BMA PLANNING
PLANNING AND DEVELOPMENT CONSULTANTS

An Bord Pleanála
64 Marlborough Street
Dublin 1

AN COIMISIÚN PLEANÁLA
LDG- 088180 - 26
ACP-
29 MAY 2026
Fee: € 220 Type: Chq
Time: 11:31 By: Courier

28/05/2026

FIRST PARTY APPEAL – DEVELOPMENT CONTRIBUTIONS (SECTION 48(10)(B))

REG. REF. LRD0055/S3E (FINGAL COUNTY COUNCIL)

RE: PROPOSED LARGE-SCALE RESIDENTIAL DEVELOPMENT AND CRECHE AT BARRYSPARKS AND CROWSCASTLE, SWORDS, CO. DUBLIN

APPLICANT: BOVALE DEVELOPMENTS UNLIMITED COMPANY

Dear Sir / Madam,

On behalf of Bovale Developments Unlimited Company (Applicant) of 27 Dublin Road, Swords, Co. Dublin we wish to appeal a Condition attached to the decision by Fingal County Council, dated 06/05/2026 to grant permission for a Large-scale Residential Development and creche at Barrysparks and Crowscastle, Swords, Co. Dublin (Ref. LRD0055/S3E).

The appeal is made under Section 48(10)(b) of the *Planning and Development Acts 2000* (as amended). It is our submission that the development contribution within Condition 26 is incorrectly applied in this instance and we request that this condition be deleted by the An Coimisiún Pleanála (ACP). We request that ACP consider only Condition 26.

As the appeal relates only to Development Contributions, the appeal fee is €220.00. A cheque is enclosed.

All correspondence relating to this appeal should be sent to the applicant's agent: - BMA Planning, Taney Hall, Eglinton Terrace, Dundrum, Dublin 14, D14 K8N4.

We look forward to your decision in due course.

Your sincerely,

John Murphy
BMA PLANNING
john@bmaplanning.ie

GROUNDS OF APPEAL

PA REF:	LRD0055/S3E
RE:	PROPOSED LARGE-SCALE RESIDENTIAL DEVELOPMENT AND CRECHE
AT:	BARRYSPARKS AND CROWSCASTLE, SWORDS, CO. DUBLIN
APPLICANT:	BOVALE DEVELOPMENTS UNLIMITED COMPANY

1.0 INTRODUCTION

This report details the grounds to support a first party appeal by the applicants against a Condition attached to the Notification of Decision of Fingal County Council (FCC), dated 06/05/2026, in respect of planning application Ref. LRD0055/S3E.

A copy of the Notification of Decision to Grant Permission is attached within **Appendix A**.

The appeal relates only to the issue of Section 48 Development Contributions. The relevant condition is Condition 26 which requires payment by the applicant of the sum of €1,077,855.14 in lieu of open space provision.

The appeal is made under Section 48(10)(b) of the Planning and Development Acts 2000 (as amended). It is our submission that the development contribution in Condition 26 has been incorrectly applied in this instance and we request that this condition be deleted by the An Coimisiún Pleanála, as sought in Section 4.0 below.

In the event that no other appeals against the principle of development are made, we request that An Bord Pleanala consider only Condition 26 referred to above.

2.0 PROPOSED DEVELOPMENT

The proposed development consists of a Large-scale Residential development (LRD) of 530no. residential units and creche in 4no. blocks (Blocks A to D) with a total gross floor area (GFA) of 49,186sqm (excluding basement car parking) with associated ancillary accommodation, private balconies, communal amenity spaces and public open spaces.

The issue of public open space was considered in detail at Further Information stage (FI Item 3(i)). The applicant provided a detailed response to this item including full details of the proposed public open space provision. **Appendix B** contains a copy of the applicant's further information response to this item for ease of reference.

For the purposes of this appeal, the net site area and proposed public open space provision are described below to inform consideration of the issue at hand.

Net Site Area

As identified within the Site Location and Site Layout Plans submitted with the current application, the proposed development includes extensive areas of roads, services and green infrastructure that will serve future phases of development at Barrysparks and Crowscastle. As a result, the gross site area, including roads, services and green infrastructure, extends to 6.68ha.

Utilising Appendix B of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the net site area is calculated at **3.38ha**. This net site area is generally accepted by the planning authority – see FCC's *'Record of Executive Business and Chief Executive's Order'* relating to the application.

Proposed Public Open Space Provision

The total public space area proposed within this application is 9,286sq.m – see below Fig. 1: Open Space Provision: Site Plan [MCORM]. This equates to 27% of the net site area of 3.38ha.

A total of 4,059sq.m of the proposed public open space, equating to 12% of the net site area in accordance Policy and Objective 5.1 of the Compact Settlement Guidelines and Objective DMS052 of the Development Plan, is allocated to the residential development within this application.

The remaining 5,227sq.m of public open space provided within this application will be allocated to future residential development at Phases 2 and 3, located to the east and northeast of the current application site.

In accordance with the configuration and layout identified in Figure 5.1 of the ***Barrysparks and Crowscastle Masterplan 2019***, the current application provides the full extent of the north-south green corridor within the northern area of the Barrysparks lands and east of the application site. The proposed public open space includes all associated Active Travel Infrastructure and active and passive open spaces, as required.

Separate communal open spaces, in accordance with the requirements of the 2025 Apartment Guidelines, are located adjoining and within Blocks A, B, C and D. A total of 4,808sq.m of communal open space is provided, which is in excess of the 3,326sq.m requirement for the proposed development.

The hierarchy of open space provision is completed through the provision of private open space in the form of balconies and terraces to each of the proposed apartments in accordance with the minimum private amenity spaces standards contained in Appendix 1 of the 2025 Apartment Guidelines.

AN COIMISIÚN PLEANÁLA
29 MAY 2026
LTR DATED _____ FROM Appeal
LDG-
ACP-324331-26

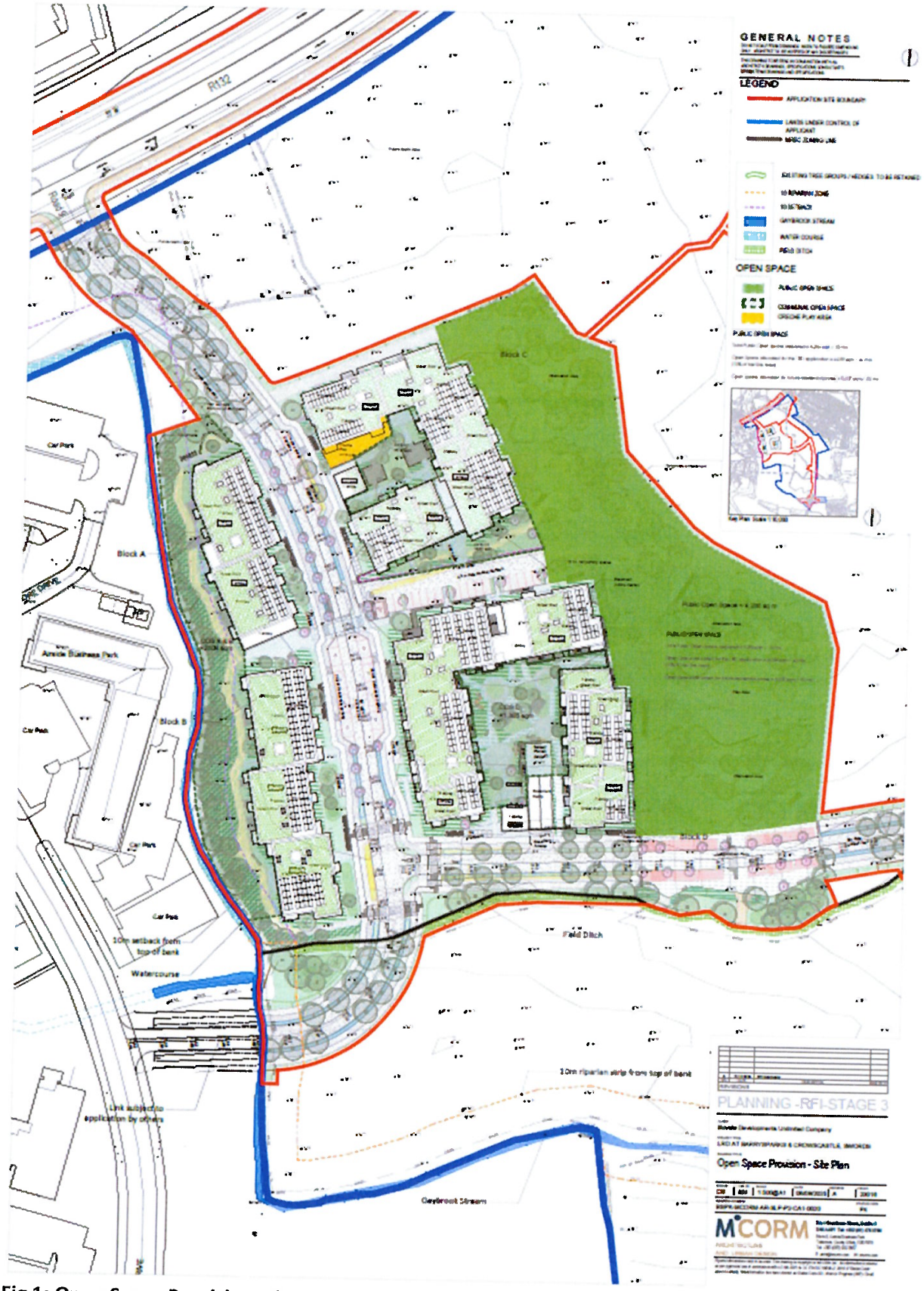

Fig 1: Open Space Provision: Site Plan [MCORM Architecture]

3.0 POLICY CONTEXT – PUBLIC OPEN SPACE

The quantitative and qualitative public open spaces standards applicable to the current application are provided by the following: -

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Fingal Development Plan 2023 – 2029.*
- *Fingal Development Contribution Scheme 2026 – 2030.*
- *Barrysparks & Crowscastle Masterplan 2019.*

The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* provide direction to planning authorities in relation public open space standards for new housing developments as follows: -

Policy and Objective 5.1 - Public Open Space

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 not less than a minimum of 10% of net site area and not more than 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. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

In the case of strategic and sustainable development sites, the minimum public open space requirement will be determined on a plan-led basis, having regard to the overall approach to public park provision within the area.

In the case of sites that contain significant heritage, landscape or recreational features and sites that have specific nature conservation requirements, a higher proportion of public open space may need to be retained. The 10-15% range shall not therefore apply to new development in such areas.

In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, the planning authority might consider that the needs of the population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity. It is recommended that a provision to this effect is included within the development plan to allow for flexibility. In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site.

Within the *Fingal Development Plan 2023 – 2029*, adopted prior to the Compact Settlement Guidelines 2024, Objectives DMSO51 and DMSO52 identify the minimum and recommended public open spaces standards, respectively.

Objective DMSO51 states: -

Objective DMSO51 – Minimum Public Open Space Provision

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

Objective DMSO52 states: -

Objective DMSO52 – Public Open Space Provision

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

Table 14.12 states: -

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

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

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

Objective DMS053 of the Development Plan provides the planning authority with the discretion to accept a financial contribution in lieu of a shortfall in public open space provision. Objective DMS053 states: -

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.

Sections 19 and 20 of the Fingal Development Contribution Scheme 2026 – 2030 provide the rates at which the contribution in lieu of open space should be calculated.

Regarding the type (hierarchy) and quality of public open space envisaged for Barrysparks, Section 5 Green Infrastructure including Key Objectives 1 to 10 and Figure 5.1 of the *Barrysparks & Crowscastle Masterplan 2019*, provides the plan-led local guidance and parameters with regard to qualitative standards.

4.0 GROUNDS OF APPEAL

4.1 The current application includes 4,059sq.m of proposed public open space, equating to 12% of the net site area, which is in accordance with the quantity of public open space required for residential development as set out within Objective DMSO52 and Table 14.12 of the Development Plan.

The net site area is 3.38ha.

On the basis of Objective DMS052 and Table 14.12 of the Development Plan, there is a minimum public open space requirement within the application site of 12% or 4,056sq.m.

The total public space area proposed within this application is 9,286sq.m. This equates to 27% of the net site area of 3.38ha.

A total of 4,059sq.m of the proposed public open space, equating to 12% of the net site area, is allocated to the residential development within this application.

The remaining 5,227sq.m of public open space provided within this application will be allocated to future residential development at Phase 2 and 3, located to the east and northeast of the current application site.

The quantity of public open space provided within this application accords with the requirements of the Development Plan, Objective DMSO52 and Table 14.12, therefore the requirement for a contribution in lieu of open space does not apply. Condition 26 should be deleted for this reason.

4.2 **In assessing recent similar cases, ACP has rejected Fingal County Council's reliance on open space requirements derived from the 2.5ha/ 1000 population metric and confirmed that any contribution must be strictly tied to a demonstrable shortfall against the 12-15% site area-based standard.**

ACP has recently assessed Fingal County Council's approach to the application of contributions in lieu of public open space in the context of appeals under Refs. ABP-320701-24 (Lamorlaye, Malahide) and ABP-322747-25 (Park Road, Rush).

In those cases, ACP generally concluded as follows: -

- The correct standard to be applied is the 12%-15% site area-based standard, not calculations derived from population-based metrics.

- Where the contribution imposed does not clearly relate to a demonstrable shortfall when assessed against the 12%-15% standard, the relevant condition is an incorrect application of the Section 48 Development Contribution Scheme.

- Where no shortfall in public open spaces arises and the Development Contribution Scheme has not been properly applied, the remedy is deletion of the condition in question.

Having regard to the above precedent cases and the conclusions arising from those assessments, as there is no demonstrable short-fall in public open space within the current application when the 12%-15% standard is applied, Condition 26 should be deleted.

5.0 CONCLUSION

As an outcome to this appeal, An Coimisiún Pleanála are requested to delete Condition 26 for the following reasons: -

- The current application includes 4,059sq.m of the proposed public open space, equating to 12% of the net site area, which is in accordance with the quantity of public open space required for residential development as set out within Objective DMSO52 and Table 14.12 of the Development Plan.

- In assessing recent similar cases, ACP has rejected Fingal County Council's reliance on open space requirements derived from the 2.5ha/ 1000 population metric and confirmed that any contribution must be strictly tied to a demonstrable shortfall against the 12-15% site area-based standard.

We look forward to your decision in due course.

AN COIMISIÚN PLEANÁLA
29 MAY 2026
LTR DATED _____ FROM Appell
LDG-_____
ACP-324331-26

APPENDIX A

Copy of the FCC Notification of Decision to Grant Permission:
Ref. LRD0055/S3E

Comhairle Contae Fhine Gall
Fingal County Council

An Roinn Pleanála agus Forbartha
Planning and Development Department

John Murphy,
BMA Planning
Eglinton Terrace
Dundrum
Dublin 14
D14C5C3

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

Decision Order No. PF/1230/26	**Decision Date** 6 May, 2026
Register Ref. LRD0055/S3E **LGMA Ref.** 120000071351	**Registered** 15 September, 2025

Area: Swords

Applicant: Bovale Developments Unlimited Company

Swords Office: Áras an Chontae Sord, Fine Gall, Co. Éinaíle 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:

The development will consist of a Large-scale Residential development (LRD) of 530no. residential units and creche in 4no. blocks (Blocks A to D) with a total gross floor area (GFA) of 49, 210sqm (excluding basement car parking) with associated ancillary accommodation, private balconies, communal amenity spaces and public open spaces as follows: Block A: 1 to 7 storey block comprising 74no. apartments (37no. 1 bed units and 37no. 2 bed units), Block B: 6 to 9 storey block comprising 108no. apartments (44no. 1 bed units and, 55no. 2 bed units and 9no. 3 bed units), Block C: 1 to 9 storey block comprising 138no. apartments (49no. 1 bed units, 61no. 2 bed units and 28no. 3 bed units) and a creche (462.5sq.m) with external play space, Block D: 1 to 9 block storey comprising 210no. apartments (114no. 1 bed units, 82no. 2 bed units and 14no. 3 bed units). A total of 163no. car parking spaces are provided in a combination of surface spaces and at basement level beneath Block D. The development will be accessed from the south via a connection to the existing roundabout on the Holywell Distributor Road and from the north via a fully signalised junction with the R132 including works to the north and south bound carriageways and central median of the R132 to provide for the fully signalised junction with associated turning lanes and a separate pedestrian and cycle crossing on the R132. Permission is also sought for hard and soft landscaping in public realm and public open spaces within the development, cycle and motorcycle parking, bin stores, water supply and foul water connections, surface water infrastructure, connections to public utilities, ESB substations, plant areas, roof mounted photovoltaic (PV) panels, building and directional signage and all associated site and development works. A 10 year permission is sought. The planning application may be inspected online at www.barrysparks-lrd.ie

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Assessment (NIS) have been prepared in respect of the proposed development.

Additional Information Received: 16/02/2026
Deemed Significant Additional Information: 11th March 2026.

Revised Public Notices received 12th March 2026.

Location:

Barrysparks and Crowscastle (lands generally bound by the R132 to the north, Lakeshore Drive to the west, Drynam Road to the east and the Holywell Distributor Road to the south)., Swords, Co. Dublin

Floor Area:

36492 Sq Metres

Time extension(s) up to and including

Additional Information Requested / **Received** 07-Nov-2025, 11-Mar-2026 / **16-Feb-2026, 12-Mar-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 **(27)** 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 the Additional Information received on the 12th March 2026, save as may be required by the other conditions attached hereto.

   REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Prior to the commencement of development, details of the materials, colours and textures of all external finishes, including samples, shall be submitted to and agreed in writing by the Planning Authority.

   REASON: In the interests of orderly development and the visual amenities of the area.

3. a)The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of any development. This shall demonstrate that all boundary treatments, landscaping and planting in a given phase shall be completed prior to the occupation of the residential units in that phase of development. In the event of any disagreement on phasing between the developer and the planning authority, the matter shall be referred to An Coimisiún Pleanála for determination.
   b) The creche facility shall be made available for an operator prior to the completion of the first 75 units as part of the development.

   REASON: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Each dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. The residential units shall not be used for short-term letting unless a prior grant of permission has been received from the Planning Authority, or An Coimisiún Pleanála on appeal.

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

5. Bilingual proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme.

The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

REASON: In the interest of the residential amenities of the area.

6. The following shall be complied with in full:

i. The layout and detail of the internal roads network of the development shall be agreed in writing with the planning authority prior to commencement of development.

ii. The layout and detail of the new signal-controlled junction with the R132 Road shall be designed in accordance with the 'Fingal County Council standards and specification for taking in charge – appendix 7 - traffic infrastructure', and the detail shall be agreed in writing with the planning Authority Prior to commencement of development.

iii. The layout and detail of all of the internal roads junctions of the development shall be as per the standards of the NTA Cycle Design Manual and the Design Manual for Urban Roads and Streets; and the layout and detail shall be agreed in writing with the planning authority prior to commencement of development.

iv. The layout and details of the 'landscaped plaza' area that is included within the public road shall be agreed in writing with the planning authority prior to commencement of development.

v. A signal-controlled pedestrian and cyclist crossing of the R132 shall be provided as part of the proposed development, and the layout and detail shall be agreed in writing with the planning authority prior to commencement of development.

vi. The existing roundabout (the Holywell Roundabout) at the southern end of the site, at the junction of the proposed new road with the 'Holywell Distributor Road' shall be upgraded to a pedestrian/cycle friendly junction to the standards of the NTA Cycle Design Manual, at the developers own expense. The detail and layout shall be agreed in writing with the Planning Authority prior to commencement of development.

vii. The creche drop-off/parking quantity and location, and staff carparking quantity and location shall be agreed in writing with the planning authority prior to commencement of development. The 4no. carparking spaces directly adjacent the creche on surface level shall be for drop-off only, and the two staff spaces shall be accommodated in the basement carpark.

viii. The location, layout and detail of the on-street public car-parking spaces located between Block-B and Block-D shall be agreed in writing with the planning authority prior to commencement of development; maximum one of these on-street spaces shall be a wheelchair accessible space, and the remainder shall be regular carparking spaces.

ix. The Part-M compliant/accessible residential carparking shall be provided

at a rate of 5% of the overall carparking allocation, and shall be located within the basement carpark and/or the surface parking area located between Block—C and Block-D (i.e. not located within the on-street public car parking spaces, except for maximum 1 space).

x. The location and layout of the visitor bicycle parking shall be agreed in writing with the Planning Authority prior to commencement of development; and a portion of the visitor bicycle spaces shall be located within the communal open space/courtyard areas of the apartment blocks.

xi. Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of the Transportation Infrastructure Ireland guidelines.

xii. All areas that are proposed to be taken in charge by the Council, shall be constructed and maintained to the Councils standards for taking in charge, including roads, footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development.

xiii. The 'safety file' for the public roads network shall be prepared by the developer, and provided to the Council as part of the formal taking in charge process for the road network.

xiv. Any works to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result 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.

xv. A Mobility Management Plan/Travel Plan/Residential Travel Plan shall be submitted for approval in writing with the Planning Authority prior to commencement of development. The Mobility Management Plan shall be fully adhered to. The Mobility Management Plan shall be reviewed yearly, and recommendations from the review should be implemented. A Mobility Management Coordinator shall be appointed to ensure that the proposed measures identified in the Mobility Management Plan are successfully implemented, monitored and adjusted as necessary to achieve an effective plan.

xvi. The development management 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 will be properly maintained.

xvii. The developer shall comply in full with the following:

- 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 on 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/developers own expense.
- 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 associated with the proposed development and shall either make good any damage to the satisfaction of the Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

xviii. A detailed construction traffic management plan shall be submitted for approval of the planning authority prior to commencement of development.

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

7. The following shall be complied with in full:

i. That agreement between the applicant and the local authority, in conjunction with the NTA, on the detailed design of the proposed development is made in advance of construction commencing in order to demonstrate that it facilitates the Metrolink and R132 Connectivity projects in relation to the tie-ins; vertical and horizontal levels; traffic management, including construction traffic; and the location of the development's proposed utilities; and

ii. That the applicant continues communications with the NTA during the construction period at regular intervals, including notifying the NTA of any changes to the proposed development during this time to ensure that the proposed development, the R132 scheme and the Metrolink Project can progress in an integrated manner.

iii. Prior to commencement of any development taking place, any highway design by the applicant must be agreed with the NTA and Fingal County Council as part of an integrated landscaping solution for Swords Central Station.

iv. Prior to the first occupation of the residential units, the Applicant shall engage with the NTA and Fingal County Council in relation to the management of construction noise from the adjacent Metrolink site.

v. The Applicant shall be responsible for assessing and adopting appropriate ground movement mitigation measures to ensure no damage occurs to the property which is the subject of the planning application, as well as existing structures and services.

vi. The Applicant shall allow access for appropriate condition surveys to be carried out by MetroLink as part of any ground movement impact assessments.

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

8. The following shall be complied with in full:

i. 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 will include the following:

• 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 incorporate a broader range of play opportunities and have universal access and be suitable for all abilities.

• A street tree planting plan in accordance with 'Forest of Fingal- A Tree Strategy with Fingal' shall be submitted and agreed with the Park and Green Infrastructure Division prior to the commencement of works on site.

• 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.

• Details & specification of all boundary treatments.

ii. 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.

iii. 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).

iv. 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 & to schedule the next site meeting.

v. A tree bond of €50, 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 Protection Plan by Charles McCorkell, 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 the 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 landscaping and amenity.

9. Prior to commencement of development, a taking in charge drawing, detailing all areas proposed to be taken in charge, shall be submitted for the written agreement of the Planning Authority. All Class 1 open space shall be maintained as public open space by the developer until it is taken in charge by the Local Authority. Areas of open space less than 500 sqm. in area shall not be proposed to be taken into maintenance by the Council.

REASON: In the interests of orderly development.

10. Prior to commencement of development, the developer shall submit an updated, detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate as a minimum details for the following: collection and management construction waste, management of surface water run-off from the site, and all environmental management measures to be implemented during construction. A dedicated process for recording all complaints and mitigation measures implemented shall be defined in the CEMP. A record of daily checks that the construction works are

being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

11. Prior to the commencement of development, the developer shall submit detailed proposals for culverting works at Gaybrook Stream and associated environmental mitigation measures for the written agreement of the planning authority.

REASON: In the interest of water quality.

12. The applicant shall achieve the internal noise levels as specified in BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings in all dwellings of the development.

REASON: In the interest of residential amenity.

13. That the proposed dwellings be provided with noise insulation to an appropriate standard, if required, having regard to the location of the site within Zone D associated with Dublin Airport.

REASON: In the interests of proper planning and sustainable development and residential amenity.

14. Prior to the commencement of development, the applicant shall prepare an updated 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 will 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 interests of public health and to ensure proper planning and sustainable development.

15. The following shall be complied with in full:
(a) The applicant shall sign a connection agreement with Uisce Éireann prior

to the commencement of the development and adhere to the standards and conditions set out in that agreement.
(b) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.
(c) Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
(d) Separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc. shall be in accordance with the Uisce Éireann Codes of Practice and Standard Details.

REASON: To ensure provision of adequate water and wastewater facilities.

16. The following shall be complied with in full:

i. No surface water / rainwater shall discharge into the foul water system under any circumstances.
ii. The surface water drainage shall be in compliance with the following publication, Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
iii. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, a detailed surface water drainage proposal, following the principles of Sustainable Drainage Systems and in compliance with the principles outlined in the GDSDS (Greater Dublin Strategic Drainage Study) Regional Drainage Policies Volume 2, New Development, Aug 2005. This shall include all drawings, details of each of the respective catchment areas (and associated SuDS elements and flows therein), and all respective calculations.

REASON: In the interests of public health and to ensure adequate drainage provision.

17. A final public lighting design and strategy shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This shall demonstrate the following:

i. The lighting design shall comply with FCC Public Lighting Specification and agreed in writing with the public lighting section.
ii. Lighting design classes must meet standards (i.e 20% uniformity levels).
iii. Signed letter from ecologist in regards choice of lighting colour temperature.

REASON: To protect the amenities of the area.

18. The following shall be complied with in full:
(a) The applicant is required to employ a qualified archaeologist to monitor under licence all groundworks in the greenfield areas of the development site.
(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
(c) The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring.

REASON: In the interests of archaeological heritage.

19. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

REASON: In the interests of residential amenity.

20. Prior to the commencement of 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 must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.

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.

21. Prior to commencement of development, the applicant 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.

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 Development Plan of the area.

22. All public services to the permitted development, including electrical, telecommunications cables shall be located underground throughout the entire site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

REASON: In the interest of amenity

23. 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 on public 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/developers own expense.
(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to public roads arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

REASON: To protect the amenities of the area.

24. The following requirements shall be complied with in full;
(a) The hours of construction shall be restricted to 7.00a.m. to 7.00p.m., Monday to Friday, and 8.00a.m. to 2.00p.m. on Saturdays. No piling or other high-noise activities shall take place before 08.00 Monday to Saturday.
(b) No construction 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: In the interests of residential amenity.

25. 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 € 4,240,000.00 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 €2,120,000.00 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.

26. Prior to Commencement of development a financial contribution in the sum of €1,077, 855.14 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 18, 366 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.

27. Prior to Commencement of development the developer shall pay the sum of € 6,252.458.76 (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.

NOTE 1:
The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.
NOTE 2:
The applicant is advised that the onus is on them to comply in full with the Building Control Regulations

Signed on behalf of the Fingal County Council

6 May, 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.

AN COIMISIÚN PLEANÁLA
29 MAY 2026
LTR DATED _____ FROM Appell
LDG-
ACP-324331-26

Uisce Éireann
Irish Water

Uisce Éireann
PO Box 448
Baile Átha Cliath 1
D01 WA07
Éire

Uisce Éireann
PO Box 6000
Dublin 1
D01 WA07
Ireland

T: +353 1 89 25000
F: +353 1 89 25001
www.water.ie

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.

Stiúrthóirí / 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

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

(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**

APPENDIX B

Copy of Applicant's Response to Item 3(i): Public Open Space of the Further Information Request relating to Ref. LRD0055/S3E

Large-scale Residential Development (LRD) and Creche

Barrysparks & Crowscastle, Swords, Co. Dublin

Applicant:
Bovale Developments Unlimited Company

RFI Item 3(i): Public Open Space

BMA PLANNING

RFI ITEM 3(I)

Item 3(i) of the Further Information Request states as follows:

> *"The applicant is required to submit revised landscaping drawings to demonstrate the following:*
>
> *i. Public Open Space provision in accordance with Objective DMSO51 of the Fingal Development Plan 2023-2029. The Overall Public Open Space requirement for this application is 22,425sqm. The following area should be excluded from this calculation:*
>
> - *The area between Apartment Blocks C and D referred to as the "Pocket Park".*

GROSS:NET SITE AREA

Following modifications to the red line in response to the Further Information Request, the gross site area measures 6.68ha. The increased site area relates to roads infrastructure (link streets) and therefore the net site area has not changed from the original application.

The ***Architectural & Urban Design Statement*** [MCORM] submitted with the original application utilises Appendix B of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*[1] to calculate the net site area as **3.38ha**.

Figure 1 attached is an extract from the ***Architectural Design & Urban Design Statement*** and illustrates the extent of the net site area.

POLICY CONTEXT

The quantitative and qualitative public open spaces standards applicable to the current application site are provided by the following: -

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Fingal Development Plan 2023 – 2029.*
- *Barrysparks & Crowscastle Masterplan 2019.*

The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* provide direction to planning authorities in relation public open space standards for new housing developments as follows: -

[1] As per Section 1.2 of the Compact Settlement Guidelines 2024, these Guidelines replace the *Sustainable Residential Development Guidelines 2009.*

Policy and Objective 5.1 - Public Open Space

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 not less than a minimum of 10% of net site area and not more than 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. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

In the case of strategic and sustainable development sites, the minimum public open space requirement will be determined on a plan-led basis, having regard to the overall approach to public park provision within the area.

Within the *Fingal Development Plan 2023 – 2029*, adopted prior to the Compact Settlement Guidelines 2024, Objectives DMSO51 and DMSO52 identify the minimum and recommended public open spaces standards, respectively.

Objective DMSO51 states: -

Objective DMSO51 – Minimum Public Open Space Provision

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

Objective DMSO52 states: -

Objective DMSO52 – Public Open Space Provision

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

Table 14.12 states: -

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

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

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

Objective DMS053 of the Development Plan provides the planning authority with the discretion to accept a financial contribution in lieu of a shortfall in public open space provision. Objective DMS053 states: -

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.

Regarding the type (hierarchy) and quality of public open space envisaged for Barrysparks, Section 5 Green Infrastructure including Key Objectives 1 to 10 and Figure 5.1 of the *Barrysparks & Crowscastle Masterplan 2019*, provides the plan-led local guidance and parameters with regard to qualitative standards.

APPLICABLE STANDARD

Applying the Compact Settlements Guidelines Standard of 10-15% to the net site area, gives a requirement for 3,380sq.m to 5,070sq.m of public open space within the application site.

Utilising the Development Plan Objective DMS051 standard of 2.5ha per 1000 population and applying it to the proposed development of 868no. bedrooms[2] gives a population of c.897, the public open space requirement for the proposed development would be 22,425sq.m. This equates to 66% of the net site area.

Applying the Development Plan Objective DMS052 standard of 12-15% of the net site area, the public open space requirement for the proposed development would be 4,056sq.m to 5,070sq.m.

The design, layout and principles of public open space provision at Barrysparks are guided by the Green Infrastructure Objectives and Figure 5.1 of the Barrysparks & Crowscastle Masterplan 2019. If the Objective DMS051 standard were to be applied at Barrysparks, it would not be possible to achieve the vision, principles and objectives relating to land use, built form/ density and green infrastructure contained in Chapter 3 of the 2019 Masterplan.

Therefore, to provide public open space on a plan-led basis and to be consistent with both the Compact Settlement Guidelines 2024 and the Development Plan 2023 – 2029, while implementing the vision and principles of the Barrysparks & Crowscastle Masterplan 2019, the applicable standard for public open space within this application is **10 – 15% of the net site area**.

[2] The proposed development comprises 530no. units including 243no. 1 bed units, 236no. 2 bed units and 51no. 3 bed units giving a total of 868no. bedrooms.

PUBLIC OPEN SPACE REQUIREMENT

10 – 15% of the net site area of 3.38ha equates to between 3,338sq.m and 5,070sq.m.

PROPOSED PUBLIC OPEN SPACE PROVISION

The total public space area proposed within this application is 9,286sq.m (excluding the area between Apartment Blocks C and D referred to as the "Pocket Park", as requested). This equates to 27% of the net site area of 3.38ha.

A total of 4,059sq.m of the proposed public open space, equating to 12% of the net site area in accordance Policy and Objective 5.1 of the Compact Settlement Guidelines and Objective DMS052 of the Development Plan, is allocated to the residential development within this application.

The remaining 5,227sq.m of public open space provided within this application will be allocated to future residential development at Phase 2 and 3, located to the east and northeast of the current application site.

In accordance with the configuration and layout identified in Figure 5.1 of the 2019 Masterplan, the current application provides the full extent of the north-south green corridor within the northern area of the Barrysparks lands and east of the application site. The proposed public open space includes all associated Active Travel Infrastructure and active and passive open spaces, as required. See **Figure 2** attached containing an extract from Figure 5.1 of the 2019 Masterplan Illustrating the extent of public open space being provided by this application.

Details regarding the layout and design of the proposed public open space area and communal open spaces are contained in the following revised and updated technical drawings: -

- *Open Space Provision: Site Plan* [MCORM].
- *Landscape Masterplan* [RMDA].

Separate communal open spaces are located adjoining and within Blocks A, B, C and D. A total of 4,808sq.m of communal open space is provided, which is in excess of the 3,326sq.m requirement for the proposed development. As requested, the area of open space between Apartment Blocks C and D, previously referred to as the "Pocket Park", is removed from the public open space provision and included in the area of communal open space.

CONTRIBUTIONS IN LIEU

The planning authority has the discretion to accept a financial contribution in lieu of a public open space shortfall under Objective DMS053 of the Development Plan.

Objective DMS053 also confirms that the target minimum of 15% applies, except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply.

As demonstrated in the applicant's ***Masterplan Vision and Urban Design Statement*** [MCORM] and ***Planning Application Report/ Response to LRD Opinion*** [BMA], both submitted with the original application, the applicant's design team has adopted the plan-led approach and followed the vision and principles of the Barrysparks & Crowscastle Masterplan 2019. This includes adhering to the design and layout principles for transport and movement, green infrastructure and built form as detailed in the 2019 Masterplan.

A key element of the current application is the provision of the entire of the northern section of the 'central north-south green corridor' to the east of the site. This corridor provides 9,286sq.m. of the public open space comprising the full extent of the public open space for the current Phase 1 application and additional public open space for the future Phases 2 and 3 development to the east and north east.

To implement Objective DMS051 (2.5ha per 1000 population) in respect of public open space provision would mean that 21,700sq.m of public open space would be required to serve Phase 1, with further significant areas of public open space required for future phases. As a result, the vision and principles, layout and objectives relating to transport and movement, green infrastructure and built form of the 2019 Masterplan could not be implemented.

On the basis that, the requirements of Development Plan objective DMS052 are achieved through the provision of 12% public open space and because it is not possible to adhere to the 2019 Masterplan and implement Objective DMS051, the planning authority are requested to use their discretion under Objective DMS053 and not apply a development contribution in lieu of public open space in this case.

CONCLUSION

Public open space of 4,059sq.m (12%) is provided within the current application in accordance with the relevant quantitative standard contained in the Policy and Objective 5.1 of the Compact Settlement Guidelines and Objective DMS052 of the Development Plan.

In addition, the form, typology and layout of the proposed public open space follows the qualitative vision and objectives contained within Section 5 Green Infrastructure of the Barrysparks & Crowscastle Masterplan 2019.

As the quantity of public open space provided accords with the requirements of the Compact Settlement Guidelines and the Development Plan, a contribution in lieu of open space is not required.

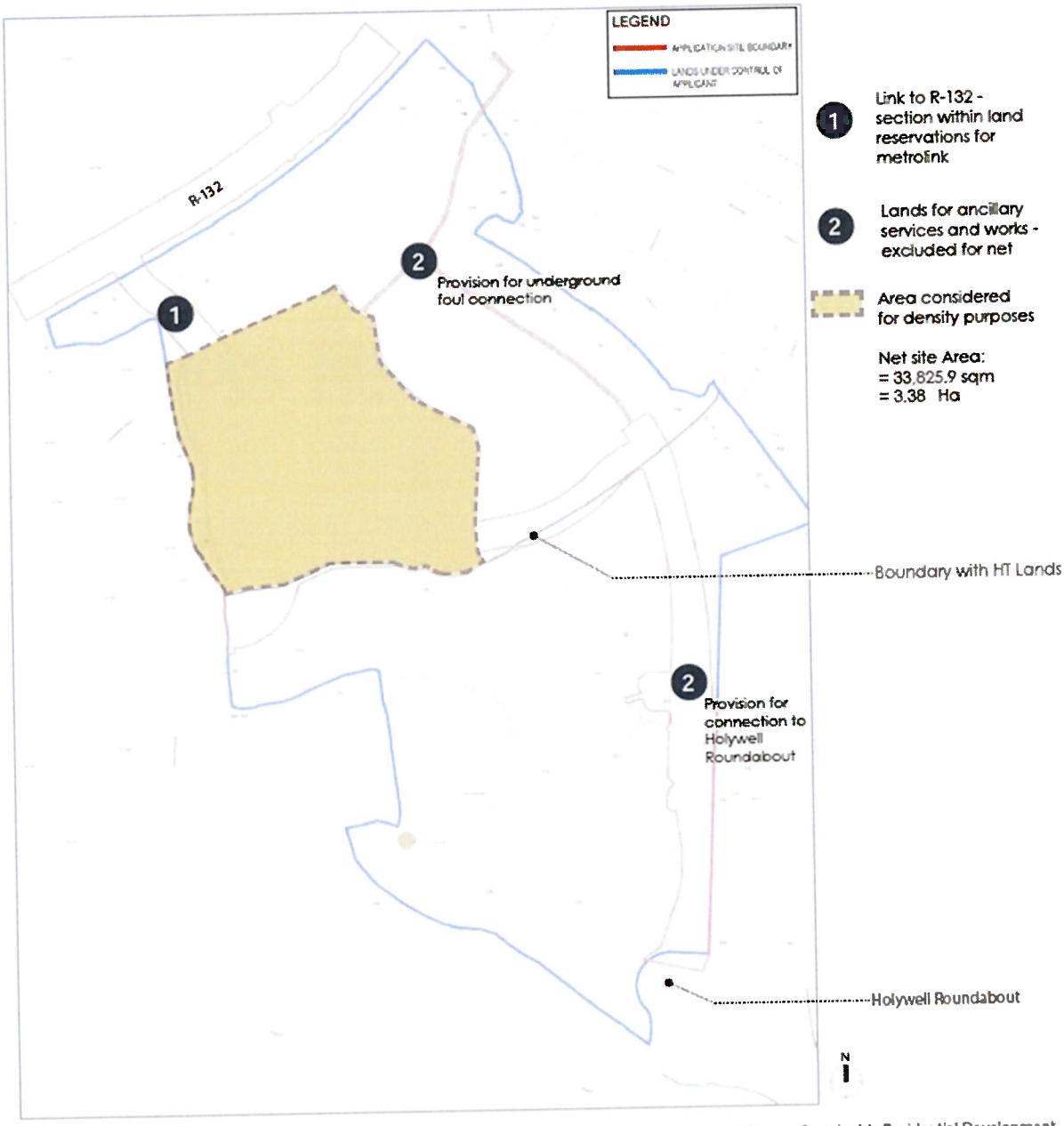

Figure 3-1. Schematic of guiding methodology to establish and refine density on residential development. Source: Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities.

Figure 1: Extract from Architectural & Urban Design Statement [MCORM] identifying the Net Site Area

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29 MAY 2026
LTR DATED _____ FROM Appeal
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Figure 2: Extract from Figure 5.1 of the 2019 Masterplan Illustrating the Extent of Public Open Space being Provided by this Application