

An
Coimisiún
Pleanála

Commission Order
PL-501211-DF-26

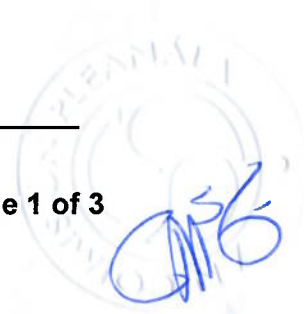
Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW25A/0472E

Appeal by MCPS Investments Homes Limited in relation to the inclusion of condition number 13 by Fingal County Council in its decision made on the 26th day of March, 2026.

Proposed Development: Amendments to permitted planning register reference number W24A/0471E. The amendments consist of (1) revised design of detached two-storey creche with a new floor area of 196.6 square metres (previously 341 square metres) and associated internal layout, play area, elevational, parking, bicycle layout and bin store updates, (2) the addition of two number three-storey houses, Type C1 adjacent to the creche, (3) change of house type from a C2, three-storey house to a C1, three-storey house, (4) road layout revision at Hollywood Close to create a home zone with associated car parking updates and all ancillary site development works, all at Hollywood, Ratoath Road and Gallanstown Road, Hollystown, Dublin, as revised by the further public notice received by the planning authority on the 27th day of February, 2026..



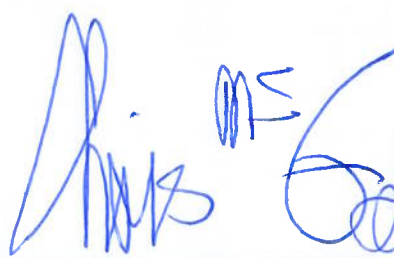
Decision

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, based on the reasons and considerations under directs the said Council to REMOVE condition number 13 and the reason therefor.

Reasons and Considerations

Having regard to the nature, scale and form of the proposed development incorporating amendments to the parent permission (FW24A/0471E) in the form of, inter alia, two additional dwellings, to the quantum of public open space permitted under FW24A/0471E, which comprises over 15% of the net overall development site area, to the relevant provisions of the Fingal County Development Plan 2023 - 2029, to the relevant provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and to the submissions from the planning authority and the appellant, it is considered that, having regard to the extent of public open space permitted under the parent permission being greater than the 15% of the net site area, to the spatial form and layout of this public open space, which is considered to be well designed and positioned, 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.

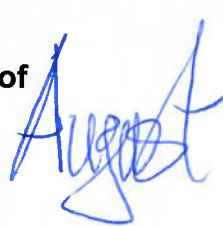
In deciding not to accept the recommendation of the Inspector, the Commission considered the totality of the relevant Development Plan policy and objectives and the specific facts of planning permission FW24A/0471E, including the extensive and well-conceived public open space set out therein. Furthermore, the Commission considered Development Plan objective DMS053 and considered that this objective is clearly and specifically written to provide a discretion for a financial contribution in lieu. On this point the Commission determined that the Inspector, in his report, referenced DM3051 but did not engage with the discretion given to the planning authority in that DM standard to the application of an in-lieu contribution. Noting that 15% of the net site area of the overall development is quality open space that is available to future residents of these additional units, the Commission considered, in this case, it was appropriate to apply the discretion provided in the plan and not require an additional open space contribution. The Commission noted and acknowledged the commentary of the Inspector that the applicant has provided in excess of 15% of the site area to be developed as public open space.



Chris McGarry

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



Dated this  **day of**  **2026.**