

An
Coimisiún
Pleanála

Direction
CD-022399-26
ACP-324331-26

The submissions on this file and the Inspector's report were considered at a meeting held on 19/08/2026.

The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended.

In accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, the Commission determined that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 26 and directs the said Council to AMEND condition number 26 so that it shall be as follows for the reason stated.

26. Prior to Commencement of development, a financial contribution in the sum of €93,921.74 (ninety three thousand, nine hundred and twenty one euro, seventy four cent) shall 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 0.1014 hectares of open space.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Reasons and Considerations

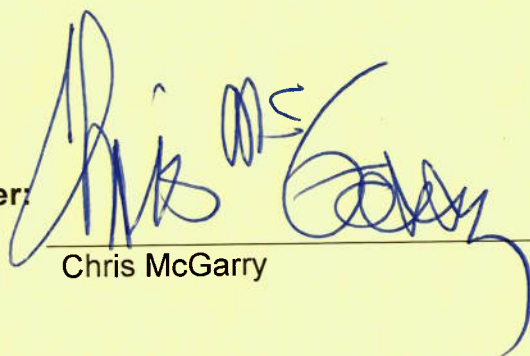
Having regard to:

- (a) the nature, scale and form of the proposed development, including the quantum of public open space provided,
- (b) the pattern of development in the area including proximity to the Ward River Valley Regional Park,
- (c) the Fingal County Council Development Contribution Scheme 2026-2030,
- (d) Fingal County Development Plan 2023-2029 including the Swords Masterplan (2019),
- (e) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and
- (f) the detailed submissions on file from the appellant and the planning authority,

it is considered that having regard to the extent of public open space proposed in the current application, which includes public open space for the residential units permitted herein, along with an allocation for future residential development in the immediate vicinity, to the spatial form and layout of the public open space, which is aligned with the scale, form and positioning of open space, as set out with in the Swords Masterplan, including Barrysparks, Crowcastle, Fosterstown and Estuary West, listed as an operational Masterplan in the adopted Fingal County Development Plan 2023-2029, to the clearly stated purpose and extent of public open space within that Masterplan, it is considered that any argued shortfall of open space based on the requirements of 2.5ha per 1000 population is met through the provision of the masterplan. Having regard therefore to the specific facts of the case and noting that the application of a contribution in lieu is a discretion, given the nature, scale and

form of the development, including the extent and quality of open space provided on site and in the vicinity, it is determined that an in lieu contribution would not be warranted in this instance by reference to a calculation based on 2.5 hectares per 1000 population equivalent. It is further considered that the proposed development would provide public open space on the subject site (allocated to the residential units permitted under this permission) at a rate of 12% thereby representing a shortfall of 3% from the target minimum of 15% as set out in objective DMS052 of the Fingal County Development Plan 2023-2029, and that a contribution in lieu of this figure of 3% public open space is warranted in this instance by reference to objective DMS053.

**Planning
Commissioner:**



Chris McGarry

Date: 20/08/2026