



Planning Department
Galway City Council
10A College Rd
Galway, Co. Galway
H91 F798, Ireland

Our ref: 220137-e

Your ref: ABP-321970-25

Date: 20 February 2026

Re: Section 5 Declaration for a Class 16 Exempted Development consisting of the construction of a Temporary Compound Area to support construction of the consented Large Scale Residential (LRD) scheme under ABP-321970-25.

Dear Sir/Madam,

1. Introduction

On behalf of the applicant, Cairn Homes Properties Ltd., we wish to make a request for a declaration under the provisions of Section 5 of the *Planning and Development Act 2000* (as amended) for a Class 16 Exempted Development consisting of the construction of Temporary Compound Area to support construction of the consented Large Scale Residential scheme (hereafter referred as permitted LRD) (under Reg. Ref. 2460270 / An Coimisiún Pleanála Ref. 321970-25, and as amended by Reg. Ref. 2560285). The proposed development is located to the south-west of the Ballymoneen Road (L5024), townlands of Keeraun (An Caorán) and Ballynahown East (Baile na hAbhann Thoir), Galway, Co. Galway.

This Section 5 application seeks a declaration from Galway City Council on the following,

“That the proposed temporary compound area to the north of the application site is exempted development under Class 16 of the provisions of the Planning and Development Regulations 2001 (as amended).”

The proposed Temporary Compound Area will comprise various structures, works, plants, and machinery. All elements associated with the works will be fully removed, and the lands will be reinstated upon completion of the construction phase.

The proposed works for the temporary compound area are critical to the implementation and delivery of the permitted LRD on the adjoining lands. From a health and safety standpoint, the proposed temporary construction compound will be used as a secured space to store the construction materials and other required resources include, site parking, site safety office, meeting rooms, emergency assembly points and welfare units, to keep the main works area clear. Please see **Figure 1** below prepared by Reddy Architecture + Urbanism, which shows the location of the construction compound area (outlined in red) in context of the wider development.

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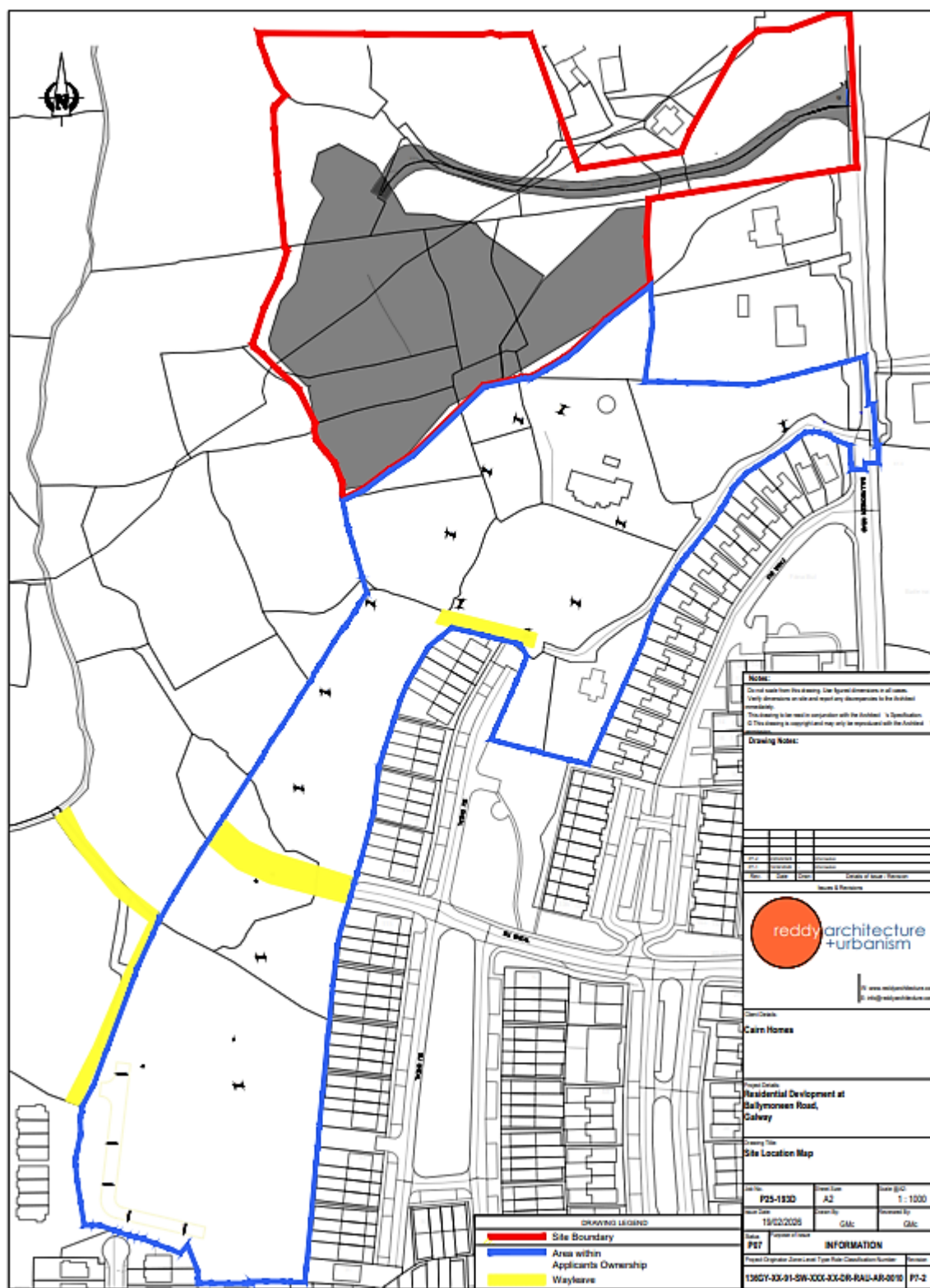


Figure 1: Site Location Map prepared by Reddy Architecture + Urbanism

The temporary compound area is proposed to ensure the permitted LRD on the adjoining lands can be built efficiently and safely. While the entire Temporary Compound Area including the temporary access extends beyond the originally permitted application boundary, it remains fully contained within the overall landholding under the ownership of Cairn Homes. To enable the occupation of the

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Please note that all proposed works are temporary in nature and solely relate to works associated with the implementation of the permitted LRD on the adjoining lands. The proposed temporary compound area will be fully removed, and the lands will be reinstated upon completion of the construction phase.

This Cover Letter should be read in conjunction with the following documents submitted along with this application:

1. Appropriate Assessment Screening Report prepared by MKO
2. Preliminary Environmental Impact Assessment Screening Report prepared by MKO
3. Architectural Drawings of the Proposed Temporary Compound Area prepared by Reddy Architecture + Urbanism

- Site Location Map (1:1000)
 - Site Layout Plan (1:500)
4. Engineering Drawing of the Proposed Temporary Compound Area prepared by Tobin Engineers
 5. Construction Management Plan (CMP) submitted as condition compliance under the consented LRD Scheme (under ACP Ref. 321970-25) prepared by Cairn Homes

2. Section 5 Exempted Development

This Section 5 application seeks a declaration from Galway City Council on the following,

“That the proposed temporary compound area to the north of the application site is exempted development under Class 16 of the provisions of the Planning and Development Regulations 2001 (as amended).”

The proposed Temporary Compound Area will comprise various structures, works, plants, and machinery. All elements associated with the works will be fully removed, and the lands will be reinstated upon completion of the construction phase.

Exempted Development – Evaluation

Planning and Development Act, 2000 (as amended)

For the purposes of this declaration, following statutory provisions of the *Planning and Development Act 2000 (as amended)* are relevant, and in this context, Section 2, 3, and 4 (1) of the Act state:

Section 2(1)

In this Act, except where the context otherwise requires –

***"structure"** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and*

(a) where the context so admits, includes the land on, in or under which the structure is situate...

***"works"** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*

Section 3(1)

***"Development"** in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

Planning and Development Regulations, 2001 (as amended)

Furthermore, Article 6 Part 1 of the *Planning and Development Regulations 2001 (as amended)* hereafter referred to as ‘the Regulations’ refers to ‘Exempted Development - General’ which sets out a description of development and conditions and limitations associated.

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Class 16 is most appropriate in this case which states;

‘Class 16 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.’

There is one condition attached to the Class 16 Exemption which is set out in **Table 1** below.

Table 1: Class 16 Exemption – Conditions and Limitations.

Class 16 Exemption – Conditions and Limitations	Assessment
1. <i>Such structures, works, plant or machinery shall be removed at the expiration of the period, and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.</i>	The proposed works are temporary in nature and solely relate to construction works associated with the implementation of a permitted LRD on the adjoining lands. The proposed temporary compound area will be fully removed, and the lands will be reinstated upon the completion of the construction phase. As per the indicative construction programme as prepared by Cairn Homes, the temporary compound area will be fully removed in Q1 2027.

In MKO’s opinion, it is considered that the proposed development is in line with Class 16 of the Regulations as the proposed works for the temporary compound area are critical to the implementation and delivery of the permitted LRD (under Reg. Ref. 2460270 / ACP Ref. 321970-25, and as amended by Reg. Ref. 2560285) on the adjoining lands. As outlined above, the proposed works are transient in nature and will remain in place only for the duration of the construction period.

Further to this, the proposed development will not exceed any of the limitations set out for a Class 16 Exempted Development. Drawing Nos. 136GY-ZZ-91-SW-ZZ-ZZZ-DR-RAU-AR-0010 and 136GY-ZZ-91-SW-ZZ-ZZZ-DR-RAU-AR-0011, prepared by Reddy Architecture + Urbanism, Drawing No. 136GY-01-95-SW-XX-XXX-DR-TOB-CE-02080 prepared by Tobin Engineers, and A Construction Management Plan prepared by Cairn Homes, submitted with this application pack, provides further details regarding the nature and extent of the proposed works.

Indicative Construction Timeline

The overall indicative construction programme for the project in its entirety is anticipated to run from 2025 to 2027. Accordingly, the temporary compound area is anticipated to be set up in Q1 2026 and fully removed in Q1 2027, reaffirming the temporary nature of the proposed works.

Please find enclosed Appendix 1 with this cover letter, providing further details on the project construction timelines as prepared by Cairn Homes.

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3. Article 9: Restrictions on Exemptions

Article 9 of the Planning and Development Regulations 2001 (Regulations) set out ‘Restrictions on Exemptions’. The Regulations state *“Development to which article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would.”*

MKO has assessed the proposed development against each of the Restrictions on Exemptions from Article 9 and responds to each in **Table 2** below.

Table 2: Article 9 Restrictions on Exemptions and Assessment

Article 9 (1) Restrictions on Exemptions	Assessment
<i>(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,</i>	Planning permission was granted for a Large-Scale Residential Scheme (LRD) under Reg. Ref. 2460270 / ACP Ref. 321970-25, and as amended by Reg. Ref. 256028 on the adjoining lands. The parent permission and conditions have been reviewed, and it is our opinion that the proposed development does not contravene any of the condition attached to ACP Ref. 321970-25.
<i>(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,</i>	The proposed development will not comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.
<i>(iii) endanger public safety by reason of traffic hazard or obstruction of road users,</i>	The proposed development will not endanger public safety by reason of traffic hazard or obstruction of road users.
<i>(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,</i>	The proposed development will not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.
<i>(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,</i>	The proposed development does not comprise the construction, erection, extension or renewal of a building on any street.

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<i>(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,</i>	It is noted that proposed temporary compound area falls under the proposed N6 Galway City Ring Road (GCRR) Corridor and is a part of the Compulsory Purchase Order (CPO). However, since the CPO has not been enacted yet, the lands are currently under full control of the applicant. The proposed works are temporary in nature and as noted, currently forms part of privately owned lands. The proposed works do not interfere with the structure of any public roads. As per the indicative construction programme as prepared by Cairn Homes, the temporary compound area will be fully removed in Q1 2027, reaffirming the temporary nature of the proposed works. Therefore, in this regard, the proposed development does not consist of or comprise the carrying out under a public road.
<i>(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,</i>	The proposed development does not fall, adjoin, or form part of any designated view corridors as identified in Section 5.7.3, Volume 1 of Galway City Development Plan 2023-2029 (GCDP). Accordingly, it is considered that the proposed development would not impact an area of special amenity value or special interest. The proposed development area is not located within any of the Protected Views listed in Table 5.9, Chapter 5, Volume 1 of the GCDP. There are no protected panoramic or linear views, that are affected by the proposed development.
<i>(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area</i>	The proposed development will not consist of excavation, alteration or demolition works. There are no Protected Structures within the vicinity of the proposed development site. The proposed development site is approximately 2.2 kilometres from the closest Protected Structure RPS: 10250 (Coláiste Éinde).

<i>plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,</i>	
<i>(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,</i>	The proposed development will not consist of excavation, alteration or demolition works. There are no Protected Structures or Recorded Monuments within the vicinity of the proposed development site. The proposed development site is approximately 2.2 kilometres from the closest Protected Structure RPS: 10250 (Coláiste Éinde).
<i>(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,</i>	The proposed development is not located within a Natura Heritage Area, Special Area of Conservation or a Special Protection Area. An Appropriate Assessment Screening has been carried out and is submitted with this application. An Appropriate Assessment Screening Report (AASR) has been carried out and is submitted with this application. The AASR concluded “<i>this proposal does not require Appropriate Assessment and can be screened out</i>”.
<i>(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.</i>	The proposed development site is not located within an area designated as a natural heritage area or a proposed natural heritage area. It is considered that the proposed development would not have an adverse impact on an area designated as a natural heritage area. An Appropriate Assessment Screening Report (AASR) has been carried out and is submitted with this application. The AASR concluded “<i>this proposal does not require Appropriate Assessment and can be screened out</i>”.
<i>(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,</i>	The proposed development does not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
<i>(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure</i>	The proposed development does not consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building.

<i>would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,</i>	
<i>(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,</i>	The proposed development does not consist of the fencing or enclosure of any land habitually open to or used by the public.
<i>(xi) obstruct any public right of way,</i>	It is noted that proposed temporary compound area falls under the proposed N6 Galway City Ring Road (GCRR) Corridor and is a part of the Compulsory Purchase Order (CPO). However, since the CPO has not been enacted yet, the lands are currently under full control of the applicant. The proposed works are temporary in nature and as noted, currently forms part of privately owned lands. The proposed works do not interfere with the structure of any public roads. As per the indicative construction programme as prepared by Cairn Homes, the temporary compound area will be fully removed in Q1 2027, reaffirming the temporary nature of the proposed works. Therefore, in this regard, the proposed development does not obstruct any public right of way.
<i>(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,</i>	The proposed development does not consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan.

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Article 9 (1) (b) Restrictions on Exemptions	Assessment
<i>(b) in an area to which a special amenity area order relates, if such development would be development: –</i>	The proposed development does not fall, adjoin, or form part of any designated view corridors as identified in Section 5.7.3, Volume 1 of Galway City Development Plan 2023-2029 (GCDP). Accordingly, it is considered that the proposed development would not impact an area of special amenity value or special interest.
<i>(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or</i>	Not Applicable
<i>(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or</i>	Not Applicable
<i>(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or</i>	Not Applicable
<i>(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,</i>	Not Applicable
Article 9 (1) (c) Restrictions on Exemptions	Assessment
if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,	Not applicable
Article 9 (1) (d) Restrictions on Exemptions	Assessment
<i>if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.</i>	Not applicable

In summary, it is considered that the proposed development of a proposed temporary compound area to the north of the application site constitutes exempted development under the provisions of Class 34 (a) of the Planning and Development Regulations 2001 (as amended).

4. Appropriate Assessment Screening Report

An Appropriate Assessment Screening Report (AASR) has been carried out by MKO to support this Section 5 application.

The AASR concludes the following:

“The review of plans and projects that is described above did not reveal any additional potential pathways for likely significant effect on European Sites that may have arisen as a result of those plans or projects.

No pathway or mechanism for the Works to result or to have resulted in any likely significant effect on any European Site, was identified when considered on its own during the assessment process and therefore, there is no potential for it to contribute to any such effects when considered in combination with any other development.”

5. Preliminary Environmental Impact Assessment Screening Report

A Preliminary Environmental Impact Assessment Screening Report (ELASR) has been carried out by MKO to support this Section 5 application.

The Preliminary ELASR concludes the following:

“The Preliminary Examination, carried out in accordance with Article(s) 103 and 120 of the Planning and Development Regulations 2001 (as amended) has concluded that the Proposed Development does not trigger the requirement for mandatory EIA. Accordingly, a formal EIA Screening (Step 3) is not required.

Having regard to the nature, scale and location of the Proposed Development, including its classification under Class 10(b)(iv) and Class 10(dd) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and the requirement to consider such projects under Class 15 where sub-threshold development may still give rise to significant environmental effects, it is concluded that the Proposed Development does not meet the criteria for mandatory EIA.

Accordingly, the Proposed Development has been assessed against the Schedule 7 criteria and, taking account of the temporary and modest scale of the works, the low environmental sensitivity of the receiving environment, and the absence of any identifiable pathways for significant environmental impacts, it is determined that the Proposed Development is not likely to give rise to significant effects on the environment. On this basis, an EIA is not required, and it is not necessary to progress to Step 3 of the EIA determination process.”

6. Conclusion

It is submitted that the proposed development of a Temporary Compound Area to the north of the permitted LRD (under Reg. Ref. 2460270 / An Coimisiún Pleanála Ref. 321970-25, and as amended by Reg. Ref. 2560285) is crucial for the implementation and delivery of this scheme, therefore, constituting exempted development under the provisions of Class 34 (a) of the Planning and Development Regulations 2001 (as amended).

Under the provisions of Section 5 (2)(a) the planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based within 4 weeks of the receipt of this request.

Should you require any further information please do not hesitate to get in touch with the undersigned.

Yours sincerely,



Anjali Swaminathan

Project Planner

> Enclosed

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Enclosed

MKO have confirmed with Galway City Council Planning Department that the statutory fee of €80 could be paid over the phone at the time of lodgement of the Section 5 Application. The payment was made on the 20/02/2026. The receipt for the same has been enclosed with this application.

The application documents which accompany this cover letter include:

1. Galway City Council Section 5 Application Form
2. Section 5 Cover Letter by MKO
3. Planning Fee Receipt [€80 paid on the 20th of February 2026]
4. Appropriate Assessment Screening Report prepared by MKO
5. Preliminary Environmental Impact Assessment Screening Report prepared by MKO
6. Architectural Drawings of the Proposed Temporary Compound Area prepared by Reddy Architecture + Urbanism
7. Site Location Map (1:1000)
8. Site Layout Plan (1:500)
9. Engineering Drawing of the Proposed Temporary Compound Area prepared by Tobin Engineers
10. Construction Management Plan (CMP) submitted as condition compliance under the consented LRD Scheme (under ACP Ref. 321970-25) prepared by Cairn Homes

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Appendix 1 – Indicative Construction Timeline

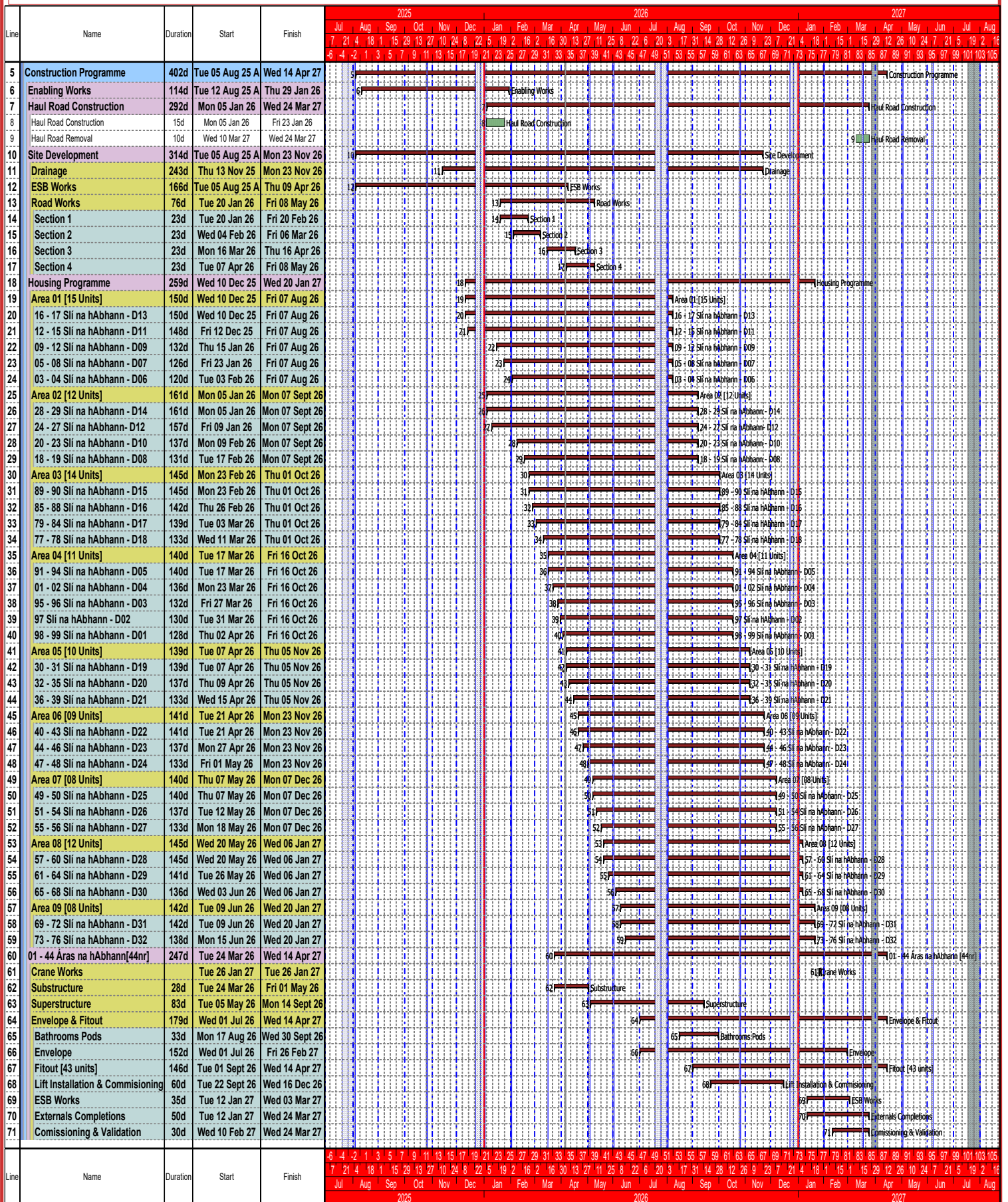
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Ballymoneen, Galway

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Summary Summary Summary

Issue Date:
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Page:
1 of 1

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AOC
Project Finish:
14/04/2027

Reference No.:
Rev 01

Client:
Cairn

High Level Programme