

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322003-25

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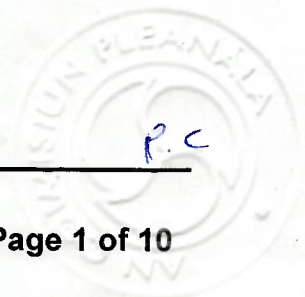
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0548E**

**Appeal** by Tomas McNally care of Michael Halligan Planning Consultant of Seapoint House, Balbriggan, County Dublin against the decision made on the 10th day of February 2025, by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of four new detached dormer-type dwellings and associated new landscaping and boundary works. Alterations and completion of development works to existing private access road and footpaths (previously permitted under planning register reference number F06A/1923), including, inter alia, new shared-surface paving and street lighting. All associated drainage, site, and civil engineering works, including alterations/traffic calming works to the public road (L1320), including a new raised table at the junction with existing access road to application site and two new speed control ramps to be located further westwards along the L1320 and also including associated signage and road markings, all at Drumanagh View, Ballykea, Loughshinny, Skerries, 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**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant residential zoning objective and other policies and objectives of the Fingal Development Plan 2023-2029, would be in accordance with Objective DMSO142 (Invasive Species Control Plan) and Objective GINHO32 (Development and Invasive Species) of the development plan, would appropriately intensify the residential use of the site as per Policy CSP14 (Consolidation and Re-Intensification of Infill/Brownfield Sites), would constitute an acceptable mix and quantum of residential development as per the relevant Development Management Standards of the development plan and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 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 the environment, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 An Bord Pleanála on the 4<sup>th</sup> day of March 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. A plan for the management and/or removal of any identified invasive species, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The following requirements shall be complied with:
  - (a) The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of works.
  - (b) The arboricultural consultant shall ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report, and the tree plans and particulars.

- (c) Any tree felling, surgery and remedial works shall be undertaken in accordance with the relevant applicable standards, and shall be supervised by, to the satisfaction of, the arboricultural consultant.
- (d) The developer shall facilitate the work of the arboricultural consultant in implementing the measures in the Arboricultural Report and shall bear the costs of same.
- (e) 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 acceptable to the planning authority, to ensure the boundary hedgerow along the northern boundary is protected and maintained in good condition throughout the course 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:** In the interest of arboricultural and environmental protection.

- 4. 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.

5. (a) The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.
- (b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

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

6. 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 scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees in a finalised agreed Landscape Masterplan and Planting Schedule. 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.

7. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

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8. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

10. 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.

11. 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 Cycle Design Manual, issued by the National Transport Authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of traffic, pedestrian, and cyclist safety.

12. (a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by the legally constituted management company.
- (c) 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.

**Reason:** In the interest of orderly development and to provide for the satisfactory future maintenance of the development.

13. (a) The areas of communal and public open space in the development shall be levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the planning application, unless otherwise agreed with the planning authority.
- (b) Final design, finishes, methods of construction and/or installation of footpaths, cycle paths, seating, crossing points over ditches/drains/SuDS features, and equipment in play areas shall be submitted to the planning authority for written agreement.
- (c) The landscaping and planting schedule shall be managed and maintained in accordance with a Landscape Management and Maintenance Plan to be submitted and agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.
- (d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company.

**Reason:** In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.



14. 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 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.

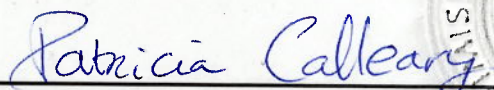
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. 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.

16. The developer shall pay to the planning authority a financial contribution in respect of a shortfall in the provision of public open space 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.

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

Dated this 02 day of July 2025.