An Coimisiún Pleanála

Commission Order

PL-501382-DF-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0412E

Appeal by Edward Stevenson against the decision made on the 23rd day of April, 2026 by Fingal County Council, to grant subject, to conditions a permission to Health Service Executive in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing 118 square metres single storey dwelling and the construction of a 750 square metres, two storey, step-down healthcare facility. The proposed development will comprise ten en-suite bedrooms with associated resident shared accommodation including dining, social and treatment rooms, staff and support rooms, and domestic kitchen and laundry; all associated site works with permeable paving, hard and soft landscaping, car parking; a new garden shed (16 square metres); plant compound with noise dampening at roof level and installation of secure, covered, bike and bin storage and new substation kiosk and associated equipment. In addition, the existing boundary wall to the Rathbeale Road is to be rebuilt to accommodate a wider, vehicular entrance which will be integrated with the existing traffic signal controlled junction serving the Swords Shopping Centre, and a revised separate access gate for pedestrian use, all at 63 Rathbeale Road, Swords, County Dublin, as revised

by the further public notices received by the planning authority on the 25th day of March, 2026.

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 nature and scale of the proposed development, the 'Local Centre' zoning of the main development site area, and the provisions of the Fingal Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not result in an undue adverse impact on the residential amenity of properties in the area, on the amenity value of the public open space area, or on traffic in the area. 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, as amended by the further plans and particulars received by the planning authority on the 21st day of August, 2025 and the 18th day of March 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 following shall be complied with:

   (a) No objects, structures, landscaping, or planting exceeding a height of 900 millimetres shall be placed or installed within the visibility splays (as defined by the Design Manual for Urban Roads and Streets) of the access from Glasmore Park Road, which would interfere or obstruct (or could obstruct over time) the required visibility splays.

   (b) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.

   (c) The detail of the new vehicular entrance and access driveway across the public open space area shall be agreed in writing with the planning authority prior to commencement of development.

(d) The detail of any works required to the existing landscaped/planted area in the public open space area shall be agreed in writing with the planning authority prior to commencement of development.

(e) Any works to the public footpath, verge, and road carriageway to facilitate the development and any repairs to the public footpath, verge, and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the planning authority's standards for taking-in-charge and to the satisfaction of the planning authority.

(f) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the developer's own expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.

(g) The developer shall comply in full with the following:

(i) All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.

(ii) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the planning authority.

Reason: In the interest of road safety.

3. (a) The mitigation measures contained in Section 5 of the 'Response to: Chief Executive's Order' received by the planning authority on the 21st day of August 2025 from Allegro Acoustics shall be implemented in full.

(b) The recommendations contained in Section 4 of the 'Bat Survey Report' received by the planning authority on the 12th day of May, 2025 shall be implemented in full.

Reason: In the interests of residential amenity and biodiversity.

4. Details of the materials, colours and textures of all the external finishes to the proposed structure 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. (a) The landscaping scheme shown on drawing number 24-618-SDA-PD-DR-GF-001, as submitted to the planning authority on the 18th day of March, 2026 shall be carried out within the first planting season following substantial completion of external construction works, unless otherwise agreed with the planning authority.

(b) 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(c) A layout plan and elevation drawing indicating all proposed boundaries shall be agreed in writing with the planning authority prior to the commencement of development.

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

6. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed, unless otherwise agreed in writing with the planning authority.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees during the construction period.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

8. 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 interest of public health and to ensure adequate water/wastewater facilities.

9. 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 space and shall take account of trees within the landscape plan drawing number 24-618-SDA-PD-DR-GF-001 received by the planning authority on the 18th day of March, 2026. Such lighting shall be provided prior to the operation of the proposed development.

Reason: In the interests of amenity and public safety.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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 and in accordance with Objective DMSO243 (Construction Noise) of the Fingal Development Plan 2023-2029.

11. Prior to the commencement of development, 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) 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.

12. 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 accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.

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 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.

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

Dated this 8th **day of** October **2026.**