



An
Coimisiún
Pleanála

Commission Order
ACP-324365-26

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: LRD25A/0014W

Appeal by Cairn Homes Properties Limited in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 25 of its decision made on the 18th day of May 2026.

Proposed Development: The 'Phase 4' development will consist of the construction of 113 number dwellings and the remainder of the 'Burgage South' public open space as follows: (A) 53 number two-storey houses (four number two-storey, two-bedroom houses, 43 number two-storey, three-bedroom houses and six number two-storey, four-bedroom houses); (B) 60 number apartment and duplex units in four number three-storey buildings comprising 30 number two-bedroom apartment units and 30 number three-bedroom duplex units; (C) Provision of Public Open Space (circa one hectare in a series of open space areas, including the remainder of the 'Burgage South' Park), hard and soft landscaping (including public lighting and boundary treatment), circa 528 square metres of Communal Open Space for duplex and apartment units; along with single-storey bicycle/bin storage areas; (D) Vehicular access from the east will be via permitted road (approved under SDCC Register Reference: LRD23A/0011 and ACP-319500-24) from

the north via existing road adjacent to Burgage Gardens and St. Finian's National School and Main Street and to the south via an extension to Boulevard Road (approved under SDCC Register Reference: SD23A/0136) as well as 149 number car parking spaces, 180 number bicycle parking spaces, eight number motorcycle parking spaces and all internal roads, cycleways and footpaths; (E) Provision of surface water attenuation, SuDS measures, connection to water supply, provision of foul drainage infrastructure, two number ESB sub-stations and all ancillary site development, construction and landscaping works; (F) The proposal also includes revisions to the permitted development approved under SDCC Register Reference: SD17A/0378 and ACP-301421-18 relating to alterations to the open space to integrate with the wider proposed Burgage South public open space area, all on a site within the townland of Newcastle South, Newcastle, County Dublin.

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 25 and directs the said Council to ATTACH condition number 25 and the reasons therefor.

Reasons and Considerations

This appeal has been made against condition number 25 only, attached to grant of permission for the Large-Scale Residential Development (Register Reference LRD25A/0014W), a condition that solely relates to a financial contribution. Therefore, the Commission is limited, in accordance with Section 48(10)(b) of the Planning and Development Act 2000 (as amended), to consider whether the 'terms of the scheme have not been properly applied' (emphasis added) and not any other matter. It is not open to the Commission to give consideration as to whether it is appropriate or not to materially contravene the South Dublin County Development Plan 2022-2028, specifically in this case with regard to open space requirements.

The South Dublin County Council Development Contribution Scheme, 2026-2028, Section 10, Contributions in lieu of open space, states;

'The South Dublin County Development Plan 2022-2028 provides for the planning authority to, at its absolute discretion, determine a financial contribution in lieu of all or part of the open space requirements for a particular development to meet the required 2.4 hectares per 1,000 people standard in Section 8.7.4. Where the Council accepts financial contributions in lieu of the provision of open space, the financial contribution shall be calculated on the basis of land acquisition costs and development costs.'

Without considering the application de novo, (which is not open to the Commission, due to the nature of the first party appeal being under Section 48(10)(b) only), the Commission having regard to the particular phrasing of the Scheme, the requirements of Section 8.7.4 of the Development Plan and the area of open space proposed, concurred with the Planning Inspector that the terms of the scheme have been correctly applied and that the contribution in lieu has been correctly calculated.

Having regard to the nature of the development, 113 residential units (in the form of houses, apartments and duplex units) in accordance with the South Dublin County Council Development Plan 2022-2028, Section 8.7.3 (Quantity of Open Space), a shortfall of 0.310 hectares of open space provision was identified by the planning authority (the calculation of which was confirmed by the Inspector), the planning authority exercised their discretion and determined a contribution in lieu of this open space to be acceptable, as provided for by Section 8.7.4 (Delivery of open space and contributions in lieu). Therefore, the planning authority has correctly applied the terms of the South Dublin County Council Development Contribution Scheme 2026 – 2028, and the applicant is required to pay a contribution in lieu of this open space shortfall. Condition number 25 of Register Reference LRD25A/0014W shall be retained as written by the planning authority.

For clarity, the Commission noted the Inspector's commentary regarding no conflict between the South Dublin County Development Plan and the Compact Settlement Guidelines, (Section 7.7 of the Inspectors assessment). The Commission may have given this matter further consideration if it was not for the nature of the appeal that limited the Commission's considerations to the terms of the Scheme.



Mary Henchy

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

Dated this 24th day of September 2026