

An
Bord
Pleanála

Board Direction
BD-014729-23
ABP-316626-23

Re: Amending Board Order
S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on 08/11/2023.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 8th day of September 2023 by clarifying the position with regard to the original Order which referenced setting aside in part the local authority decision.

The Board noted that the local authority had already excluded the portion of lands which are set out as a road reservation in the Cherrywood SDZ. In this regard, it was not necessary to set aside in part the determination of the local authority in order to exclude this portion of the lands.

The Board decided that the amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

Having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission/other matter.

Accordingly the Board hereby amends the above-mentioned decision by amending the Board Order in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

The Board in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, and based on the reasons and considerations set out below, hereby decided to confirm the determination of the local authority as follows:

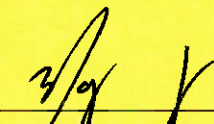
That portion of the lands to the north within the Cherrywood SDZ Planning Scheme shall remain excluded from the map and the remainder of the lands shall be included on the map.

Reasons and Considerations

The northern portion of the site within the Cherrywood SDZ Planning Scheme is not zoned solely or primarily for residential use, or for a mixture of uses, including residential uses, and does not fulfil the criteria under section 653B(a) of the Taxes Consolidation Act 1997, as amended, and should be excluded from the map. In this regard, the Board noted that the local authority had excluded this portion (as a road reservation) from the map.

The remainder of the lands zoned Objective A-Residential under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 satisfy the criterion for inclusion on the map set out in section 653B(b) of the Taxes Consolidation Act 1997, as amended. In this regard, the Board decided to confirm the determination of the local authority.

Board Member:



Mary Cregg

Date: 15/12/2023