



An
Coimisiún
Pleanála

Commission Order
ABP-320878-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0612E

Appeal by Marron Estates Limited care of Hughes Planning of 85 Merrion Square, Dublin against the decision made on the 26th day of August 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Construction of a residential development of 59 number two-storey houses and two number three-storey apartment blocks (Apartment Block A and Apartment Block B) comprising a total of 18 number apartments; and, (ii) all associated works, inclusive of public open space provision, landscaping, boundary treatments, vehicular/pedestrian infrastructure, lighting and SuDS drainage necessary to facilitate the development. The proposed residential development will connect to existing infrastructure previously approved and constructed under planning register reference number F06A/0347 (which was later extended under planning register reference numbers F06A/0347/E1, F06A/0347/E2, F06A/0347/E3 and F20A/0309/E1). The houses will include 42 number three-bedroom semi-detached units (three number House Type F, eight number House Type G and 31 number House Type E), 14 number four-bedroom semi-detached units (one number House Type B and 13 number House Type A) and three number four-bedroom detached units (one number House Type C and two number

House Type D) each served by rear garden and two number on-curtilage parking spaces to the front. Apartment Block A will comprise eight number apartments (three number one-bedroom and five number two-bedroom) and Apartment Block B will comprise 10 number apartments (five number one-bedroom, four number two-bedroom and one number three-bedroom) with each apartment being served by external balconies/terraces and one number parking space at ground level whilst having access to shared bin storage and bicycle parking (54 number spaces) areas on lands south of Knockseadan Demesne, Naul Road, Brackenstown, Swords, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended, and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

The Commission had regard to:

- (a) the revised plans and particulars submitted to An Coimisiún Pleanála on 23rd day of September 2024; and the response to the Section 132 request submitted to An Coimisiún Pleanála on the 3rd day of March 2025;

- (b) the suitability of the site given its location within Knocksedan Demense and the existing residential development constructed and under construction on the directly adjoining site;
- (c) the residential zoning which applies to the site under the Fingal County Development Plan 2023-2029, under which residential development is stated to be generally acceptable in principle;
- (d) the policies of the planning authority as set out in the Fingal County Development Plan 2023-2029;
- (e) the National Planning Framework Plan 2040, First Revision April 2025;
- (f) the Regional Spatial and Economic Strategy 2020-2032;
- (g) Section 28 Ministerial and Other Guidance;
- (h) the distance to dwellings or other sensitive receptors;
- (i) the submissions made in connection with the application;
- (j) the likely consequences for the environment and the likely significant effects of the proposed development on European Sites;
- (k) the Screening for Appropriate Assessment submitted by the applicant; and
- (l) the report and recommendation of the Inspector.

Appropriate Assessment Screening

The Commission noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Commission accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European sites which could potentially be affected (Malahide Estuary Special Area of Conservation (0205), Malahide Estuary Special Protection Area (4025), and North West Irish Sea Special Protection Area (4236)), and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and

projects, on these European sites in view of the site's conservation objectives, and concluded that a Stage 2 Appropriate Assessment is not required.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below, the proposed development would be an appropriate form of residential development in terms of location, scale, form, and layout, would not seriously injure the residential and visual amenities of future occupants or the existing residents within the adjoining residential estate and would be acceptable in terms of the proposed vehicular entrance, parking provision, traffic movements and pedestrian safety. The proposed development complies with the development plan and accords with the proper planning and sustainable development of the area.

The Commission considered the quality and quantity of open space within the overall scheme to be adequate to serve the proposed development, in addition the Commission noted the proposed open space provision accords with the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities and therefore did not consider it appropriate to require a development contribution in lieu of open space.

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 submitted on appeal to An Coimisiún Pleanála on the 23rd day of September 2024, 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. Prior to the commencement of development on site the developer shall submit revised plans and elevations for the written agreement of the planning authority detailing:
 - (a) Exact details of the timber louvres to be installed on the bedroom window and study window of apartment number 4 Block A (to the west, addressing the rear garden of house number 12), and the study window and bedroom window of apartment number 2 Block B (to the east addressing the rear garden of house number 1).
 - (b) All stairwell windows serving proposed apartment Block A and apartment Block B facing east and west shall be fitted with obscure glazing.

Reason: To protect residential amenities.

3. The parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

4. (a) The full technical details of the improvement/realignment works to the R108, Naul Road that were condition number 5, of F06A/0347 and which the applicant has stated, in the submission received on the 3rd day of March 2025, is to be delivered pursuant to Section 40 of the Planning and Development Act, 2000 (as amended under which the provision of the roads which are necessary for, or ancillary or incidental to the completed building within the wider site can continue to be constructed based on the head permission, shall be agreed in writing with the planning authority prior to the commencement of development. The agreed works shall be completed prior to the commencement of the residential development the subject of this permission unless an alternative phasing is agreed in writing with the planning authority. This work shall be carried out at the expense of the applicant and or developer.
- (b) Prior to the commencement of development the applicant/developer shall consult with the planning authority to ensure the full technical details of the junction arrangements including realignment of the road as shown on drawing titled Contiguous Elevation, Site Layout Plan, drawing number ME-002, received by the Commission on the 23rd day of September 2024, accords with what is agreed under (i) above. On foot of this consultation the developer shall submit details of the final design, including any amendments required to the works provided for in (i) above, for written agreement from the planning authority. The agreed works shall be completed prior to the commencement of the residential development the subject of this permission unless an alternative phasing is agreed in writing with the planning authority. This work shall be carried out at the expense of the applicant and or developer.

Reason: In the interest of traffic safety, noting that works to the R108, that were a condition of an earlier permission of development for this overall site remain outstanding and, that these works and the works proposed as part of this application are required to accommodate the pedestrian and vehicular movement for this development, and the orderly development of the area.

5. (a) All recommendations of the Road Safety Audit received by An Coimisiún Pleanála on the 23rd day of September 2024 shall be implemented and incorporated into the proposed development.
- (b) The internal road serving the proposed development including turning bay, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of traffic and pedestrian safety.

6. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Mondays to Fridays inclusive except public holidays, and shall not operate on Saturdays, Sundays, or public holidays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

7. The number of children to be accommodated within the premises shall not exceed 66 number children and five group rooms/classrooms at any time on any day.

Reason: To limit the development in the interest of residential amenity.

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

Reason: In the interest of visual amenity.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

10. Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of amenity and public safety.

11. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

12. 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 and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of this development.

Reason: In the interest of public health and orderly development.

14. Drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of proper site drainage.

15. Prior to commencement of development, the developer shall consult with the Irish Aviation Authority and AirNav Ireland.

Reason: In the interest of aviation safety.

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

dust management plan, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

17. The site shall be landscaped in accordance with a 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 plan to scale of not less than 1:500 showing:
- (a) existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping;
 - (b) the measures to be put in place for the protection of these landscape features during the construction period;
 - (c) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder;
 - (d) details of screen planting;
 - (e) details of roadside/street planting, including details of the proposed landscaping/planting to the front of the apartment Blocks, for the site entrance and the treatment of the linear parks along the R10, which shall not include prunus species;
 - (f) details of the proposed playground provided at a suitable location within the overall scheme;
 - (g) the play provision in accordance with Fingal's play strategy- 'Space for Play- A Play Strategy for Fingal';
 - (h) hard landscaping works, specifying surfacing materials, furniture/play equipment and finished levels;
 - (i) specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment; and

- (j) a timescale for implementation.

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, 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 interest of residential and visual amenity.

18. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

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

19. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

20. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

22. 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.

23. (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 or duplex unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential 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 residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units 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 residential 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 residential 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.

24. 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.

25. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

A circular official seal of An Coimisiún Pleanála is visible in the background. It features a stylized 'S' logo in the center and the text 'AN COIMISIÚN PLEANÁLA' around the perimeter. A handwritten signature, 'Mary Henchy', is written across the seal.

Mary Henchy

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

Dated this 25th day of June 2025