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Co. Dublin

**NOTIFICATION OF DECISION TO GRANT PERMISSION**

**PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**

Decision Order No. PF/0356/21	Decision Date 17 February, 2021
Register Ref. F20A/0659	Registered 15 December, 2020

**Area:** Rush Lusk

**Applicant:** Cathal Glackin

**Development:** Permission for (i) demolition of existing boundary wall (ii) construction of two number detached storey and a half houses (iii) provision of vehicular entrances for each house onto New Road, to provide access to 2 no. on curtilage car parking spaces per house; (iv) construction of a public footpath on the site's western boundary; and (v) all ancillary works necessary to facilitate the development including SuDS surface water drainage, site works, landscaping and boundary treatments.

**Location:** 5 Ballalease West, Donabate, Co Dublin

**Floor Area:** 298 Sq Metres

**Time extension(s) up to and including**

Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / County Hall, Swords, Fingal, Co. Dublin \K67 X8Y2  
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724  
e: [planning@fingal.ie](mailto:planning@fingal.ie) [www.fingal.ie](http://www.fingal.ie)

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15 D15 W638  
Blanchardstown Office t: (01) 870 8434 e: [blanch.planning@fingal.ie](mailto:blanch.planning@fingal.ie)

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**Additional Information Requested / Received /**

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the (21) conditions on the attached Pages.

### Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application on the 15th December 2020, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. The rear (northern) site boundary shall comprise a 1.8 metre wall to match that proposed on the eastern site boundary.  
REASON: In the interest of clarity.
3. This grant of permission relates to 2 no. residential units.  
REASON: In the interest of clarity and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.
4. The external finishes of the dwellings hereby permitted shall comprise neutral coloured render for the external walls and slate/tile (blue/black colour) for the roof and shall be as indicated on the drawings received by the Planning Authority on 15th December 2020, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.  
REASON: To protect the visual amenity of the area.
5. The following requirements in relation to surface water drainage shall be carried out in full;
  - (i) Prior to commencement of development the developer shall submit for the written agreement of the Planning Authority details of the proposed soakaway including distance from boundaries, proposed dwellings, existing dwellings/buildings, on site treatment systems, size of soakaway, and calculations for the determination of the size of the soakaway and the time of emptying calculation, all based on site specific infiltration test results, which are to be submitted. The applicant should note that dates, times, and photographs of the trial hole for the infiltration test should be included with the measured result for the site specific infiltration test.
  - (ii) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.
  - (iii) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.  
REASON: In the interest of public health.
6. The applicant/developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.  
REASON: In the interests of public health and in order to ensure adequate

drainage provision.

7. The following requirements in respect of access shall be carried out in full;
  - (i) Prior to commencement of development the developer shall submit for the written agreement of the planning authority proposals for the relocation of the public lighting column on St. Patricks park so that it is flush with the boundary wall.
  - (ii) The proposed path of 2.060-2.095 metres in width shall be accommodated in the existing verge along the western site boundary, unless otherwise agreed in writing with the Planning Authority.
  - (iii) Prior to commencement of development the developer shall contact the Swords Operations Area Parks Superintendent to agree details in relation to the replacement of the existing tree located adjacent to the proposed vehicular entrances on New Road.
  - (iv) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 0.9 metres.
  - (v) All stormwater shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.
  - (vi) The footpath and kerb shall be dished at the Developer's expense to the satisfaction of the Area Engineer, Operations Section.
  - (vii) All roads and footpaths shall be constructed to the Council's standard for taking in charge.
  - (viii) No vehicular entrance shall exceed a width of 4 metres.
  - (ix) The front boundary wall of the site shall not exceed a height of 0.9 metres.
  - (x) All above works to be carried out at the Developer's expense in accordance with the Specification and Conditions of Fingal County Council.
  - (xi) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the Developer's expense.

REASON: In the interest of the proper planning and development of the area.

8. All bathroom/ en suite windows shall be fitted and permanently maintained with obscure glass, the use of film is not acceptable.  
REASON: In the interests of residential amenity.

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

The applicant/ developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

REASON: To protect the amenities of the area.

10. The following requirements shall be complied with in full;
  - (i) During the construction phase, no heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc.) shall be operated on or adjacent to the construction site before 0800 hours or after 1900 hours, Monday to Saturday. No activities shall take place on site on Sundays or Bank Holidays. No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between 1900 hours and 0800 hours. No deliveries of materials, plant or machinery shall take place before 0800 hours or after 1900 hours.
  - (ii) During the construction phase the applicant/developer shall minimise noise from construction operations and shall have regard to B.S.5228: Part 1:1997 'Noise and Vibration control on construction and open sites – Code of practice for basic information and procedures for noise and vibration control.'
  - (iii) The development hereby permitted shall be operated such that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence or public place in the vicinity. Noise emissions from the site shall be broadband in nature and free from audible tonal characteristics.  
REASON: In the interest of public health.
  
11. During the construction phase of the development hereby permitted the applicant/developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.  
REASON In the interest of traffic safety.
  
12. Prior to commencement of development the applicant/developer shall submit to the Planning Authority for its written agreement a Construction and Demolition Waste Management Plan for the development hereby permitted. This plan should include specific measures to prevent fugitive material from reaching the beach.  
REASON: To protect the amenities of the area.
  
13. Each residential unit shall be used as a single dwelling unit.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
  
14. All public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.  
REASON: In the interest of amenity.

15. No residential unit shall be occupied until all the services have been connected thereto and are operational.

REASON: In the interest of the proper planning and development of the area.

16. The following requirements shall be complied with;

(i) The hours of operation on all construction sites shall be restricted to 0800 to 1900, Monday to Friday, and 0800 to 1400 on Saturdays.

(ii) No activities shall take place on site on Sundays or Bank Holidays.

(iii) No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 1900 and 0800.

(iv) No deliveries of materials, plant or machinery shall take place before 0800 or after 1900.

REASON: In the interests of public health.

17. The permitted homes shall be numbered 5A and 5B Ballalease Way or such other name/no as shall be agreed with the Planning Authority

18. Prior to commencement of development, the Developer or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the Planning Authority in accordance with the requirements of Section 96 of the Planning and Development Act 2000 as amended, unless an Exemption Certificate shall have been applied for and been granted under Section 97 of the Act, as amended.

REASON: To comply with the Requirements of Part V of the Planning and Development Act 2000 as amended and to comply with the requirements of the housing strategy in the Development Plan of the area.

19. The Developer shall pay €20,543 in lieu of 0.0350 ha of public open space.

REASON: In the interest of the proper planning and development of the area.

20. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-

A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of €40,000 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/

B. Lodgement with the Council of a Cash Sum of €25,000 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard

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specification.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

21. Prior to Commencement of development the developer shall pay the sum of €30,740 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website [www.water.ie](http://www.water.ie), Tel. (01) 6021000.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: The issue of encroachment or oversailing is a civil matter the applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

Signed on behalf of the Fingal County Council

  
\_\_\_\_\_ 18 February, 2021  
for Senior Executive Officer

**NOTES:**

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.





## Information Note - Public Water and Waste Water Networks

### Connections

On the 1<sup>st</sup> of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.

# INFORMATION for the purposes of Building Control;-

- **IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.**

**BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011) .**

- **IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.**
- **YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.**

*(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)*

## 1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

**Note:** All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

## 2. Commencement Notice; www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from www.localgov.ie, @ BCMS. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 S.I. No 9 of 2014) be to be accompanied by the following;
  - a. General Arrangement Drawings
  - b. A schedule of design documents as are currently prepared or to be prepared
  - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
  - d. The preliminary inspection plan
  - e. A Certificate of Compliance (Design)
  - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
  - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a Chartered Engineer, or Registered Architect or Registered Surveyor
2. A Competent Builder must execute the work

3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

### **3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)**

**CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.**

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at [www.n Sai.ie](http://www.n Sai.ie), and

**NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>**

## **Construction Products Regulation**

The Department of Housing, Planning & Local Government has in relation to the Construction Industry and Brexit produced two documents to raise awareness among specifiers, designers and builders of the need to look for CE marking on construction products and the accompanying Declarations of Performance.

The following is a link to an Information Leaflet: Brexit - Construction Products Regulations:

<https://www.housing.gov.ie/corporate/brexit/brexit-construction-products-regulation>

The following is a link to Construction Industry – Be Prepared FAQ document :

[https://www.housing.gov.ie/sites/default/files/publications/files/construction\\_industry\\_-\\_be\\_prepared\\_for\\_no\\_deal\\_brexit\\_-\\_frequently\\_asked\\_questions.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/construction_industry_-_be_prepared_for_no_deal_brexit_-_frequently_asked_questions.pdf)

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**NOTES**

**(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

**(B) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.**
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5<sup>th</sup> September 2011 are as follows:

**Case Type**

**Planning Acts**

(a) Appeals against decisions of Planning Authorities

Appeal

(i) 1 <sup>st</sup> party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 <sup>st</sup> party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 <sup>st</sup> party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 <sup>st</sup> party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

**NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).**

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

**NB.** This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.