



An
Coimisiún
Pleanála

Direction
CD-020632-25
ACP-322813-25

The submissions on this file and the Inspector's report were considered at a meeting held on 10/09/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Patricia Calleary
Patricia Calleary

Date: 10/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the policies and objectives set out in the Revised National Planning Framework (2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) the policies and objectives set out in the Fingal Development Plan 2023-2029, including the location of the site on lands subject to the zoning objective 'RS' Residential and the permitted uses therein,
- (c) the Fingal County Council Development Contribution Scheme 2021-2025,
- (d) Housing for All, A New Housing Plan for Ireland (2021),
- (e) the Climate Action Plan 2025 and 2024,
- (f) the National Biodiversity Plan 2023-2030,
- (g) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- (h) the Sustainable Urban Housing: Design Standards for New Apartments (2023),
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities (2018),
- (j) the Design Manual for Urban Roads and Streets, 2013, updated (2019),
- (k) the Childcare Facilities Guidelines for Planning Authorities (2001),
- (l) the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),
- (m) the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021) updated in 2023,
- (n) the Development Management Guidelines for Planning Authorities (2007),
- (o) the nature, scale, and design of the proposed development,
- (p) the availability in the area of a range of social, community, and transport infrastructure,
- (q) the pattern of existing and permitted development in the area,
- (r) the planning history of the area,
- (s) the reports of the planning authority,

- (t) the submissions received by the planning authority from observers and prescribed bodies,
- (u) the grounds of first and third party appeals and observations,
- (v) the responses to the grounds of appeal by the planning authority and the applicant, and
- (w) the report and recommendation of the planning inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, Environmental Impact Assessment and Water Framework Directive Impact Assessment.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European Sites, and the absence of any direct hydrological connections, the submissions and observations on file, the information and reports submitted as part of the planning application and the appeal, and the planning inspector's report. In completing the screening exercise, the Commission adopted the report of the planning inspector and concluded 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 the sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment Screening of the proposed development and, in so doing, the Commission concluded that, by reason of the nature, scale and location of the proposed development, the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'RS' residential zoning objective and other policies and objectives of the Fingal Development Plan 2023-2029, would appropriately intensify the residential use on the site, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without the risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of April, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The living room windows at ground to fourth floor levels on the north elevation of Block D shall be increased in size to match the north-facing living room windows of apartment units 39 and 40 in Block C.

- (b) The south-facing living room windows on the eastern half of the southern elevation of Block D (i.e. serving unit 95 and those units above) shall be high level windows.
- (c) The south-facing living room windows on the western half of the southern elevation of Block D (i.e. serving Unit 100 and those units above) shall revert to the window sizes as per the drawings received by the planning authority on the 14th day of February, 2025.
- (d) All north-facing living room windows on Block E shall revert to the window sizes as per the drawings received by the planning authority on the 14th day of February, 2025.
- (e) The privacy screen walls using durable materials shall be installed in balconies located within close proximity of each other (under eight metres) within apartment blocks D and E.
- (f) 10 number short-stay cycle parking spaces (to include five number cargo parking spaces) for the use by the crèche shall be included on the western side of Block C in the vicinity of the crèche entrance. Lockers for staff shall be included within the internal layout of the crèche.

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

Reason: To protect the amenities of the area and the standard of residential accommodation provided.

3. All recommendations, mitigation and monitoring measures outlined in the submitted plans and particulars, including the Ecological Impact Assessment, Arboricultural Report, Archaeological Impact Assessment Report, Acoustic Design Statement and Mobility Management Plan shall be carried out in full, except where otherwise required by the conditions attached to this permission.

Reason: In the interest of protecting the environment, public health, and in the interest of clarity.

4. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development and boundary treatments shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority.
- (b) Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with the planning authority prior to commencement of development.
- (c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

5. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the planning application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the proposed development.

Reason: To provide for and/or future proof the proposed development such as would facilitate the use of electric vehicles.

6. Not more than 75 residential units shall be made available for occupation before completion of the childcare facility, unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at that time.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

7. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall comply with all future site lighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres and shields and/or dimming. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

9. (a) Prior to commencement of development, the developer shall submit a revised Landscape Masterplan to be agreed in writing with the planning authority, and to include the following:
- (i) Details and specifications for natural play, exercise equipment stations, paths through the public open space areas, off path seating and lamp standard locations.
 - (ii) Tree planting along Carpenterstown Road shall be revised to tie-in with the adjacent development to the east.

- (b) The revised Landscape Masterplan shall extend to the western property boundary with properties at Burnell Park Avenue. The landscape plan for the land adjoining the western property boundary (i.e. land outside the application red-line boundary but within the landownership blue line boundary, as identified on the Site Location Map drawing number WIN-00-LM-DR-JFA-AR-PP1001) shall include a ground restoration plan, revised Tree Protection Plan (drawing number 240607-P-12), if necessary, and supplemental tree planting details, and shall be informed by a pre-construction tree survey and pre-construction bat survey. Such surveys shall be prepared by suitably qualified professionals, and the surveys shall accompany the submission of the revised landscape masterplan to the planning authority.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (d) A tree bond of €20,000 shall be lodged with the planning authority prior to commencement of development in order to ensure that the trees noted for protection along the western boundary in the submitted Tree Protection Plan (drawing number 240607-P-12), or as revised by agreement under Condition 9(b), are protected and maintained in good condition throughout the course of development. For the tree bond to be released, a post construction report on the condition of the trees to be retained shall be undertaken by the project Arborist and all recommendations made within this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion signed by the project Arborist shall be provided to the planning authority.

- (e) The developer shall provide details and specifications for the agreement of the planning authority regarding the east boundary. This boundary shall consist of a block solid bar railing, hot dipped galvanised and powder coated, with anti-vandal fixings, with a pedestrian link to connect with the adjacent development.

Reason: In the interest of residential and visual amenity.

- 10. (a) All recommendations outlined in the submitted combined Stage 1 and 2 Road Safety Audit shall be implemented prior to occupation of any dwelling unit or respective phase of development, where applicable.
- (b) Upon completion of the development, and prior to occupation of any dwelling or commercial unit, the developer shall complete a Stage 3 Road Safety Audit to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to the occupation of any commercial or dwelling unit.

Reason: In the interest of pedestrian and traffic safety.

- 11. The internal road network serving the proposed development, including the interface with Carpenterstown Road, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in Design Manual for Urban Roads and Streets (DMURS), and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 12. Prior to commencement of development, a final Construction Environmental Management Plan (CEMP) and Construction Surface Water Management Plan shall be prepared and submitted to the planning authority for written agreement. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road

construction, and environmental management measures during construction, including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP and Construction Surface Water Management Plan shall be implemented in full in the carrying out of the development.

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

13. A final construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

14. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a final Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

15. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection networks.

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

16. Drainage arrangements, including 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 to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. 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.

Reason: In the interest of visual and residential amenity.

19. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film shall not be permitted.

Reason: In the interest of residential amenity.

20. A final Operational Waste Management Plan (OWMP) containing details for the management of waste within the proposed development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than six months from the date of commencement of development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

21. (a) Prior to commencement of the development, as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant dwellings 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 dwelling unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house 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 dwelling 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 residential 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.

22. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. 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.

24. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development, or part thereof, being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

25. All residential units shall be used as single residential units apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001, as amended. The residential units shall not be subdivided, used for multiple occupancy living units or for the purposes of short-term letting, except where otherwise permitted by way of a separate grant of planning permission.

Reason: In the interest of clarity and to ensure proper planning and sustainable development.

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

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

27. 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.

28. The developer shall pay to the planning authority a financial contribution in lieu of a shortfall of 5,712 square metres of Class 1 open space provision, in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. For clarity, the calculation of the financial contribution payable will be based on the levy rate for Class 1 open space as set out under Note 5 of the Fingal Development Contribution Scheme 2021-2025. 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.

Note:

The Commission did not attach part a. of the inspector's recommended Condition 2 (and did not concur with the inspector's rationale for recommending this element of the condition, as set out in Section 8.6.9 of the inspector's report), on the basis that the commission was satisfied that no unacceptable perceived overlooking would arise on the existing houses to the west, having regard to the available separation distances (c.26m or above), and proposals for incorporating the native hedgerow and tree line along the site's western boundary as set out in the Section 6.3 of the applicant's Arboricultural Report.

The Commission agreed with the inspector's assessment of the conditions appealed by the first party, Condition 14 (Contribution in lieu of play provision) and Condition 27 (Contribution in lieu of open space) of the Planning Authority's decision.

Accordingly, Condition 14 of the Planning Authority's decision was not attached to the Commission's decision and Condition 28 of the Commission's decision reflects the inspector's recommendation (in respect of the appeal against Condition 27 of the Planning Authority's decision, which was amended by the Commission).