



An
Coimisiún
Pleanála

**Commission Order
ACP-323690-25**

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0580E

Appeal by Sebring Limited against the decision made on the 22nd day of August, 2025 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Construction of 18 number two-four bedroom two-storey semi-detached and terraced dwelling houses with rear gardens (houses range in size from circa 103 square metres to circa 153 square metres gross floor area each); public open space (circa 563 square metres in area); proposed vehicular and pedestrian access from Beaverstown Road; proposed internal access/shared road through the site; car parking (19 number spaces); bicycle parking; bin storage; lighting; hard and soft landscaping; boundary treatment works; services provision; drainage works including Sustainable Urban Drainage Systems (SuDS) and all associated site excavation, infrastructural and site development works above and below ground (including pumping station and associated kiosk); all on site of circa 0.52 hectares on lands located at Kavanagh's Garden, Beaverstown Road, Donabate, County Dublin. The site is bounded to the north by lands associated with a two-storey detached dwelling on Beaverstown Road and the

single storey detached dwelling known as 'Strawberry Bungalow', to the south by the one-two storey Donabate Portrane Educate Together National School, to the east by the rear gardens associated with two-storey semi-detached dwellings at numbers 77, 78, 79 and 80 Somerton and to the west by Beaverstown Road, as amended by the revised public notice received by An Coimisiún Pleanála on the 28th day of November, 2025.

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 policies, objectives and provisions of the Fingal Development Plan 2023-2029, including to the 'RS – Residential' land use zoning objective for the area which seeks to provide for residential development and protect and improve residential amenity, as well as to the relevant provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, and having regard to the nature, scale, form, height, layout and design of the proposed residential development surrounding environment, and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the provisions of the Development Plan and of the relevant national guidelines, would not seriously injure the residential or visual amenities or character of the area, would be acceptable in terms of traffic safety and convenience, and would not adversely affect the local environment. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information on file. The Commission concluded that the proposed development, alone or in combination with other plans and projects, has the potential to have significant effects on the Rogerstown Estuary Special Area of Conservation (site code: 000208) and Rogerstown Estuary Special Protection Area (site code: 004015) European Sites in view of the sites' conservation objectives and that an Appropriate Assessment Stage 2 (and submission Natura impact statement) is, therefore, required.

This determination is based on:

- the Zone of Influence of potential impacts,
- information presented in the Appropriate Assessment Screening reports and Natura Impact Statement submitted with the appeal,
- qualifying interests, special conservation interest and conservation objectives of the European Sites, and
- potential hydrological pathway to European Sites via an adjacent drain.

Appropriate Assessment

Following examination, analysis and evaluation of the Natura Impact Statement submitted, and all associated material submitted, it is considered that adverse effects on site integrity of the Rogerstown Estuary Special Area of Conservation (site code: 000208) and Rogerstown Estuary Special Protection Area (site code: 004015) European Sites can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- detailed assessment of construction and operational impacts,
- the proposed development will not affect the attainment of conservation objectives for Rogerstown Estuary Special Area of Conservation (site code: 000208) and Rogerstown Estuary Special Protection Area (site code: 004015) European Sites or prevent or delay the restoration of favourable conservation condition for these sites,
- effectiveness of mitigation measures proposed and adoption of the Construction and Environmental Management Plan, and
- application of conditions to ensure these matters if permission is granted.

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 An Coimisiún Pleanála on the 18th day of September, 2025 and the 20th day of May, 2026, 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 comply with the following requirements:
 - (a) Internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply 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 (DMURS).
 - (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

- (c) All works proposed to the existing public footpath to provide vehicular access to the site including details of pedestrian connectivity at the proposed access junction shall be submitted to, and agreed in writing with, the planning authority prior to commencement.
- (d) A revised site layout plan shall be submitted for the written agreement of the planning authority demonstrating appropriate design and layout of the proposed shared surface to include appropriate stand-in and/or buffer space between dwellings unit numbers HT-A and HT-A (drawing number PL-01 'Site Plan' prepared by PCOT Architects submitted to the planning authority on the 30th day of June 2025).
- (e) Details of the roadside boundary, proposed setback and access arrangements along Beaverstown Road shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roadside verge between the footpath and the proposed boundary shall be maintained as a level grass verge.

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

- 3. 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 the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing (landscape plan drawing number P-L-001 prepared by Purser) submitted to the planning authority on the 30th day of June, 2025. 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.

4. 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 and to ensure an appropriate high standard of development.

5. The mitigation measures contained in the Natura Impact Statement (NIS) submitted to An Coimisiún Pleanála on the 18th day of September, 2025 shall be implemented.

Reason: To protect the integrity of European Sites.

6. The mitigation measures contained in the submitted Ecological Impact Assessment (Section 6) prepared by Moore Group and submitted to An Coimisiún Pleanála on the 18th day of September, 2025, shall be implemented.

Reason: To protect the local biodiversity and habitats.

7. 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. 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.

8. Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and agreed in writing with the planning authority.

Reason: In the interests of pedestrian and traffic safety.

9. The development shall comply with the following requirements:

(a) the detailed design of the proposed public open space shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development,

(b) the site shall be landscaped in accordance with a comprehensive boundary treatment and landscaping scheme, 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 –

- (i) existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping,
- (ii) the measures to be put in place for the protection of landscape features during the construction period,

- (iii) 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 and which shall not include prunus species,
- (iv) details of screen planting which shall not include cupressocyparis x leylandii,
- (v) details of roadside/street planting which shall not include prunus species,
- (vi) hard landscaping works, including details of all proposed hard and/or permeable surface materials and finishes, footpaths, kerbing, road surfaces and finished levels within the development,
- (vii) details of proposed street furniture, including bollards, lighting fixtures and seating,
- (viii) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes,
- (ix) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (x) 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 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. 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 disposal of surface water from the site for the written agreement of the planning authority.

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

11. 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.

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12. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS). Prior to the commencement of such works, the archaeologist shall consult with and forward to the NMS a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation including preservation in-situ/excavation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

13. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a final detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

14. 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 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.

15. Proposals for an estate/street name, house 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 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.
16. 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. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.
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.

17. (a) Prior to the 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, 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 housing 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 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.

18. The developer shall pay to the planning authority a financial contribution as a contribution 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.

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.

19. 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 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.

20. 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.



Patricia Calleary

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

Dated this 07 day of September 2026.