

An  
Coimisiún  
Pleanála

Commission Order  
PL-500486-DF

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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW25A/0419E**

**Appeal** by Castlethorn Developments Luttrellstown Limited 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 31 of its decision made on the 20<sup>th</sup> day of November, 2025.

**Proposed Development:** Development comprising of 47 number dwellings, in a mix of houses and duplex units/own-door apartments, ranging from two to three storeys in height, including 35 number houses (31 number three-bed and four number four-bed), and 12 number duplex/apartment units with balconies (eight number one-bed and four number two-bed), and all associated and ancillary site development, landscaping and boundary treatment works, including 54 number surface car parking spaces, 152 number bicycle parking spaces, all on a site of circa 2.17 hectares in the townlands of Kellystown and Porterstown, Dublin. The site (Luttrellstown Gate Phase 2 - Site B) is located within the Kellystown Local Area Plan development boundary. The site is generally bounded to the north by the Dublin-Maynooth rail line, to the south and east by permitted Strategic Housing Development (ABP-312318-21, as amended by LRD0034/S3) known as Luttrellstown Gate (Phase 1), with the shared boundary defined by hedgerow, and to the west by concurrent planning application known as

Luttrellstown Gate (Phase 2 - Site A). The site boundary extends to the south-west to accommodate foul drainage to a permitted foul pumping station and surface water drainage to a permitted attenuation pond (both on Phase 1 lands permitted under ABP-312318-21 as amended by LRD0034/S3).

## 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 31 and directs the said Council to REMOVE condition number 31 and the reason therefor.**

## Reasons and Considerations

Having regard to

- (a) the nature, scale and form of the proposed development,
- (b) the pattern of development in the area, including proximity to the existing permitted active and passive public park/ballcourts and playing pitch area to the south-west of the site,
- (c) the Fingal County Council Development Contribution Scheme 2021-2025,
- (d) the Fingal County Development Plan 2023-2029, in particular Objective DMS052 and Table 14.12,
- (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 the proposed development would incorporate a sufficiency of public open space on site (amounting to 14.7% of the net site area when excluding Root Protection Zones) and this would be in excess of a minimum of 10% of the net site area, thereby complying with Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and that a contribution in lieu of public open space is not warranted. Therefore, in accordance with Section 48 of the Planning and Development Act 2000, as amended, the Commission considered that the terms of the Fingal County Council Development Contribution Scheme 2021-2025 had not been properly applied in respect of condition number 31, and considered that it was appropriate to direct the planning authority to remove condition number 31.

  
Mary Rose McGovern

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

Dated this *12<sup>th</sup>* day of *June* 2026.

