



An
Bord
Pleanála

Inspector's Report

ABP-322003-25

Development	Construction of 4 dwellings with all associated site works
Location	Drumanagh View, Ballykea, Loughshinny, Skerries, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0548E
Applicant(s)	Tomas McNally
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First
Appellant(s)	Tomas McNally
Observer(s)	None
Date of Site Inspection	13 th of May 2025
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The subject site, is located in Loughshinny, Skerries, Dublin. The site is located to the south of L1320 (Loughshinny Park Road), west of Loughshinny village core. The site is located to the rear of a line of houses located on Loughshinny Park road.
- 1.2. The site irregular in shape is located off the L1320, with a access road and gated access to the site, some 25m from the public road. The access road is bounded to the east and west with a two storey and single storey dwelling respectively. The access road continues beyond the gated access to serve 4 detached dwellings known as Nos 1-4 Drumanagh View.
- 1.3. The site is made up of grassland gently sloping from north to south, save for the access road which extends the full length of the site. The northern boundary abuts the rear boundary wall of the single storey dwelling to the north known as “St Paul’s” and two further two storey dwellings to the north of the site. The eastern and southern boundaries are distinguished by existing trees and hedgerows.
- 1.4. The stated site area is 0.4ha.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - construction of 4 new detached dormer dwellings
 - associated landscaping & boundary works
 - alterations & completion of private access road & footpaths (previously permitted under (F06A/1923)
 - associated drainage, site & civil engineering works
 - alterations/traffic calming works to public road L1320 including a new raised table with existing access road to the site

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to refuse permission for the following reason:

The applicant has failed to submit an adequately detailed invasive species control and management plan and/or program as part of the planning process or any annual monitoring reports on the control program to date, contrary to objective DMS 0142 – Invasive Species Control and Objective GINH032 Development and Invasive Species for the Fingal Development Plan 2023 -2029. The planning authority cannot be assured the proposed development would not lead to the spread or introduction of invasive species (Japanese Knotweed – *Reynoutria sachnails*). The proposed development is therefore contrary to the named objectives contained within the Fingal Development Plan 2023 to 2029 and therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. There are two Planning Reports on file. The first planning report set out the following:

- Site Zoning - The principle of development is compliant with RS – Residential Land Use Zoning Objective
- Density – Proposed density of 97 units per ha. The lands can be considered suburban/urban extension – in general density of between 40dph to 80dph should be considered in such locations. Higher densities can be considered where the development is proven to be an “Accessible Location”. Lands within 500m of existing or planned high frequency urban bus services. The subject site benefits from close proximity to range of significant transportation projects including Dart + West Project, Royal Canal Greenway Project and Bus Connects.

With the upgrade works to the Royal Canal Greenway future access to the Coolmine Train Station will be available at less than 1km from the site. The canal towpath in its current state would not be considered universally accessible.

Dublin – Maynooth rail line currently has services 10 – 20 mins apart. Dart + West upgrade, Coolmine train station will have services at 12 trains/hour. The train station however is not considered a Transportation Node as it is not connected with other transportation means.

Bus services along Clonsilla Road to the north and Diswellstown Road to the east under the BusConnects scheme will result in high frequency bus service of to 11 buses per hour. The nearest bus stop to the site 600m from Porterstown Road, which is very narrow and quite difficult to navigate. The applicant has proposed pedestrian connectivity via “The Courtyard” development to the immediate north of the site, however no letter of consent has been provided for this connectivity. The NTA recommends connectivity should be sought via Diswellstown Road as a priority. Given the circuitous nature of the route to the nearest bus service, the site can only be considered an Intermediate Location. However, should a feasible eastern connection be available from the subject development to the Diswellstown Road or a direct connection is considered with the proposed Royal Canal Greenway, the site will qualify as an accessible location. The planning authority is satisfied with higher density bracket subject to clarification of proposed alternate connections to the site to ensure sufficient permeability.

- Core & Settlement Strategy – The proposed development would contribute to achieving housing targets and planned growth allocated for the wider area.
- Design & Layout

The proposed dwelling design indicates generous floor areas with ample storage areas. The proposed dwellings demonstrate compliance with Objective DMS 019 and Section 14.8.1 of the Fingal Development Plan.

The dwellings would sit appropriately within the site given the topography of the lands. The dwellings generally relate well with one another in terms of scale and design and the elevational treatments are consistent in terms of materials and finishes. It is considered the proposed dwelling design accords with Objective DMS 031- Infill Development and Table 14.4 Infill Development within the Fingal Development Plan

- Private Amenity Space

The standard for the provision of private amenity space is set out in the Sustainable Residential and Compact Settlement guidelines. The proposal accords with SPPR2 of the Section 28 guidelines.

- Separation Distances

The proposed development caters for a separation distance of at least 2.3 meters between each of the proposed dwellings which is considered acceptable and overcomes the previous reason for refusal.

- Impact on Surrounding amenities –

The proposed development will impact the existing views from the dwellings to the north and west, but would not negatively impact on views designated in the Fingal Development Plan. It is not considered the proposed development would overshadow or impact on the daylight or sunlight of the properties to the north given the proposed heights and separation distances.

- Open Space/ Green Space –

The development requires 360m² of green area. The applicant is providing 332m² of play provision split between public open space and communal space – there should be a 25m distance between a play facility on an area of public open space and residential units. Through the submission of further information the applicant is required to submit a written statement and drawing in line with DM standards DMS052 and DMS 053.

- Transportation – Report received from Transportation department recommending clarification of a number of points through further information. Additionally revised sightline details are required through a request for further information. Generally in favour of traffic calming measures proposed and efforts to improve sightlines from the exiting access.

- Pedestrian Connectivity – the principle of providing a pedestrian crossing on the L1320 is acceptable. Further information required with regard to providing the markings is required.

The applicant has undertaken to remove the gated access to comply with Objective DMS 030 which prohibits proposals that would create a gated

community. In the interests of clarity revised drawings required by way of additional information indicating removal of same.

- There is a discrepancy in the level of open space provided, either 267sqm or 203sqm. The proposed development requires the minimum provision of 350sqm of public open space – DM Standard DMS 051. A financial contribution in lieu of public open space shall be provided as per Objective DMS 053.
- Landscaping/Boundary Details – There are discrepancies between the submitted architectural site plan and the submitted landscaping drawings and report. No details of boundary treatments for entrance road have been provided, Further information required to address same.
- Invasive Species – The applicant is required to submit a detailed Invasive Species Control Plan in accordance with DMS 0142 of the Fingal Development Plan
- Arboriculture Report - Clarification of information is required to ascertain the level of tree removal from the site to adequately ensure a Net Biodiversity Gain in accordance with the Fingal Development Plan.

Five points of further information were sought based on the above.

3.2.2. The Second Planning Authority addressed the further information submission and subsequent internal submissions from relevant Departments of Fingal County Council:

- Transportation - In relation to road calming works and provision of pedestrian crossing, the applicant has adequately addressed further information request. Letters of consent has been provided for the proposed works. The Transportation Planning Section recommend a number of conditions in relation to same.
- Invasive Species – In response to item 2 the applicant has stated that have enclosed a report which details the excavatioin and treatment of the “small infestation of invasive weeds” found in the infected area. The applicant states treatment works were undertaken in autumn 2024. The applicant states that treatment works were undertaken in autumn 2024. The applicant states he

report puts forward recommendations for the construction phase which will be implemented.

Having discussed the applicants response with council Biodiversity Officer, it is considered the applicants response in this regard is not satisfactory. No details of the extent and location of the Japanese Knotweed on site has been provided, no details of what happened to the screened root material and where the screened root material is to be reused and how the screened soil will be monitored and by whom for any regrowth. The applicant has adequately failed to address objectives DSM 0142 and GINH 032 of the Development Plan which seeks a comprehensive monitoring and management plan which the applicant has not provided.

- Arboriculture Report - The applicant has submitted an arborist report and Arboriculture Impact Assessment – applicants response is noted and considered acceptable. A report from Parks and Green Infrastructure Division seeking a pre commencement condition relating to the precise location of the protective fencing and other tree protection measures during the course of the works and a tree bond of €10,000 to be held for two year period to ensure trees and hedgerows shown for retention are protected during construction phase.
- Gated Access – revised details have been provided indicating the gated access shall be omitted from the development proposal.
- Revised Drawings – revised drawings and details have been submitted clarifying any discrepancies in the submitted drawings. 267sqm of public open space has been confirmed. A report from Parks and Green Infrastructure Division recommend a pre-commencement condition with regard to boundary treatment drawings.

Based on the above information a refusal of permission was recommended based on the lack of detailed Invasive Species management Plan

3.2.3. Other Technical Reports

- Water Services Department – No objections to proposed development subject to the conditions

- Transportation Planning – no objections subject to conditions
- Parks and Green Infrastructure – No objections to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann – No objection subject to conditions.

3.4. **Third Party Observations**

There were 7 third party observations received in relation to the proposed development. The observations raise similar issues and are broken into different themes as follows:

3.4.1. Road Access/Traffic Safety

- There is inadequate sightlines from the existing access
- No adequate parking or turning areas are provided
- Existing roadway inadequate in terms of width and alignment
- Access road cannot accommodate large HGV's emergency vehicles or bin trucks
- Entrance does not comply with DMUR standards
- Consent required the upgrades to the L1320 have not been provided by the applicant.

3.4.2. Pedestrian Safety

- Footpath configuration is substandard
- No footpath beyond the gate
- Existing footpaths in the vicinity are disconnected/disjointed or do not connect to the wider pedestrian network

3.4.3. Design/ Layout

- Proposed dwellings are not in keeping with existing development in the area
- Development is overbearing on properties to the north

- Development represents an overdevelopment of the site.
- Public open space is inadequate with a financial contribution in lieu of open space unacceptable
- Proposed boundary treatments are not appropriate.
- Development will result in excessive light pollution.
- Proposal does not comply with Fingal County Council SUDS requirements

3.4.4. Impact on existing residential amenity

- The proposed development will cause drainage and flooding issues to neighbouring property
- The development will obstruct guest parking on site
- Lack of bin store/bin collection areas
- Impact upon values of adjacent properties
- Concerns relating to overlooking/loss of light and privacy and loss of views.
- Street lighting not positioned adequately will take away existing residential amenity
- Consent required to amend existing boundary walls
- Existing gate should be retained to protect children playing

3.4.5. Environment

- Japanese Knotweed, amongst other invasive species is present on site
- Air quality will fall with increased traffic activity
- Artificial lighting will negatively impact upon residents and wildlife.
- Concerns over how proposed dwellings will connect into existing sewerage system
- Increase noise/vibration from traffic a concern.

4.0 Planning History

4.1.1. F22A/0301 (Permission refused on 5th of August 2022) - A) Permission is sought for 4 new detached dormer - type dwellings & all associated drainage and site works including new landscaping & boundary works and also including completion of development works to existing private access road & footpaths (previously permitted under F06A/1923) including inter alia road surfacing & street lighting.

B) Retention permission is sought for existing access controlled pedestrian & vehicular gates

Permission refused on the 5th August 2022 for the following 3 reasons:

1. The proposed development if permitted would be an intensification of an existing access where currently the required sightlines cannot be achieved from the L1320 and in its current format constitutes a traffic hazard. Therefore the proposed development, by way of intensification, would further constitute a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in a gated community, which is excluded from the wider community and fails to provide a permeable and connected development and would therefore be contrary to Objective DMS32 of the Fingal County Development Plan 2017-2023 and the 'Sustainable Residential Development in Urban Areas' (DoEHLG May 2009).
3. The proposed development is considered an overdevelopment of the site by reason of the inadequate and poor provision of open space, and the design and layout of the dwellings on the site and would be contrary to the objectives for the Loughshinny settlement, Objectives DMS57A, DMS57B, DMS67, and DMS29, of the Fingal County Development Plan 2017-2023, and of the proper planning and sustainable development of the area.

4.1.2. Adjacent Site – Overlapping with current site

F06A/1923 - (1) demolition of existing 2 storey dwelling 'Loch Corrib' and for replacement new 2-storey dwelling. (2) 3 no. new dormer dwellings to rear/south of 'Torc' with individual temporary waste water treatment units discharging to public sewer. (3) a new shared surface access road and associated parking and site

development works to serve the above new houses and also the existing bungalow 'Torc' and 'Loch Corrib'

The above was a split decision, with a refusal for the demolition of the existing 2 storey dwelling on site.

- 4.1.3. F06A/1923/ E1 – On 22nd of May 2012 to above permission was granted an Extension of Duration permission until 3rd April 2015.

There are other minor planning applications for the subject site, however, I do not consider these material consideration for the assessment of the current proposal.

5.0 Policy Context

5.1. National

5.1.1. **Project Ireland 2040: National Planning Framework, 2018:**

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 3(b): Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

5.1.3. **Climate Action Plan 2024**

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

5.1.4. **National Biodiversity Plan 2023-2030**

Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protected is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Board to have regard to the objectives and targets of the Plan in the performance of its functions.

5.1.5. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy for the proposed development includes:
 - Section 3.3: contains Table 3.1 which defines categories of urban areas within Dublin City and suburbs (which the appeal site is located within). City – Urban Neighbourhoods are described as town centres designated in a statutory development plan, and lands around existing or planned high capacity public transport nodes or interchanges. For such locations, the guidelines state that densities in the range of 50dph-250dph should be applied.
 - Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (in accordance with definitions in Table 3.8) and secondly on site-specific criteria (impacts on character, historic environment,

protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).

- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of residential standards as follows:
 - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.
 - SPPR 2 – Minimum Private Open Space for apartments remains in accordance with the Apartment Guidelines.
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
 - SPPR 3 – indicates that for urban neighbourhoods, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations shall be 1 no. space per dwelling.
 - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
 - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between

poor performance and wider planning gains, and compensatory design solutions are not required.

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1–3-bedroom units).
 - SPPR 4 (50% to be dual aspect units in intermediate/ suburban areas).
 - SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).
 - SPPR 6 (maximum of 12 apartments per floor level per core).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
 - Section 1.8 outlines that maximum building heights in city and town centre areas have tended towards the range of six to eight storeys.
 - Section 2.5 highlights taller buildings can bring much needed additional housing and economic development to well-located urban areas and assist in reinforcing and contributing to a sense of place within a city or town centre.
 - Section 3.1 states there shall be a presumption in favour of buildings of increased height in our town/ city cores.
 - SPPR 3 requires a development management criteria test be undertaken for schemes with buildings taller than the prevailing height of those buildings in the receiving area.
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).
 - Section 3 requires restrictions on the first occupation of houses and duplexes to individual purchasers or persons eligible for social and/ or affordable housing, excludes corporate entities.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
 - Section 7.3 outlines the criteria for conditions

5.2.Regional Policy

- 5.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)
- 5.2.2. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs (which the appeal site is located within).
- 5.2.3. Accordingly, certain regional policy objectives are applicable to the proposed development, including RPOs 5.3, 5.4, and 5.5 which require future residential development in the MASP to plan led, facilitate sustainable travel patterns provide for higher densities and qualitative standards, focus on the consolidation of Dublin and suburbs.

5.3.Fingal Development Plan 2023 – 2029

- 5.3.1. The applicable statutory development plan for the assessment of the appeal case is the Fingal Development Plan 2023-2029 (CDP). The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development (a predominantly residential scheme) within a Level 4 Self Sustaining Town.

The site is zoned as 'RS' Residential with the stated objective to 'Provide for residential development and protect and improve residential amenity.'

5.3.2. Key CDP policy, objectives, requirements, and/ or standards that are relevant to the appeal case are outlined as follows. These policies shall be relied on during the course of my assessment to reach any conclusion:

5.3.3. Chapter 2: Planning for Growth, Core Strategy, Settlement Strategy

- Policy CSP12 – NPF and RSES
- Policy CSP14 – Consolidation and Re-Intensification of Infill/ Brownfield Sites
- Policy CSP18 – Promotion of Residential Development
- Policy CSP34- Consolidate the growth of Self-Sustaining towns including Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries as set out in the Settlement Strategy for RSES and by encouraging infill development and compact growth rather than greenfield development and by intensification at appropriately identified locations.
- Policy CSP 38 - Consolidate development and protect the unique identities of the settlements of Malahide, Portmarnock, Balbriggan, Lusk, Rush and Skerries

Chapter 3: Sustainable Placemaking and Quality Homes

- Policy in 3.5.11 Quality in Residential Development
- Policy SPQHP35 – Quality of Residential Development
- Policy SPQHP38 – Compact Growth, Consolidation, and Regeneration

Chapter 6: Connectivity and Movement

- Policy CMP12 – Public Realm,
- Policy CMP14 – Permeable Neighbourhoods,
- Objective CMO19 – Optimising Accessibility for All
- Table 14.3 Brownfield Opportunities and Regeneration

Chapter 14: Development Management Standards

- Policy in 14.13 Open Space

- Table 14.11: Public Open Space and Play Space Hierarchy and Accessibility Standards
- Objective DMSO50 – Monetary Value in Lieu of Play Facilities
- Objective DMSO51 – Minimum Public Open Space Provision
- Table 14.12: Recommended Quantitative Standards
- Objective DMSO52 – Public Open Space Provision
- Objective DMSO53 – Financial Contribution in Lieu of Public Open Space
- Objective DMSO194 – Provision of Public Art
- Section 14.19.1.2 Existing Buildings/Structures

Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers)

5.3.4. Fingal County Council Development Contribution Scheme 2021-2025

- The Scheme refers to the CDP policy context which allows the planning authority to determine a financial contribution in lieu of all or part of the open space requirement for a particular development.
- The Scheme (Note 5, pg. 7) indicates the rates at which the contribution will be calculated.
- Section 11 Exemptions and Reductions lists the development/ works exempted from the requirement to pay development contributions/ pay at a reduced rate. Supplementary Development Contribution Scheme in respect of the Clonsilla to Dunboyne (Pace) Railway Line

- The site is located within the boundaries of Supplementary Development Contribution Scheme for the Clonsilla to Dunboyne (Pace) Railway Line.

5.4. **Natural Heritage Designations**

North-west Irish Sea SPA (Site Code: 004236) 600m to the east

Rockabill to Dalkey Island Special Area of Conservation SAC (Site Code: 00300)
1km to the east

Rockabill Special Area of Conservation (Site Code: 004014) 1km to the east

Skerries Island SPA (Site Code: 004122) 2.5km to the North

6.0 **EIA Screening**

See completed form 2 on file. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 **The Appeal**

7.1. **This is first party appeal against the decision of Fingal County Council to refuse permission. The Grounds of Appeal directly address the single refusal reason. The Grounds of Appeal can be summarised as follows:**

The primary area of the appeal relates to the provision of an updated Invasive Species Control and Monitoring report updated on the 17/02/2025. The report has been completed by Tom Shaugnessy of Milverton Landscapes. The report outlines the following:

- An Overview of the site
- Recommendations
- Screening Extraction

- Monitoring Program
- Note – Re construction phase
- Attachments

7.2. Planning Authority Response

- None

7.3. Observations

- None

7.4. Further Responses

- None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Invasive Species
- Conditions
- Other Matters
- Appropriate Assessment

8.2. Principle of Development

The proposed development consists of construction of 4 detached dormer dwellings on residentially zoned lands . The site is accessed of the L1320 through an existing access.

The dwellings shall be constructed in a linear fashion from north to south. Each dwelling shall have their own parking and private amenity space. There is an element of public open space (267sqm) to the north of the site. The appeal site is subject to zoning objective 'RS' residential which with the stated objective to 'Provide for residential development and protect and improve residential amenity.' The site can be considered an infill development, with existing residential to the west and north of the site. The development may be viewed as an extension to the residential development permitted under previous scheme FA06/1923. The development proposal as set out supports the principles of sequential development in accordance with Objective CS072 of the Development Plan which seeks to inter alia deliver compact, organic and sequential development of towns and villages. I am satisfied the principle of providing four houses at this location aligns with the zoning objectives for the site as set out in the Fingal Development Plan 2023 – 2029.

8.2.1. Invasive Species

As part of the response to the appeal the applicant submitted an updated Invasive Species Management Plan and monitoring program for the control and management of invasive species on site. The single reason for refusal as set out by the Planning Authority was that the applicant had not supplied an adequately detailed invasive species control plan, namely actions taken to date to remove the Japanese Knotweed on site and details of management of screened soil on site and the absence of a management program. In the absence of the above information the planning authority were not satisfied that the proposed development complied with objective DMS 0142 – Invasive Species Control and Objective GINH032 Development and Invasive Species as set out in the Fingal Development Plan 2023 - 2029.

8.2.2. The updated invasive species control plan outlines the following:

The above site was surveyed on two occasions April and May 2023. A small single sapling of Japanese knotweed was located on the south facing masonry boundary of property to the north. The presence was noted, species identified and area fenced off. Following consultation a herbicide was applied in August and September and efficacy was monitored across the Autumn/Winter. As the investigation was small it was decided to excavate the infected area in Autumn 2024, following observation

plant regrowth. Full details of soil screening and extraction methodology has been provided. The volume of rhizome and all plant debris screened was small at c.45 litres. All material was bagged and sealed and removed off site.

It is proposed to carry out 3 annual inspections for 4 years, during and after construction by Milverton Landscapes. As an extra precaution during construction, no soil is permitted to be taken off site. Perimeter fencing of 4 meters of invested area to be maintained intact and secure, this shall be included in monitoring process. Having regard to the above, I am satisfied that sufficient details have been provided so that the issue of invasive species management is clear and unambiguous. I am consider, that all appropriate measures have been taken to ensure its effective removal. I note on day of site inspection there was no evidence of the Japanese Knotweed on site.

8.2.3. Policy states the following:

Where invasive plant species such as Japanese Knotweed, Giant Hogweed, Himalayan Balsam, Rhododendron Ponticum and three-cornered leek are present on a development site, the developer shall submit an invasive species control plan as part of the planning process. This control plan will describe what and where invasive species are present and what control measures will be implemented, who will implement these and when they will be implemented. Annual monitoring reports on the control program are to be submitted to the Planning Authority until the invasive species is eradicated. I consider the documentation submitted as part of the appeal complies with the above policy.

Objective GINH 032 states the following:

Ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are or were previously present, the applications will be required to submit a control and management program for the particular invasive species as part of the planning process and to comply with the provisions of European Communities (Birds and Natural Habitats) Regulations 2011 and EU Regulations 1143/2014. The documentation as submitted ensures that the control and management of invasive species on site is carried out in full as required under the Plannig process.

8.2.4. In conclusion, I am satisfied based on the substantial information supplied as part of the appeal, that the issues of invasive species has been addressed in full by the applicant. The proposal as set out accords with Objective DMS 0142 and Objective GINH 032 of the Fingal Development Plan 2023-2029 and the primary reason for refusal has been addressed by the applicant.

8.2.5. Conditions

As part of the detailed assessment as submitted by the planning authority, I note the planning authority in the event of a grant of permission recommend bespoke conditions to be included that are specific to the site. These relate to a special contribution in lieu of provision of adequate public space and a bond of €10000 for the protection of trees on site. I consider the public open space condition to be of particular relevance as the application was previously refused for insufficient open space provision. I note the submission of the applicant stating that there is no objection to provision of a condition with respect to open space provision.

8.2.6. I note the applicant proposes to provide an open space provision of 267sqm. Table 4.3 of the Fingal Development Plan 2023 -2029 sets out quantitative public open space requirements. The site is an infill site with an open space requirement of 12%. Objective DMS051 of the Fingal County Development Plan states that provision of public open space is 2.5hectares per 1000 people. The proposed development therefore requires the provision of a minimum of 350sqm. Open space is divided into Class 1 and Class 2 public open space, which caters for both active recreational open space and local residential open space. The planning authority outlines the manner by which the public open space in the proposal was assessed and a condition is recommended based on the shortfall.

I have reviewed the detailed landscaping plans and particulars submitted with the application, the Landscape Masterplan drawing and relevant CDP policy, and the Fingal Development Contribution Scheme.

8.2.7. I note and find the following: Key Statistics in the Proposal

- The proposal has a site area of .403ha, and the applicant proposes providing a public open space totalling 267 sq m (at the north of the site)

- CDP Table 14.1 outlines the types of public open spaces (categories within Class 1 and Class 2) and policy in section 14.13 identifies the types of areas that will not be counted in public open space calculations (environmental open space, green corridors).
- Objective DMSO52 requires compliance with Table 14.2, which, of relevance for the proposal, in turn stipulates that a minimum standard of 12% of the site area is to be provided as public open space for new residential development on infill/ brownfield sites. The 267qsm provided equates to 7% approx. of the site area.
- The Compact Settlement Guidelines require a provision of public open space in new developments of between 10%-15% of the site area (Policy and Objective 5.1, on-site provision).
- In accordance with CDP Objective DMSO51, the proposal generates a requirement of 480sqm (approx.) for public open space ..

I note the distinguishing Classes of open space provision as set out in the Fingal County Development Plan. A Public Park as it relates to Table 14.11 of the Fingal Development Plan is considered Class 1 Public Open Space – Class 1 public open space is to be provided “off site.” The requirement to provide a contribution in lieu of public open space is clear and unambiguous in the context Objective DMS 053 of the existing Fingal County Development Plan 2023 to 2029.

The shortfall is in respect of the non-provision of Class 1 public open space and a financial contribution in-lieu of same is required in accordance with CDP Objective DMOS52.

I concur with the planning authority and recommend the requirement for the applicant to pay a financial contribution to address same remains. I recommend that in the event of grant of permission this condition is retained.

8.2.8. I consider the addition of recommended conditions of the planning authority to be reasonable and realistic and would not be unduly onerous on the developer in developing out the scheme. In this regard, I recommend that the conditions as recommended are implemented where a decision to grant permission is forthcoming.

8.2.9. Other Matters

As per the application and further information submission as provided, I note the traffic calming measures and pedestrian crossing as proposed by the applicant on the L1320. The applicant has addressed previous refusal reason regarding sightlines and received consent of Fingal County Council to carry out works along the public road in order to achieve the required sightlines. I note the provision of a pedestrian crossing at the entrance to the site off the L1320 and the undertaking to ensure works carried out to the Fingal County Council requirements. I note the report of the Transportation Planning Section of Fingal County Council recommending conditions with regard to same.

Having regard to the level of detail supplied with the application, I am satisfied the applicant has addressed sightline, access and pedestrian safety concerns that represent the previous refusal reason on site. In this regard, I am satisfied that traffic or pedestrian safety are not substantive grounds with which to warrant a refusal of permission in this instance.

9.0 AA Screening

- 9.1.1. I have considered the proposed development at Drumanagh View, Ballykea, Loughshinny, Skerries, Co. Dublin in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c 500m west of north-west Irish Sea SPA (004236).

There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 9.1.2. The proposed development comprises the construction of a dwelling on lands on a within the village setting of Loughshinny, Skerries, Co. Dublin .

9.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;

- The nature and small scale of the development,
- The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.
- Taking account of the screening report/determination by the Planning Authority.

9.1.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.1.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required

10.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

Reasons and Considerations

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Residential zoning objectives and other policies and objectives of the Fingal Development Plan 2023-2029. It is considered that applicant has adequately addressed the issue of invasive species through the submission of an invasive species control plan in compliance with Objective DMS 0142 and Objective GINH 032 of the Fingal Development Plan 2023 – 2029. The proposal would appropriately intensify the

residential use at the site as per policy CSP-14 and would constitute an acceptable mix and quantum of residential development as per the Development Management Standards of Fingal Development Plan 2023 -2029 and Design Standard for New Apartments 2024, 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 or serious pollution to biodiversity, lands, water, 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.

11.0 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 plans and particulars received by An Bord Pleanála on the 4th 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the permitted houses in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex 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.

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, tree plans and particulars.
 - c) Any tree felling, surgery and remedial works shall be undertaken in accordance with applicable BS standards or equivalent standards, supervised by and 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 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 Bord Pleanála for determination

Reason: In the interests of arboricultural and environmental protection.

4. Mitigation and monitoring measures outlined in the Invasive Species Control plan as submitted as part of the appeal shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment, public health, and clarity

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 on Mondays to Fridays inclusive, between 0800 to 1400 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.

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

Reason: In the interest of public health.

7. 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 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 interests of amenity and public safety.

8. Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for written agreement. 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.

b) A detailed construction traffic management plan shall be submitted for the written approval of the planning authority prior to commencement of the development.

Reason: In the interest of residential amenities, public health and safety.

9. 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.

10. 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.

11. 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 interests of visual and residential amenity.

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

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

13. 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 local 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 interests of orderly development and to provide for the satisfactory future maintenance of this development.

14. 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 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 its 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.

e) A financial contribution in lieu of a shortfall in public open space provision is required in accordance with section 48 of the Planning and Development Act 2000, as amended.

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.

15. 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 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 Bord Pleanála for determination.

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

16. 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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Darragh Ryan
Planning Inspector

10/06/2025

Form 1 - EIA Pre-Screening

Case Reference	322003-25
Proposed Development Summary	Construction of 4 dwellings
Development Address	Drumanagh View, Ballykea, Loughshinny, Skerries, Co. Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b) Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Appropriate thresholds in accordance with Class 10(b): - Class 10(b)(i) – more than 500 dwelling units. Class 10(b)(iv) – urban development in an area greater than 10ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322003-25
Proposed Development Summary	Construction of 4 dwellings
Development Address	Drumanagh View, Ballykea, Loughshinny, Skerries, Co. Dublin
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Development of construction of 4 detached dwellings. The site is located on a greenfield site on zoned lands within a village centre. There would be no construction impacts beyond that for the construction of a single dwelling.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located at a distance removed from any water body. The site is 500m from nearest European site. There is no likely significant effect on any European site as a result of the proposed development.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	The site is located within a greenfield site within an urban environment. There is no other construction presently in the vicinity of the site. There is no concern in relations to a cumulative or transboundary effect owing to nature and size of the proposed development which is located on a limited site.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)