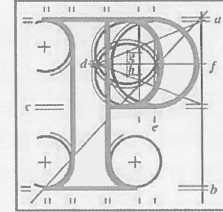
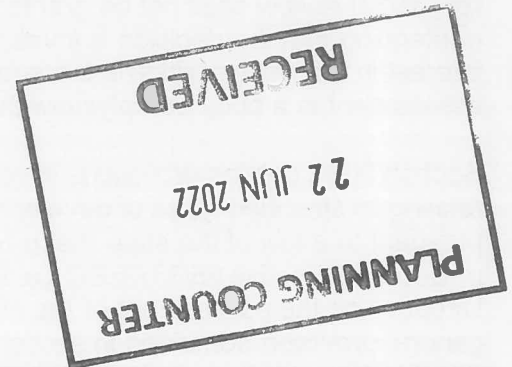


Our Case Number: ABP-310753-21



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 21 June 2022

Re: Amendments to previously permitted development ABP-307092-20 as amended by ABP-309899-21 to include elevational changes, apartment layouts, communal spaces, landscaping, basement plan layout and ESB substation.
Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the above mentioned Strategic Housing Development. A copy of the Board Order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Hereunder contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Yours faithfully,



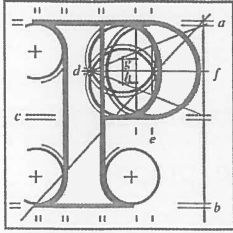
Hannah Cullen
Executive Officer
Direct Line: 01-8737246

SHA32

Teil
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Facs
Láithreán Gréasáin
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An
Bord
Pleanála

Board Order
ABP-310753-21

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Associated Reference Number: ABP-307092-20

REQUEST received by An Bord Pleanála on the 2nd day of July 2021 from Randelswood Holdings Limited care of Downey Planning of 29 Merrion Square North, Dublin under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a permitted Strategic Housing Development at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20, which is the subject of a permission under An Bord Pleanála Reference Number ABP-307092-20 as altered by ABP-309899-21.

WHEREAS the Board made a decision to grant permission, subject to 23 conditions, for the above-mentioned development by Order dated the 1st day of September 2020,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Proposed external and internal alterations to previously permitted Blocks C, D and E only including elevational changes; reduction in site levels; increase in height to accommodate construction method requirements including lift shaft overrun, automatic opening vent and parapet; minor increase in footprint and

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floor plans of Blocks C, D and E to accommodate construction method requirements and revised apartment mix and layouts;

- Proposed alterations to previously permitted apartment layouts and communal spaces within Block C, a proposed additional setback floor (i.e. proposed seven storey building) comprising seven number additional units (six number one-bedroom and one number two-bedroom), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of eight number units in total i.e. from 30 number one-bedroom and 17 number two-bedroom (47 number units) to now provide 37 number one-bedroom and 18 number two-bedroom (55 number units);
- Proposed alterations to previously permitted apartment layouts and communal spaces within Block D, a proposed additional setback floor (i.e. proposed eight storey building) comprising five number additional units (two number one-bedroom and three number two-bedroom), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of eight number units in total i.e. from 33 number one-bedroom and 34 number two-bedroom (67 number units) to now provide 38 number one-bedroom and 37 number two-bedroom (75 number units);
- Proposed alterations to previously permitted apartment layouts and communal spaces within Block E, a proposed additional setback floor (i.e. proposed nine storey building) comprising seven number additional units (six number one-bedroom and one number two-bedroom), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of eight number units in total i.e. from 40 number one-bedroom and 23 number two-bedroom (63 number units) to now provide 47 number one-bedroom and 24 number two-bedroom (71 number units). This results in an overall total increase of 24 number units from the previously permitted 250 number units (134 number one-bedroom and 116 number two-bedroom) to now provide 274 number units (147 number one-bedroom and 127 number two-bedroom);

- Proposed alterations to previously permitted Electricity Supply Board substation;
- Proposed alterations to previously permitted landscaping proposals to accommodate minor increase in footprint of Blocks C, D and E;
- Proposed alterations to previously permitted basement plan layout and configuration including minor increase in size and provision of an additional 24 number bicycle parking spaces and 26 number car parking spaces.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board considered that the alteration would result in a material alteration to the terms of the development the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved the Board decided to invoke the provisions of section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submissions or observations in relation to the matter from the members of the public,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby refuses to alter the above-mentioned alteration having regard to the submitted plans and particulars.

REASONS AND CONSIDERATIONS

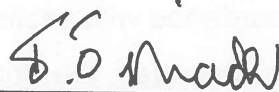
Having regard to:

1. The policies and objectives as set out in the South Dublin County Development Plan 2016-2022,



2. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
3. The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
4. The Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
5. The nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-307092-20 and modified under ABP-309899-21,
6. The absence of sufficient documentation and information to sufficiently assess the proposed alterations, in particular, the impact of the overshadowing on adjoining properties and the visual impact of the additional floor, increase in height and external design modifications,
7. The potential impact on the residential amenities of those occupants of the dwellings in the vicinity of the site,

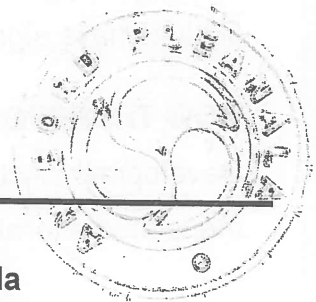
It is considered that the proposed alterations would be material and are not considered acceptable alterations. In accordance with section 146B(3)(a) of the Planning and Development Act, as amended, the Board hereby refuses to make the said alterations.



Terry Ó Niadh

Member of An Bord Pleanála

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



Dated this 20th day of June, 2022