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**Planning and Development Act 2000, as amended**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: LRD0058/S3E**

**Appeal** by Bryan Fitzgerald and Danielle O’Riordan against the decision made on the 10<sup>th</sup> day of December 2025, by Fingal County Council to grant, subject to conditions, a permission to Portmarnock Real Estate Developments Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development proposed (Phase 1F) will consist of: - 296 number residential units (254 number houses and 42 number duplexes), ranging from 1.5 - 3 storeys in height comprising the following: - 129 number three-bed two storey houses (House Type: A2, A3, B1, B2, B3, C1, C3), 46 number four-bed two storey houses (House Type: D2, D3, F4, J1, J2, J3, J4), 13 number three-bed 1.5 storey houses (House Type: G), 14 number four-bed 1.5 storey houses (House Type: H1 and H2), 14 number four-bed three storey houses (House Type: K1 and K2), 38 number two-bed two storey houses (House Type: N1, N2, P1, P2, P3), 21 number two-bed duplex/apartments (House Type: L1 and L2) and 21 number three-bed duplex/apartments (House Type: M1 and M2); provision of public open space, including southern Monument Park (which also formed part of the Racecourse Park development permitted under An Bord Pleanála Reference

JP06F.311315); private rear gardens are provided for all houses. Private patios/terraces and balconies are provided for all duplex/apartments; vehicular access to serve the development will be provided from Station Road via existing road serving Saint Marnock's Bay ('Monument View') and three number permitted roads serving Saint Marnock's Bay ('Skylark Park Court', 'Skylark Park Drive' and an extension of 'Monument View') permitted under An Bord Pleanála Reference ABP-312112-21 as amended by Fingal County Council register reference LRD0037/S3, and also a new existing permanent road to the south which connects to Moyne Road (permitted under Phase 1D – An Bord Pleanála Reference ABP-312112-21, as amended by Fingal County Council Register Reference LRD0037/S3).

All associated and ancillary site development, infrastructural, hard and soft landscaping and boundary treatment works, including: - a new (temporary) rising main to serve this phase and previous development phases (1A to 1E inclusive) circa 1.7 kilometres long, running from the interim Saint Marnock's Pumping Station at Station Road/The Avenue (constructed under An Bord Pleanála register reference ABP-300514-17 and upgraded under An Bord Pleanála register reference ABP-312112-21) passing through the Racecourse Park development permitted under An Bord Pleanála reference JP06F.311315 and connecting to the North Fringe Sewer at a point which is located south of Moyne Road and the Mayne River within the townland of Stapolin, Baldoyle, Dublin. upgrade of interim Saint Marnock's Pumping Station and storage at Station Road/The Avenue as required and all associated and ancillary site development and reinstatement.

The proposed temporary rising main and interim Saint Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when same is operational; all other ancillary site development and landscape works, including 289 number car parking spaces; 1,455 number bicycle parking spaces; bin stores and bicycle stores;

four number ESB sub-stations at site (circa 12.3 hectares) generally bounded by the existing 'Saint Marnock's Bay' and 'Dún Sí' residential developments (Phases 1A, 1B and 1C), the permitted Phases 1D and 1E both now under construction (An Bord Pleanála Reference ABP-312112-21, as amended by Fingal County Council Register Reference LRD0037/S3 and Fingal County Council Register Reference LRD0002/S3 refers respectively) to the west, and former agricultural lands to the south and east within the townlands of Portmarnock and Maynetown, Portmarnock, County Dublin and is also partially located in the townland of Stapolin, Baldoyle, Dublin, as amended by the further public notices received by the planning authority on the 16<sup>th</sup> day of October, 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**

The Commission made its decision, consistent with the relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended, the Climate Action Plan 2024 and the Climate Action Plan 2025.

In coming to its decision, the Commission had regard to the following:

- (a) the policies and objectives set out in the provisions of Project Ireland 2040, the National Planning Framework, including the First Revision (April 2025) and in the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,

- (b) the provisions of Fingal Development Plan 2023-2029, including the respective RA (Residential Area), OS (Open Space), and HA (High Amenity) land use zoning objectives for the site,
- (c) Delivering Homes, Building Communities (2025),
- (d) National Biodiversity Action Plan 2023-2030,
- (e) Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (f) Planning Design Standards for Apartments Guidelines for Planning Authorities (2025),
- (g) Design Manual for Urban Roads and Streets (2019),
- (h) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- (i) ERM Public Safety Zones Report, 2005,
- (j) the nature, scale, and extent of the proposed development,
- (k) the planning history of the site and in the vicinity of the site, and the pattern of existing development in the area,
- (l) the availability in the area of a range of social, community, and transport infrastructure,

- (m) the documentation submitted with the planning application, and in response to the request for further information, including the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS), and the Water Framework Directive (WFD) Assessment,
- (n) the submissions received by the planning authority from observers, prescribed bodies, and first and third parties,
- (o) the grounds of appeal,
- (p) the response to the grounds of appeal from the planning authority and the applicant,
- (q) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development, and the likely significant effects on European sites, and
- (r) the report and recommendation of the Planning Inspector.

#### **Appropriate Assessment: Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European Site and the absence of any direct hydrological connections, the submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's Report.

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report, that Baldoyle Bay Special Area of Conservation (Site Code: 000199), Baldoyle Bay Special Protection Area (Site Code: 004016), North Bull Island Special Protection Area (Site Code: 004006) and Malahide Estuary SPA (Site Code: 004025) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for these sites and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement, and all other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Baldoyle Bay Special Area of Conservation (Site Code: 000199), Baldoyle Bay Special Protection Area (Site Code: 004016), North Bull Island Special Protection Area (Site Code: 004006) and Malahide Estuary SPA (Site Code: 004025) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the appropriate assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European sites.

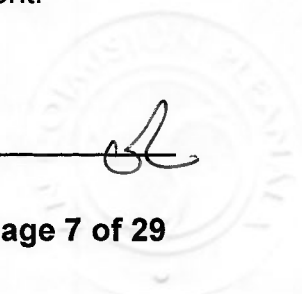
In overall conclusion, the Commission were satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

## **Environmental Impact Assessment**

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application, and in response to the request for further information,
- (c) the submissions received from the planning authority, applicant, third parties, prescribed bodies and observers in the course of the application, and
- (d) the report of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.



The Commission agreed with the examination, set out in the Inspector's Report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

### **Reasoned conclusions on the significant effects**

The Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where relevant, as follows:

- Significant direct positive impact for population, due to substantial increase in housing stock during operational phase.
- Significant positive effect through construction stage employment and associated construction phase economic activity, and an increase in the local population for services in the operational phase.
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no significant residential impacts on population and human health.
- Significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Significant, indirect, negative impacts on bats at operational phase due to lighting and loss of vegetation, which would be mitigated by appropriate lighting, biodiversity planting and provision of bat boxes.

- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Direct negative noise effects arising for noise sensitive locations along some site boundaries during construction phase, which would be mitigated as much as practicable, by a suite of appropriate construction phase management measures, and
- significant direct negative impact on archaeology during the construction phase, which would be mitigated by archaeological preservation in situ, excavation and monitoring by a suitably qualified archaeologist.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

## **Conclusions on Proper Planning and Sustainable Development**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development objectives and other provisions of the Fingal Development Plan 2023-2029, would make efficient use of an appropriately zoned site, would positively contribute to an increase in housing stock, would be acceptable in terms of urban design, layout and building height, would provide an acceptable residential density at this site within an Outer Public Safety Zone, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or unduly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Notwithstanding the comments of the Inspector regarding errors in the applicant's Social Infrastructure Audit Report, the Commission considered, having regard to the issue of public safety and the location of the subject site within an Outer Public Safety Zone, that a childcare facility at this location would not be appropriate.

Having regard to Objective SPQHO34 (Integration of Residential Development) of Fingal Development Plan 2023-2029, the Commission noted the applicant's submission that the proposed development would require approximately 13,950 square metres of public open space, and that this could be achieved by having regard to the over-provision of public open space in the previous phases of development, on lands adjacent to the subject site, together with the subject proposal, for the provision of circa 9,736 square meters of public open space in the form of the linear space along Monument View, and the proposed park associated with the Recorded Monument in the south east corner of the subject site.

The Commission also noted the Inspector's observation that much of the linear open space proposed to be overlooked by residential units at the southwestern boundary of the site, was already permitted pursuant to previous phases of adjacent development, and that this linear space falls outside the red line boundary of the subject site. The Commission noted the significant on-site shortfall of public open space and considered the potential inclusion of a condition, for the payment of a development contribution, in lieu of that shortfall. However, having regard to the nature of the proposed public open space, to be centred on the archaeological monument in the south east corner of the site, the zoning of parts of the subject site as OS (Open Space), and the totality of the proposed development within the red line boundary, the Commission considered that the shortfall in public open space could be resolved by the developer in the medium term, upon the completion of the proposed decommissioning of the interim St Marnock's pumping station and storage, at Station Road. The Commission considered that the appropriate solution to address the shortfall in public open space was best achieved by reserving the area in the northwest corner of the subject site, for future public open space, once the decommissioning of the interim pumping station is complete.

The Commission noted and agreed with the comments of the Inspector that the attachment of a condition for payment of a special financial contribution, would not be warranted in this instance. The Commission agreed with the Inspector that in the absence of any details of a specified amount, or of the basis of calculation, there was insufficient information on file to warrant the attachment of a special development contribution, and that the attachment of a condition requiring payment of a special contribution, in an unspecified amount, would not be in compliance with Section 7.12 of the Development Management Guidelines for Planning Authorities (2007).



## 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 10<sup>th</sup> day of October 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission relates to the provision of 296 residential units, comprising 254 houses and 42 duplex units within the permitted scheme.

**Reason:** In the interest of clarity.

3. The area in the northwest corner of the subject site, indicated for the future development of 18 number residential units, which is identified on Site Layout Plan Sheet 1 of 3, as “Future phase (on removal of temporary pumping station)” shall instead be reserved for future use as public open space, upon completion of the decommissioning works of the interim pumping station at Station Road/The Avenue.

**Reason:** To ensure the adequate provision of public open space.

4. (a) The mitigation and monitoring measures outlined in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and associated documents submitted with this application shall be compiled into a single Schedule of Monitoring and Mitigation Measures, and shall be submitted to the planning authority prior to the commencement of the development.
- (b) The Mitigation and Monitoring measures shall be carried out in full, except where otherwise required by a condition attached to this permission.

**Reason:** In the interest of safeguarding the environment and amenities.

5. Preconstruction bat, mammal and bird surveys shall be carried out by a suitably qualified ecologist to reconfirm the findings of the Environmental Impact Assessment Report in advance of works commencing at the site.

**Reason:** In the interests of biodiversity protection and enhancement.

6. On completion of the construction works, the developer shall submit an environmental report to the planning authority confirming that all works have been completed in accordance with the mitigation measures identified in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS), the Construction Environmental Management Plan (CEMP); the Construction Traffic Management Plan (CTMP) and related documentation.

**Reason:** In order to mitigate the potential impact of the proposed development on the local environment.

7. The development shall be carried out on a phased basis, in accordance with the phasing scheme submitted to the planning authority on the 10<sup>th</sup> day of October 2025, unless otherwise agreed in writing with the planning authority, prior to commencement of development. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the timely provision of services and open space for the benefit of the occupants of the proposed dwellings.

8. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, full details of:
- (a) decommissioning and reinstatement works in relation to the temporary rising main to serve this phase and previous development phases (1A to 1E inclusive), and
  - (b) decommissioning works in relation to the interim Saint Marnock's Pumping Station and Storage at Station Road/The Avenue and works to provide for the reinstatement and use as public open space, of the area identified on Site Layout Plan Sheet 1 of 3, "Future phase (on removal of temporary pumping station)".

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

9. Each dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. The residential units shall not be used for short-term letting unless authorised by a prior grant of planning permission from the planning authority, or An Coimisiún Pleanála on appeal. The units shall not be used for the purposes specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of childminding, except where they are permitted by way of grant of planning permission.

**Reason:** In the interest of clarity and to ensure proper planning and sustainable development, and in the interest of public safety.

10. (a) Prior to the commencement of the development as permitted, the developer 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 residential units permitted to first occupation by individual purchasers, that is 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 house or duplex unit, it is demonstrated to the satisfaction of the planning authority that it has 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 developer 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 developer 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.

11. Prior to the commencement of works on site, a revised landscape plan shall be submitted to, and agreed in writing with, the planning authority. The landscape plan shall include the following, unless otherwise agreed:
- (a) services both above and below ground to be clearly shown,
  - (b) contours,
  - (c) cross sections of open space including the interface with roads/cycle path/adjoining land,
  - (d) full details of temporary and permanent treatment of land within Fingal County Council's ownership which has been included within the redline of the application,
  - (e) the location of cycle links to the greenway to the east,

- (f) play provision of a minimum 1,184 square metres to be provided. Details including area in square metres as well as age groups they cater for, (toddler play, 6-12 years and teenage play to be clearly shown),
- (g) the inclusion of a native hedge along the eastern boundary of the development,
- (h) a Street Tree Plan to include constructed tree pits for street and garden trees, noting a minimum of 16 cubic metres rooting volume for street trees. A seven-metre separation distance between street trees and public lighting to be clearly shown,
- (i) revised boundary treatment details,
- (j) management and maintenance details of all landscape features including play facilities to be provided, and
- (k) where wildflower meadow planting/seed mixes are proposed these shall include only Irish sourced native species preferable of local provenance.

**Reason:** In the interests of residential and visual amenities, and biodiversity.

12. Prior to commencement of development, a revised Taking in Charge Plan shall be submitted to, and agreed in writing with, the planning authority. The revised Taking in Charge Plan shall take account of the phasing requirements of condition number 7 of this permission.

**Reason:** In the interest of orderly development.

13. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, details of the materials, colours and textures of all the external finishes to the proposed dwellings units, including openings required for ventilation. Such materials shall be consistent with the levels of noise insulation required having regard to the site's location within Noise Zone B of Dublin Airport.

**Reason:** In the interest of visual amenity, to protect residential amenity and to ensure an appropriate high standard of development.

14. Prior to commencement of development, revised plans and particulars shall be submitted for the written agreement of the planning authority, which shall show the following:
- (a) Pedestrian links from 'road 3' to the existing 'Portmarnock to Baldoyle Greenway' shall be provided by the developer. The pedestrian links shall be provided in their entirety and shall tie-into the existing greenway infrastructure. The quantity, location, layout and detail of each of the links shall be clearly shown.
  - (b) The shared cycle-pedestrian path along 'road 5' shall be continued to tie-into the existing 'Portmarnock to Baldoyle Greenway' infrastructure. The tie-in shall be provided by the developer, and the layout and detail of the tie-in detail shall be clearly shown.
  - (c) The developer shall provide a cycleway and footpath along the north of road 11, as per the layout displayed at Appendix A – Universal Design Guide of the Architectural Design Rationale Report lodged with the application on the 22<sup>nd</sup> day of July 2025, and the final design details of the layout shall be agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

15. Prior to commencement of development, final design details and a method statement for the construction of the proposed rising main crossing over the River Mayne, to include the distance from the waterway, and the depth of directional drilling, shall be submitted for the written agreement of the planning authority, which shall consult with Inland Fisheries Ireland.

**Reason:** In the interest of protecting the River Mayne.

16. The construction of the development shall be managed in accordance with a Construction and Environmental 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,

- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

The CEMP shall include all applicable mitigation measures set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement and the content of other applicable conditions and shall include the location of any and all archaeological constraints relevant to the proposed development as set out in Chapter 17 of the EIAR.

It shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation and construction activity.

**Reason:** In the interests of amenities, public health and safety and environmental protection, and to ensure the continued preservation of archaeological features or objects on the site.

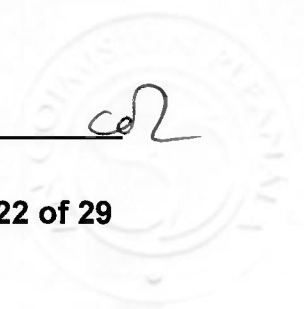
17. The developer shall comply with the following requirements in respect of archaeology:
  - (a) The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Environmental Impact Assessment Report for archaeological excavation (preservation by record) of the archaeological features already identified in advance of construction works and the archaeological monitoring of ground disturbance at construction stages across the development site.
  - (b) The archaeologist shall oversee and implement the plan for the preservation in situ, conservation and management of the subsurface ditched enclosure (SMR number DU015-055) as outlined in the Conservation and Management Plan which was received by the planning authority on the 22<sup>nd</sup> day of July 2025.
  - (b) The archaeologist shall assist in the integration of the totality of the archaeological mitigation into the Construction and Environmental Management Plan.

- (d) Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments of the Department with regard to any necessary mitigating action (for example, preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.
  
- (e) The planning authority and the National Monuments Service shall be furnished with a report describing the results of the monitoring.

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

18. The developer shall comply with the following:

- (a) Road Safety Audits (Stage 2, Stage 3 and Stage 4) shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027. Any works required to address an issue identified in a Road Safety Audit shall be agreed in writing with the planning authority prior to being implemented.
  
- (b) Where permeable paving parking areas adjacent to roads are proposed, construction details shall be implemented to prevent the road edge being undermined by water.



- (c) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the developer's expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.
- (d) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road surface.

**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

19. The management and maintenance of the proposed development following its completion, save for areas that are to be taken in charge, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

21. The glazing to all bathroom/en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interest of residential amenity.

22. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Public Art Coordinator, Fingal County Council. The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on site.

**Reason:** To comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.

23. Bilingual proposals for an estate/street name, house/apartment 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/apartment 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

24. No surface water/rainwater shall discharge into the foul water system. 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 interests of public health and surface water management.

25. Finished floor levels shall comply with the recommendation of the Strategic Flood Risk Assessment submitted with the application.

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

26. 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 EPA'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 at all times be made available for inspection at the site office.

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

27. 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 (within each house plot and/or for each apartment unit) 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.

28. Prior to commencement of development, the developer 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 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.

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

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

30. Prior to commencement of development, a public lighting design and strategy for the entire site and to the satisfaction of the planning authority shall be submitted to, and agreed in writing with, the planning authority. The lighting design shall comply with the Fingal County Council Public Lighting Specification.

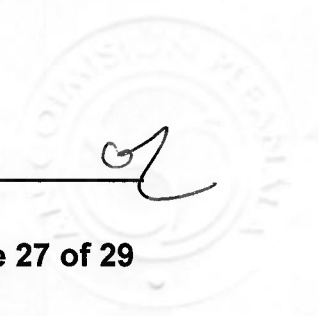
**Reason:** In the interests of amenity and public safety, and to prevent light pollution and protect biodiversity.

31. Clearance of vegetation from the development site shall only be carried out between September and February, that is outside the main bird breeding season.

**Reason:** To avoid the destruction of bird nests, eggs and nestlings and to promote the biodiversity of the area.

32. All services cables associated with the proposed development, such as electoral or telecommunications cables, shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

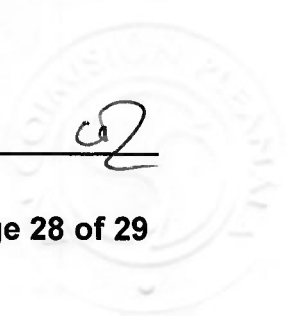
**Reason:** In the interest of visual and residential amenity.



33. 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 secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory completion and maintenance of the development until taken in charge.

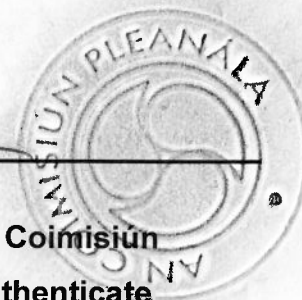
34. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

  
MaryRose McGovern

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



Dated this 8<sup>th</sup> day of April 2026.