

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322795-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D24A/0370/WEB**

**Appeal** by Belgrave Capital Ireland care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in relation to the application by Dun Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 22 of its decision made on the 19<sup>th</sup> day of May, 2025.

**Proposed Development:** Demolition of The Orchard public house (gross floor area 677.8 square metres). The construction of two number apartment blocks one at the front (six-storey) and one at the rear of the site (four-storey, over first-floor podium) containing 41 apartments in total. The maximum building height will be 19.8 metres high. The apartment block to the front (Block A) will contain 33 apartments along with a restaurant/retail unit at ground floor level (517.2 square metres). The apartment block to the rear (Block B) will contain eight apartments. A first-floor podium will be provided between the two blocks with landscaping and car parking under. Green roofs are provided on the roof levels of both apartment blocks. An ancillary ESB switch room (38 square metres) and bin store (9.2 square metres) are also proposed within a recess to the southern boundary of the site. The existing vehicular access from The Hill will be modified. All ancillary development,

including public open space, communal open space, private open space, 27 number car park spaces, 58 number cycle spaces, bin storage, hard and soft landscaping, internal roads and paths, and lighting. All associated site works, all at The Orchard, 1 The Hill, Stillorgan, County Dublin.

## **Decision**

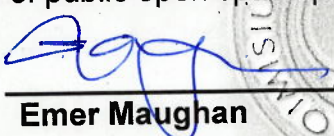
**The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 22 and directs the said Council to ATTACH condition number 22 and AMEND it as follows for the reason set out.**

22. The developer shall pay to the planning authority a financial contribution in the amount of €33,150 (thirty-three thousand one hundred and fifty euros) in lieu of public open space on the site, in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

## Reasons and Considerations

The Commission considered that the planning authority correctly stated that a development contribution is required in accordance with the Dún Laoghaire Rathdown Development Contribution Scheme 2023-2028 and agreed with the Inspector that under Section 4.2 of the Sustainable Residential Development in Urban Areas Guidelines 2009 and Objective 5.1 of Compact Settlement Guidelines 2024 that the requirement for public open space for the subject site should be generally provided at a minimum of 10% of the site area and therefore the Commission considered that the amount of open space required for this development is 292.6 square metres based on a site area of 2962 square metres, as per the red line boundary. However, the Commission did not agree with the Inspector's assessment with regards to the quality of open space along the Hill and to the side (east) of the site and determined that this area of landscaped open space (248.4 square metres) within the blue line boundary is publicly accessible, usable by all and generally free from attenuation measures, and can be considered therefore to form part of the quality public open space provision. The Commission were also of the view that the area between the blue line and the red line boundary which is in the ownership of Dún Laoghaire-Rathdown could not reasonably be considered as part of the quality public open space provision as this area incorporates the replacement public footpath serving the Hill. The Commission therefore determined that Condition 22 be attached and amended to reflect the revised financial contribution of €33,150 (44.2 square metres x €7500) in lieu of the shortfall of 44.2 square metres of public open space provision.



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Emer Maughan

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 10<sup>th</sup> day of October 2025.