

An
Coimisiún
Pleanála

Commission Order

ABP-322747-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1010E

Appeal by CE Cladewell Estates Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 23 of its decision made on the 13th day of May, 2025.

Proposed Development: Construction of 83 number two-storey houses (20 number three-bed houses and 63 number four-bed houses), a two-storey childcare facility (circa 170.0 square metres) and associated outdoor play space (circa 88 square metres); primary vehicular, cyclist and pedestrian access serving the development is via a new entrance off Back Road, which will also serve as the modified access to the existing house at Lamorlaye; a secondary pedestrian and cyclist only access to the scheme and pedestrian entrances to five number houses are also provided off Back Road; 180 number total car parking spaces, including two number creche car parking spaces; bicycle parking is provided in the curtilage of the houses, with four number bicycle spaces provided for the childcare facility; all ancillary site development and landscape works, including hard and soft landscaping and boundary treatment works, public open space (circa 2,637 square metres); one number ESB substation; demolition of out buildings/stables in the grounds of Lamorlaye; provision of temporary foul sewage pumping station; laying a foul rising main along Back Road from the proposed new access to the development eastward

to Kinsealy Lane and 198 metres southwards along Kinsealy Lane, all on a site of approximately 3.14 hectares at lands in the Townland of Kinsealey, including part of the grounds of Lamorlaye, Back Road, Malahide, County Dublin.

Decision

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 23 and directs the said Council to AMEND condition number 23 so that it shall be as follows for the reason set out.

Reasons and Considerations

23. The developer shall pay to the planning authority a financial contribution of €20,213.22 (twenty-thousand, two-hundred and thirteen euro and 22 cents) 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 square metres of open space. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

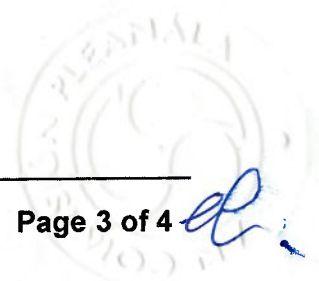
Reason: The provision of such services in the area of the planning authority will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

Having regard to:

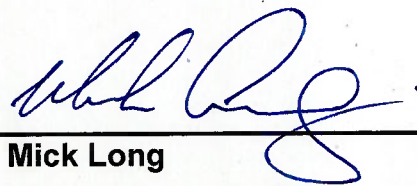
- (a) the nature, scale and form of the proposed development,
- (b) the pattern of development in the area, including the proximity to public open space to the north,
- (c) the Fingal County Council Development Contribution Scheme 2021-2025,
- (d) the Fingal Development Plan 2023-2029,
- (e) the Sustainable 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 deemed by the Commission that there is a shortfall of 409 square metres 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 that 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 that the contribution in lieu should meet the shortfall from 10.4%.



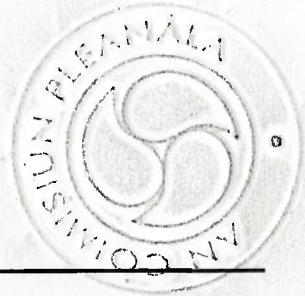
Therefore, the Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that that the terms of Note 5 of the Fingal County Council Development Contribution Scheme 2021-2025 had not been properly applied in respect of condition number 23 and directs the said Council to amend condition number 23.



Mick Long

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 10th day of October 2025.