

An
Coimisiún
Pleanála

Direction
CD-020918-25
ABP-322747-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/10/2025.

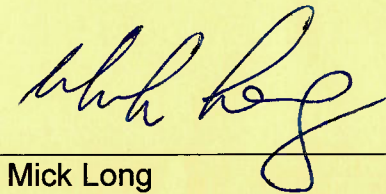
The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission decided that the planning authority be directed to amend condition 23, as follows:

Condition 23: Prior to Commencement of development a financial contribution in the sum of €20,213.22 be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall of 409 sqm of open space.

REASON: The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

Planning

Commissioner:


Mick Long

Date: 09/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to

- (a) The nature, scale and form of the proposed development
- (b) The pattern of development in the area including proximity to public open space to the north
- (c) Fingal County Council Development Contribution Scheme 2021-2025
- (d) Fingal County Development Plan 2023-2029
- (e) Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- (f) The detailed submissions on file from the appellant and the planning authority

it is deemed by the Commission that there is a shortfall of 409sqm of public open space relating to the proposed development and that a contribution in lieu of the shortfall relating to the part greenfield, part brownfield site is warranted.

In not accepting the Inspector's recommendation to reduce the contribution to nil the Commission was satisfied the provision of 12% of the net space in line with Table 14.12 Objective DMSO52-Public Open Space Provision of the Fingal Development Plan 2023-2029 was appropriate and the contribution in lieu should meet the shortfall from 10.4%.

Therefore, the Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that the terms of Note 5 of the Fingal County Council Development Contribution Scheme 2021-2025 had not been properly applied in respect of Condition No. 23 and directs the said Council to amend Condition No. 23.