

An
Bord
Pleanála

Board Order
ABP-320384-24

Taxes Consolidation Act 1997, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Reference Number: DM24/15

Appeal by Quintain Development Ireland Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, 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: within Cherrywood Planning Scheme Area.


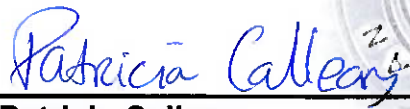
Decision

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 a range of lands within the Cherrywood Planning Scheme Area, as follows: L1 and L2 – Parcel ID DELA000000039, TC5 – Parcel ID DELA000000026, TC6 – Parcel ID DELA000000021, T1 – Parcel ID DELA000000015, T3 – Parcel ID DELA000000030, T5 – Parcel ID DELA000000027 and T13 – Parcel ID DELA000000029. The majority of the land parcels are zoned 'Residential' and are, therefore, considered in scope of section 653B(a) of the Taxes Consolidation Act 1997, as amended. T1 – Parcel ID DELA000000015 is zoned for a mixture of uses as 'Village Centre,' within which residential development is permitted and which therefore is also considered in scope of section 653B(a). T1 – Parcel ID DELA000000015 is considered to be vacant or idle and does therefore not avail of the exemption under section 653B(a)(ii) of the Act. The subject lands have direct frontage onto the surrounding road networks and have vehicular access to these roads. It is reasonable to consider that the lands can connect to and be served by this existing road infrastructure. It is reasonable to consider that all the subject lands, including TC6 – Parcel ID DELA000000021, can connect to water supply infrastructure. The Uisce Éireann water supply capacity registers confirm there is sufficient capacity to serve the lands. A need for network upgrades is not considered to exclude lands, where sufficient treatment capacity is confirmed to exist. In terms of surface water drainage infrastructure, pending the completion of works to Attenuation Pond 2A, T3 – Parcel ID DELA000000030, T5 – Parcel ID DELA000000027, L1 and L2 – Parcel ID DELA000000039 can be served by a temporary storm water pond that has been constructed and is operational. As such, the subject lands meet the criteria under section 653B(b) of the Act. There are no physical characteristics or constraints identified on the lands that would preclude the provision of dwellings and therefore they meet the criteria under Section 653B(c) of the Act. The lands are not subject to a statutory declaration which would preclude the provision of dwellings. It is not considered that the phasing provisions of the Cherrywood planning scheme precludes the

provision of dwellings on the lands. Appeal grounds relating to purported inconsistencies in the treatment of other SDZs in the context of RZLT do not fall within the criteria set out in section 653B of the Act and therefore cannot be considered. No other reasons have been identified that would prevent the development of these lands in principle for residential purposes in accordance with the 'Residential' and 'Village Centre' zoning objectives that apply to these lands.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 22nd day of October 2024