



An
Bord
Pleanála

Board Order ABP-321657-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: SFL/003/2025

Appeal by Majella Dunne, Nicola Byrne and Mary Lynch care of 4 New Street, Malahide, County Dublin against the decision made on the 1st day of January, 2025 by Fingal County Council to grant, subject to conditions, a licence to Gibney's Pub of 5, 6, 7 and 11 New Street, Malahide, County Dublin.

Licence Application: Licence to place 14 tables, 84 chairs, 13 parasols and one windbreaker at Gibney's Pub, New Street, Malahide, County Dublin.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and extent of the proposed development for which a street licence is sought, to the location of the site on New Street, in the commercial centre of Malahide and the objectives for the area as set out in the Fingal Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the temporary use of the street as an outdoor seating/ serving area for Gibney's Public House would not seriously injure the amenities of the area, including the amenities of residential properties, would not have an adverse effect on the character and setting of the designated Architectural Conservation Area and would not be prejudicial to public safety by reason of traffic hazard. The proposed development 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, 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 street furniture may be placed on the eastern side of New Street in accordance with the Site Plan, Outdoor Seating Arrangement Plan and Details drawing number 01 in an area measuring 126 square metres (42 metres length x 3 metres width). The street furniture shall be arranged and maintained so as to maintain a minimum footpath clearance of 1.8 metres and so as not to obstruct the free-flow of pedestrian traffic.

Reason: In the interest of public safety.

3. The street furniture shall only be placed at the above location between 0900 hours and 2200 hours. All items covered under this license, under the control of the applicant shall be removed outside of these hours and stored within the building.

Reason: In the interest of the amenities of the area and to facilitate street cleaning.

4. The street furniture shall be maintained in a safe, clean and tidy condition and adequate waste management facilities shall be maintained at the site by the applicant.

Reason: In the interest of the visual amenities of the area.

5. No outside amplification speakers/live entertainment shall be permitted without prior written consent from the planning authority and no speaker or amplifier within these premises shall be configured in such a manner so as to project sound onto the public footway.

Reason: In the interest of the amenities of the area.

6. All appropriate public liability insurances shall be in place for the duration of this licence.

Reason: In the interest of public safety.

7. The license permitted by this order shall expire on the 31st day of December 2025.

Reason: In the interest of the amenities of the area.



Marie O'Connor

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *14* day of *May* 2025.