



An  
Bord  
Pleanála

**Board Order**  
**ABP-321408-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW23A/0394**

**Appeal** by Patrick Redmond and Mary Casey care of Stephen Molloy Architects of 12 Saint Brigid's Shopping Centre, Main Street, Blanchardstown, Dublin against the decision made on the 11<sup>th</sup> day of November, 2024 by Fingal County Council to grant subject to conditions a permission to Seamus, Jessica and Malachy Tighe care of Peter W. Rafter Architects Limited of Ennis House, Castleknock Road, Castleknock, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The construction of three number detached two-storey dwellings with converted attics including one dormer window to the west elevation of house one, two number dormer windows to the north elevation house two and two dormer windows to the north elevation of house three and detached garage to front of house three, new access service road off Outfarm Lane and revised vehicular access to Cloonfad and all associated site works and services including upgrading and incorporating a new footpath on Outfarm Lane across the entire site frontage at Cloonfad, Outfarm Lane, Carpenterstown Road, 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**

Having regard to the provisions of the Fingal Development Plan 2023-2029, including the 'RS Residential' land use zoning objective for the area, and the relevant policies and objectives of the development plan, including Policy SPQHP38 'Compact Growth, Consolidation and Regeneration'; and having regard to the scale, form, design, and layout of the proposed development, and to the pattern of development in the area; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, and would overall promote the residential development of the area; would not seriously injure the residential amenity of dwellings in the area; would not be prejudicial to public health; and would comply with the policies and provisions of the Development Plan; and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 18<sup>th</sup> day of October 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. The following shall be complied with:
  - (a) The footpath along Outfarm Lane shall be a concrete footpath and shall be constructed across both entrances at the same level. The entrances shall be raised so that pedestrians retain priority across the entrances;
  - (b) The road widening and upgrade works, and all ancillary works required on Outfarm Lane, shall be constructed at the expense of the developer and completed prior to the occupation of the development;
  - (c) The roadside verge shall be maintained by the owner/occupier/Management Company indefinitely, ensuring maximum sightlines are maintained;
  - (d) All stormwater shall be disposed of to soakpits or drains within the site, and shall not discharge onto the public road;

- (e) All works required for the widening and upgrade of Outfarm Lane shall be constructed and maintained to the planning authority's standards for taking in charge, including roads, footpaths, verges, public lighting, sewers, watermains or drains, forming part of the development;
- (f) The public lighting requirements for Outfarm Lane shall be agreed with the Public Lighting Section of the planning authority prior to any works being carried out;
- (g) The need for the traffic calming ramp to the south of the proposed access shall be determined by the planning authority prior to construction, as there may be conflict with the proposed traffic calming to be delivered by the development to the south permitted under Register Reference Number FW23A/0183.

**Reason:** To protect the amenities of the area and to minimise the risk of traffic hazard in the area.

- 3. 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 details for the disposal of surface water from the site, for the written agreement of the planning authority.

**Reason:** In the interest of public health.

4. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

5. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, details of all roadside boundary treatments and site landscaping.

**Reason:** To protect the amenities of the area, and in the interest of orderly development.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.

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

8. A detailed 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, management of impact on neighbouring accesses and parking, 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 traffic safety and convenience.

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

**Reason:** To safeguard the amenity of property in the vicinity.

10. 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 or parts of the development being taken in charge. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. A management scheme providing adequate measures for the future maintenance of open spaces, roads, boundaries, and communal areas 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.

11. 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 reinstatement of public roads and 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 or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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



12. The developer shall pay to the planning authority a financial contribution as a contribution in lieu of the public open space requirement, in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any 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 Bord 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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.





13. 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 Bord 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.

  
Mary Rose McGovern

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board

Dated this 2<sup>nd</sup> day of April 2025