



An
Coimisiún
Pleanála

Direction
CD-022490-26
ACP-324365-26

The submissions on this file and the Inspector's report were considered at a meeting held on 10/09/2026.

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

Attach condition number 25

Planning

Commissioner:

Date: 22/09/2026

Mary Henchy

DRAFT WORDING FOR ORDER

Reasons and Considerations

This appeal has been made against condition number 25 only, attached to grant of permission for the Large-Scale Residential Development (Reg Ref LRD25A/0014W), a condition that solely relates to a financial contribution. Therefore, the Commission is limited in accordance with Section 48(10)(b) of the Planning and Development Act 2000 (as amended) to consider whether the 'terms of the scheme have not been properly applied' (emphasis added) and not any other matter. It is not open to the Commission to give consideration as to whether it is appropriate or not to Materially Contravene the County Development Plan, specifically in this case with regard to open space requirements.

The South Dublin County Council, Development Contribution Scheme, 2026-2028, Section 10, Contributions in lieu of open space states;

'The South Dublin County Development Plan 2022-2028 provides for the Planning Authority to, at its absolute discretion, determine a financial contribution in lieu of all or part of the open space requirements for a particular development to meet the required 2.4ha per 1,000 people standard in Section 8.7.4. Where the Council accepts financial contributions in lieu of the provision of open space, the financial contribution shall be calculated on the basis of land acquisition costs and development costs.'

Without considering the application de novo, (which is not open to the Commission, due to the nature of the first party appeal being under Section 48(10)(b) only), the Commission having regard to the particular phrasing of the Scheme, the requirements of Section 8.7.4 of the Development Plan and the area of open space proposed, concurred with the inspector that the terms of the scheme have been correctly applied and that the contribution in lieu has been correctly calculated.

Having regard to the nature of the development, 113 residential units (in the form of houses, apartments and duplex units) in accordance with the South Dublin County Council Development Plan 2022-2028, Section 8.7.3 (Quantity of Open Space), a shortfall of 0.310 hectares of open space provision was identified by the Planning Authority (the calculation of which was confirmed by the Inspector), the Planning Authority exercised their discretion and determined a contribution in lieu of this open space to be acceptable, as provided for by Section 8.7.4 (Delivery of open space and contributions in lieu). Therefore, the Planning Authority has correctly applied the terms of the South Dublin County Council Development Contribution Scheme 2026 – 2028, and the applicant is required to pay a contribution in lieu of this open space shortfall. Condition no.25 of PA Ref. LRD25A/0014W shall be retained as written by the Planning Authority.

Condition

Public Open Space Contribution in Lieu

The developer shall pay to the Planning Authority a financial contribution of €434,403.00 (Four Hundred Thirty Four Thousand Four Hundred Three Euros And Zero Cents), in lieu of public open space provision, towards the cost of amenity works in the area of the proposed development, in accordance with policy COS5 of the South Dublin County Development Plan 2022 – 2028, and in accordance with the terms of the South Dublin County Council Development Contribution Scheme 2026 - 2028, made under Section 48 of the Planning and

Development Act 2000 (as amended), and based on a shortfall of 0.310 Hectares of public open space. The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such amenities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public open space benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Note

For clarity, the Commission noted the Inspector's commentary regarding, no conflict between the South Dublin County Development Plan and the Compact Settlement Guidelines, (Section 7.7 of the Inspectors assessment). The Commission may have given this matter further consideration if it was not for the nature of the appeal that limited the Commission's considerations to the terms of the Scheme.