



An
Coimisiún
Pleanála

Inspector's Report

ACP-324147-26

Development	Large-scale Residential Development (LRD) for 144 housing units (70 apartments, 58 houses, 16 duplexes) and associated works.
Location	Ashwood Farm, Glenamuck Road South, Carrickmines, Dublin 18 D18 C960
Planning Authority	Dun Laoghaire Rathdown County Council (DLRCC)
Planning Authority Reg. Ref.	LRD25A/0985/WEB
Applicant	Cairn Homes Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v Section 49 supplementary development contribution condition
Appellant	Cairn Homes Properties Ltd.
Observer(s)	None

Date of Site Inspection

2nd June 2026

Inspector

Anthony Kelly

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1.0 Introduction

- 1.1. The Commission should note that this is a first-party appeal against Condition 41 of the decision of Dun Laoghaire Rathdown County Council (DLRCC) to grant permission for a large-scale residential development (LRD). The appeal relates solely to the imposition of a supplementary development contribution under Section 49 (1) of the Planning & Development Act, 2000 (as amended). No appeal has been brought by any other person against the decision of the planning authority, and therefore, in accordance with section 49 (3A) of the Act, the Commission shall not determine this application as if it had been made to it in the first instance but shall determine only the matter under appeal.

2.0 Site Location and Description

- 2.1. The subject site is approximately 400 metres south of Carrickmines Park retail park in south Co. Dublin. It is currently occupied by vegetation and some vacant buildings. The recently opened Glenamuck District Distributor Road (GDDR) forms the northern boundary of the site, there is a relatively narrow grassed area to the west with the also recently opened Glenamuck Link Distributor Road (GLDR) adjacent to that, and Glenamuck Road South (R842) forms the south east boundary. There is a temporary roundabout at the Glenamuck Road South site boundary as the road currently ends in a cul-de-sac pending completion of a link between it and the GLDR. Also to the south east is the Willow Glen housing development and a separate detached house and outbuildings which are currently accessed through the subject site. There is greenfield land adjacent to the east. This general area has been subject of significant development in recent years.
- 2.2. The site has an area of 2.8 hectares.

3.0 Proposed Development

- 3.1. Permission was sought from DLRCC for an LRD comprising:

- demolition/removal of a house and building ruin (291sqm combined),
- construction of 144 residential units (70 apartments (35 one-bed and 35 two-bed units) in one six-storey block, 16 three-storey duplexes (8 two-bed and 8 three-bed units), and 58 three-storey houses (36 three-bed townhouses and 22 four-bed houses),
- 5,015sqm of public open space and 607sqm communal amenity area,
- vehicular access via the existing access at Glenamuck Road South with access to be provided/facilitated to properties to the east, new pedestrian/cycle connections to Glenamuck Road South, GDDR, and adjoining Willow Glen with potential future links to the west, 318 bicycle spaces and 135 car parking spaces,
- surface water attenuation and sustainable drainage systems measures and connections to water and foul services, and,
- all associated site and infrastructural works.

4.0 Planning Authority Decision

The Commission should note that I have only summarised the relevant content and issues specifically relating to the appeal within this section.

4.1. Decision

4.1.1. DLRCC granted planning permission for the subject LRD on 19th February 2026. The permission authorised 131 residential units. The reduction from the 144 residential units that were applied for resulted from conditions requiring the reduction in height of the apartment block to five storeys and the omission of a ground floor apartment to cater for additional storage space.

4.1.2. In relation to this appeal, condition 41 is the relevant condition. This states

‘A financial contribution shall be paid by the proposer to the Council towards the cost of the extension of Luas Line B from the Sandyford Depot to Cherrywood, namely Luas Line B1. This contribution shall be paid prior to the commencement of the development or in such other manner as may otherwise be agreed with the Planning

Authority. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the Planning Permission is commenced. The Supplementary Development Contribution Scheme provides for an annual increase in the levels of contribution payable, as outlined in the scheme, by a factor of 5% compound interest per annum. The levels of contribution will be reviewed annually on the 13th of January of each year during which the scheme is in force to take account of the aforementioned increase.

The rate of contribution payable in respect of this development, at current contribution rates, is €983,911.88 and is subject to increase as outlined above.

It should be noted that contributions assessed in accordance with the Supplementary Development Contribution Scheme cannot be appealed to An Bord Pleanala unless the applicant considers the levy referred to in this condition has not been properly applied in accordance with the terms of the Scheme.

REASON: To part finance the extension of the Luas Line B1 from Sandyford Depot to Cherrywood, as provided for in the Supplementary Development Contribution Scheme adopted by the Council of Dún laoghaire-Rathdown on the 13th of January 2003'.

4.2. Planning Authority Reports

Planning Report

- 4.2.1. Only one Planning Report was prepared as permission was granted without further information being sought.
- 4.2.2. Condition 41 was included as a recommended condition. However, the basis for it was not referenced within the main body of the Planning Report.

Other Technical Reports

- 4.2.3. None of the internal DLRCC departmental reports refer to the Supplementary Development Contribution Scheme (SDCS).

4.3. Prescribed Bodies

- 4.3.1. The SDCS was not referenced in any observation received.

4.4. Third Party Observations

- 4.4.1. Two observations were received from local residents. Neither observation references the SDCS.

5.0 Planning History

- 5.1.1. The recent relevant planning history on site can be summarised as follows.
- 5.1.2. ABP Reg. Ref. ABP-313963-22 – In 2023 a strategic housing development (SHD) application comprising 289 build-to-rent apartments (142 one-bed and 147 two-bed) across five blocks six and seven storeys in height with residential amenities and facilities, 16 build-to-sell three-storey five-bed houses, a childcare facility, and ancillary works was refused by An Bord Pleanála. The four reasons for refusal related to: (1) an excessive density of development, (2) excessive heights, (3) the proposed development would be premature in relation to local road improvements, and (4) quality of proposed urban design. I note that in its submission the DLRCC Chief Executive’s Report recommended inclusion of a Section 49 contribution in respect of the Luas Green Line B1 Scheme. It was also recommended by Transport Infrastructure Ireland. The Inspector’s Report (paragraph 10.9.16) stated ‘I note that the site is located within the Section 49 Contribution area for the Luas Green Line ...’
- 5.1.3. P.A. Reg. Ref. D21A/0143 – In 2021 permission was granted by DLRCC for demolition of the house and outbuildings and site clearance works.

6.0 Policy Context

6.1. Dun Laoghaire Rathdown County Development Plan (DLRCDP) 2022-2028

- 6.1.1. The site is in an area zoned Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- 6.1.2. Section 5.10 (Contributions) is relevant to the appeal. This states

‘Section 49 (Supplementary) Schemes relate to the separately specified infrastructural service or projects – such as roads, rail, or other public transport infrastructure, which benefit the proposed development. Where Schemes overlap with another Local Authority, the Section 49 Scheme will be developed in conjunction with that Local Authority.

Two Section 49 Schemes have already been approved and currently operate in the County, namely:

- *Luas Line B1 extension between Sandyford and Cherrywood.*
- *Glenamuck District Distributor Road linking the Kiltiernan/Glenamuck area to the M50 Motorway network¹.*

To avoid map clutter the two ‘active’ Section 49 Schemes have not been shown on the Development Plan Maps, but are instead detailed on Map No. T1 (refer to Supplementary Mapping Booklet). The Luas Line B1 catchment is defined by an area of 1 kilometer ‘as the crow flies’ distance either side of the light rail alignment. The Glenamuck District Distributor Road Section 49 catchment encompasses the area defined by the Kiltiernan/ Glenamuck Local Area Plan boundary’.

6.2. Kiltiernan-Glenamuck Local Area Plan (KGLAP) 2025

- 6.2.1. The site has the same zoning objective in the LAP as set out in the DLRCDP 2022-2028 as per paragraph 6.1.1.
- 6.2.2. The LAP does not refer to the Section 49 SDCS for the Extension of Luas Line B1 though the Luas line is referenced within the document.

6.3. Section 49 – Supplementary Development Contribution Scheme for Extension of Luas Line B1 – Sandyford to Cherrywood

- 6.3.1. This Scheme determines the amount and manner of payment of the contribution and specifies the area to which it relates.

¹ Condition 42 of the DLRC decision imposes a separate supplementary development contribution of €4,599,032.72 to finance the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme. This condition is not subject of appeal.

7.0 Environmental Impact Assessment (EIA) Screening

- 7.1. This case is a first party appeal against a supplementary development contribution condition. This does not come within the definition of a 'project' for the purposes of EIA i.e. it does not comprise construction works, demolition or intervention in the natural surroundings.

8.0 Legislative Context

8.1. Planning & Development Act, 2000 (as amended)

- 8.1.1. Section 49 (1) states that a planning authority may, when granting a permission, include conditions requiring the payment of a contribution in respect of any public infrastructure service or project specified in a scheme made by the planning authority i.e. a supplementary development contribution scheme.
- 8.1.2. Section 49 (2) states that the amount, and manner of payment, of a contribution shall be determined in accordance with a scheme which shall specify the area or areas within the functional area of the planning authority, and the public infrastructure project or service to which it relates.
- 8.1.3. The appeal is brought under Section 49 (3A) which states that the Board shall consider an appeal brought to it by an applicant for permission in relation to a condition requiring the payment of a contribution, where the applicant considers that the service or project will not benefit the development to which the permission relates and that the Board shall determine only the matters under appeal.

9.0 The Appeal

9.1. Grounds of Appeal

- 9.1.1. The first party appeal against Condition 41 of the DLRCC grant of permission, which the applicant requests be removed, can be summarised as follows (using the numbering and subheadings in the appeal):

1.1 Conflict Between the Written Statement of the Scheme and the Scheme Mapping

- 9.1.2. The SDCS states the contribution applies to development approximately 1km either side of the Luas line i.e. a reasonable walking distance. This 1km boundary is illustrated on the Scheme map. The Scheme boundary extends beyond the 1km distance in a number of locations, including by over 700 metres. In addition, certain land within 1km is excluded. The SDCS does not justify the inclusion or exclusion of these lands. Section 1.4.1 of the DLRCDP 2022-2028 clearly states that where there is an inconsistency between mapping and the written statement the written statement takes precedence. The term 'approximately one kilometre' must be interpreted reasonably. An extension of the 1km catchment by up to approx. 800 metres cannot reasonably be considered as approximately one kilometre. The application of the levy to land materially beyond 1km is not consistent with the stated rationale.

1.2 The Subject Site Lies Outside the Catchment Area Envisaged by the Scheme

- 9.1.3. The closest point of the site is approximately 1.5km walking distance from the nearest Luas stop, Ballyogan Wood, which materially exceeds the catchment area identified in the written statement as representing a reasonable walking distance. Only a very small portion of the site falls within the 1km corridor. Given that the site lies materially outside the 1km catchment area envisaged by the SDCS the application of the contribution to the entire site represents a misapplication of the Scheme.

1.3 The Development Does Not Materially Benefit from the Luas Infrastructure

- 9.1.4. Section 49 (1)(c) of the Planning & Development Act, 2000 (as amended) states the development must benefit from the public infrastructure concerned. The accessibility to the Luas infrastructure is limited by the walking distance involved; 1.6km / a 25-30 minute walk. Bus stops are significantly closer and buses are likely to represent the primary mode of public transport. It is not evident that the development will materially benefit from Luas infrastructure to the extent envisaged by the SDCS.

1.4 Development Contributions Guidelines

- 9.1.5. The total amount of Section 48 and 49 contributions come to €7,455,626.20 i.e. €56,913 per dwelling. The Development Contributions Guidelines (2013) emphasise that development contributions must remain proportionate and should not discourage development. Development contribution levels applied to comparable residential

development in the wider Dublin area typically result in much lower per unit contributions². As the site is materially outside the catchment area the application of the Condition 41 supplementary contribution cannot be considered proportionate to the level of benefit arising. The application of the contribution is inconsistent with the principles of the Guidelines.

9.2. Planning Authority Response

9.2.1. The subject site is located within the catchment outlined in the SDCS.

9.3. Observations

9.3.1. None received.

10.0 Assessment

10.1.1. Having regard to both the grounds of appeal and the provisions of Section 49 (3A) of the Planning & Development Act, 2000 (as amended) I consider that the substantive issue is whether the planning authority's imposition of a supplementary development contribution for 'Extension of Luas Line B1 – Sandyford to Cherrywood' complies with the provisions of the SDCS. This assessment is restricted to this matter.

10.1.2. Sections 1.1 and 1.2 of the grounds of appeal are similar in content. I note initially the applicant's comments in relation to the catchment area of the SDCS. It is clear from paragraph 10 of the SDCS that the area covered by the Scheme has an area of 1,992 hectares and that the boundary indicating same is identified on Drawing No. PL-02-84. The grounds of appeal make multiple references to paragraph 10 which refers to an approximate 1km distance either side of the Luas line³. In my opinion the only reasonable reading of the 1km figure is to give the reader a general indication as to

² Only one Section 48 and Section 49 example is provided for Seven Mills, Clonburris which had combined contributions of approximately €12,000 per unit).

³ Paragraph 10 states, in full, 'The scheme shall apply within an area of 1,992 hectares, which is a catchment area approximately one kilometre on either side of the proposed LUAS BI line. The extent of the area represents a reasonable walking distance to stops along the proposed line. The area is identified on the Scheme Map (Drawing No. PL-02-084) attached to this document. Some 530 hectares of land situated within this catchment area is potentially available for development'.

where the 1,992 hectares are located. The 1km distance does not define, and cannot in my opinion be read as defining, the SDCS catchment area. The 1,992 hectares and the boundary outlined on the Scheme's drawing are the critical criteria in determining whether a site is within the Scheme boundary. They alone identify the catchment area/boundary of the Scheme. Notwithstanding, the subject site is located partially within the 1km distance, although it is primarily located outside it. Glenamuck Road South and the sites' south western boundary forms the SDCS boundary at this location.

- 10.1.3. Further to the previous paragraph, there is no inconsistency between the written statement and the mapping. The 1km distance referred to in paragraph 10 has been seized upon and used in an attempt to blur the, in my opinion, very clear SDCS boundary.
- 10.1.4. The grounds of appeal state that the approximate 1.5km walking distance between the subject site and Ballyogan Wood Luas stop exceeds the identified catchment area. In my opinion it does not. Paragraph 10 states that the extent of the Scheme area represents a reasonable walking distance. The paragraph is clearly referring to the shaded area/Scheme boundary as identified in Drawing No. PL-02-084. The 1km catchment identified on the drawing is for information purposes. The site is clearly within the catchment area of the Scheme as per the drawing.
- 10.1.5. It is claimed in Section 1.3 of the grounds of appeal that the development does not materially benefit from the Luas infrastructure. I do not agree with this. The Scheme includes the subject site within its boundary and I note that the criterion used is 'a reasonable walking distance to stops' as opposed to giving a specific distance. While public bus transport may be used by residents the presence of the Luas would also be a significant attraction. It is stated in Section 1.3 that the walking time⁴ between Ballyogan Wood and the site is approximately 25-30 minutes. I consider this to be a significant over-estimation. In my opinion the 1.6km walk would take a person of average health and fitness no more than 20 minutes. It is also possible that future development, for example to the south of Carrickmines Park retail park on the opposite side of the GDDR, may improve permeability and reduce current expected walking

⁴ The walking distance is cited as 1.515km on page 5 of the grounds of appeal and as approximately 1.6km on page 6.

times. I consider that the proposed development would materially benefit from the Luas infrastructure.

10.1.6. In my view the provisions of Section 1.4 of the grounds of appeal apply more to the preparation and adoption of Section 48 and 49 Schemes by planning authorities than to the implementation of them at application level. There are two Section 49 Schemes applicable to this site, and other sites in the area. I acknowledge that the per unit Sections 48 and 49 contribution schemes levies are significant for this application. However, Section 49 (2)(b) of the Planning & Development Act, 2000 (as amended) states that 'more than one such scheme may be made in respect of a particular area'. Therefore, while the combined development contributions may be significant, that does not mean that they have not been correctly applied.

10.1.7. Having regard to the foregoing I am satisfied that the subject site is located within the boundary of the SDCS, that there is no inconsistency between the written statement and Drawing No. PL-02-084 as cited in the grounds of appeal, that the proposed development would materially benefit from the Luas infrastructure, and that the Section 49 contribution applies to this site.

11.0 Recommendation

11.1. I recommend that Condition 41 be attached to the grant of permission.

12.0 Reasons and Considerations

Having regard to Section 49 of the Planning & Development Act, 2000 (as amended), to the location of the subject site within the boundary of the 'Section 49 – Supplementary Development Contribution Scheme for Extension of Luas Line B1 – Sandyford to Cherrywood', and the provisions of the Scheme, I consider that the subject application is liable to a supplementary development contribution as set out in Condition 41 of the planning authority's decision and that the supplementary development contribution has been properly applied.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

8th June 2026