

An
Coimisiún
Pleanála

Commission Order
ACP-324182-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: LRD0052/S3E

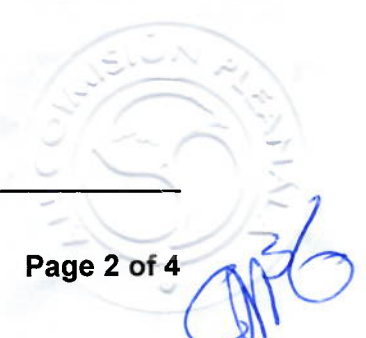
Appeal by Castlethorn Developments Luttrellstown Limited in relation to the inclusion of special contribution condition number 48 by Fingal County Council in its decision made on the 5th day of March, 2026.

Proposed Development: The proposed development consists of 302 number residential units in a mix of houses, duplexes and apartments ranging from two-seven storeys in height comprising: 97 number Houses (62 number three-bed and 35 number four-bed) ranging in heights of two-three storeys, 205 number apartment/duplex units (98 number one-bed, 88 number two-bed and 19 number three-bed) across four number blocks comprising: Block D ranging in height from five-seven storeys accommodating 57 number apartment units; Block E ranging in height from five-seven storeys accommodating 77 number apartment units; Block F ranging in height from four-five storeys accommodating 29 number apartment units and 10 number duplex units; duplex Blocks G1, G2, G3 and G4 three storeys in height accommodating 32 number duplex and simplex units; the provision of 241 number car parking spaces and 993 number bicycle parking spaces; private, communal and public open space provision including a new children's playground and active recreational facilities as well as all associated landscaping and boundary treatments; vehicular access is provided off the existing Kellystown Link Road

via the internal roads of Luttrellstown Gate (Phase 1), all at this site (circa 4.39 hectares) in the townland of Porterstown, Clonsilla, Dublin. The site is located within the Kellystown Local Area Plan development boundary and is predominately in use as football pitches for Saint Mochta's Football Club. A new purpose-planned sportsground for Saint Mochta's Football Club forms the subject of a concurrent planning application with Fingal County Council (Register Reference FW25A/0033E) as required under the Kellystown Local Area Plan 2021. The site is generally bounded to the north by the Royal Canal and Dublin-Maynooth rail line, Diswellstown Road/Dr. Troy Bridge to the east, by permitted Strategic Housing Development (ABP-312318-21 as amended by LRD0034/S3) known as Luttrellstown Gate (Phase 1) to the south and west, as amended by the further public notices received by the planning authority on the 9th day of January, 2026.

Decision

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



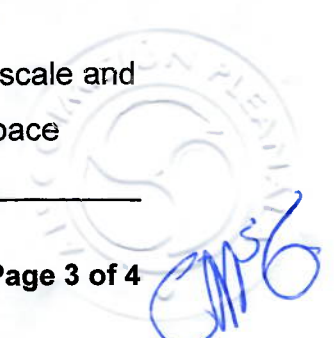
Reasons and Considerations

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 permitted public open space with the Kellystown Local Area Plan (LAP) lands,
- (c) the Fingal County Council Development Contribution Scheme 2021-2025,
- (d) the Fingal County Development Plan 2023-2029, and
- (e) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)

the Commission noted that the proposed public open space provision for the permitted development is 18.8% (8,231 square metres) based on the gross site area of 4.39 hectares and 16.3% (circa 6,544 square metres) based on the net site area of 3.96 hectares which exceeds the requirements set out in Table 14.12 of the development plan. Having regard to the foregoing it is considered the proposed public open space provision is acceptable given the context of the site (greenfield and on LAP lands) and no shortfall occurs when considered in the context of the requirements of the development plan.

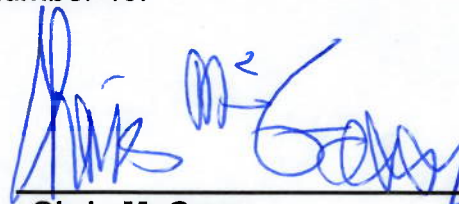
Furthermore, and in any case, having regard to the proximity to, and extent of, existing/permitted Class 1 and Class 2 public open space in the immediate vicinity of the subject site, namely associated with the appellant's permitted residential development to date on lands identified within the scope of the Kellystown LAP, it is considered that any argued shortfall of open space based on the requirements of 2.5 hectares per 1000 population is met through the provision of permitted open space on the appellant's lands to date. 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.

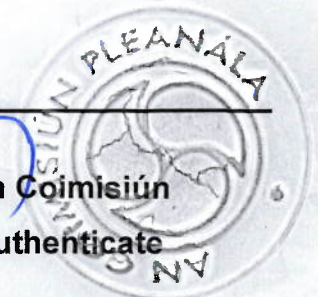
In reaching this determination, the Commission also considered the 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage, issued in January 2024. The Guidelines include Policy and Objective 5.1 - Public Open Space which requires development plans to include objective(s) relating to public open space in new residential developments, whereby such provision shall be not less than minimum 10% of net site area and not more than minimum 15% of net site area save in exceptional circumstances.

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



Chris McGarry

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



Dated this 2nd day of June 2026