



An
Coimisiún
Pleanála

Inspector's Report PL-501211-DF-26

Development	Amendments to permitted development under FW24A/0471E to include revisions to design of creche, the addition of two houses and all associated site works.
Location	Hollywood, Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0472E
Applicant(s)	MCPS Investments Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party v Financial Contribution
Observer(s)	None

Date of Site Inspection

22nd July 2026

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains lands with a stated area of 0.177 hectares, located to the south of the Gallanstown Road and east of the Ratoath Road in Hollystown, Dublin 15. The site is approximately 4.5km to the north of Blanchardstown Village (Garda station) and 1.3km to the north east of Tyrrelstown. The site forms part of a larger, almost rectangular, shaped site with a significant number of houses constructed on the lands.
- 1.2. On the day of the site visit three pairs of two storey semi-detached houses were structurally complete on the site and the lands to the west and east were undeveloped. Work was underway also on site servicing including the provision of a footpath along the northern side of the site.
- 1.3. The lands to the north are in residential development forming Chapelwood a housing scheme of mostly two storey detached/ semi-detached units. The lands to the west are undeveloped and were previously in use as Hollystown Golf Club.

2.0 Proposed Development

- 2.1. The proposal consists of modifications to the permitted development under FW24A/0471E as follows:
 - Revisions to the permitted creche such that the floor area is reduced to 196.6sqm from 341sq m. Also, revisions to the layout, play area, car parking, bicycle parking, bin stores and elevations.
 - The addition of two houses – these are Type C1 – three storey units and are to be located adjacent to the proposed creche.
 - Change of a single C2 three storey house to a C1, three storey house.
 - Revisions to the road layout at Hollywood Close so as to provide a homezone, with associated car parking and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to grant permission subject to conditions, following the receipt of further information. The further information requested details in relation to the amended creche design, details of boundary treatments, car parking/road layout and details on car parking to the north of unit 8.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision to refuse permission for the proposed development, following the receipt of further information. Other Technical Reports

Water Services Department: No objection in relation to Flood Risk and no objection in relation to surface water subject to standard conditions.

Housing Department: No objection subject to condition.

Transportation Planning Section: Following the receipt of further information, no objection subject to conditions.

Parks and Green Infrastructure Division: No objection, though it is noted that there is a shortfall of 175sq m of open space and recommend that a contribution be levied.

3.2.2. Conditions

The appeal refers to Condition no. 13 which I have included as follows:

‘Prior to Commencement of development, a financial contribution in the sum of €10,270.32 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 the shortfall of 175sq m of open space.’

3.3. Prescribed Bodies

Uisce Éireann: Further information requested – applicant to engage with UÉ and submit a Pre-Connection Enquiry to assess the feasibility of connection to the public water/ wastewater systems.

Dublin Airport Authority: Further information requested – Provide details on noise impact.

3.4. Third Party Observations

None received.

4.0 Planning History

PA Ref. FW24A/0471E refers to a May 2025 decision to grant permission for the construction of 86 no. dwellings (9 no. 2-bedroom 2-storey terraced dwellings; 50 no. 3-bedroom 2- and 2.5-storey terraced, semi-detached, and detached dwellings, and 27 no. 4-bedroom 2-storey semi-detached and detached dwellings) and a 2- storey detached creche, with 188 car parking spaces including 9 no. spaces for creche staff and drop-off area, and 1 no. motorbike parking space, with bicycle parking spaces provided within the curtilage of each unit and bicycle parking provided for the creche. The proposed development will provide for public open space, landscaping and boundary treatments; public lighting; bin and cycle storage; ESB substation; foul drainage works along Ratoath Road together with all associated site infrastructure works.

The above is the most recent and relevant file in terms of planning history. The Planning Authority have provided a detailed planning history of the site in their report.

5.0 Policy Context

5.1. Development Plan

The subject is zoned with the land-use zoning objective RS, 'Residential' in the Fingal Development Plan 2023 - 2029, the objective of which seeks to 'Provide for residential development and protect and improve residential amenity.'

Local Objective 55 is on this site, and which seeks to: 'Facilitate the provision of a turning space for public buses.'

Local Objective 54 is to the west of the subject site, and which seeks to 'Facilitate traffic calming and a pedestrian crossing on the Ratoath Road at Hollystown.'

The site is located within the Dublin Airport Noise Zone B – with an objective 'To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development. Noise sensitive development in this zone is less suitable from a noise perspective than in Zone C. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the developments design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels. Applicants must seek expert advice.'

The following chapters/ sections of the Written Statement are relevant to this development:

- Chapter 3: Sustainable Placemaking and Quality Homes.
- Chapter 14: Development Management Standards. In terms of Quantitative Standards for open space the following are relevant:

Objective DMSO51 – Minimum Public Open Space Provision

Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Table 14.12: Recommended Quantitative Standards (*Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities 2009*)

Land use	Minimum public open space standards
Overall standard	2.5 hectares per 1000 population
New residential development on greenfield sites/LAP lands	12% - 15% of site area
New residential development on infill/brownfield sites	12% of site area

(Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply.)

Objective DMSO52 – Public Open Space Provision

Public open space shall be provided in accordance with Table 14.12.

Objective DMSO53 – Financial Contribution in Lieu of Public Open Space

Require minimum open space, as outlined in Table 14.12 for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

5.2. Development Contribution Scheme

The current scheme is the Development Contribution Scheme 2026 – 2030 which was approved by the elected members on the 8th of December 2025. The subject application refers to the modification of a permission granted prior to this date and is therefore subject to the Fingal Development Contribution Scheme 2021 – 2025. The following is relevant:

Class of Public Infrastructural Development	€ per square metre of Residential Development	€ per square metre of Industrial/Commercial class of Development
Class 1: Transportation Infrastructure & Facilities	€54.02	€42.18
Class 2: Surface Water Infrastructure & Facilities (incl. Flood Relief)	€ 4.91	€ 3.83
Class 3: Community & Parks facilities & Amenities	€39.28	€30.68
Total of Contributions Payable	€98.21	€76.69

Note 1:

Effective Date

These rates of contribution shall be effective from 1st January 2021 to 31st December 2025.

Note 2:

Indexation

Indexation in accordance with the Society of Chartered Surveyors Ireland (SCSI) Tender Price Index will apply annually from 1st January 2022. Having regard to economic or other circumstances, subject to the approval of the Council, it may be decided not to apply this indexation for a particular year(s).

Note 5:

Open Space Shortfall

(a) The Fingal Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. This contribution in lieu of open space will be levied at the following rates;

1. Class 1 Open Space - €100,000 per acre to purchase land based on the value of amenity land, Plus €100,000 per acre for development costs.
2. Class II Open Space - €250,000 per acre to purchase land in residential areas, Plus €100,000 per acre for development costs.

These rates may be reviewed by the Council from time to time have regard to market conditions. The contributions collected will be used for the provision of open space, recreational and community facilities and amenities and landscaping works – see Appendix 2.

5.3. National Guidance

- Development Contributions Guidelines for Planning Authorities (DoEC&LG, 2013)

5.4. Natural Heritage Designations

The Royal Canal pNHA (Site Code 002103) is located approximately 5.38km to the south of the subject site.

5.5. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has appealed the inclusion by Fingal County Council of Condition No.13 on the grant of permission for the development at Hollywood, Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.
- 6.1.2. The applicant outlines in their appeal statement that they have provided 15.7% of the net developable area of the proposed development as public open space. The requirement is for a target minimum of 15% and a figure below this would allow the Council to have discretion in accepting a contribution in lieu of open space.

In conclusion they contend that Fingal County Council have incorrectly applied the development contribution scheme on this site and request that the Commission remove Condition No. 13.

6.2. Planning Authority Response

Report that the development was assessed in accordance with the policies and objectives, specifically Objective DMSO52 of the Fingal Development Plan 2023 – 2029 as well as all relevant national and regional policies/ guidelines. The Planning Authority refer to the report of the Fingal Parks and Green Infrastructure Division and who have calculated that there is a shortfall of 175sq m of public open space. The Planning Authority acknowledge that the 15% requirement for public open space has been met, however the applicant has not complied with the requirements of DMSO51 – requirement for 2.5 hectares per 1000 population (calculated on the basis of three bedroom or more units having an occupancy rate of 3.5 persons per unit and units of two or less bedroom having an occupancy rate of 1.5 persons per unit. The 'Recommended Quantitative Standards are set out in Table 14.12 of the Fingal Development Plan 2023 – 2029.)

This requirement is necessary to meet the needs of an increased population and to ensure that the Council 'can deliver strategic recreational amenities'. Request that the Commission uphold the decision of the Planning Authority.

6.3. **First Party to Planning Authority Response**

Similar points are raised as per the original ground of appeal. Conflict between the need for 15% open space and 2.5hectares per 1000 population. Request that Condition no. 13 be omitted.

7.0 **Assessment**

7.1. **Background:**

- 7.1.1. A first party appeal has been brought to An Coimisiún Pleanála under Section 48 of the Planning and Development Act 2000 as amended, against the inclusion of Condition no.13 in the decision to grant permission for this development; a contribution of €10,270.32 in lieu of open space provision towards the cost of amenity works in the area of the proposed development, based on a shortfall of 175sq m of open space.
- 7.1.2. The development consists of revisions to a permitted creche such that the floor area is reduced to 196.6sqm from 341sq m with associated site works, the addition of two houses (three storey units), the change in type of a house and revisions to the road layout. The stated site area is 0.177 hectares, and the floor area of the two houses is given as 391.5sq m in total. The overall gross area is 5.0717 hectares; net area is 3.6876 hectares.
- 7.1.3. As this is an appeal made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Commission is restricted to consideration of Condition No. 13 only and cannot consider the proposed development de novo. The assessment is therefore confined to the application of the terms of the Fingal Development Contribution Scheme.

7.2. **Shortfall in Open Space:**

- 7.2.1. From my reading of the Fingal Development Plan 2023 – 2029, there are two key considerations with regard to open space provision. Firstly, a requirement that 2.5 hectares of open space be provided per 1000 population and secondly a requirement on the minimum percentage of a site to be allocated as open space.

7.3. The applicant has indicated that 15.7% of the site area will be allocated as open space. The Fingal Parks and Green Infrastructure Division/ the Planning Authority accept that such a figure is to be provided and this would be in compliance with the requirements of the Fingal Development Plan 2023 – 2029.

7.4. The indicated shortfall comes through the requirement of 2.5 hectares per 1000 population. The overall development of 88 units has a requirement as follows:

Type	Number	x 1.5 Bedspaces	x 3.5 Bedspaces	Total
One and Two Bedrooms	9	13.5		
Three + Units	79		276.5	290

7.5. The open space requirement for this development is 0.725 hectares. The applicant has indicated that they propose to provide for 0.579 hectares and which would give rise to a shortfall of 0.146 hectares. Under the original application – PA Ref. FW24A/0471E, the permitted 86 houses had a shortfall of 0.1285 hectares and condition no. 35 sought a contribution in lieu of this open space.

7.6. The appeal outlines how the development will actually exceed the requirement for 15% of the site area to be open space, and I agree with this. However, the Fingal Development Plan has a two level requirement for open space, and the 15% site area requirement is a quantitative figure¹ that is to be provided on site and the 2.5 hectares per 1000 population is also to be met under Objective DMSO51 – ‘Minimum Public Open Space Provision’. As reported by the Planning Authority, it is not expected that all developments will be able to fully meet the obligations under DMSO51 as the areas to be provided may be large and not feasible to be provided as open space on site.

7.7. The function of DMSO51 is to ensure that the wider population has access to suitable open space and recreation/ amenity facilities. The 15% will serve the subject site and adjoining areas but DMSO51 allows for the needs of the larger area

¹ A reduced figure below 15% is allowed under DMSO53 on the basis that a financial contribution in lieu is provided.

to be met and for example the funding/ development of town/ regional parks that would not otherwise be able to be developed. Appendix 3 – Class 3 of the Fingal Development Contribution Scheme lists a number of ‘Community Facilities, Parks & Open Space Amenities & Biodiversity related Infrastructure, Tourism, Cultural & Library Development, Economic Development and Regeneration infrastructure’ that are proposed to be developed over the lifetime of this scheme. A number of these are in the wider Dublin 15 area and would benefit from contributions from the subject development.

- 7.8. I therefore consider that whilst the applicant has set out their case and identified that they have provided in excess of 15% site area to be developed as open space in accordance with Objective DMSO52 of the Fingal Development Plan 2023 – 2029, I agree with the Planning Authority that there is a shortfall of 175 sqm of open space as a result of this development and a financial contribution should be levied in accordance with DMSO51 of said plan.

8.0 Recommendation

- 8.1. It is considered that the Planning Authority correctly applied the terms of the Fingal County Council Development Contribution Scheme 2026 – 2030 in requiring a contribution by way of condition. It is therefore recommended that Condition no. 13 be retained as worded by the Planning Authority.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature of the development which is for alterations to an approved housing development which results in the provision of two additional houses, I consider that the Planning Authority have correctly applied the terms of the Fingal County Council Development Contribution Scheme 2026 – 2030. Therefore, Condition no.13 of PA Ref. FW25A/0472E shall be retained as written by the Planning Authority.

10.0 Condition

Prior to Commencement of development, a financial contribution in the sum of €10,270.32 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 the shortfall of 175sq m of open space.

Reason: The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer shall contribute towards the cost of the providing the services.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Paul O'Brien
Inspectorate

11th August 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ACP-PL-501211-DF-26			
Proposed Development Summary	Amendments to permitted development under FW24A/0471E to include revisions to design of creche, the addition of two houses and all associated site works.			
Development Address	Hollywood, Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)		No This appeal relates only to a financial development contribution.		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
N/A				
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	√	N/A	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as	No EIAR or Preliminary Examination required

			amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.	
--	--	--	---	--

4. Has Schedule 7A information been submitted?

No	√	
Yes		

Inspector: _____ **Date:** _____