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AN COIMISIÚN PLEANÁLA
LDG- 087183-26
ACP-
01 APR 2026
Fee: € 220 Type: EFT
Time: 14.25 By: COURIER

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Our Ref: 24007

01 April 2026

Re: Section 48(1)(b) - 1st Party Appeal against Discretionary Development Contributions in Lieu of Public Open Space
Fingal County Council LRD0052/S3E
Residential Development at Townland of Porterstown, Clonsilla, Dublin 15.

Dear Sir / Madam,

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by Castlethorn Developments Luttrellstown Limited (*"the Applicant"*), Overend House, Dundrum Town Centre, Dundrum, Dublin 16, to make this appeal.

It relates specifically to a First Party Appeal, brought under **Section 48(10)(b)** of the Planning & Development Act 2000 (as amended), against the imposition of a significant development contribution under Condition 48 of FCC Ref. LRD0052/S3E (decision date 05 Maarch 2026), pertaining to residential development at lands at Porterstown, Dublin 15.

It is respectfully requested that, in accordance with s.48(10)(c) of the Planning and Development Act 2000 (as amended), and Sections 8.11 and 8.12 of the Development Management Guidelines for Planning Authorities (2007), the Commission restricts its consideration to the matters raised in this appeal. Where no other appeals have been made within the appropriate period, Fingal County Council should proceed to issue its grant of permission.

This appeal is made prior to the expiry of the appeal period on **01 April.**

The following is a list of enclosures provided as part of this First Party Appeal: -

1. ~~Cheque~~ Proof of EFT in the sum of €220.00 made payable to An Coimisiún Pleanála, as the appropriate appeal fee.
2. LRD0052/S3E Notification of Decision to Grant Permission, dated 5th March 2026.
3. Appeal Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
4. Extract from Design Statement (Public Open Space, pp.36-37), 1506E-OMP-00-00-PP-A-9015, prepared by O'Mahony Pike Architects.
5. Schedule of Accommodation prepared by O'Mahony Pike Architects.
6. Doyle & O'Troithigh Landscape Architecture (Drawing No. 25-002 LP-02-CO).

We trust that everything is in order, and we look forward to receiving a decision from An Coimisiún Pleanála in due course.

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We confirm that we act for the 1st Party Appellant in this case and would ask that all future correspondence in relation to this planning appeal be directed to this office.

Yours faithfully

Conor Owens

Senior Planner
Stephen Little & Associates

Bank of Ireland
BUSINESS ON LINE

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Payment Details >	€220.00 on 31/03/2026, SEPA Payment

Payment Currency:	EUR
Payment Type:	Standard
Payment Amount:	220.00
Payment Date:	31/03/2026
End to End Reference:	DUBLIN
Payment Message:	

Status >	Payment Processed

Castlethorn Developments
Luttrellstown Limited

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Planning Appeal Report

FCC Reg Ref LRD0052/S3E

St Mochta's LRD

At lands in the Townland of Porterstown, Clonsilla Dublin 15.

For Castlethorn Developments Luttrellstown Limited

March 2026

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AN COIMISIÚN PLEANÁLA
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Author	Approved by	Purpose	Date
ER	CO	Draft	25.03.2026
ER	CO	Final	31.03.2026

1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by Castlethorn Developments Luttrellstown Limited (*"the Applicant"*), Overend House, Dundrum Town Centre, Sandyford Road, Dundrum, D16 A4W6, to make this appeal.

It relates specifically to a First Party Appeal, brought under **Section 48(10)(b)** of the Planning & Development Act 2000 (as amended), against the imposition of a significant development contribution under Condition 48 of FCC Ref. LRD0052/S3E (decision date 5th March 2026), pertaining to residential development at lands at Porterstown, Clonsilla, Dublin 15.

The appellant fully accepts the ability of Fingal County Council to impose conditions requiring a contribution to be paid in accordance with a s.48 Development Contribution Scheme. The grounds of appeal are that the terms of the Fingal County Council s.48 Development Contribution Scheme 2021-2025, in respect of discretionary contributions in lieu of public open space shortfall, are incorrectly applied in this case.

It is respectfully requested that, in accordance with s.48(10)(c) of the Planning and Development Act 2000 (as amended), and Sections 8.11 and 8.12 of the Development Management Guidelines for Planning Authorities (2007), the Commission restricts its consideration to the matters raised in this appeal. A 'de novo' assessment of the proposed development subject of the application to Fingal County Council is not necessary. Where no other appeals have been made within the appropriate period, Fingal County Council should proceed to issue its grant of permission.

This appeal is submitted before the close of business on 1 April 2026, within the permitted appeal period.

We confirm that in preparing this appeal, we have reviewed the Council's public planning file (FCC Reg. Ref. PF/0647/26), including the available technical reports that gave rise to the Council's decision to attach Condition 48.

The appropriate statutory appeal fee of **€220.00**, accompanies this first part appeal against a condition requiring a financial contribution, applied in error under the Council's s.48 Development Contributions Scheme.

2 RELEVANT LEGISLATION

Section 48 of the Planning and Development Act 2000 (as amended) is relevant in this instance: -

> *(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).*

This First Party Appeal is being made under Section 48 (10)(b) of the Act which states: -

> *An **appeal may be brought to the Board** where an applicant for permission under section 34 considers that **the terms of the scheme have not been properly applied** in respect of any condition laid down by the planning authority.*

Section 48 (10)(c) of the Act is therefore relevant: -

> *Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, **the authority shall make the grant of permission** as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.*

[SLA bold font emphasis]

Regard should also be had to the Development Management Guidelines for Planning Authorities (2007), which state that: -

... in appeals relating to section 48/section 49 financial contributions conditions only, the Board is restricted to consideration of the matters under appeal (Section 8.11, Page 85).

Where an appeal in relation to a section 48/section 49 contribution is made and there is no other appeal, the planning authority is required to issue the grant of permission after the expiration of the period for making an appeal, provided that the appellant furnishes security for the payment of the full amount of the contribution specified in the condition, pending the decision of the Board (Section 8.12, Page 86).

The Appellant is not disputing the application by the planning authority of a Section 48 contribution condition to the Notification of Decision to Grant (Condition 48 refers). Rather we respectfully contend that the terms of the Council's Development Contribution Scheme have not been properly applied, having regard to the particular context of the proposed development at this site.

In accordance with Section 8.12 of the Development Management Guidelines, we respectfully request that the Commission restricts its consideration to the matters raised in this appeal, being the calculation of the Condition 48 contribution. A 'de novo' assessment of the proposed development subject of the application to Fingal County Council is not necessary. Where no other appeals have been made within the appropriate period, Fingal County Council should proceed to issue its grant of permission.

3 FINGAL COUNTY COUNCIL DEVELOPMENT CONTRIBUTION SCHEME 2021-2025

In the introduction to the current s.48 Development Contribution Scheme, it is stated that:

- A planning authority may include conditions requiring payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, to be provided by or on behalf of the local authority.
- The basis for determination of a contribution shall be set out in the development contribution scheme.
- The scheme shall state the basis for determining the contributions to be paid.

Section 9 of the Scheme identifies the contributions to be paid in respect of different classes of public infrastructure and facilities, including Class 3 Community and Parks Facilities and Amenities. In addition, the Scheme provides for the payment of a financial contribution in lieu of the provision of all or part of the public open space requirement, where a shortfall arises. This is determined at the discretion of the Planning Authority, having regard to the open space standards set out in the Fingal County Development Plan 2023–2029.

Notwithstanding the adoption of the Fingal County Council Development Contribution Scheme 2026–2030, the subject application was lodged prior to 1 January 2026. Accordingly, in line with the provisions of the Development Contribution Scheme, the applicable scheme for the purposes of calculating development contributions, including contributions in lieu of public open space, is the Fingal County Council Development Contribution Scheme 2021–2025.

Under the 2021–2025 Scheme, the contribution in lieu of public open space is 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.

4 PROPOSED DEVELOPMENT

The proposed development, subject of planning application LRD0052/S3E, as per the description contained within the statutory planning notice, comprises: -

"The site is located within the Kellystown Local Area Plan development boundary and is predominately in use as football pitches for St. Mochta's Football Club. A new purpose-planned sportsground for St. Mochta's FC forms the subject of a concurrent planning application with Fingal

County Council (Reg. Ref. FW25A/0033E) as required under the Kellystown Local Area Plan 2021. The site is generally bounded to the north by the Royal Canal and Dublin-Maynooth rail line, Diswellstown Road/ Dr. Troy Bridge to the east, by permitted Strategic Housing Development (ABP-312318-21 as amended by LRD0034/S3) known as Luttrellstown Gate (Phase 1) to the south and west.

The proposed development consists of 302no. residential units in a mix of houses, duplexes and apartments ranging from 2 – 7 storeys in height comprising: -

- *97no. Houses (62no. 3-bed and 35no. 4-bed) ranging in heights of 2-3 storeys*
- *205no. Apartment / Duplex Units (98no. 1-bed, 88no. 2-bed and 19no. 3-bed) across 4no. blocks comprising:*
  - *Block D ranging in height from 5-7 storeys accommodating 57no. apartment units;*
  - *Block E ranging in height from 5-7 storeys accommodating 77no. apartment units;*
  - *Block F ranging in height from 4-5 storeys accommodating 29no. apartment units and 10no. duplex units;*
  - *Duplex Blocks G1, G2, G3 & G4 3 storeys in height accommodating 32no. duplex and simplex units;*
- *The provision of 241no. car parking spaces and 993no. bicycle parking spaces;*
- *Private, communal and public open space provision including a new children's playground and active recreational facilities as well as all associated landscaping and boundary treatments;*
- *Vehicular access is provided off the existing Kellystown Link Road via the internal roads of Luttrellstown Gate (Phase 1)."*

5 GROUNDS OF APPEAL

5.1 Planning Authority Assessment

The Appellant welcomes the decision of Fingal County Council to grant permission for the residential development under Ref. LRD0052/S3E.

This appeal relates solely to Condition No. 48, which requires a financial contribution of €521,966.87 in lieu of an alleged shortfall of 8,894 sq.m of public open space.

It is respectfully submitted that this contribution has been incorrectly calculated, arising from an error in the Planning Authority's assessment of the quantum of public open space available to serve the development.

The Planning Authority's report (dated 05 March 2026) acknowledges that the proposed scheme provides 8,231 sq.m of public open space and that the total requirement for the scheme is 17,125 sq.m, in accordance with the Fingal Development Plan standard of 2.5 hectares per 1,000 population. On this basis, the Planning Authority concludes a shortfall of 8,894 sq.m.

However, this assessment fails to take account of permitted Class 1 public open space within the wider Kellystown lands, which has been allocated to serve the subject development.

Under the parent permission for the Kellystown Strategic Housing Development (ABP-312318-21, as amended by LRD0034-S3), a public park of approximately 27,869 sq.m was permitted. This provision exceeds the requirements of the permitted SHD scheme by approximately **7,494 sq.m**, thereby establishing a surplus of Class 1 public open space within the overall Kellystown LAP lands.

The extent of this surplus, together with the breakdown of Class 1 and Class 2 provision and its allocation across subsequent phases, is clearly demonstrated and quantified in the enclosed drawing prepared by Doyle O'Troithigh Landscape Architecture (Drawing Ref. LP-02-CO).

Having regard to this allocation, the public open space provision associated with the subject LRD application is comprised of:

- 8,231 sq.m of on-site public open space, and
- 4,002 sq.m of allocated Class 1 public parkland derived from the surplus public open space provision under the permitted SHD scheme on adjacent Phase 1 lands, in accordance with the Kellystown LAP.

resulting in a combined provision of c. 12,233 sq.m.

For completeness, it is noted that, when assessed solely by reference to the population-based standard, this would result in a reduced theoretical shortfall of:

17,125 sq.m – 12,233 sq.m = c. 4,892 sq.m

However, this figure arises only from the strict application of the population-based standard in isolation.

Accordingly, the shortfall identified by the Planning Authority (8,894 sq.m) is overstated by approximately 4,002 sq.m, which directly corresponds to the omission of the allocated Class 1 public open space.

Furthermore, and as set out in detail in the following sections, the reliance on the population-based standard alone does not provide an appropriate basis for assessing public open space provision, having regard to the Development Plan percentage standards, the Compact Settlement Guidelines, and the Kellystown LAP.

In this context, the financial contribution required under Condition No. 48 has been calculated on an incorrect basis and should be revised to reflect the actual level of provision.

As this appeal is made pursuant to Section 48(10)(b) of the Planning and Development Act 2000 (as amended), the Appellant respectfully requests that the Commission limits its consideration to the appropriateness of Condition No. 48 and the calculation underpinning the open space contribution.

5.2 Fingal County Development Plan 2023-2029

In relation to the calculation of public open space requirements for the proposed development, regard is had in the first instance to the provisions of Table 14.12 and Objective CIOSO38 of the Development Plan: -

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.)

Figure 1: Table 14.12, FCC development Plan 2023 – 2029

Objective CIOSO38

"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."

It is acknowledged that, under **Objective DMSO53**, the Council has the discretion to accept a financial contribution in lieu of any shortfall of open space, to provide for upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area. This is in addition to the general development contributions that include 'Class 3 Community and Parks facilities and amenities'.

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.

Having regard to the Development Plan standards for calculation of public open space, the proposed development of 302no. dwellings comprises:

- 35no. 4 bed houses (35 x 3.5 persons = 122.5)
- 62no. 3bed houses (62 x 3.5 persons = 217)
- 19no. 3bed duplex units (19 x 3.5 persons = 66.5)
- 7no. 2 bed duplex units (7 x 1.5 persons = 10.5)
- 81no. 2bed apartments (81 x 1.5 persons = 121.5)
- 98no. 1bed apartments (98 x 1.5 persons = 147)

The expected occupancy above results in a population equivalent of 685 people.

This generates a pro-rata public open space requirement of 17,125 sq.m in accordance with the Development Plan standard of 2.5 hectares per 1,000 population.

However, it is important to note that this quantitative standard does not imply that the full extent of public open space must be provided on site. Rather, it is a tool to ensure that adequate provision is made having regard to the overall context of the development, including the availability of existing and permitted open space within the wider area.

A requirement to provide the full 17,125 sq.m on-site would equate to approximately 39% of the gross site area (43,896 sq.m), which would be significantly in excess of the typical 10–15% range for public open space provision set out in the Fingal Development Plan for residential development on greenfield and LAP lands.

The Development Plan does not require the maximum provision of open space in all instances, but rather seeks an appropriate balance between the provision of usable amenity space and the efficient use of land. This is reinforced by the Compact Settlement Guidelines, which advocate a plan-led and context-sensitive approach to open space provision, generally within a range of 10% to 15% of net site area, having regard to the availability of strategic open space and the need to support compact growth.

It is therefore submitted that reliance on the population-based standard as the sole determinant of public open space provision results in an excessive and policy-inconsistent requirement. The approach taken by the Planning Authority places undue emphasis on this numerical standard, without appropriate regard to the Development Plan's percentage-based provisions, the Compact Settlement Guidelines, and the wider Kellystown LAP provision of Class 1 public open space.

Furthermore, the application of public open space standards should not be confined solely to the red line boundary of the subject site, but must be considered within the context of the wider Kellystown LAP lands and the phased delivery of open space across these lands. The Development Plan and LAP framework clearly envisage a coordinated and plan-led approach to the provision of public open space, whereby strategic Class 1 open space is delivered at key locations to serve multiple phases of development.

Accordingly, it would not be appropriate to impose the full extent of public open space requirements on an individual planning application without regard to the surplus provision delivered as part of earlier phases of development in accordance with the LAP.

On this basis, a shortfall derived solely from the application of the population-based standard does not provide an appropriate basis for the imposition of a financial contribution in lieu of public open space.

5.3 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)

It is noted that the Fingal County Development Plan 2023–2029 predates the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). The provisions of these Guidelines are therefore of direct relevance in the context of this appeal.

Under Policy and Objective 5.1 – Public Open Space, the Guidelines state that:

> *It is a policy and objective of these Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element).* ***The requirement in the development plan shall be for public open space provision of <u>not less than</u> a minimum of 10% of net site area and <u>not more than</u> a minimum of 15% of net site area*** *save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas.*
>
> **(SLA bold font and underline emphasis)**

This establishes a clear policy range of 10–15%, rather than a requirement to maximise open space provision.

It is further stated that,

> *The <u>minimum requirement should be justified</u>* ***<u>taking into account existing public open space provision in the area and broader nature conservation and environmental considerations</u>***

The planning authority appears to be seeking contributions in lieu of the provision of 17,125 sq m of public open space on site, which is equivalent to approximately 39% of the gross site area. This is unjustified on this basis and on the grounds that c. 12,233 sq.m is provided by the Applicant, being made up of on-site and off-site provision (see Section 5.5 below for further detail).

The Guidelines further recommends that public open spaces may vary in terms of characteristics and nature. It states that:

> *"There is a need to focus on the* ***overall quality, amenity value and biodiversity value*** *of public open spaces. The spaces should integrate and protect natural features of significance* ***and green and blue infrastructure corridors*** *within the site and should support the* ***conservation, restoration and enhancement of biodiversity****. The public open spaces should also form an integral part of the design and layout of a development and provide a connected hierarchy of spaces, with suitable landscape features, including seating and provision for children's play".*

And, that:

> *"The availability of accessible and high quality public open spaces within all settlements that are part of a wider GBI network will be important in creating sustainable settlements. This should include* ***a hierarchy of multifunctional public open spaces and corridors*** *that are accessible and provide for the recreational needs of the planned population, while also creating space for* ***nature and ecosystem services."***

We would highlight, that in addition to the Class 1 and Class 2 public open space areas identified in this appeal, there is also a significant quantity (c. 3363 sqm) of 'Environmental Open Space' proposed within the scheme, which will be of benefit to the new residential neighbourhood. We consider that these spaces further enhance the visual and natural amenity in this area.

The Kellystown LAP is clear in that Class 1 POS is provided to the south of the Kellytown Link Road. The Applicant has facilitated delivery of the schools, burial grounds, new sportsground for St. Mochtas and c. 2.8 Ha of Class 1 public parkland (under Luttrellstown Gate Phase 1) on the full extent of lands under their ownership to the south of the Kellystown Link Road. There is a considerable swathe of additional Public Open Space to be delivered further west including an 8 Ha public park, urban farm, off-leash dog park and additional green and blue corridors. The Applicant is in continuing and active negotiations with the adjoining third party landowner with a view to acquiring both the Central Development Area

lands to the north of the Kellystown Link Road and a substantial swathe of Open Space zoned lands to the south of the Kellystown Link Road and we would respectfully submit that additional public open space lands will be forthcoming as will the ultimate realisation of the full development vision for the Kellystown LAP lands.

We would respectfully submit that the Planning Authority failed to have any regard to the above material considerations when assessing the adequacy of the proposed public open space.

On this basis, it is submitted that no shortfall in public open space arises when assessed in accordance with the relevant policy framework, including the Fingal Development Plan, the Compact Settlement Guidelines and the coordinated, plan-led provision of open space in accordance with the Kellystown LAP, and that the imposition of a financial contribution in lieu of public open space is not justified.

5.4 Development Contribution Guidelines for Planning Authorities (2013)

When these Guidelines were published in 2013 there was a significant focus on Ireland's economic recovery. Local Authorities were actively encouraged to seek to achieve a reasonable balance between funding necessary infrastructure through planning gain and supporting / promoting economic activity and job creation by reducing costs to business. In the aftermath of the financial crisis, post 2013, Ireland's economic climate and employment rates have recovered strongly.

However, for the period 2026-2030 there is a recognised critical need to support and promote housing development, to address the latent and ongoing housing shortage crisis in order to support a rising population and sustain economic growth.

The key message of the Development Contribution Guidelines is that development contributions (in this case for residential development), should be:

- Realistic, balanced and targeted at supporting rather than impeding development.
- Ultimately designed to offset only a portion of the costs of public infrastructure and facilities, given there are also other funding mechanisms available for investment in public infrastructure in strategic and regeneration areas.
- Appropriately reduced or deferred in areas where strategic housing development is prioritised in the Core Strategy.

We would submit that it is reasonable to seek to <u>reduce</u> the burden of levies in the case of the proposed development, rather than increase them, so as to enhance the delivery of housing in strategic area that support the implementation of the National Planning Framework First Revision (April 2025) and the Council's Core Strategy.

We would further submit that it is reasonable to seek to <u>reduce</u> the burden of the discretionary in lieu of public open space levies, so as to enhance the delivery of housing in strategic area that support the implementation of the National Planning Framework First Revision (April 2025) and the Council's Core Strategy.

The Guidelines state that *"Development contributions are not cash-cows"*. The practice of double charging is inconsistent with the equitable capture of 'planning gain' through development contributions to make up for an underprovision of infrastructure not already anticipated and captured by the Development Contributions Scheme. As is argued in grounds of appeal below, no shortfall in public open space arises in the case of the proposed development. We submit the additional discretionary contributions for public open space lack transparency and are inequitably applied under Condition 48.

5.5 PROPOSED PUBLIC OPEN SPACE PROVISION

For clarity, the relevant public open space calculations for the proposed development are set out below, comparing the Planning Authority's approach with alternative assessments having regard to the Development Plan and Compact Settlement Guidelines.

In particular, the application of a 12% net site area standard reflects the approach adopted by the Commission in comparable cases (refer to Section 6 for further detail on precedent).

Scenario	Basis of calculation	Requirement	Provision counted	Result
FCC calculation	Population-based standard under Objective CIOSO38 / DMSO51	17,125 sq.m	8,231 sq.m on-site public open space	**Shortfall: 8,894 sq.m**
If 4,002 sq.m off-site allocation is credited	Population-based standard, but including allocated Class 1 public open space from the permitted Kellystown park	17,125 sq.m	8,231 sq.m on-site + 4,002 sq.m off-site = **12,233 sq.m**	**Reduced theoretical shortfall: 4,892 sq.m**
If the Commission applies a 12% net-site standard	12% of net site area (39,635 sq.m)	4,756.20 sq.m	6,455 sq.m on-site public open space within the net site area	**Excess: 1,698.80 sq.m**

5.5.1 Public Open Space – On Site

The quantum of public open space provided with the proposed development is relevant to the grounds of appeal, in demonstrating that no shortfall arises when assessed having regard to the Development Plan as a whole, including its percentage-based standards, and the Compact Settlement Guidelines.

Calculation Options	Site Area (gross) (per Development Plan)	Site Area (net) (per Policy and Objective 5.1)
Site area	43,896.00 m² (gross)	39,635 m² (net)
10% of site area	4,389.60 m²	3,963.50 m²
12% of site area	5,267.52 m²	4,756.20 m²
15% of site area	6,584.40 m²	5,945.25 m²
Proposed	**8,231.00 m²**	**6,455.00 m²**
No Shortfall at min 10%	+3,841.40 m²	+2,491.50 m²
No Shortfall at min 12%	+2,963.48 m²	+1,698.80 m²
No Shortfall at min 15%	+1,646.60 m²	+509.75 m²

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01 APR 2026
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Figure 1: Extract from O'Mahony Pike Architectural Design Statement that accompanied the Planning Application, illustrating location of Public Open Space on and off site.

The linear park located along the eastern boundary of the site has been designed as the primary area of public open space within the development. The layout of this space has been informed by the integration of surface SuDS measures, connectivity with adjoining developments, and the continuation of established pedestrian and cycle routes.

The park is structured as a series of interconnected open lawn areas, providing opportunities for both passive and active recreation. These spaces are framed by areas of woodland planting, within which informal seating areas are incorporated. The arrangement of paths, seating, and surrounding residential units ensures a high level of passive surveillance across the park.

Two of the lawn areas are designed as shallow, sunken spaces to accommodate surface water attenuation. These areas are multifunctional in nature and, during dry conditions, can be used informally for recreational activities such as children's play and ball games. The gently sloping sides assist in containing play activities within these spaces, enhancing their usability as informal recreational areas.

Overall, the design provides a cohesive and well-supervised open space environment, contributing to the amenity, functionality, and landscape quality of the development.

The gross site area is approximately 4.39 ha, with a net site area of approximately 3.96 ha. The following areas are excluded from the gross site area for the purposes of calculating the net site area:

- The section of the Gas Mains wayleave along the eastern side of the site that falls within the red line boundary;
- An area in the northwestern corner of the site, adjacent to the Porterstown Crossing of the railway, required for pedestrian and cycle infrastructure associated with the DART+ West works;
- The portion of the Eastern Development Area Loop Road located within the subject site;
- Cycle and pedestrian connections between the subject site and Riverwood Square.

The public open space within the **gross site area** amounts to **8,231 sq m** (or **18.8%** of the gross site area).

Excluding the area of wayleave (c. 1,776sqm) , Dart+West Infrastructure (c. 1,083sqm) , connection to Riverwood Square (c. 223sqm) and Loop Road (c. 1,179sqm) the **net site area** of c.3.96ha accommodates usable open space on site amounting to **6,455 sq m** (or **16.3%** of the net site area).

We would submit that **no shortfall** in public open space arises for the proposed development, having regard to the Development Plan requirement for new residential development at greenfield or LAP lands at **12-15%** of the site area.

Furthermore, the minimum requirement of the Compact Settlement Guidelines is **10%** of the net site area, which the proposed development is consistent with.

5.5.2 Public Open Space – Off Site

The Luttrellstown Gate Phase 1 scheme (SHD ABP-312318-21, as amended by LRD0034-S3) includes c. 27,869 sq.m of public open space, of which c. 20,978 sq.m is Class 1 and c. 6,891 sq.m is Class 2 public open space.

A drawing prepared by Doyle O'Troithigh Landscape Architecture (Drawing Ref. LP-02-CO) is enclosed with this appeal, illustrating the extent of the permitted public open space, together with the breakdown of Class 1 and Class 2 provision and the allocation of surplus lands.

As demonstrated in the enclosed drawing, the permitted public park located to the south of the Kellystown Link Road is of a sufficient scale to accommodate the Class 1 public open space requirements of the residential development proposed at the current application site.

The Phase 1 scheme delivers an excess of c. 7,494 sq.m of public open space beyond its own requirements. As illustrated in the enclosed drawing, this surplus has been apportioned across adjoining and subsequent phases of development, including the permitted Luttrellstown Gate Phase 2 schemes (FW25A/0418E and FW25A/0419E), which account for c. 2,172 sq.m and c. 1,320 sq.m respectively.

The remaining balance of the surplus, amounting to c. 4,002 sq.m, has been allocated to the proposed development subject of this application.

The enclosed drawing demonstrates that this surplus arises from a permitted and deliverable public park, forming part of the wider Kellystown LAP lands and delivered in accordance with the provisions of the Kellystown LAP, and is accessible to future residents of the subject development.

This breakdown confirms that the surplus public open space arising from the Phase 1 scheme has been fully accounted for and distributed in a coordinated, plan-led manner across the Kellystown LAP lands.

The failure of the Planning Authority to recognise this allocated provision results in an artificial and materially overstated shortfall in public open space provision.

It is important that the Commission has regard to the off-site public open space being delivered by the Applicant in the form of a neighbourhood park that will serve the wider community of the emerging residential area at Kellystown. The Applicant should not be placed in a position whereby it both delivers this significant public amenity and is also subject to additional financial contributions in lieu of open space provision.

Off-site, approximately 4,002 m^2 of public open space has been allocated to the proposed development. When combined with the 8,231 m^2 of on-site Class 2 public open space, this results in a total provision of 12,233 m^2 of public open space for the scheme.

For completeness, it is noted that, when assessed solely by reference to the population-based standard, this would give rise to a reduced theoretical shortfall of approximately 4,892 m^2. However, this figure arises only from the strict application of the population-based methodology in isolation.

As demonstrated in the preceding sections, when assessed having regard to the Development Plan as a whole, including its percentage-based provisions, the Compact Settlement Guidelines, and the wider Kellystown LAP context, no shortfall in public open space provision arises.

Furthermore, it is not reasonable to discount the Class 1 public open space surplus delivered under the permitted Phase 1 scheme, which has been allocated to serve the subject development in accordance with the Kellystown LAP and simultaneously seek to levy a financial contribution in respect of an alleged deficiency.

It is therefore submitted that the Planning Authority's failure to recognise the allocated Class 1 public open space has resulted in a materially overstated and artificial shortfall, which does not provide a valid basis for the imposition of a financial contribution.

5.5.3 Environmental Areas

In addition to the Class 1 and Class 2 public open space areas identified above, a significant quantity (c. 3,363 sq.m) of 'Environmental Open Space' is accommodated within the proposed development.

These areas incorporate existing trees, hedgerows and natural features, and make a meaningful contribution to biodiversity, visual amenity and the overall green infrastructure network within the Kellystown LAP lands. As such, they will be of significant benefit to the creation of a high-quality residential environment.

While these Environmental Areas are not included within the formal calculation of Class 1 or Class 2 public open space, it is noted that the Compact Settlement Guidelines place a strong emphasis on the quality, multifunctionality and ecological value of open space, including the integration of green infrastructure and the protection of natural features.

In this regard, the Environmental Areas form an important component of the overall open space provision, contributing to the amenity and functionality of the development beyond the quantitative requirements.

For illustrative purposes, if these areas were to be included within the overall provision, they would add a further 3,363 sq.m of amenity space, bringing the total provision on site to approximately 26% of the gross site area, which is significantly in excess of the typical 10–15% range.

Notwithstanding that the proposed development already exceeds the applicable public open space standards, both on-site and when considered in conjunction with the wider Kellystown LAP provision, the inclusion of these Environmental Areas further demonstrates that no deficiency in public open space provision arises.

In this context, the imposition of a financial contribution in lieu of public open space is not justified.

The contribution of these Environmental Areas should therefore be acknowledged in the Commission's assessment of the overall adequacy of open space provision.

6 PRECEDENT CASES

We refer the Commission to the Inspector's Report in precedent case ABP-322747-25, concerning contributions levied in lieu of public open space in respect of a residential development at Back Road, Malahide.

In that case, Fingal County Council imposed a contribution in lieu of a purported shortfall of approximately 4,600 sq.m of public open space (€269,962.63), based on the application of the population-based standard.

The Inspector found that the proposed development would provide public open space in excess of 10% of the site area and, having regard to Policy and Objective 5.1 of the Compact Settlement Guidelines, concluded that the imposition of a contribution in lieu of public open space was not warranted.

In its Order, the Commission determined that a provision of 12% of the net site area was consistent with Table 14.12 and Objective DMSO50 of the Fingal County Development Plan 2023–2029. A significantly reduced contribution was therefore applied, based only on a shortfall relative to the 12% threshold, amounting to approximately 409 sq.m.

In the case of the subject development, a substantially greater level of public open space is provided. Based on a net site area of c. 3.96 ha, approximately 16.3% of the site area is delivered as public open space. On a gross site area basis (c. 4.39 ha), this equates to approximately 18.8%.

In addition, further provision is made through the inclusion of environmental open space within the site and the allocation of Class 1 public open space within the wider Kellystown LAP lands.

Accordingly, the level of public open space provision in the subject case significantly exceeds that accepted by the Commission in ABP-322747-25.

In this context, it is submitted that the imposition of a financial contribution in lieu of public open space is not justified, having regard to the level of provision already achieved and the approach adopted by the Commission in the above precedent.

It is also noted that the imposition of financial contributions in lieu of public open space provision is currently under appeal to the Commission in respect of the adjoining Luttrellstown Gate Phase 2 developments (Refs. FW25A/0418E and FW25A/0419E), which similarly relate to the application of public open space standards within the Kellystown LAP lands.

Final grants of permission have issued for both developments, and the appeals relate specifically to the public open space condition. A decision of the Commission is anticipated in late April 2026.

While these appeals have yet to be determined, they relate to the same policy context and Kellystown LAP lands and are therefore of direct relevance to the Commission's consideration of the present appeal.

7 CONCLUSION

This appeal relates solely to Condition No. 48 of the permission granted under Ref. LRD0052/S3E, which requires a financial contribution in lieu of an alleged shortfall in public open space provision.

It is respectfully submitted that the basis for this condition is flawed.

Firstly, the Planning Authority has failed to account for c. 4,002 sq.m of permitted Class 1 public open space within the Kellystown LAP lands, which has been allocated to serve the proposed development. This omission has resulted in a materially overstated shortfall.

Secondly, the Planning Authority has placed undue reliance on the population-based standard set out in the Development Plan, without appropriate regard to the Development Plan's percentage-based provisions, the Compact Settlement Guidelines, and the wider Kellystown LAP context. The application of this standard in isolation results in an excessive and policy-inconsistent requirement.

When assessed having regard to the Development Plan as a whole, and the provisions of the Compact Settlement Guidelines, the proposed development provides a substantial and high-quality level of public open space, comprising:

- 8,231 sq.m of on-site public open space, and
- 4,002 sq.m of allocated Class 1 public parkland derived from the surplus public open space provision under the permitted SHD scheme on adjacent Phase 1 lands, in accordance with the Kellystown LAP; and
- additional environmental open space contributing to the overall green infrastructure network.

This results in a level of provision significantly in excess of the 10–15% range set out in the relevant policy framework.

Furthermore, precedent established by the Commission under Ref. ABP-322747-25 confirms that the imposition of a financial contribution in lieu of public open space is not warranted where a development provides an appropriate level of open space in accordance with the Compact Settlement Guidelines.

In light of the above, it is submitted that no deficiency in public open space provision arises in this case, and that the shortfall identified by the Planning Authority is both overstated and based on an application of policy without appropriate regard to the Development Plan as a whole and the Compact Settlement Guidelines.

Accordingly, the imposition of a financial contribution under Condition No. 48 is not justified.

The Appellant respectfully requests that the Commission amend or omit Condition No. 48 of the permission, having regard to the level of public open space provision achieved and the proper application of the relevant policy framework.

8 ENCLOSURES

The following is a list of enclosures provided as part of this First Party Appeal: -

1. Cheque in the sum of €220.00 made payable to An Coimisiún Pleanála, as the appropriate appeal fee.
2. LRD0052/S3E Notification of Decision to Grant Permission, dated 5th March 2025.
3. Appeal Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
4. Extract from Design Statement (Public Open Space, pp.36-37), 1506E-OMP-00-00-PP-A-9015, prepared by O'Mahony Pike Architects.
5. Schedule of Accommodation prepared by O'Mahony Pike Architects.
6. Doyle & O'Troithigh Landscape Architecture (Drawing No. 25-002 LP-02-CO).

We trust that everything is in order, and we look forward to receiving a decision from An Coimisiún Pleanála in due course.

We confirm that we act for the 1st Party Appellant in this case and would ask that all future correspondence in relation to this planning appeal be directed to this office.

STEPHEN LITTLE & ASSOCIATES
31 March 2026

AN COIMISIÚN PLEANÁLA
01 APR 2026
LTR DATED _____ FROM Appll
LDG-
ACP-324182-26

Stephen Little & Associates are committed to progressing and achieving sustainable development goals.

Chartered Town Planners and Development Consultants

Address:
26/27
Upper Pembroke Street
Dublin 2, D02 X361

Contact:
t: 353-1 676 6507
info@sla-pdc.com
sla-pdc.com

PUBLIC OPEN SPACE

The public open space strategy for the proposed scheme aligns with the principles of the Kellystown LAP, with a large public open space being provided along the eastern side of the residential site. This area comprises c. 16.3% of the net site area and c. 14.7% of the gross site area (excluding the wayleave) of the residential site. We note that this area of public open space has increased in size and width since the S247 consultation.

Although other green open spaces are provided on the northern and western sides of the residential site, these spaces have been categorised as Environmental Open space for the purposes of this planning application. We note that the collection of green spaces that are located to the east and west of the Porterstown Road will collectively form a considerable amenity if/when vehicular use of the Porterstown Road is restricted by Fingal County Council, at some point in the future.

AN COIMISIÚN PLEANÁLA
0 1 APR 2026
LTR DATED_____ FROM Appeal
LDG-_____
ACP-324182-26

The proposed public open space in the subject scheme is shown with the permitted public open space of ABP-312318-21 as amended by LRD0034/S3, so as to demonstrate the relationship between the two schemes.

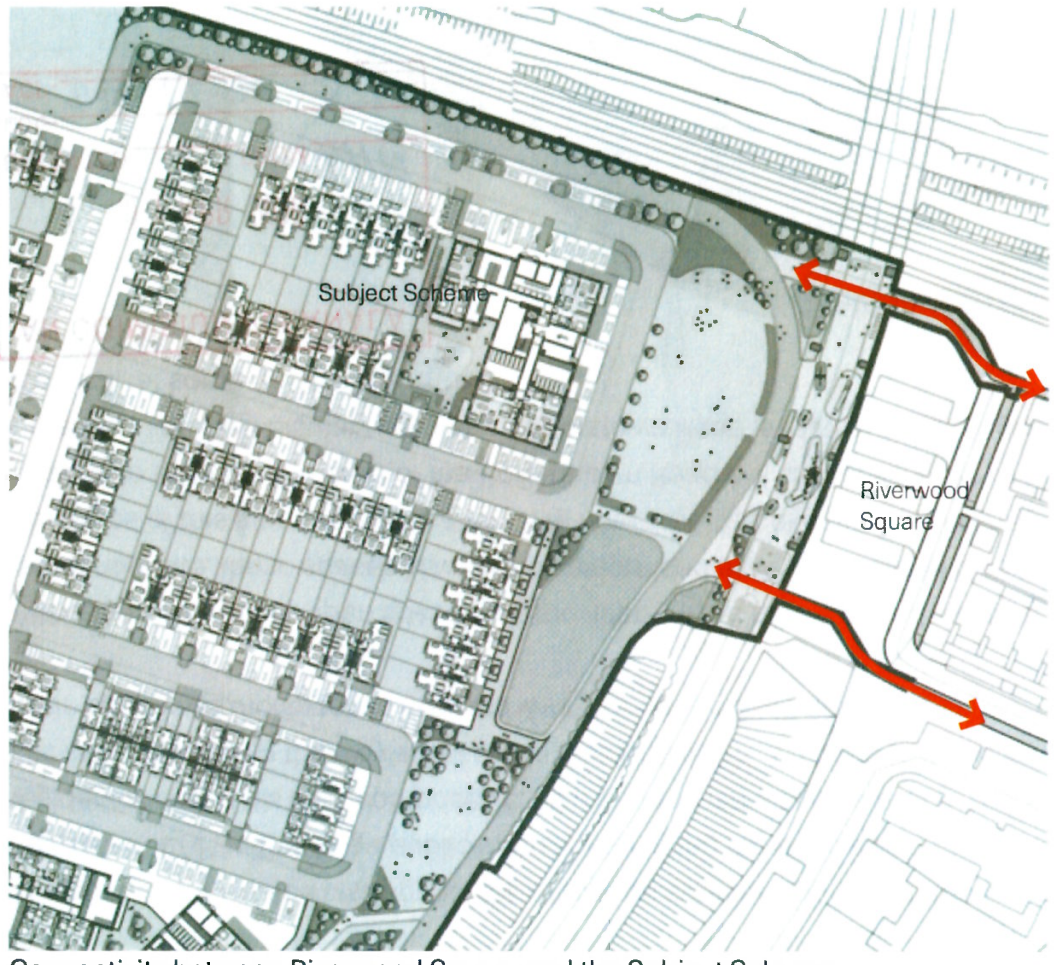
- Class 1 Public Open Space
- Class 2 Public Open Space
- Environmental Open Space within Net Site Area

Diagram showing public open spaces and environmental areas

PUBLIC OPEN SPACE

We note that the proposed public open space includes the area under the Diswellstown Road Overpass, and it is proposed that the space underneath the bridge would form a covered play area. The design in this area includes two pathways that extend beyond the eastern side of the Diswellstown Road Overpass, so as to connect into the existing pedestrian paths in Riverwood Square, thereby making the proposed public open space and its play areas accessible to residents on both sides of the Diswellstown Overpass. We note that the members of the design team and FCC met on site to review the design of the area under the bridge, and to agree the locations of the proposed cycle and pedestrian connections.

Please refer to the Landscape Architects drawings and documentation for further detail.



Connectivity between Riverwood Square and the Subject Scheme

CGI showing the public open space and the covered play area under the Diswellstown Overpass.

Comhairle Contae Fhine Gall
Fingal County Council

An Roinn Pleanála agus Forbartha
Planning and Development Department

Stephen Little,
Stephen Little & Associates
26/27
Upper Pembroke Street
Dublin
D02 X361

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

Decision Order No. PF/0647/26	**Decision Date** 5 March, 2026
Register Ref. LRD0052/S3E **LGMA Ref. 120000062519**	**Registered** 11 June, 2025

Area: Ongar

Applicant: Castlethorn Developments Luttrellstown Limited

AN COIMISIÚN PLEANÁLA
01 APR 2026
LTR DATED _____ FROM APPEAL
LDG-_____
ACP-324182-26

Swords Office: Áras an Chontae Sord, Fine Gall, Co. Bhaile Átha Cliath / County Hall, Swords, Fingal, Co. Dublin K67 X8YA
Contact Details: Registry (01) 890 5541 / Decisions (01) 890 5670 / Appeals (01) 890 5724
e: planning@fingal.ie www.fingal.ie

Development: Castlethorn Developments Luttrellstown Limited, intends to apply for Permission for a Large-Scale Residential Development at this site (c. 4.39 ha) in the townland of Porterstown Clonsilla, Dublin 15. The site is located within the Kellystown Local Area Plan development boundary and is predominately in use as football pitches for St. Mochta's Football Club. A new purpose-planned sportsground for St. Mochta's FC forms the subject of a concurrent planning application with Fingal County Council (Reg. Ref. FW25A/0033E) as required under the Kellystown Local Area Plan 2021. The site is generally bounded to the north by the Royal Canal and Dublin-Maynooth rail line, Diswellstown Road/ Dr. Troy Bridge to the east, by permitted Strategic Housing Development (ABP-312318-21 as amended by LRD0034/S3) known as Luttrellstown Gate (Phase 1) to the south and west.

The proposed development consists of 302no. residential units in a mix of houses, duplexes and apartments ranging from 2 - 7 storeys in height comprising: -

- 97no. Houses (62no. 3-bed and 35no. 4-bed) ranging in heights of 2-3 storeys
- 205no. Apartment / Duplex Units (98no. 1-bed, 88no. 2-bed and 19no. 3-bed) across 4no. blocks comprising:
  - o Block D ranging in height from 5-7 storeys accommodating 57no. apartment units;
  - o Block E ranging in height from 5-7 storeys accommodating 77no. apartment units;
  - o Block F ranging in height from 4-5 storeys accommodating 29no. apartment units and 10no. duplex units;
  - o Duplex Blocks G1, G2, G3 & G4 3 storeys in height accommodating 32no. duplex and simplex units;
- The provision of 241no. car parking spaces and 993no. bicycle parking spaces;
- Private, communal and public open space provision including a new children's playground and active recreational facilities as well as all associated landscaping and boundary treatments;

Vehicular access is provided off the existing Kellystown Link Road via the internal roads of Luttrellstown Gate (Phase 1).

An Environmental Impact Assessment Report has been prepared in respect of the proposed development and submitted with this LRD application.

The Planning Application, including the Environmental Impact Assessment Report may be inspected online at the following website: www.stmochtaslrd.ie

Additional Information deemed Significant 05/01/2026.

Revised Public Notices received 09/01/2026.

Location: Townland of Porterstown, Clonsilla, , Dublin 15

Floor Area: 302 Sq Metres

Time extension(s) up to and including **6 February, 2026**

Additional Information Requested / **Received** 31-Jul-2025, 05-Jan-2026 / **22-Dec-2025, 09-Jan-2026**

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the **(49)** conditions on the attached Pages.

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and as amended by the Significant Additional Information received on the 9th January 2026, save as may be required by other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. This grant of permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans.
REASON: In the interest of clarity and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.

3. This permission permits 302 no. residential units only.
REASON: In the interest of the proper planning and sustainable development of the area.

4. All residential units shall be used as single residential units apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended). The residential units shall not be subdivided, used for multiple occupancy living units or for the purposes of short-term letting except where otherwise permitted by way of a separate grant of planning permission.
REASON: In the interest of clarity and to ensure proper planning and sustainable development.

5. Not more than 50% of the residential units shall be made available for occupation before the permitted development under Reg. Ref. FW25A/0033E is fully completed and operational.
REASON: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.

6. (a) Prior to the commencement of any house, duplex unit with own door access in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement shall specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.
REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

7. Prior to the commencement of development, the developer or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the Planning Authority in accordance with the requirements of Section 96 of the Planning and Development Act 2000, as amended, unless an Exemption Certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement of An Coimisiún Pleanála for determination.
REASON: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended and to comply with the requirements of the Housing Strategy in the Fingal Development Plan 2023 – 2029.

8. Prior to the commencement of construction, details of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing by the Planning Authority.
REASON: In the interest of visual amenity.

9. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.
REASON: In the interest of residential amenity.

10. Prior to the commencement of construction, the developer shall submit for the written agreement of the Planning Authority an acceptable bilingual naming and numbering scheme which shall reflect local historical place names.
REASON: In the interest of the residential amenities of the area.

11. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021). The RWMP shall include details of the various waste streams and expected tonnages which shall be generated during site clearance, demolition and construction phases and any proposed exportation or importation of soil and stone material, including destination/source locations, quantities and if any material will be assessed under By-Product notification. The RWMP shall also include specific proposals as to how the RWMP will be measured and monitored

for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
REASON: In the interest of residential amenity and the proper planning and sustainable development of the area.

12. Prior to the commencement of construction, the developer shall submit for the written agreement of the Planning Authority an updated Operation Waste Management Plan (OWMP) which shall include detailed drawings of the Waste Storage Areas (WSA) for houses illustrating the layout of bins. The detailed drawings shall demonstrate the WSA size is suitable for the quantity of waste generated.
REASON: In the interest of residential amenity and the proper planning and sustainable development of the area.

13. No surface water / rainwater shall discharge into the foul water system under any circumstances. The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
REASON: To ensure adequate provision of surface water facilities.

14. Where the developer proposes a connection to the public network, the developer shall enter into an agreement with Uisce Éireann prior to the commencement of development and adhere to the standards and conditions set out in that agreement.
REASON: To ensure adequate provision of water and wastewater facilities.

15. The following shall be complied with in full:
(a) There shall be no build over of Uisce Éireann public infrastructure from this proposal. Separation distances as per Uisce Éireann's Standards Codes & Practices shall be achieved where public infrastructure is in situ within and/or adjacent to site boundaries.
(b) The development shall not impact public drinking water sources and/or abstraction points and/or abstraction infrastructure.
(c) All development shall be carried out in compliance with Uisce Éireann Standards Codes and Practices.
REASON: In the interest of public health and sustainable development.

16. All services associated with the proposed development, including electrical, telecommunications, telephone and street lighting cables, shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.
REASON: In the interest of visual amenity and to provide a satisfactory standard of amenity in the development.

17. No residential unit shall be occupied until all the services have been connected thereto and are operational.
REASON: In the interest of the proper planning and development of the area.

18. The developer shall achieve the internal noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings in residential units of

the proposed development.
REASON: In the interest of residential amenity and the sustainable development of the area.

19. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a detailed Acoustic Design Statement which confirms the final glazing and ventilation specifications to be used in all dwellings in the development in order to meet the internal noise criteria.
REASON: In the interest of residential amenity and the sustainable development of the area.

20. Prior to occupation of the development, the developer shall submit a verification report to the Planning Authority confirming that the recommendations and requirements of the agreed Acoustic Design Statement have been met. This verification report shall include post-completion noise testing in all dwelling types, including those dwellings facing the railway line and those facing Diswellstown Road, and the selection of dwellings for post-completion noise testing shall be subject to the prior agreement of the Planning Authority. Any instances of non-conformity with the recommendations and requirements of the Acoustic Design Statement shall be detailed together with measures to ensure compliance with the agreed internal noise criteria.
REASON: In the interest of residential amenity and the sustainable development of the area.

21. In order to control plant noise associated with the operational phase of the development, all external mechanical plant and equipment shall be selected, design and operated in accordance with the guidance as set out BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Tonal noise associated with external mechanical plant and equipment shall not be audible at any nearby noise sensitive location.
REASON: In the interest of residential amenity and the sustainable development of the area.

22. Prior to the commencement of development, the developer shall submit a report to the Planning Authority for written agreement, confirming (i) the final detailed design of all external mechanical plant and equipment, and (ii) compliance with the criteria set out in BS4142:2014:+A1:2019 Methods for rating and assessing industrial and commercial sound.
REASON: In the interest of residential amenity.

23. Prior to the commencement of development, the public lighting design shall be submitted and agreed in writing by the Public Lighting Section to include the following:
(a) Proposed ducting layout including all access chambers, proposed public lighting section pillars and ESB networks section pillars shall be in public areas with the exception of road crossing ducts, which shall be located in footpaths.
(b) Product data sheets and drawings of proposed public lighting infrastructure (luminaires, columns, cables, ducting, section pillars, access chambers).
(c) The design shall be in line with the Forest of Fingal policy which states

lanterns shall not be installed within a 7-metre radius of any tree.
(d) Landscape drawing shall be provided illustrating all lighting pole locations.
(e) Details of the proposed protection measures of how the public lighting infrastructure shall be protected if the proposed installation is located on shared surface areas.
(f) Fingal County Council LED Technical sheets shall be completed for each proposed luminaire.
(i) With regards to the colour temperature of the proposed luminaires, Fingal County Council policy includes neutral white except in limited specific circumstances that are to be agreed in writing with Fingal County Council Public Lighting Section.
REASON: In the interest of visual amenity and residential amenity.

24. The following requirements shall be adhered to in full:
(a) The developer shall not commence Phase 3 of the proposed development identified on OMP Drawing No. 1506E-OMP-00-SP-DR-A-1600 dated 21/10/25 without the prior written consent of Iarnród Éireann being submitted for the written agreement of the Planning Authority.
(b) The extent of haul route extending south along the eastern edge of the previously permitted development under reg. ref. ABP-312318-21 as amended by LRD0034/S3) shall be retained as part of this DART+West construction compound and haul route.
(c) The developer shall cease any potential temporary use of these areas as a construction compound or for any other purpose and shall fully vacate the area within 1 month of any written instruction to do so from Iarnród Éireann being submitted to the developer and/or the Planning Authority.
REASON: To safeguard a suitable area of the subject site and adjoining land as a temporary construction compound and haul route for the benefit of Iarnród Éireann to facilitate DART+West works in the vicinity.

25. Prior to the construction of development, a revised site layout plan shall be submitted for the written agreement of the Planning Authority, detailing the shared surface roads with tree pits and a service corridor totalling 7m wide in places. Further discussion is advised with the Transportation Planning Section prior to the submission of amended plans.
REASON: In the interest of proper planning and sustainable development.

26. The following requirements shall be adhered to in full:
(a) Cycle parking lockers shall not obstruct sightlines or indivisibility between pedestrians and vehicles.
(b) Active Travel facilities shall be designated in accordance with the Cycle Design Manual (current edition) and constructed in accordance with the NTA pavement materials and mixtures specifications.
(c) All dedicated cycle facilities, with the exception of shared active travel facilities, in urban areas shall be red in colour.
(d) Fixed and robust features such as rails, hoops or posts shall be provided to secure a motorcycle using a chain or similar device.
(e) The 'development management'/'owners management company' shall ensure that the cycle parking areas are subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking

equipment shall be properly maintained.

(f) All areas that are proposed to be taken-in-charge by the Council, shall comply with the Councils 'taking in charge policy and specifications' and shall be constructed and maintained to the Councils 'taking in charge policy and specifications', including roads, footpaths, verges, public lighting, public EV charging, open space, sewers, watermains or drains, forming part of the document.

(g) Where permeable paving parking areas adjacent to roads are proposed, construction details preventing the road edge being undermined by surface water shall be implemented.

(h) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by DMURS (Current Edition) and as per the submitted Site Plan) exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility splays

(i) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the Developer's own expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.

(j) The pedestrian permeable links, to be permanently open and without gates shall be facilitated from the development by the applicant/developer to Riverwood Square to the satisfaction of the Planning Authority.

REASON: In the interest of pedestrian traffic safety and the proper planning and sustainable development of the area.

27. Where access is required for emergency access routes and service vehicles for maintenance in the vicinity of the bridge and playground areas, these routes shall be constructed to accommodate the weight of the service and emergency vehicles and detailed on a revised layout drawing and submitted and agreed in writing with the Planning Authority.

REASON: In the interest of clarity and the proper planning and sustainable development of the area.

28. Road Safety Audits shall be carried out as part of the proposed development at all the relevant stages as outlined in current edition of Transportation Infrastructure Ireland Guidelines GE-STY-1027. Any required amendments to the proposal resulting from the road safety audits shall be submitted to and agreed in writing with the Council prior to construction.

REASON: In the interest of vehicular and pedestrian safety.

29. A Residential Travel Plan/ Mobility Management Plan shall be provided for the development and shall be fully adhered to and implemented by the Management Company / Owners Management Company and shall be to the satisfaction of the Planning Authority.

REASON: In the interest of proper planning and sustainable development.

30. Any works to the public footpath, verge and road carriageway to facilitate the development and any repairs to the public footpath, verge and road carriageway necessary because of the development shall be at the expense of the developer and completed to the Councils' standards for taking-in-charge and to the

satisfaction of the Council.
REASON: In the interest of pedestrian and traffic safety.

31. A revised taking-in-charge drawing shall be agreed in writing with the Planning Authority prior to construction.
REASON: In the interest of proper planning and sustainable development.

32. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority a revised and consolidated Public Open Space Phasing and Delivery Plan. This plan shall:
(i) Clearly correlate and reconcile the proposed public open space areas as identified on the Landscape Plan – Open Space Areas Drawing No. LP-01-IN, The Landscape Plan – Linear Park Drawing No. LP-02-IN, in the submitted Phasing Plan Drawing No. 1506E-CMP-00-SP-DR-A-1600, and the Negotiations Map relating to the DART+West project;
(ii) Clearly delineate the extent of lands affected by any proposed DART+West compound, temporary CPO acquisition, or safe guarded areas, and demonstrate how and when such lands will be made available for the delivery of the proposed public open space and associated play facilities;
(iii) Provide a definitive programme for the delivery, completion, landscaping, equipping, and public accessibility of all public open space, including the principal open space and all play provision currently shown within Phase 3.
REASON: In the interest of proper planning and sustainable development.

33. The following shall be complied with in full:
(a) All tree protection shall be in place and signed-off by the project Arborist prior to any construction-related works or mechanised site access (including site clearance).
(b) Prior to the commencement of construction works on site, a site meeting with the Parks & Landscape Officer shall be held to inspect the fully erected tree protection fencing and discuss all tree protection measures and to schedule the next site meeting.
REASON: In the interest of the proper planning and sustainable development of the area.

34. A tree bond of €30,000 is to be lodged with the Council prior to the commencement of development to ensure that Trees & Hedgerow noted for protection on the submitted Tree St Mochtas LRD Tree Protection Plan, (stamped received on 11/06/25) are protected and maintained in good condition throughout the course of development. This bond will be held for a period of 2 years post construction. For the tree bond to be released, a post construction report on the condition of trees & hedgerow to be retained shall be undertaken by the project Arborist and all recommendations made within this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion sign by the project Arborist shall be submitted in writing to the Planning Authority.
REASON: In the interest of the proper planning and sustainable development of the area.

35. Prior to the commencement of development, a detailed Hedgerow Transplantation Method Statement shall be submitted to and agreed in writing with the Planning

Authority.
This method statement shall relate specifically to Boundary 2, identified in the submitted Arboricultural Report as a Category C2 hedgerow comprising a mature hawthorn (crataegus monogyna) dominated hedge associated with a partially eroded ditch and embankment. The statement shall include, but not be limited to, the following:
(a) Full methodology for the lifting and transplanting of the mature hawthorn hedge, including timing of works (outside the bird nesting seasons unless otherwise agreed), preparation of the receptor site, soil handling procedures, and reinstatement details.
(b) Details of measures to preserve and transplant the existing soil profile and associated seed bank at the base of the hedgerow, including depth of excavation, storage (if required), and reinstatement to ensure continuity of ecological function.
(c) Root protection and aftercare proposals, including irrigation, mulching, staking (if required) pruning regime, and monitoring schedule for a minimum of 5 years.
(d) Biodiversity protection measures, including supervision by a suitably qualified arborist and/or ecologist during all hedgerow lifting and replanting operations.
(e) Contingency measures, including replacement planting proposals (with native species of local provenance) in the event of partial or full failure of the transplanted hedgerow.
All works shall be carried out in accordance with the approved Method Statement and under the supervision of a suitably qualified arboricultural consultant & Fingal County Council's Biodiversity Officer.
REASON: In the interest of the proper planning and sustainable development of the area.

36. Prior to the commencement of works on site a revised landscape plan shall be submitted and agreed in writing with the Planning Authority. The agreed landscape plan shall be implemented in full no later than the first planting season following substantial completion of construction works on site. Any plant failures shall be replaced until such time as the planting scheme has become established. The plan shall include the following:
(a) Details of play items and surfacing in accordance with BS EN 1176 and BS EN 1177 and to be designed to be RPII approved. The play areas shall have universal access and be suitable for all abilities.
(b) A street tree planting plan in accordance with 'Forest of Fingal – A Tree Strategy with Fingal' shall be submitted and agreed with the Parks and Green Infrastructure Division prior to the commencement of works on site.
(c) A detailed specification of the constructed tree pit of a minimum rooting volume of 16 cubic metres shall be provided with this plan. Photographic evidence of all constructed tree pits shall be required as part of the Certificate of Effective Completion for all landscape works.
(d) Clear delineation between public and private open space with a 1.1m metal railing to the front of all the apartment blocks private curtilage.
(e) Details and specification of all boundary treatments.
The project Landscape Architect shall be retained by the developer for the duration of the project to supervise the implementation of the landscape plans from start to finish and to sign off upon full completion, submitting in writing to

the Planning Authority, a Certificate of Effective Completion.
REASON: In the interest of the proper planning and sustainable development.

37. Prior to the commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the apartment development.
REASON: In the interest of orderly development and the proper planning and sustainable development of the area.

38. A detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the Planning Authority for their agreement prior to the commencement of works, or any phase of works, including any enabling works. The CEMP will set out proposed construction activities linked to a construction programme and include a schedule of all environmental protection measures to be employed, the timing of such measures. The CEMP shall include all of the relevant mitigation measures set out in the EIAR and other documentation submitted with the planning application, especially in terms of biodiversity, surface water, air quality (including dust), noise and vibration, construction traffic and resource and waste management.
REASON: In the interests of public health & to ensure proper planning and sustainable development.

39. A detailed Construction Traffic Management Plan (CTMP) outlining the phases and programme of construction, the location and use of construction compounds and haul routes, and the measures proposed to avoid impact to the road network and its users shall be prepared and submitted to the Planning Authority for their written agreement prior to the commencement of construction works, or any phase of works, including enabling works. Deliveries near schools shall be limited and minimised during the drop-off and collection periods.
REASON: In the interest of proper planning and sustainable development.

40. All of the avoidance, remedial, mitigation and monitoring measures set out in the Environmental Impact Assessment Report and other particulars accompanying the application shall be implemented by the Developer in conjunction with the timelines set out therein, except as may be otherwise required in order to comply with the conditions of this order.
REASON: In the interest of clarity and the protection of the environment during the construction and operational phases of development.

41. Within 1 month of the completion of the installation of lighting in the proposed development a bat specialist shall submit a report to the Planning Authority confirming that the lighting, which has been installed conforms in design with the recommendations of the bat conservation trust and that also four bat summer roost boxes have been erected on the development site as proposed in the EIAR submitted in support of the present application.
REASON: To conserve locally occurring populations of bat species subject to a system of strict protection under the Habitats Directive (92/43/EEC).

42. That clearance of vegetation from the development site to facilitate the development proposed shall only be undertaken outside the main bird breeding season, i.e., only in the period from September to February inclusive.
REASON: To avoid the destruction of bird nests, eggs and nestlings.

43. That prior to the commencement of works on the development site, the developer should submit to the planning authority details of the number of swift nest boxes and location within the proposed development where they are to be installed as recommended by the EIAR supporting the present application and the methodology to be employed using recordings of swift calls to attract birds of this species in the nest boxes as has proven necessary elsewhere in Ireland to ensure swifts utilise such nest boxes.
REASON: To help conserve a bird species red listed because of the decline of its population in Ireland, believed in part to be due to the disappearance of suitable nest sites.

44. The developer shall comply in full with the following:
(a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris or adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.
(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.
REASON: To protect the amenities of the area.

45. The developer shall comply in full with the following:
(a) The hours of operation of all construction sites shall be restricted to between 0700 hours to 1900 hours Monday to Friday, and between 0900 hours to 1300 hours on Saturdays.
(b) No activities shall take place on site on Sundays or Bank Holidays.
(c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council.
REASON: To protect the amenities of the area.

46. That the developer shall pay the sum of €851,276.34 to the Planning Authority in respect of the Clonsilla to Dunboyne (Pace) Railway Line. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing 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 1st January of each year during which the scheme is in force, to take account of the

aforementioned increase.
REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

47. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-

A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of €2,416,000.00 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/

B. Lodgement with the Council of a Cash Sum of €1,208,000.00 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

48. Prior to Commencement of development a financial contribution in the sum of €521,966.87 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 a shortfall of 8894 sqm 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 should contribute towards the cost of providing the services.

49. Prior to Commencement of development the developer shall pay the sum of €3,628,494.61 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.
REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:
Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Uisce Éireann website www.water.ie , Tel. (01) 6021000.

Signed on behalf of the Fingal County Council

TMcConomy 6 March, 2026
for **Senior Executive Officer**

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.

Uisce Éireann
Irish Water

Uisce Éireann
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D01 WA07
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Information Note - Public Water and Waste Water Networks Connections

On the 1st of January 2014 Uisce Éireann became the statutory body with the responsibility for all water services, both water and wastewater. The provision of a water services connection will be carried out by Uisce Éireann in partnership with each Local Authority.

Any persons seeking a connection to any of Uisce Éireann networks should make an application in the first instance to their Local Authority who will act on behalf of Uisce Éireann in processing the application.

A Connection Agreement between Uisce Éireann and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Uisce Éireann.

Similarly, under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public wastewater collection network, either directly or indirectly, without the agreement of Uisce Éireann.

Stiúrthóiri / Directors: Tony Keohane (Cathaoirleach / Chairman), Niall Gleeson (POF / CEO), Christopher Banks, Fred Barry, Gerard Britchfield, Liz Joyce, Patricia King, Eileen Maher, Cathy Mannion, Michael Walsh.
Oifig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86
Is cuideachta ghníomhaíochta ainmnithe atá faoi theorainn scaireanna é Uisce Éireann / Uisce Éireann is a design activity company, limited by shares.
Cláraithe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.

AN COIMISIÚN PLEANÁLA
0 1 APR 2026
LTR DATED _____ FROM Appeal
LDG-_____
ACP-324182-26

INFORMATION for the purposes of Building Control;-

- **IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.**

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)) .

- **IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.**
- **YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.**

(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)

1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

2. Commencement Notice; www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from www.localgov.ie, @ **BCMS.** Please complete same and submit on-line to BCMS.

(a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 S.I. No 9 of 2014) be to be accompanied by the following;

a. General Arrangement Drawings
b. A schedule of design documents as are currently prepared or to be prepared
c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
d. The preliminary inspection plan
e. A Certificate of Compliance (Design)
f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a Chartered Engineer, or Registered Architect or Registered Surveyor

2. A Competent Builder must execute the work

Building Control Information

3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.

4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(**Note**: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/

3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)

CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.
You need to ensure that you appoint competent professionals.
Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie, and

NOTE; All works should be carried out using "proper materials…which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/

Construction Products Regulation

The Department of Housing, Planning & Local Government has in relation to the Construction Industry and Brexit produced two documents to raise awareness among specifiers, designers and builders of the need to look for CE marking on construction products and the accompanying Declarations of Performance.

The following is a link to an Information Leaflet: Brexit - Construction Products Regulations:

https://www.housing.gov.ie/corporate/brexit/brexit-construction-products-regulation

The following is a link to Construction Industry – Be Prepared FAQ document :

https://www.housing.gov.ie/sites/default/files/publications/files/construction_industry_-_be_prepared_for_no_deal_brexit_-_frequently_asked_questions.pdf

Building Control Information

NOTES

AN COIMISIÚN PLEANÁLA

0 1 APR 2026

LTR DATED _____ FROM Appell

LDG-_____

ACP- 324182-26

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's **decision** on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Coimisiún Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.

1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1.

2. An appeal lodged by an applicant or his agent or by a third party with An Coimisiún Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.

3. A party to an appeal making a request to An Coimisiún Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Coimisiún Pleanála a further fee (see 7 (f) below).

4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.

5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Coimisiún Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.

6. Fees payable to An Coimisiún Pleanála from 5th September 2011 are as follows:

Case Type	
Planning Acts	
(a) Appeals against decisions of Planning Authorities	
Appeal	
(i) 1st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1st party appeal relating to commercial development (no retention element in application	€1,500 or €3,000 in EIS or NIS involved
(iii) 1st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Coimisiún Pleanála for clarification at **(01) 8588 100.**

SCHEDULE OF ACCOMODATION

Project:	Residential Dev. at St. Mochta's F.C. Grounds	**Proj. No.:**	1506E
Location:	Kellystown	**Proj. Lead:**	SD
Client:	Castlethorn Development Luttrellstown	**Created by:**	SD
Doc. No.:	1506E-OMP-XX-XX-SA-A-6013	**Doc. Purpose:**	For Planning Application
Doc. Title:	Schedule of Accommodation	**Revision:**	C02

Schedule relates to dwg 1506E-OMP-00-SP-M2-A-0000

RESIDENTIAL SITE		
Red Line Area (Gross Site Area)	43896	sq.m.
Area of Wayleave within Red Line	1776	sq.m.
Area of Dart+West Infrastructure within Red Line	1083	sq.m.
Area of pedestrian & cycle connections to Riverwood Square	223	sq.m.
Area of Eastern Development Area Loop Road that is within subject site	1179	sq.m.
Net Site Area*	39635	sq.m.
Class 2 Public Open Space within Gross Site Area, including wayleave	8231	sq.m.
Class 2 Public Open Space within Gross Site Area, excluding wayleave	6455	sq.m.
Class 2 Public Open Space within Net Site Area	6455	sq.m.
Class 2 Public Open Space % of Gross Site Area, including wayleave	18.8	%
Class 2 Public Open Space % of Gross Site Area, excluding wayleave	14.7	%
Class 2 Public Open Space % of Net Site Area	16.3	%
Environmental Areas within Gross Site Area	3363	sq.m.
Environmental Areas within Net Site Area	2280	sq.m.
Environmental Areas % of Gross Site Area	7.7	%
Environmental Areas % of Net Site Area	5.8	%
Proposed No. of units	302	units
Gross Density	68.8	units/ha
Net Density	76.2	units/ha
Total Proposed Gross Residential Area	28387.9	sq.m.

*Net Site Area is calculated by removing the area of the gas mains wayleave, the Dart+West Infrastructure, the Eastern Development Area Loop Road & the pedestrian/cycle connections to Riverwood Square from the Gross Site Area

CLASS 1 PUBLIC OPEN SPACE		
Occupancy rate, based on FCC Development Plan	685.0	persons
Public Open Space requirement (2.5ha per 1000 persons)	17125	sq.m.
Class 2 Public Open Space within Gross Site Area, including wayleave	8231	sq.m.
Class 1 Public Open Space Requirement for subject LRD	8894	sq.m.
Occupancy rate of ABP-312318-21, as amended by LRD0034/S3	815.0	persons
Public Open Space requirement, ABP-312318-21, as amended by LRD0034/S3	20375	sq.m.
Permitted Class 1 & Class 2 Public Open Space (ABP-312318-21, as amended by LRD0034/S3)	27869	sq.m.
Excess Public Open Space from ABP-312318-21, as amended by LRD0034/S3, that can be assigned to subject application or other, seperate application	7494	sq.m.
Quantum of permitted excess from permitted ABP-312318-21, as amended by LRD0034/S3, which will be assigned to separate planning application for 99 no. units	3419	sq.m.
Quantum of permitted excess from permitted ABP-312318-21, as amended by LRD0034/S3, which may be assigned to the subject scheme	4002	sq.m.
Shortfall in Class 1 Public Open Space for the subject scheme	4892	sq.m.

KELLYSTOWN EASTERN DEVELOPMENT AREA		
ABP-312318-21 (as amended by LRD 0034)	374	units
Net Site Area ABP-312318-21 (as amended by LRD 0034)	56837	sq.m.
Net Density ABP-312318-21 (as amended by LRD 0034)	66	units/ha
Planning Application Luttrellstown Gate Phase 2	99	units
Net Site Area Luttrellstown Gate Phase 2	24804	sq.m.
Net Density LRD St. Mochtas F.C. Lands	40	units/ha
Subject Planning Application	302	units
Net Site Area Subject Planning Application	39635	sq.m.
Net Density Area Subject Planning Application	76	units/ha
Overall Unit Numbers Kellystown Eastern Development Area	775	units
Overall Net Site Area Kellystown Eastern Development Area	121276	sq.m.
Overall Density Kellystown Eastern Development Area	64	units/ha

RECEIVED: 11/06/2025

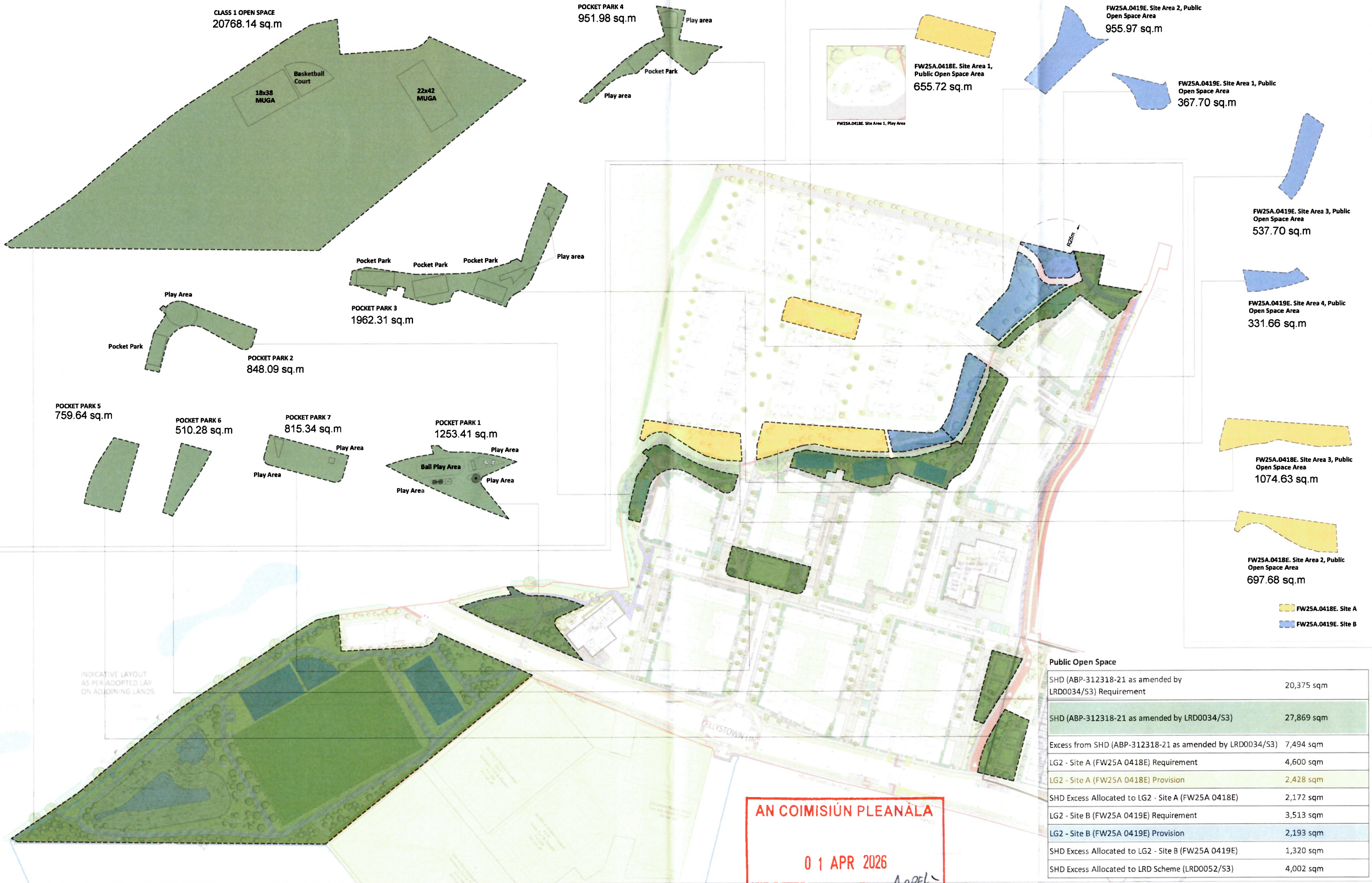
HOUSES

TYPE		Description	No. of Units	Building Height (No. of storeys)		Floor Area [m²]	Total Floor Area [ft²]	Total Floor Area [m²]	Total No. of Units
H3C	3B/5P, 5.4m Wide	House, with recessed porch, mid terrace	9	2		92.1	991.0	828.9	8919.0
H3C1	3B/5P, 5.4m Wide	House, with recessed porch, mid terrace, extended	1	2		101.5	1093.0	101.5	1093.0
H3CL	3B/5P, 5.6m Wide	House, with recessed porch, end terrace	3	2		92.2	992.0	276.6	2976.0
H3CL1	3B/5P, 5.6m Wide	House, with recessed porch, end terrace, extended	2	2		101.3	1090.0	202.6	2180.0
H3CM	3B/5P, 5.4m Wide	House, with recessed porch, mid terrace	10	2		92.1	991.0	921.0	9910.0
H3CM1	3B/5P, 5.4m Wide	House, with recessed porch, mid terrace, extended	2	2		101.5	1093.0	203.0	2186.0
H3CR	3B/5P, 5.6m Wide	House, with recessed porch, end terrace	3	2		92.2	992.0	276.6	2976.0
H3CR1	3B/5P, 5.6m Wide	House, with recessed porch, end terrace, extended	2	2		101.3	1090.0	202.6	2180.0
H3D	3B/5P, 5.4m Wide	House, without recessed porch, mid terrace	7	2		94.5	1017.0	661.5	7119.0
H3D1	3B/5P, 5.4m Wide	House, without recessed porch, mid terrace, extended	1	2		103.9	1118.0	103.9	1118.0
H3DL	3B/5P, 5.6m Wide	House, without recessed porch, end terrace	3	2		103.6	1115.0	310.8	3345.0
H3DM	3B/5P, 5.4m Wide	House, without recessed porch, mid terrace	6	2		94.5	1017.0	567.0	6102.0
H3DM1	3B/5P, 5.4m Wide	House, without recessed porch, mid terrace, extended	2	2		103.4	1113.0	206.8	2226.0
H3DR	3B/5P, 5.6m Wide	House, without recessed porch, end terrace	3	2		103.6	1115.0	310.8	3345.0
H3F	3B/5P, 9.6m Wide,	Courtyard House, mid terrace	2	2		98.9	1065.0	197.8	2130.0
H3FL	3B/5P, 9.6m Wide,	Courtyard House, end terrace	2	2		99.0	1066.0	198.0	2132.0
H3FM	3B/5P, 9.6m Wide,	Courtyard House, mid terrace	2	2		98.9	1065.0	197.8	2130.0
H3FR	3B/5P, 9.6m Wide,	Courtyard House, end terrace	2	2		98.9	1065.0	197.8	2130.0
H4A	4B/7P Avenue	House, mid terrace	8	3		145.3	1564.0	1162.4	12512.0
H4AL	4B/7P Avenue	House, end terrace	1	3		145.3	1564.0	145.3	1564.0
H4AL1	4B/7P Avenue	House, end terrace	1	3		145.3	1564.0	145.3	1564.0
H4AR	4B/7P Avenue	House, end terrace	1	3		145.3	1564.0	145.3	1564.0
H4AR1	4B/7P Avenue	House, end terrace	1	3		145.3	1564.0	145.3	1564.0
H4B	4B/6P, 6.3m Wide,	Garage House, mid terrace	1	3		141.5	1523.0	141.5	1523.0
H4BL	4B/6P, 6.3m Wide,	Garage House, end terrace	1	3		142.4	1533.0	142.4	1533.0
H4BR	4B/6P, 6.3m Wide,	Garage House, end terrace	1	3		142.2	1531.0	142.2	1531.0
H4C	4B/7P, 6.1m Wide	House, without recessed porch, mid terrace	14	3		142.7	1536.0	1997.8	21504.0
H4CL	4B/7P, 6.1m Wide	House, without recessed porch, end terrace	3	3		143.6	1546.0	430.8	4638.0
H4CR	4B/7P, 6.1m Wide	House, without recessed porch, end terrace	3	3		143.7	1547.0	431.1	4641.0
Totals			**97**				**36124.0**	**10994.4**	**97**

SIMPLEX & DUPLEX TYPES

TYPE		Description	No. of Units	Building Height (No. of storeys)		Floor Area [m²]	Floor Area [ft²]	Overall Floor Area [m²]	Overall Floor Area [ft²]
D1A	1B/2P Simplex, Level 00		4	1		48.8	525.0	195.2	2100.0
D1B	3B/5P Duplex, Levels 01 & 02		4	2		101.3	1090.0	405.2	4360.0
D1AM	1B/2P Simplex, Level 00		4	1		48.8	525.0	195.2	2100.0
D1BM	3B/5P Duplex, Levels 01 & 02		4	2		101.3	1090.0	405.2	4360.0
D1LA	1B/2P Simplex, Level 00		2	1		48.8	525.0	97.6	1050.0
D1LB	3B/5P Duplex, Levels 01 & 02		2	2		101.3	1090.0	202.6	2180.0
D1L1A	1B/2P Simplex, Level 00		1	1		48.8	525.0	48.8	525.0
D1L1B	3B/5P Duplex, Levels 01 & 02		1	2		101.3	1090.0	101.3	1090.0
D1RA	1B/2P Simplex, Level 00		2	1		48.8	525.0	97.6	1050.0
D1RB	3B/5P Duplex, Levels 01 & 02		2	2		101.3	1090.0	202.6	2180.0
D1R1A	1B/2P Simplex, Level 00		1	1		48.8	525.0	48.8	525.0
D1R1B	3B/5P Duplex, Levels 01 & 02		1	2		101.3	1090.0	101.3	1090.0
D2A	1B/2P Simplex, Level 00		2	1		50.8	547.0	101.6	1094.0
D2B	2B/4P Duplex, Levels 01 & 02		2	2		89.7	966.0	179.4	1932.0
Totals			**32**					**2382.4**	**25636.0**

AN COIMISIÚN PLEANÁLA
01 APR 2026
LTR DATED _____ FROM Appeal
LDG-
ACP-324182-26



Public Open Space

SHD (ABP-312318-21 as amended by LRD0034/S3) Requirement	20,375 sqm
SHD (ABP-312318-21 as amended by LRD0034/S3)	27,869 sqm
Excess from SHD (ABP-312318-21 as amended by LRD0034/S3)	7,494 sqm
LG2 - Site A (FW25A 0418E) Requirement	4,600 sqm
LG2 - Site A (FW25A 0418E) Provision	2,428 sqm
SHD Excess Allocated to LG2 - Site A (FW25A 0418E)	2,172 sqm
LG2 - Site B (FW25A 0419E) Requirement	3,513 sqm
LG2 - Site B (FW25A 0419E) Provision	2,193 sqm
SHD Excess Allocated to LG2 - Site B (FW25A 0419E)	1,320 sqm
SHD Excess Allocated to LRD Scheme (LRD0052/S3)	4,002 sqm

AN COIMISIÚN PLEANÁLA
01 APR 2026
LTR DATED _____ FROM Appeal
LDG-_____
ACP-324182-26

Rev	Date	Note
00	00 00 0000	TBC

Registered Landscape Architect

North

General Notes

Doyle & O'Troithigh Landscape Architecture

Project Name: Luttrelstown Gate Phase 2
Drawing Name: Landscape Plan Open Space
Status: Compliance
Drawing No: LP-02-CO
Project No: 25-002
Revision No: 00
Scale: 1:1000
Date: 19/01/2026
Drawn By: J.A.
Checked By: D&OT

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