

An  
Bord  
Pleanála

**Board Direction**  
**BD-018268-24**  
**ABP-313322-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

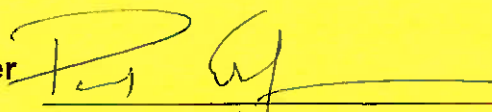
### **Reasons and Considerations**

1. The Board is not satisfied, on the basis of the information submitted with the planning application, including the information contained in the Environmental Impact Assessment Report that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands in the vicinity of the site (upstream and downstream). In this regard, the applicant has not sufficiently demonstrated that the development proposal complies with the policies of the Cherrywood SDZ Planning Scheme and in particular Specific Objective PI 11 which seeks to ensure that the Priorsland area does not pose an unacceptable risk to persons or property. Insufficient information has been submitted regarding the location and design of the detention pond proposals as required by section 4.1.2 of the Cherrywood SDZ Planning Scheme as it relates to Storm Water Management. In this regard it is considered that the applicant has not demonstrated that the requirements set out in the Guidelines on the Planning System and Flood Risk Management, jointly developed by the Department of Environment, Community and Local Government (DECLG) and the OPW have been met. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

2. The proposed development, by itself or by the precedent which the grant of permission for it would set for other future development associated with the Cherrywood SDZ, would adversely affect the use and carrying capacity of a national strategic road by utilising the Carrickmines Interchange for construction traffic. The use of this interchange would also be contrary to Section 4.2.5 which requires that access to the M50 from the Cherrywood area will be limited to the Lehaunstown interchange. The proposed use of the Carrickmines interchange for construction traffic is also contrary to Specific Objective PI 15 which states that the council will support the TII in consultation with the NTA in implementing measures to improve the functioning of the M50/M-N11 road corridor. It is considered that the construction traffic associated with the scheme would adversely impact on capacity, performance and safety of the strategic road network and therefore be contrary The Department of Community and Local Government Spatial Planning and National Roads – Guidelines for Planning Authorities (2012). On this basis it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Note: In relation to the appropriate assessment it was noted that the inspector in section 11.3 of the planning report inadvertently referred to the qualifying interests of Lough Ree SAC and Lough Ree SPA. The appropriate assessment undertaken however correctly assessed the impact of the proposal on the relevant European Site in the vicinity, namely the Rockabill to Dalkey Island SAC (Site Code: 003000).

**Board Member**

  
Paul Caprani

**Date:** 20/11/2024