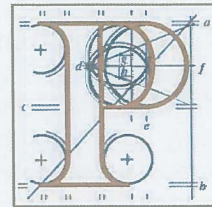


Our Case Number: ABP-312430-22



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 28 June 2022

Re: Demolition of existing building, construction of 144 no. apartments and associated site works. Units 64 and 65, Cherry Orchard Industrial Estate and Kennelsfort Road Upper, Palmerstown, Dublin 10. (www.orchardgateshd.ie)

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.

Teil	Tel	(01) 858 8100
Glaio 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,

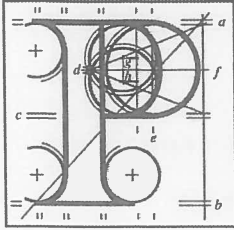


Hannah Cullen
Executive Officer
Direct Line: 01-8737246

SHA32

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An
Bord
Pleanála

Board Order
ABP-312430-22

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of January 2022 by AAI Palmerstown Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development comprises of the following:

Demolition of an existing warehouse and factory building and the construction of a residential development of 144 number apartments with supporting tenant amenity facilities (gym and activity areas, lounges and meeting room), employment uses including two number incubator units and a remote working space, building management facilities and all ancillary site development works.

The proposed development includes 72 number one-bedroom apartment and 72 number two-bedroom apartments to be provided as follows:

- Building A (35 number one-bedroom and 24 number two-bedroom over five to nine storeys),
- Building B (seven number one-bedroom and 10 number two-bedroom over three to four storeys),
- Building C (16 number one-bedroom, 19 number two-bedroom over five storeys),

- Building D (14 number one-bedroom and 19 number two-bedroom over four to five storeys).

Vehicular access to the proposed development will be provided via an entrance from the existing estate road as accessed from Kennelsfort Road Upper.

The proposal includes improvement works on the northern side of the junction at the estate road and Kennelsfort Road Upper, new pedestrian and bicycle paths on the estate road to the south of the site, and provision of a controlled pedestrian crossing on Kennelsfort Road Upper to the west as part of enabling infrastructure.

The proposed development provides for outdoor amenity areas, landscaping, external podium lift, under podium and on street car parking, bicycle parking, bin stores, Electricity Supply Board substation, public lighting, roof mounted solar panels and all ancillary site development works all located at Units 64 and 65, Cherry Orchard Industrial Estate and Kennelsfort Road Upper, Palmerstown, Dublin 10.


Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

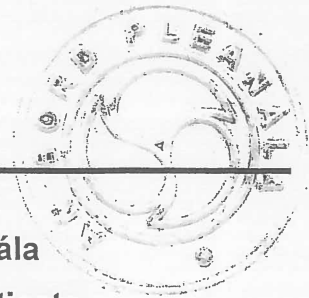
Having regard to the proposed building heights, the location of the site within a regeneration area that is not subject of a Local Area Plan or a Planning Scheme and the provisions of the South Dublin County Council Development Plan 2016-2022, specifically urban centre policy UC6 Objective 3 directing tall buildings that exceed five storeys in height to regeneration areas that are subject of an approved Local Area Plan or a Planning Scheme, it is considered that the proposed development materially contravenes the urban centre policy UC6 Objective 3 of the South Dublin County Development Plan 2016-2022.

The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the Development Plan and where the statutory requirements referred to above have not been complied with.



Terry Ó Niadh

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



Dated this 27th day of June , 2022

