



The submissions on this file and the Inspector's report were considered at a meeting held on 21 August 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 13 and directs the said Council to remove condition number 13 for the reason stated.

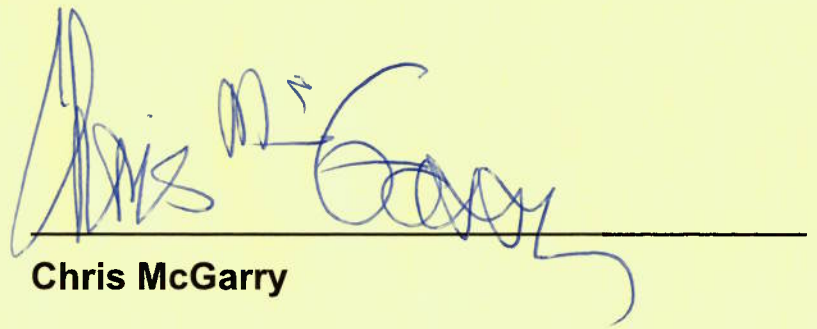
Reasons and Considerations

Having regard to the nature, scale and form of the proposed development incorporating amendments to the parent permission (FW24A/0471E) in the form of *inter alia* two additional dwellings, to the quantum of public open space permitted under FW24A/0471E, which comprises over 15% of the net overall development site area, to the relevant provisions of the Fingal County Development Plan 2023-2029, the relevant provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the submissions from the planning authority and the appellant, it is considered that having regard to the extent of public open space permitted under the parent

permission, to the spatial form and layout of this public open space, which is considered to be well designed and positioned, 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.

In deciding not to accept the recommendation of the inspector, the Commission considered the totality of the relevant development plan policy and objectives and the specific facts of planning permission FW24A/0471E, including the extensive and well conceived public open space set out therein. Furthermore the Commission considered development plan objective DMS053 and considered that this objective is clearly and specifically written to provide a discretion for a financial contribution in lieu. On this point the Commission determined that the inspector in his report, referenced DM3051 but did not engage meaningfully with the clear wording of DM3053 on the point of discretion, nor applied a judgement on this discretion by reference to the permitted public open space under FW24A/0471E. In effect the recommendation of the inspector could be read as implying a non discretion on the application of an in lieu payment. This would not be consistent with the totality of these development plan objectives. The Commission noted and acknowledged the commentary of the inspector that the applicant has provided in excess of 15% of the site area to be developed as public open space.

Planning Commissioner:



Chris McGarry

Date:

21st day of August 2026