



An
Bord
Pleanála

Board Order
ABP-320378-24

Taxes Consolidation Act 1997, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Reference Number: DM24-17

Appeal by William Neville and Sons care of SCA Planning and Development Consultants of 17A Bridgecourt Office Park, Walkinstown Avenue, Dublin in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the map of the Residential Zoned Land Tax by Dún Laoghaire-Rathdown County Council on the 27th day of June 2024 in respect of the site described below.

Lands at: Range of lands within the Cherrywood Planning Scheme Area, Dublin 18: Plot 1 - Growth Area 2 - L3; Plot 2 - Growth Area 3 - T4; Plot 3 - Growth Area 1 - DM5; Plot 4 - Growth Area 1 - DM6; Plot 5 - Growth Area 1 - TC5; Plot 5 - Growth Area 1 - DM4; Plot 6 - Growth Area 1 - DM3

Decision

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 decides to confirm the determination of the local authority.

Reasons and Considerations

The lands are identified as Range of lands within the Cherrywood Planning Scheme Area, Dublin 18: Plot 1 - Growth Area 2 - L3; Plot 2 - Growth Area 3 - T4; Plot 3 - Growth Area 1 - DM5; Plot 4 - Growth Area 1 - DM6; Plot 5 - Growth Area 1 - TC5; Plot 6 - Growth Area 1 - DM4; Plot 7 – Growth Area 1 – DM3 (Parcel ID DELA00000036, DELA00000031, DELA00000033, DELA00000026, DELA00000032, DELA00000034, DELA00000028). The appeal against the planning authority determination relates only to Plot 3 (Parcel ID DELA00000033), Plot 5 (Parcel ID DELA00000026), and Plot 6 (Parcel ID DELA00000032). These Plots are each zoned 'Residential' and are, therefore, considered in scope of section 653B(a) of the Taxes Consolidation Act 1997, as amended. The subject sites have direct frontage onto the surrounding road networks and have vehicular access to these roads. It is reasonable to consider that the sites can connect to and be served by this existing road infrastructure. Owing to the emerging urban character of the area and the proximity of existing development to each of the sites, it is reasonable to consider that the sites can connect to the existing potable and foul water infrastructure. The Uisce Éireann capacity registers published June 2023 (and accessed on the 27th day of September 2024) indicate that there is capacity in the water and wastewater systems to serve the sites. As per the planning authority's report, Plots 5 and 6 are served by existing surface water infrastructure and there is interim capacity in this system to serve Plot 3 pending the completion of works on Regional Attenuation Pond 2A. In this way, the sites meet the criteria under Section 653B(b) of the Act. There are no physical characteristics or constraints identified at the sites that would preclude the provision of dwellings. In this regard, the sites meet the criteria under Section 653B(c) of the Act. Drawing from the submitted information and with reference to Section 7.2.1 of the Cherrywood Planning Scheme, I do not consider that the phasing provisions of the planning scheme, including the provision of school infrastructure, precludes the provision of dwellings at the site. Recent planning decisions in the vicinity of the sites indicates that the

provision of schools is not a limiting factor to the delivery of development on the basis that negotiations with the Department of Education are ongoing. No other reasons have been identified that would prevent the development of these lands in principle for residential purposes in accordance with the residential zoning objective that applies to these lands.



Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 16TH day of October 2024