

An
Coimisiún
Pleanála

Commission Order
ACP-324331-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: LRD0055/S3E

Appeal by Bovale Developments Unlimited Company 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 26 of its decision made on the 6th day of May, 2026.

Proposed Development: Large-scale Residential development (LRD) of 530 number residential units and creche in four number blocks (Blocks A to D) with a total gross floor area (GFA) of 49,210 square metres (excluding basement car parking) with associated ancillary accommodation, private balconies, communal amenity spaces and public open spaces as follows: Block A: one to seven-storey block comprising 74 number apartments (37 number one bed units and 37 number two bed units), Block B: six to nine-storey block comprising 108 number apartments (44 number one bed units and 55 number two bed units and nine number three bed units), Block C: one to nine storey block comprising 138 number apartments (49 number one bed units, 61 number two bed units and 28 number three bed units) and a creche (462.5 square metres) with external play space, Block D: one to nine block storey comprising 210 number apartments (114 number one bed units, 82 number two bed units and 14 number three bed units). A total of 163 number car parking spaces are provided in a combination of surface spaces and at

basement level beneath Block D. The development will be accessed from the south via a connection to the existing roundabout on the Holywell Distributor Road and from the north via a fully signalised junction with the R132 including works to the north and south bound carriageways and central median of the R132 to provide for the fully signalised junction with associated turning lanes and a separate pedestrian and cycle crossing on the R132. Permission is also sought for hard and soft landscaping in public realm and public open spaces within the development, cycle and motorcycle parking, bin stores, water supply and foul water connections, surface water infrastructure, connections to public utilities, ESB substations, plant areas, roof mounted photovoltaic (PV) panels, building and directional signage and all associated site and development works. A 10 year permission is sought. All at Barrysparks and Crowscastle (lands generally bound by the R132 to the north, Lakeshore Drive to the west, Drynam Road to the east and the Holywell Distributor Road to the south), Swords, County Dublin, as amended by the further public notices received by the planning authority on the 12th day of March, 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 26 and directs the said Council to AMEND condition number 26 so that it shall be as follows for the reason stated.

26. Prior to Commencement of development, a financial contribution in the sum of €93,921.74 (ninety three thousand, nine hundred and twenty one euro, seventy four cent) shall be paid by the applicant to Fingal County Council 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 0.1014 hectares of open space.

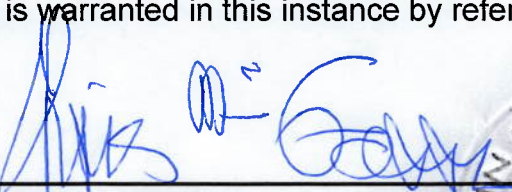
Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

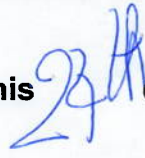
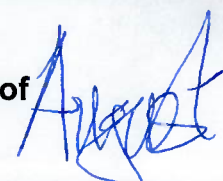
Reasons and Considerations

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 the Ward River Valley Regional Park,
- (c) the Fingal County Council Development Contribution Scheme 2026-2030,
- (d) Fingal County Development Plan 2023-2029 including the Swords Masterplan (2019),
- (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 considered that having regard to the extent of public open space proposed in the current application, which includes public open space for the residential units permitted herein, along with an allocation for future residential development in the immediate vicinity, to the spatial form and layout of the public open space, which is aligned with the scale, form and positioning of open space, as set out with in the Swords Masterplan, including Barrysparks, Crowcastle, Fosterstown and Estuary West, listed as an operational Masterplan in the adopted Fingal County Development Plan 2023-2029, to the clearly stated purpose and extent of public open space within that Masterplan, 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 the masterplan. 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 by reference to a calculation based on 2.5 hectares per 1000 population equivalent. It is further considered that the proposed development would provide public open space on the subject site (allocated to the residential units permitted under this permission) at a rate of 12% thereby representing a shortfall of 3% from the target minimum of 15% as set out in objective DMS052 of the Fingal County Development Plan 2023-2029, and that a contribution in lieu of this figure of 3% public open space is warranted in this instance by reference to objective DMS053.


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

Dated this  day of  2026.