

An
Coimisiún
Pleanála

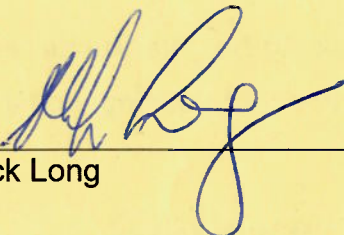
Direction
CD-021096-25
ACP-323150-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/10/2025.

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:


Mick Long

Date: 29/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission has made its decision consistent with the provisions of the Climate Action and Low Carbon Development Act 2015, as amended and the Climate Action Plans 2024 and 2025. In coming to its decision, the Commission had regard to the following:

- (a) the Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) the policies and objectives of the Fingal Development Plan 2023-2029 including the location of the site on lands zoned Objective RV (Rural Village) and Objective GB (Green Belt),

- (c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024.
- (d) the Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Local Government and Heritage in July, 2023.
- (e) the Childcare Facilities Guidelines issued by Government of Ireland in June, 2001,
- (f) the Regulation of Commercial Institutional Investment in Housing Guidelines issued by the Department of Housing, Local Government and Heritage in May, 2021,
- (g) the Design Manual for Urban Roads and Streets, 2013, updated 2019 issued by the Department of Transport, Tourism and Sport,
- (h) the Quality Housing for Sustainable Communities issued by the Department of the Environment, Heritage and Local Government in 2007,
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2018,
- (j) the National Biodiversity Action Plan 2023-2030,
- (k) the nature, scale and design of the proposed development and the availability in the area of infrastructure,
- (l) the planning history of the site,
- (m) the pattern of existing and permitted development in the area,
- (n) the reports of the planning authority,
- (o) the observations received,
- (p) the grounds of appeal received,
- (q) the response to the grounds of the appeal by the planning authority and the applicant, and
- (r) 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 status impact assessment.

Conclusions on Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the applicable Objective RV Rural Village and Objective GB Green Belt zonings of the Fingal County Development Plan 2023-2029. The proposed development would constitute an acceptable mix and quantum of residential development, would result in an appropriate density 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 be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The Commission considered that the proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2023-2029 with the exception of specific objectives relating to private open space (DMSO27), cycling parking provision (Table 14.17) and separation distances between first floors of residential units (DMSO23) where the Commission noted the Inspector's concerns that on a literal reading of those objectives, by reference to specific elements of the proposed development, material contravention can be considered to arise. Nevertheless, having regard to the relevant Specific Planning Policy Requirements (SPPRs) 1,2 and 4 of the Compact Settlement Guidelines 2024, which issued after the development plan, the Commission shall comply with the SPPRs under Section 34 of the Planning and Development Act 2000, as amended, where the SPPRs vary from the provisions of the development plan. Having regard to the overall quality and future benefits of the proposed scheme, the substantial compliance of the scheme with the development plan and noting the clear, reasoned assessment of the overall scheme by the planning authority the Commission determined that notwithstanding the above, a grant of planning permission is warranted in this instance. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA) Stage 1

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location 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, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the 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 such sites, and that a Stage 2 Appropriate Assessment and the preparation of a Natura Impact Statement is not, therefore, required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment Screening Determination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. Regard has been had to:

- (a) the nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned Objective RV (Rural Village) and Objective GB (Green Belt), and other relevant policies and objectives in the Fingal County Development Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) the brownfield nature of the site and its location in an urban area which is served by public services and infrastructure,

- (d) the pattern of existing development in the area,
- (e) the planning history at the site and within the area,
- (f) the location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
- (g) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage, and Local Government in 2003,
- (h) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended,
- (i) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment, Bat Assessment, the Arboriculturally Assessment, the Noise Impact Assessment, the Operational Waste Management Plan, the Construction and Environmental Management Plan and the Transport Assessment Report.

In so doing, the Commission concluded that by reason of the nature, scale and location of the proposed development, the 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of May 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. Mitigation and monitoring measures outlined in the plans and particulars submitted, including the preliminary Construction and Environmental Management Plan, the Noise Impact Assessment Report, the Ecological Impact Assessment, the Bat Assessment and Arboricultural Assessment submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of clarity and to protect the environment and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interest of residential amenity.

6. Proposals for an estate/street name, house/duplex numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/duplex 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 placenames for new residential areas.

7. Drainage arrangements and the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

8. Prior to the commencement of development, the developer 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.

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

9. The site shall be landscaped in accordance with a revised comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include the following:

- (a) details of boundary treatment, play provision, all weather pitch (both interim and permanent details), including ball stop netting,
- (b) the management and maintenance details and the phasing of landscape works, shall be submitted and agreed with the planning authority, prior to the commencement of development, and
- (c) details of SuDS and other services, and signage located on open space areas.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

10. (a) The developer is required to employ an appointed arboricultural consultant for the duration of the project including the construction design input of built features which shall be agreed in writing with the plan prior to the commencement of development.
- (b) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site

or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species.

Reason: To secure the protection of trees on the site.

11. (a) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority.
- (b) The layout of the pedestrian/cycle crossing of the R107 shall be agreed in writing with the planning authority.
- (C) Revised plans for traffic arrangements at the junction to Gandon Lane shall be submitted to and agreed in writing with the planning authority.

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

12. Public lighting shall be provided in accordance with the plans submitted and any revisions shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

13. 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 interests of visual and residential amenity.

14. 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.

Reason: In the interest of sustainable transportation.

15. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 14th February 2025. The specific measures detailed in the Mobility Management Plan to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

16. The proposed dwellings shall be provided with noise insulation to an appropriate standard, if required, having regard to the location of the site within Zone C associated with the Airport.

Reason: In the interest of residential amenity.

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

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

18. A finalised Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

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

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

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and for each duplex/apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

21. (a) The developer is required to employ a qualified archaeologist to monitor under licence all groundworks in the greenfield areas of the development site.
- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (c) The planning authority and the Department shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

22. The developer shall provide a piece of public art or sculpture or architectural feature to be designed in consultation with the Public Art Coordinators, Economic, Enterprise, Tourism and Cultural Development Department, Fingal County Council. Their pieces of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on the site.

Reason: To comply with Objective DMS0194 of the Fingal Development Plan 2023-2029.

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development 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 this development.

24. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers 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.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the 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.

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

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

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.