



An
Coimisiún
Pleanála

Inspector's Report ACP-323748-25

Development	Amendments to the residential development permitted under Fingal County Council Reg. Ref. F24A/0644E.
Location	0.48 Ha site located off Hearse Road, Donabate, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0618E
Applicant(s)	Stephen Barry
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stephen Barry
Observer(s)	Cllr. Corina Johnston
Date of Site Inspection	14 th January 2026
Inspector	Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Screening for Water Framework Directive Assessment Determination

1.0 Site Location and Description

- 1.1. The appeal site is located off Hearse Road in the southwest environs of Donabate, in Co. Dublin.
- 1.2. The site is bound to the south, east and north-east by part of the Semple Woods residential estate (roads known as 'The Drive', 'The Close', 'The Avenue' and 'The Boulevard'), and to the west and north by agricultural land located to the rear of a series of detached dwellings fronting Hearse Road.
- 1.3. The appeal site is c. 0.480ha in area and comprises of a rectangular greenfield site which forms part of a larger agricultural field. The site's south and southwest boundaries comprise of existing trees, hedgerows and fencing with its north-eastern boundary being a concrete block wall. The site is unenclosed to the north and west.

2.0 Proposed Development

- 2.1. The proposed development comprises of amendments to the residential development permitted under Reg. Ref. F24A/0644E. The amendments principally comprise of:
 - (i) the omission of Condition Nos. 4 and 5 to facilitate the construction of 2 no. two storey three-bedroom houses in lieu of a childcare facility.
 - (ii) modifications to the roof profile of Unit Nos. 006, 010, 011, 015, 016 and 020.
 - (iii) all associated site and development work above and below ground.
- 2.2. Condition no. 4 of Reg. Ref. F24A/0644E: *"The proposed 'F3' house types (Unit No. 004 & 005) shall be omitted from the development. Reason: To provide adequate land for the provision of a childcare facility in order to serve the current and future needs of the development in which it is located"*.
- 2.3. Condition no. 5 of Reg. Ref. F24A/0644E: *"Prior to the commencement of development, the applicant shall submit a revised site layout plan on the plots previously proposed as Units No 004 & 005, along with all other necessary plans and particulars, for the written agreement of the Planning Authority which provides for a childcare facility at this location which is of a size capable of accommodating the shortfall of childcare places at the Semple Woods estate (i.e. a minimum of 24 no. childcare places) which the proposed development forms part of. No dwelling hereby*

permitted shall be occupied until the on-site childcare facility is fully complete (internally and externally), and has been made available to potential operators. Reason: The proposed development forms part of the Semple Woods estate and, therefore, it is considered reasonable that the developer addresses the shortfall of childcare places at the previously permitted childcare facility to serve Semple Woods (as previously permitted under Reg. Ref. F17A/0113 (as extended)) in order to ensure appropriate childcare facilities are in place in accordance with Objective CIOSO28 of the Fingal Development Plan 2023-2009 and the proper planning and sustainable development of the area”.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 02/09/2025 for 1 no. reason:

- 1. The proposed omission of the previously conditioned childcare facility (under Extant Permission Reg. Ref. F24A/0644E) in favour of 2 no. additional dwellings would result in an unsustainable extension of the Semple Woods estate without the requisite provision of necessary social and community infrastructure and would have significant negative impacts on the amenities of both the parent development and the wider estate. The proposed development would therefore contravene the ‘RA’ zoning objective, which seeks to ‘Provide for new residential communities subject to the provision of the necessary social and physical infrastructure’; and contravene Objectives CSO6 and CIOSO28 of the Fingal Development Plan 2023-2029. Furthermore, the proposed development would fail to support the provisions of the 2016 Donabate Local Area Plan (as extended to 2026) which seek to, inter alia; encourage the provision of full-day care / crèche facilities as part of any new residential development on the Local Area Plans lands and provide childcare facilities as required; and National Policy Objective 41 of the National Planning Framework – First Revision (2025) which seeks the provision and timely delivery of childcare facilities within or close to existing built-up areas, including in support of infill and brownfield development, to meet the needs of local populations and act as a key enabler for housing development, thereby contributing to the development of*

sustainable communities. On this basis, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 02/09/2025) formed the basis of the planning authority's (PA) assessment: Key points of note raised in the report are as follows:

- *Principle of Development* – residential development and amendments to permitted house types are permitted in principle under site's 'RA' zoning.
- *Site Layout* – acceptable from an urban design perspective re: building line and no potential to effect permitted internal road layout.
- *Visual Amenity* – proposal to amend roof profiles from gable to hipped is out of character with permitted unit's no's 1-3, proposed units no's 4-5 and wider Semple Woods estate. Gives rise to negative visual impact. **Refusal Recommended.**
- *Omission of Childcare Facility* – PA concerned about lack of/ shortfall of childcare facilities to serve current proposal, parent development and wider Semple Woods estate (cumulative 351 no. units) having regard to requirement to provide social and community infrastructure in tandem with residential development (Objective CIO28) and non-delivery/ commencement in operation of childcare facility (61 no. places) conditioned under P.A. Ref. F17A/0113. **Refusal Recommended.**
- *Other* – density of 42uph is acceptable and in line with 30-50uph density range of 'Key/Large Towns' such as Donabate. Car parking and cycle parking acceptable.

3.2.2. Other Technical Reports

Water Services (13/08/2025) – no objection subject to standard surface water and foul drainage conditions.

Transportation Planning (15/08/2025) – no objection subject to condition requiring Condition no. 11 (access/ DMURS/ road safety compliance) attached to parent permission being complied with.

Parks & Green Infrastructure Division (13/08/2025) – no objection subject to condition requiring financial contribution in lieu of 175sq.m public open space shortfall.

3.3. Prescribed Bodies

No submissions received.

3.4. Third Party Observations

19 no. third party submissions received at application stage (including one from appeal observer) raised the following issues:

- Lack of childcare availability.
- Need for infrastructure led development.
- Traffic and environmental concerns.
- Parking and construction/ operational access issues.
- Procedural issues.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. F24A/0644E (parent permission) – application by Stephen Barry for the construction of 22 no. residential units, incl. 18 no. 2-storey houses (7 no. 2-bed units and 11 no. 3-bed units) and 4 no. 1-bed duplex units; vehicular access to the subject lands from Semple Woods to the east which includes partial demolition of a wall; 19 no. car parking spaces; bicycle parking; bin storage; PV panels; boundary treatments; lighting; attenuation basin; hard and soft landscaping; and all other associated site works above and below ground (proposal redesigned at FI stage to provide for total of 20 no. houses only), granted on 29/04/2025 (after withdrawal of first party appeal under ABP-321959-25) subject to 29 no. conditions ((including no's 4 and 5) as detailed in Section 2.0 of this report).

4.2. Semple Woods Estate

North/ North-East Portion

P.A. Ref. 21A/0056 – application by Glenveagh Homes Limited for amendments to F17A/0113 comprising of replacement of Apartment Block 2 and 3 no. 3-bed houses with a new 3-4 storey Apartment Block of 29 units (14 no. 1-bed & 15 no. 2-bed); new bicycle storage area; internal and external amendments and roof redesign and

parking/ servicing changes (all together providing 12 no. additional apartment units, increasing the number of units on the overall development site from 251 no. units to 263 no.), granted on 31/08/2021 subject to 14 no. conditions.

ABP-304289-19 – SHD application for replacement of 97 units (35 houses and 62 apartments) and crèche with 174 apartments and crèche (including associated amendment to condition no. 22 of F17A/0113), refused permission on 08/08/2019 for 1 no. reason: inappropriate height and layout.

P.A. Ref. F17A/0113/E1 – application by McGarrell Reilly Homes to extend the life of the planning permission to 25th April 2028 granted on 01/12/2022 subject to 3 no. conditions including: “1. *The creche shall be constructed, completed and operational by Q1 of 2024, unless otherwise agreed in writing by the Planning Authority. REASON: In the interests of orderly development and to ensure that adequate childcare provision is provided for residents*”.

P.A. Ref. F17A/0113 – application by McGarrell Reilly Homes for construction of 196 houses (130 no. 3-bed, 51 no. 4-bed and 15 no. 5-bed), 62 no. apartments (12 no. 1-bed and 50 no. 2-bed units) and a crèche (322sq.m), with two vehicular access points from Hearse Road, and access to two houses only from Prospect Hill, granted on 15/01/2018 subject to 41 no. conditions incl. no. 2 which confirmed 251 no. dwellings in total were permitted comprising of 189 no. houses and 62 no. apartments and condition no. 22 “*The crèche shall be operational following the occupation of the first 75 units of this development. REASON: In the interests of orderly development and to ensure that adequate childcare provision is provided for residents*”.

South/South-East Portion

P.A. Ref. F21A/0113 – application by Glenveigh Homes Ltd. for extension to Semple Woods housing estate comprising of: 76 no. residential units including 56 no. 2-storey houses (4 no. 2-bed units and 52 no. 3-bed units) and 20 no. duplex units in 3-storey building (10 no. 2-bed units and 10 no. 3-bed units); a vehicular and pedestrian access from Semple Woods to the north; 130 no. car parking spaces; bicycle parking; bin storage plant; photovoltaic panels; boundary treatments; and all other associated site works above and below ground, granted on 02/02/2022 (after withdrawal of appeal under ABP-312458-22) subject to 32 no. conditions including condition no. 2 permitting a max. of 65 no. dwellings.

P.A. Ref. F22A/0165 – application by Glenveagh Homes Limited for amendments to F21A/0113 to increase number of residential dwellings from 65 no. to 69 no. dwellings, 6 no. new car parking spaces; change in house type of unit no. 20; amendments to private and public open spaces, boundary treatments, hard and soft landscaping and internal roadways; and all associated site and development works, granted on 27/09/2022 subject to 14 no. conditions including no. 2 which omitted 1 no. house (thereby permitting a max. of 3 no. units).

4.3. Cumulative Semple Woods Development as Permitted

Planning Permission	Permitted 1-bed units	Permitted 2-bed units	Permitted 3-bed units	Permitted 4-bed units	Permitted 5-bed units	Total Units Permitted
P.A. Ref. F17A/0113 as extended & amended by P.A. Ref. F21A/0056	32	45	116	57	13	263
P.A. Ref. F21A/0113 as extended & amended by P.A. Ref. F22A/0165	0	4	62	2	0	68
P.A. Ref. F24A/0644E	0	9	9	0	0	18
Totals:	32	58	189	59	13	351

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (NPF) (First Revision, 2025): NPO 27: infrastructure led development, Strategic Investment Priority No. 10 – Education, NSO 10 – Access to Quality Childcare and Section 6.5 (Re: Early Learning and Childcare), NPO 41 – investment in ECCE/ childcare.

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas & protected species.

2025 Apartment Guidelines [cited in GOA].

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) -SPPR1 (separation distance) & SPPR2 (POS).

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007).

Childcare Facilities: Guidelines for Planning Authorities (2001).

5.2. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – RPO 9.20: Support investment in the sustainable development of the Region’s childcare services as an integral part of regional infrastructure and Health and Childcare and Section 9.5 (Childcare Access).

5.3. **Development Plan**

The Fingal Development Plan (FDP) 2023 – 2029 applies.

Zoning

Section 13.5 (Zoning Objectives, Vision and Use Classes): The site is zoned ‘RA – Residential Area’ with the objective to ‘Provide for new residential communities subject to the provision of the necessary social and physical infrastructure’. The site is also located within a Local Area Olan area and within a ‘Highly Sensitive Landscape’.

Childcare Facilities

Policy CIOSP2 – Community and Social Infrastructure Audits.

Section 14.12.2 (Childcare Facilities) and Policy CIOSP10 – Childcare Facilities.

Objective CIOSO28 - Childcare Facilities and New Development: Require the provision of appropriate childcare facilities as an essential part of new residential and mixed-use developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities 2001 or any superseding Guidelines, or as required by the Planning Authority. Such facilities should be provided in a timely manner and be an integral part of the development proposal.

Objectives CSO3 – Delivery of Housing Units, CIOSO27 – Optimum Childcare Locations and CIOSO29 – Community-Based Childcare.

Other

Objective CSO6 – Phased Development: Ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or Masterplans, as informed by assessments carried out by the Planning Authority.

Section 1.4 (Strategic Objectives): 3. Ensure new residential development is of the highest quality, endorsing the principles of healthy placemaking, enabling life cycle choices and physical, community, recreation and amenity infrastructure are provided in tandem, to create sustainable, healthy, inclusive and resilient communities. [cited by observer].

Policy CSP32 and Objective CSO45 – Donabate LAP.

Policy SPQHP35 – Quality Residential Development.

Section 14.8 (Housing Development Standards) and Objective DMSO19 (Housing Quality Standards).

Objective DDMSO27 (Min. Private Open Space) - Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows: 3 bedroom houses or less to have a minimum of 60 sq. m. of private open space located behind the front building line of the house...Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

Objective DMSO26 (separation distances) and Section 14.6.6.3 (Separation Distances) - A minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced – subject to the maintenance of privacy and protection of adjoining residential amenities.

Section 14.6.5 (Open Space Serving Residential Development) and Objective DMSO52 states that public open space shall be provided in accordance with Table 14.12 (Recommended Quantitative Standards). Table 14.6 (Open Space Categories). Objective DMSO53 – Financial Contribution in Lieu of Public Open Space.

Objective DMSO54 – Financial Contribution in Lieu of Open Space: Provision in Smaller Developments Require an equivalent financial contribution in lieu of open space provision in smaller developments of less than three units where the open space generated by the development would be so small as not to be viable. Where the Council accepts financial contribution in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1.

Table 14.19 (Car Parking Standards) and Table 14.17 (Bicycle Parking Standards).

5.4. Local Area Plan

The site comes within the boundary of the Donabate LAP (2016-2026 (lifetime extends until 7th March 2026)) and is located in the 'Corballis West/ Area 7a' Phase 2 lands which are situated to the west of the railway line.

Section 6.1.2 (Education, Childcare and Healthcare Facilities) of the LAP provides that *"It is an objective of the LAP to encourage the provision of full-day care / crèche facilities as part of any new residential development. One dedicated crèche facility will be required for every 75 no. units subject to existing supply provision. Crèches will be determined at planning application stage. The LAP would envisage Corballis Local Centre and Ballymastone Educational and Recreational Campus to be appropriate locations for such childcare provisions. The Council shall provide for dedicated full-day care crèche facilities and future childcare needs within the LAP lands"*.

LAP Community Infrastructure Objective 6.1 is to *"Implement Childcare Guidelines, as appropriate and support the provision of childcare and education facilities at appropriate locations and as required"*.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated European site.

The nearest European Sites to the appeal site are as follows:

- c. 550m from Malahide Estuary SPA (Site Code 004025).
- c. 550m from Malahide Estuary SAC (Site Code 000205).
- c. 2.5km from North-West Irish Sea SPA (Site Code 004236).
- c. 3.5km from Rogerstown Estuary SAC (Site Code 000208).
- c. 3.5km from Rogerstown Estuary SPA (Site Code 004015).
- c. 5.7km from Rockabill to Dalkey Island SAC (Site Code 003000).
- c. 8km from Lambay Island SAC (Site Code 004236).
- c. 8km from Lambay Island SPA (Site Code 004069).

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 550m from Malahide Estuary pNHA (Site Code 000205).

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 & Form 2 in Appendix 1 of this

report). Having regard to the characteristics and location of the proposal and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive Screening

There are no water courses in the immediate vicinity of the appeal site with the River Turvey being located c.180m to the south-west of the appeal site and separated from same by a riparian corridor, estate roads and by Semple Woods Boulevard.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced suburban location, the distance from the nearest water bodies, the lack of direct hydrological connections and the current status of the groundwater body.

I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 2 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (26/09/2025) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

- *Principle of Development* – residential use permissible under RA zoning; density, parking, access, servicing and site layout arrangements acceptable to PA; no impact on Part V compliance; and, no likelihood of significant effects on EU sites.
- *Relationship to Semple Woods Estate* – proposal does not constitute an extension of Semple Woods on basis that the existing estate was developed by a different developer/ built out by a different construction team; the estate and appeal site do not share the same landownership; the appeal site is only required to be accessed via the aforementioned estate as its landlocked; and, subject estate will not share the Semple Woods name.
- *Development Viability* – foreword of 2025 Apartment Guidelines identifies viability as a major issue for housing delivery and Section 2.2 seeks to ensure planning process balances meeting housing standards with securing housing supply. Omission of 2 no. units & reduction in density to 37.5uph is unsustainable when combined with existing requirement to provide for a future through road.
- *Zoning Compliance* – no zoning contravention as no necessary social infrastructure required in respect of 22 unit residential scheme on RA zoned lands on basis that LAP and Childcare Guidelines threshold for a childcare facility is 20 no. places per 75 no. units.
- *Childcare Demand* – subject proposal gives rise to a nominal demand for 2 no. childcare places on basis of 2023 CSO data finding that just 22% of pre-school children attend childcare facilities and to revised requirement of 22 no. childcare places in Semple Woods development (i.e. not 85 no. as determined by PA). Creche (61 no. places) in Semple Woods permitted under P.A. Ref. F17A/01113 (as extended) is substantially complete, sale agreed and due to commence operation in Q1 2026 (sufficient to meet Semple Woods demand) and multiple childcare

facilities have been delivered/ are planned in locality at Balmoston Estate, New Road and lands to east of Semple Woods estate.

- *Planning Precedent* – ABP decisions under TR06D.308958 and TR06D.308878 allowed for replacement of permitted childcare facility.

9.2. **Planning Authority Response**

The PA, in their response received 28/10/2025 refers the Commission to their planning reports on P.A. Refs. F25A/0618E and F24A/0644E and seeks that their decision is to refuse permission be upheld. The PA gives the following specific responses to the applicant's grounds of appeal:

- Proposal constitutes a physical extension to Semple Woods/ is not independent.
- Preamble text in 2025 Apartment Guidelines is not SPPR/ is not relevant to houses.
- Proposal only complies with site's RA zoning where sufficient childcare infrastructure is provided in compliance with zoning objective.
- Appellant's piecemeal assessment of childcare demand of proposal in isolation from Semple Woods estate is inadequate/ underestimates pent-up local demand.
- 351 no. units in Semple Woods have an unmet requirement for childcare places, hence the rationale for condition no's 4 & 5 attached to P.A. Ref. F24A/0644E.
- Precedents cited are irrelevant due to LRDs/ SHDs different planning context.
- Procedural concerns re: pursual of new amendment application over taking an appeal against conditions No's 4 & 5 attached to P.A. Ref. F24A/0644E.

The PA's response is accompanied by an appendix which provides a detailed breakdown of the mix of the 351 no. units permitted to date across the Semple Woods estate and concludes that 319 no. of these are 2-5 bed units necessitating c. 85 no. childcare places – 61 no. of which would be met by the childcare facility permitted (but not yet commenced) under P.A. Ref. F17A/0113 (as extended), thereby leaving a shortfall of 24 no. spaces.

In the event that the Commission grant permission for the proposal, the PA seek that, where relevant, conditions relating to the payment of a Section 48 Development

Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in open space and/or play facilities be applied.

9.3. **Observations**

Observation received 23/10/2025 from Cllr. Corina Johnston reiterates their concerns raised at initial application stage, in short:

- Infrastructure delivery not keeping pace with development under the LAP.
- A serious shortfall in local in creche and school places necessitating unsustainable travel patterns.
- Proposal represents an extension of Semple Woods and is required to provide for childcare infrastructure to meet shortfall in provision arising from same and permissions granted under P.A. Ref. F22A/0165 and F21A/0113.

9.4. **Further Responses**

None received.

10.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Childcare Provision
- Design, Layout and Visual Amenity
- Other

I wish to draw the Commission's attention to the fact that it was not possible to gain access to the appeal site during my site inspection on the 15th January 2026.

10.1. **Principle of Development**

10.1.1. The principle of developing the site for housing was established under the parent permission (P.A. Ref. F24A/0644E) where the PA determined that the density, design and layout of the proposal was compliant with the site's 'RA – Rural Area' zoning and with the Fingal Development Plan 2023-2029, subject to conditions. For this reason, my assessment will specifically focus on the amendments subject of the appeal before the Commission. These are (i) the omission of Condition Nos. 4 and 5 attached to Reg. Ref. F24A/0644E in order to facilitate the construction of 2 no. 2-storey 3-bedroom houses in lieu of a childcare facility; (ii) modifications to the roof profile of Unit Nos. 006, 010, 011, 015, 016 and 020; and (iii) all associated site and development works above and below ground.

10.1.2. The amendments (residential development and works ancillary to same) are permissible in principle under the site's 'RA – Residential Area' zoning. Notwithstanding, I note that both the PA and observer raise concerns about how the proposed omission of the permitted childcare facility conflicts with the site's RA zoning objective to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. I consider this matter further in Section 10.2 of this report.

10.2. **Childcare Provision**

10.2.1. The observations on the planning application highlight the difficulty in local residents securing childcare places in Donabate and the necessity to undertake long, unsustainable commutes to locations elsewhere in Fingal in order to secure childcare.

10.2.2. Both the observer and the PA are of the view that the information on file points to a clear childcare infrastructural deficit in the locality and in Semple Woods estate itself on account of the non-delivery of the permitted childcare facility within that estate.

10.2.3. The GOA make the case that as the proposal does not physically/ functionally form part of the Semple Woods estate, which was developed by third parties, it is unreasonable to require appellant to provide infrastructure to serve a shortfall in same.

10.2.4. Whilst I note the site subject of this appeal is in different land ownership to the wider Semple Woods estate, the lands share the RA zoning and are both located in LAP quadrant 7A. I do not agree with the appellant's view that the subject proposal (and parent permission) does not constitute part of the wider estate. I have formed this view on the basis of the landlocked subject site being accessible only via the Semple Woods

to the east; having regard to the location of the proposed estate adjoining the existing estate which reads as a physical extension of same which is named 'The Semple Woods' on the submitted site plans; and, the description of the proposal as being an extension of Semple Woods in other submitted planning documentation.

- 10.2.5. I note that the emerging demographic profile of the area is one of young families (as illustrated by the submissions on file and the relative unit mix in Semple Woods and parent scheme) with related demand for childcare places for those aged 0-4.
- 10.2.6. The information on file illustrates that there was both an unmet demographic need and an unmet geographic need for additional childcare facility in the area at the time the amendment application was lodged on 09/07/2025. In this respect, the GOA refer to multiple childcare facilities being planned or having been delivered in the locality at Balmoston Estate, New Road and lands to east of Semple Woods estate. However, I note that no details are provided as to the capacity or pent-up demand for same with the applicant's FI stage Social Infrastructure Audit submitted to PA on 16/12/2024 (under F24A/0644E) acknowledging that there was limited supply of childcare places in the area with no spare capacity in the childcare facilities within the site's catchment.
- 10.2.7. Notwithstanding the foregoing, I draw the Commission's attention to the fact that when the amendment application was made, the permitted creche in Semple Woods (in apartment block no. 3) had not yet been delivered by the developer of that scheme. In the intervening period (i.e. up to the receipt and assessment of the subject appeal), the apartment block has been fully built-out and the creche on the ground floor is currently undergoing a fit-out in preparation for its scheduled opening in Spring 2026. It is my opinion that this fact gives rise to a material change in the planning context for the assessment of the subject proposal which I examine further below.
- 10.2.8. The appellant argues that, having regard to the demographic profile of their scheme/ the wider estate, to the resultant childcare demand and to CSO data on childcare facility take-up, the size of the permitted creche at Semple Woods is ample with no quantitative requirement for a further facility by condition on their lands.
- 10.2.9. The appellant's view is disputed by both the PA and the Observer who consider their assessment of existing and future childcare demand to be piecemeal and inadequate.
- 10.2.10. I note that Section 2.4 of the 2001 Childcare Guidelines states that "*planning authorities should require the provision of at least one childcare facility for new*

housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate...The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.” Appendix 2 of the guidelines elaborates on same, providing that the standard of one childcare facility per 75 dwellings should have regard to “1. The make-up of the proposed residential area, i.e., an estimate of the mix of community the housing area seeks to accommodate. (If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption”.

10.2.11. The table provided in Section 4.3 of this report sets out the unit mix of the 351 no. units permitted to date on the appeal site and within Semple Woods Estate, which comprises of 319 no. 2 to 5 bed units when the 1-bed units are excluded, as suggested in the Apartment Design Guidelines. In terms of calculating childcare demand, as detailed above Appendix 2 of the 2001 Childcare Guidelines provides that, typically, a facility providing 20 no. childcare spaces would serve 75 no. units. This would give rise to a cumulative requirement for c. 85 no. childcare spaces in the case of the 319 units, with the proposal for 2 no. additional houses not giving rise to a material change in this figure.

10.2.12. Having consulted the CSO’s Census of Population 2022 Profile 3 - Households, Families and Childcare data on pre-school children (accessed on 06/01/2025) which is cited in the GOA, I note that the results on pre-school children (ages 0-4)/ childcare by age-group state that 60% of this pre-school age cohort were cared for in a creche or similar facility with this being the most common type of childcare. Applying this 60% metric to the aforementioned estimated demand of 85 no. childcare places gives rise to a revised demand of 51 no. childcare places. On this basis, it is reasonable to assume that the creche facility permitted under P.A. Ref. F17A/0113 which provides for 61 no. childcare places, and which has recently been built-out and is being fitted out/ is due to commence operation shortly according to what I observed during my site

inspection, would satisfy all of the childcare demand arising from the development permitted (and proposed) on the appeal site and within Semple Woods estate. Therefore, in line with the guidance in Section 2.1 of the Childcare Guidelines, I consider that there are demonstrably adequate childcare facilities in the adjoining Semple Woods development and, for this reason, a further childcare facility on the appellant's land is not required. In light of this conclusion, I consider that the appellant's arguments around development viability and proportionality are immaterial and do not need to be further considered.

10.2.13. Furthermore, whilst I acknowledge that there was a demonstrable time-lag between the pace of residential development in the locality and delivery of necessary supporting social infrastructure, having regard to my site inspection, to the information on file and to my assessment as set out in paragraphs 10.2.10 – 10.2.12 above, I am satisfied that, in the case of the subject area, adequate childcare spaces are being provided for. On this basis, it is my view that the proposal would not give rise to a contravention of the site's RA zoning objective – which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure, of National Policy Objective 41 (investment in ECCE/ childcare) or of Objectives CSO6 - phased development of housing in tandem with social infrastructure identified in LAPs (i.e. as per Section 6.1.2 of Donabate LAP), CIO5028 – requires provision of childcare facilities as part of new residential development in accordance with the 2001 Childcare Guidelines and CIO503 - demonstrate that necessary social infrastructure is in place. In light of the foregoing, I consider the omission of Condition Nos. 4 and 5 attached to Reg. Ref. F24A/0644E to facilitate the construction of 2 no. two storey three-bedroom houses in lieu of a childcare facility to be acceptable.

10.3. **Design, Layout and Visual Amenity**

Proposed Residential Units

10.3.1. 2 no. Type F3 (2-storey/ 3-bed) semi-detached houses of 104sq.m are proposed fronting the estate's open space area in place of the creche conditioned under P.A. Ref. F24A/0644E. The design and siting of these proposed houses is identical to that proposed previously at FI stage under the F24A/0644E application – which was acceptable in principle to the PA.

- 10.3.2. Having reviewed the floor plans for said dwellings, I am satisfied that they comply with design and floor area requirements of the Quality Housing Guidelines (2007) as required by FDP Objective DMSO19. I am also satisfied as to their compliance with car parking (1 space per dwelling in Zone 1 areas) standards as per Table 14.19 (Car Parking Standards), with further provision for in-curtilage bike parking in line with the standards (5 cycle spaces) in Table 14.17 (Bicycle Parking Standards).
- 10.3.3. Having reviewed the 2 no. dwelling's compliance with Objective DMSO27 (Min. Private Open Space) which requires 60sq.m for a 3-bed house), I note that the proposal, which provides for 40sq.m - 51sq.m of POS materially contravenes same. Notwithstanding, I consider that it is open to the Commission to grant permission for the proposal under Section 37(2)(a) of the Planning and Development Act (2000) as amended on the basis that SPPR2 (Private Open Space) of the 2024 Compact Settlement Guidelines allows for a min. of 40sq.m POS serving 3-bed houses (proposal is compliant with same) and also under 37(2)(b)(iv) of the Act, given that much of the housing permitted under F24A/0644E appear to be below the CDP standard for private open space.
- 10.3.4. In respect to the separation distances provided for to the rear of the 2 no. proposed houses, I note that Section 14.6.6.3 (Separation Distances) requires a min. 22m between opposing rear windows. Whilst the proposal provides for a separation of 12.4m, I do not consider same to constitute a material contravention on the basis that the policy goes on to state that the specified dimension shall generally be observed unless alternative provision has been designed to ensure privacy. In the case of the proposal, I note that the first floor windows of house Type F3 serve the WC and landing and are proposed to be obscured in compliance with this requirement.
- 10.3.5. Roof Profile Changes
- 10.3.6. The appellant has sought to amend the permitted gable roof profile of unit no's 006, 010, 011, 015, 016 and 020 in order to provide for hipped roofs on these units. The PA has raised concerns with the negative impact of the proposal on the visual character of the wider Semple Woods estate The GOA and Observation do not comment on the roof profile amendments.
- 10.3.7. Having reviewed the comparative site plans and the permitted and proposed street elevations, I note that the proposed changes in roof profile will affect only the end-of-terrace units within the proposed scheme and would necessitate a rearrangement of

their solar panels. Whilst I note that the provision of a hipped roof profile is a departure from the gable/ pitched roof profiles evident in the wider Semple Woods estate, having regard to the overall layout, 2-storey height and location of the proposal to the rear (south-west) of 'The Close' and 'The Boulevard' and to the existing built form to the north-east fronting the R-126, I do not consider that this change in roof character would be unduly perceptible or visually prominent from the public realm. On this basis, I am satisfied that the proposed roof profile amendments would not give rise to a negative visual impact on the character of the area and I consider that they are acceptable. For these reasons I consider the proposed modifications to the roof profile of Unit Nos. 006, 010, 011, 015, 016 and 020 to be acceptable.

10.4. **Other**

Planning Precedent

10.4.1. Having considered the planning precedents cited by appellant (ABP decisions under TR06D.308958 and TR06D.308878), I note that they relate to proposals to replace childcare facilities with communal amenity space rather than with private housing and to much larger LRD/SHD schemes in Dublin 18 which featured a mix of houses and apartments with a different demographic/ occupancy profile to that now proposed. For these reasons I consider they are not directly relevant to the proposal and note each appeal case is assessed and determined on its own merits having regard to the sensitivity of the receiving environment and specifics of the proposed development.

Contribution in Lieu

Public Open Space

10.4.2. The issue of the non-provision of public open space on the site was raised by the PA's Parks and Green Infrastructure Division who sought that the applicant provides a financial contribution in lieu of what they estimate to be a 175sq.m shortfall in same. This requirement is reiterated by the PA in their response to the appeal.

10.4.3. Section 14.6.5 (Open Space Serving Residential Development) provides that appropriate provision must be made for public open space within all new multi-unit residential developments i.e. including those on RA zoned lands. Objective DMSO52 states that public open space shall be provided in accordance with Table 14.12 (Recommended Quantitative Standards) which in turn requires a minimum of 12-15%

of the site area of new residential development on greenfield sites/LAP lands to be given over to this use with Objectives DMSO53 and DMSO54 in the same policy section allowing for circumstances where a financial contribution in lieu of open space can be accepted by the PA.

- 10.4.4. Having reviewed the parent permission, I note that 846sq.m of public open space is provided for on the site equating to 17.5% of the overall 0.480 site area (incl. the appeal site). I am satisfied that this overall provision meets (and exceeds) the requirements of Table 14.12 requires and that no shortfall arises in the case of the proposal subject of this appeal.

Play Facilities

- 10.4.5. The PA, in their response, sought the payment of contribution in lieu of play facilities be applied where a shortfall in same is identified. FDP Section 14.13.3.2 (Playground Facilities) requires provision of same in all residential schemes (incl. those on RC zoned lands) in excess of 50 no. units only and, as such, does not apply in this instance given the proposal relates to a total of 22 no. units.

Tree Bond

- 10.4.6. The PA in their response to the appeal recommend the conditioning of a tree bound. I observed some trees along site boundaries during my site inspection and note condition no. 24 attached to the parent permission already provides for a tree and hedgerow bond in respect to development on the site. I do not consider a further condition to be warranted on this basis.

Procedural Issues

- 10.4.7. The PA highlights procedural concerns in light of the decision to pursue an amendment application over an appeal of the decision on P.A. Ref. F24A/0644E. I note same and have had regard to the planning history of the site as detailed in Section 4.1 in undertaking my assessment of the proposal before the Commission.

11.0 AA Screening

- 11.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on European Sites, namely Malahide Estuary SPA (Site Code 004025), Malahide Estuary SAC (Site Code 000205), North-West Irish Sea SPA (Site Code 004236), Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015), Rockabill to Dalkey Island SAC (Site Code 003000), Lambay Island SAC (Site Code 004236) and Lambay Island SPA (Site Code 004069), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

11.2. This determination is based on:

- The nature and small scale of the work, location with a serviced suburban area and connection to existing municipal services.
- The significant separation distance from the nearest European site and lack of meaningful connection.
- The screening determination of the Planning Authority.

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

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

12.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

13.0 Reasons and Considerations

Having regard to the location of the site on lands zoned 'RA – Residential Area' with the objective to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure' and to the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029 and the Donabate Local Area Plan 2016-2026 (and specifically to development plan Objectives CIOSO28 and CSO6 and to LAP Objective 6.1 and Section 6.1.2), and to the Childcare Facilities: Guidelines for Planning Authorities (2001) and SPPR1 and

SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area including the planning history of adjoining lands and the creche facility permitted under P.A. Ref. F17A/0113 which is due to become operational shortly, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not give rise to a requirement for the provision of additional childcare facilities or seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference F24A/0644E) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
3.	<p>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</p>

	<p>An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
4.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Emma Gosnell
 Planning Inspector
 19th January 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323748-25
Proposed Development Summary	Amendments to the residential development permitted under Fingal County Council Reg. Ref. F24A/0644E.
Development Address	Site located off Hearse Road, Donabate, 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" 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 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) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.48 ha. Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 2 no. dwelling units.

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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323748-25
Proposed Development Summary	Amendments to the residential development permitted under Fingal County Council Reg. Ref. F24A/0644E.
Development Address	Site located off Hearse Road, Donabate, 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	The development is for amendments to a permitted residential development on a site of 0.48ha. No demolition works are proposed. The development is significantly below the class threshold of 500 dwellings. The project due to its size and nature would not give rise to significant use of resources or production of

resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	waste during both the construction and operation phases. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.
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 in the south-west environs of Donabate. There is a concentration of similar medium-density housing in the area (Semple Woods estate). The nearest Natura 2000 sites are the Malahide Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) both c. 550m to the south-east of the appeal site with the North-West Irish Sea SPA (Site Code 004236) being 2.5km to the east. The site is not within a designated ACA and there are no Protected Structures on or immediately adjoining the site. Having regard to the above and the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Due to the small scale of the development, the construction stage will not be significant in terms of duration or complexity. The main operational impacts would be limited to traffic, residential and visual amenity, and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment/design and can be assessed without potential for significant environmental effects that would require EIA. There would be no significant cumulative impacts with other projects.
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.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required).

Appendix 2

Screening the need for Water Framework Directive Assessment Determination

The appeal site is located off 0.48 ha site located off Hearse Road, Donabate, Co. Dublin.

The proposal is for amendments to the residential development permitted under Fingal County Council Reg. Ref. F24A/0644E – see Section 2.0 of Inspector's Report for further details.

The River Turvey (IE_EA_08T020700 Poor WFD Status and At Risk) is located c.180m to the south-west of the appeal site.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission (described above) on this site in Donabate, Co. Dublin and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.