpaths and cycle paths accessing Millers Lane and the Kingston Road roadway have been fully constructed. The developer shall inform the Planning Authority in writing of the completion of this element of the development and shall seek a letter of compliance from the Planning Authority. Until the receipt of such a letter of compliance by the developer from the Planning Authority, No residential unit, dwelling/apartment/duplex unit shall be occupied.

REASON:

To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.

7. Prior to the commencement of development, the following amendments to the following units shall be implemented and revised drawings be submitted to the Planning Authority for written agreements, the amendments are as follows:

- a. Threadneedle Quarter - Duplex A; Upper units No. 6 & 11; The first floor western facing kitchen window and a second floor bedroom window shall be obscured to a height of 1.8 metres from the internal floor area.
- b. Threadneedle Quarter – Duplex Block C; The kitchen and bedroom windows at first and second floor in Duplex Block C shall be obscured to a height of 1.8 metres from the internal floor area.
- c. Threadneedle Quarter - Townhouse F; the proposed bay windows shall be omitted and the western window for No. 48 shall be obscured to a height of 1.8 metres and an additional northern facing clear window provided for that bedroom. While the bay window for No. 49 shall be omitted and the window shall be obscured to a height of 1.80 metres.
- d. Duplex Block B; In this case Units No. 57, 59, 61 and 62 shall be omitted, a revised elevation and floor plan for the remaining lower apartment units shall be submitted

for written agreement with the Planning Authority prior to the commencement of development.

REASON:

In the interest of privacy and amenity of occupiers of adjacent houses and the proper planning and sustainable development of the area.

8. The external finishes and roof colour of the shall be as follows:

- a. The roof (s) shall be black in colour.
- b. The exact finish of the *brick* facing for the treatment of boundaries and dwellings shall be submitted for the agreement in writing with the Planning Authority prior to the commencement of development. The developer shall submit a photograph or sample brochure of the material proposed.

REASON:

In the interest of visual, residential amenity and the proper planning and sustainable development.

9. With regards to the site boundary walls the following shall be applicable:

- a. All walls within the site shall be of concrete construction, all finishes of the boundary walls shall be agreed in writing with the Planning Authority prior to the commencement of development.
- b. The boundary walls located to the rear of the front building lines shall not exceed 1.80 metres in height.
- c. All finishes of the boundary walls shall be agreed in writing with the Planning Authority prior to the commencement of development.

REASON:

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

10. The car parking area shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

REASON:

In the interest of proper planning and sustainable development.

11. With regards to the proposed terraces/balconies the following shall be applicable;

- a. The railings for all balconies shall be replaced with glazing or block finish, to be agreed with the Planning Authority in writing prior to the commencement of development.
- b. The side screens to the edges of the terrace shall be erected to a height of 1.8 metres taken from the floor of the terrace, these shall be permanently glazed in obscured glass.

REASON:

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

12. The residential units shall not be used for short term lettings as defined in the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.

REASON:

In the interests of proper planning and sustainable development of the area.

13. With regards to the mitigation measures outlined in the NIS the following shall be applicable;
 - a. Prior to the commencement of development, a suitably qualified person/company shall appointed to implement and monitor the mitigation measures.
 - b. The mitigation measures outlined in the submitted NIS shall be implemented in full.
 - c. The implementation of the pre-commencement measures shall be certified by a suitably qualified person, who shall submit a preliminary report confirming their implementation.
 - d. During the construction phase a suitably qualified person shall be employed to monitor on a regular basis and ensure compliance with the outlined mitigation measures, an update on the monitoring, including dates of inspections, and compliance shall be submitted to the Planning Authority every two months.
 - e. Upon completion of the development a final report shall be submitted from the appointed person/company certifying that the full implementation of the measures outlined has occurred.

REASON:

In the interest of ensuring the protection of the environment and the proper planning and sustainable development of the area.

14. Prior to the commencement of development, the location of two pieces of artwork shall be agreed to be located within this development. The evolution of the design should include

the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by the developer. The details and timeframe for its erection shall be agreed in writing with the Planning Authority prior to the commencement of development.

REASON:

In the interest of residential amenities and the proper planning and sustainable development of the area.

15. There shall be no plant, ducting, water tanks, television aerials, satellite dishes or telephone receiving/transmission equipment erected above roof level or on external walls of the apartments blocks without a further grant of planning permission notwithstanding exempted planning and regulations.

REASON:

In the interest of orderly development and the protection of visual amenities.

16. The developer shall obtain written agreement of Galway City Council for the appropriate name for the proposed housing development and its roads and on receipt of same, shall provide estate and road name plates and house number plates to the written agreement of Galway City Council and shall affix same when required in agreed positions.

REASON:

To ensure the satisfactory completion of the development.

17. The development shall connect to the existing water and sewer network.

REASON:

To facilitate long term drainage of the area and in the interest of proper planning and development.

18. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

REASON:

To facilitate long term drainage of the area and in the interest of proper planning and development.

19. Electricity, telephone and T.V. cables shall be laid underground.

REASON:

Interest of visual amenity.

20. Prior to the commencement of development, a detailed construction and traffic management plan shall be submitted for the written agreement of the Planning Authority. This plan shall include details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction and demolition waste, minimising impact on the public road and traffic. The CTMP shall incorporate requirements for Hoarding Licence and Road opening licences respectively.

REASON:

In the interest of proper planning and sustainable development of the area and traffic safety.

21. The developer shall ensure that all construction activity within this site shall comply with the following:

i. All construction activity shall be restricted to the following;

1. Between 0800 hours and 1800 hours Monday to Friday;
2. Between 0900 hours and 1300 hours Saturday, unless otherwise agreed in writing with the Planning Authority;
3. No works shall take place on Sundays, Bank Holidays or Public Holidays;
4. The site may be opened 30 minutes prior to the above outlined times in order to facilitate the arrival of workers, however no activity shall take place during this time;
5. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

ii. Prior to the commencement of development, the developer shall prepare a newsletter which shall include an outline of the length of construction period, the construction hours, method of delivery of materials/goods and any other items which may arise relating to construction, this shall be sent to the nearby residential estates and business, and an update shall issue at least every 4 months during construction, a copy shall be submitted to the Planning Authority for written agreement.

iii. All workers and visitors to the site shall not park on the adjacent public footpaths or roadways.

iv. Prior to the commencement of development, the developer shall agree in writing with the Planning Authority the times of deliveries of all construction materials to the site, generally off peak, this is in order to ensure the free flow of traffic along the public roadway and nearby junctions, particularly during peak travel times.

- v. Prior to the commencement of development including demolition work, the developer shall submit a formal Project Construction and Demolition Waste Management Plan to the Planning Authority for written agreement.
- vi. In the event that rock breaking is required on the site, a schedule of works including mitigating measures and the hours and days of operations shall be submitted for the agreement of the Planning Authority in writing.
- vii. The developer shall be responsible for installing and maintaining to a satisfactory standard a vehicular wheel washing facility on site during all of the construction phases of this development so as to prevent any dirt being transferred to the public roadways.
- viii. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing of Galway City Council or other public bodies responsible for such areas or utilities, before any alterations are carried out.
- ix. Surface water run-off from paved areas and down pipes associated with the development shall not be permitted to discharge onto the public road or footpath.
- x. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government unless required otherwise by Galway City Council in which case Galway City Council standards shall apply.

REASON:

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

- 22. Prior to the commencement of development, the developer shall submit for written approval a lighting design that recognises the existing PL infrastructure, such plans shall have regards to the surrounding area.

REASON:

In the interest of the proper planning and sustainable development of the area.

- 23. The communal open spaces and access ways shall be maintained by a properly constituted management company which shall also provide for the external repainting of the proposed apartment blocks every 5 (five) years. Details of the management company contract shall be submitted and the written agreement of Galway City Council obtained prior to occupation of any of the proposed apartments.

REASON:

To provide for the satisfactory maintenance of the public structures and areas of the residential buildings.

24. With regards to the landscaping of the site and the provision of recreational facilities, the following shall apply:

- i. The developer shall employ a suitably qualified Landscape Architect to oversee the implementation and certification of the Landscape Works. The appointed person shall submit a report of certification upon completion of the Landscaping of the site to the Planning Authority which shall be agreed in writing.
- ii. A professional prepared plan for the play area/recreational facility, along with exact details for the recreational play area/facility shall be agreed in writing prior to the commencement of development with the Planning Authority. The appointed person shall submit a report of certification upon completion of the play area/recreational facility to the Planning Authority which shall be agreed in writing by the Planning Authority.
- iii. Any trees/planting failing within the first year post completion shall be replaced. The developer shall submit a report to the Planning Authority, by the appointed landscaper, demonstrating compliance with this condition, the report shall include the current status of the landscaping/planting scheme and shall include photographic evidence and associated plans.

REASON:

In the interest of visual amenity and the proper planning and sustainable development of the area.

25. Prior to the commencement of development, the applicant shall submit an improved layout for the cul-de-sac type roadway along the proposed Creche, providing either a turning circle, or a revised reversing location, these details shall be agreed with the Planning Authority in writing.

REASON:

In the interest of traffic safety and the proper planning and sustainable development of the area.

26. The following Drainage conditions are required:

- a. A Stage 2 audit is required post grant/prior to construction. A Stage 3 audit is required post construction.
- b. A Storm Water Audit shall be submitted, and shall be carried out by an independent Engineer, separate from the Applicants Design Team. The Auditing Engineer must be independent of the Applicants Design Team.
- c. Submit a summary/overview of the background to the 65l/s design flow noted at outfall manhole before entering GCC network.

- d. Pre and Post works CCTV required from existing GCC outfall manhole to next GCC manhole. Pre works CCTV to be issued to GCC prior to any works commencing onsite.
- e. Any proposed temporary discharge of ground water during the construction phase to GCC network must be submitted to GCC for review/ approval.
- f. As built drawings shall be provided to Galway City Council upon completion of the project. Drawings are to be submitted in AutoCAD compatible (dwg/dxf) format and pdf, with the surface water infrastructure shown on a separate layer and a standard legend included. All Drawings to be geo coordinated & Scaled to OS - ITM (Irish Transverse Mercator) coordinate system & OSGM15 (Ordnance Survey Geoid Model 2015).
- g. The Applicant is obliged to ensure that no surface water, soil or other material discharges onto the public road or footpath.

REASON:

In the interest of proper planning and sustainable development of the area.

27. Prior to the commencement of development a financial contribution of € 3,028,984.40 (Three million twenty eight thousand nine hundred and eighty four Euro and Forty Cent) shall be paid, unless a phased payment scheme is agreed with the Planning Authority, by the developer to the City Council towards the cost of provision of public services in the area which facilitate the development.

REASON:

It is considered reasonable that the developer should contribute towards the cost of provision of public services facilitating the proposed development. The use or return of this contribution shall be carried out as provided for in Section 48 of the Planning & Development Act 2000 (as amended).

28. The development shall pay the Planning Authority a financial contribution as a special contribution under section 48(2)C, of the Planning and Development Act 2000, as amended, in respect of works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road. The amount of the contribution shall be agreed between the Planning Authority and the development, or, in default of such agreement, the matter shall be referred to An Comision Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office.

REASON:

It is considered reasonable that the developer should contribute towards the cost of provision of public services facilitating the proposed development. The use or return of this contribution shall be carried out as provided for in Section 48 of the Planning & Development Act 2000 (as amended).

29. The communal open spaces grouped car parking areas, sewers, watermains and communal services and access roads shall all be retained in private ownership or control and shall be maintained by a properly constituted management company. The details of the management company shall be agreed in writing with the Planning Authority prior to the commencement of development.

REASON:

In the interest of the proper planning and sustainable development.

30. Prior to the commencement of development, the developer shall lodge with Galway City Council the following:

- a cash deposit to the value of €895,000 (Eight hundred and ninety five thousand Euro), or,
- a bond of an Insurance Company, to the written agreement of the Planning Authority, to the value of €1,432,000 (One million four hundred and thirty two Thousand Euro).

This is to secure the provision and satisfactory completion and maintenance, of roads, footpaths, road verges, sewers, water mains, surface water drains, any public open spaces and other services required, until taken in charge by the a private management company, this shall be agreed in writing with the Planning Authority prior to the commencement of any development.

This security shall be kept in force until such time as these services are satisfactorily completed and shall be coupled with an agreement empowering the City Council to apply such security or part thereof for the satisfactory completion or maintenance, as aforesaid, of any part of the development.

This shall include the completion, submission and certification of the Galway City Council form 'Application Form for Security /Insurance Bond Release' and the submission of 'as constructed' drawings and any other material required.

REASON:

To ensure the satisfactory completion of the development.

31. The applicant, or any other person with an interest in the land to which the application relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, enter into an agreement with the Planning Authority under section 96 of the Planning and Development Act 2000, providing, in

accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96.

REASON:

To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended).

32. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

REASON:

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

33. With regard to Archaeological monitoring the following shall be applicable:

- a. The applicant is required to employ a qualified archaeologist to monitor all groundworks associated with the development, the Archaeologist shall be licensed.
- b. The archaeological monitoring programme must be carried out under licence from the Department of Housing, Local Government and Heritage and in accordance with the agreed method statement.

- c. Monitor all site clearance works, topsoil stripping and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- d. Should archaeological remains be identified during the course of archaeological works, the Archaeologist shall be empowered to have works suspended in the area of archaeological interest, pending a decision of the Planning Authority, in consultation with the Department, regarding appropriate mitigation (preservation in situ/excavation).
- e. 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 Department, shall be complied with by the developer.
- f. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the Department 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:

In the interest of proper planning and sustainable development.

SIGNED:



Director of Services
Urban Development

DATE:

09/04/2026

SCHEDULE REFERRED TO IN CHIEF EXECUTIVE'S ORDER NO. PL.26.0287

PLANNING REGISTER REFERENCE NO.

25/60320

Galway City Planning Authority - Inspection Purposes Only!