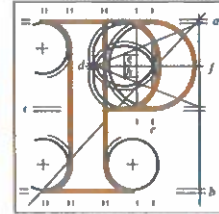


Our Case Number: ABP-311555-21



An
Bord
Pleanála

Land Use Planning & Transportation

20 MAR 2023

South Dublin County Council

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 16 MAR 2023

Re: Amendments to previously permitted ABP-303803-19 to include alterations to the layout, size and positioning of the concierge and reception area.
Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24.

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 amended, contain provisions in relation to challenges to the validity of a decision of the Board.

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 any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

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Glaio Áitiúil	LoCall	1800 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

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) 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 costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
(i) any decision or purported decision made or purportedly made,
(ii) any action taken or purportedly taken,
(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

(I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
(II) the SEA Directive 2001/42/EC, or
(III) a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
(IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies 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, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, 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,

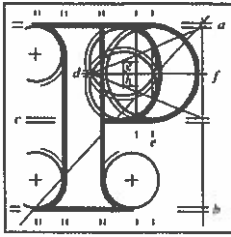


Niamh Hickey
Executive Officer
Direct Line: 01-8737145

SHA32

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An
Bord
Pleanála

Board Order
ABP-311555-21M

Planning and Development Acts 2000 to 2021

Amendment of Board Order

Planning Authority: South Dublin County Council

Development Concerned:

Amendments to previously permitted ABP-303803-19 to include alterations to the layout, size and positioning of the concierge and reception area. all located at Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24.

WHEREAS the Board made a decision to refuse to make the alterations by Order dated 24th day of October 2022, in relation to the above-mentioned alteration:

AND WHEREAS it has come to the attention of the Board that a clerical error occurred in the Board Order in that the incorrect planning authority was cited in the Order. Furthermore, paragraphs 2 and 3 on the second page of the Order and paragraph on the 3rd page of the Order were inconsistent with the Board's decision to refuse permission to make the alteration,

AND WHEREAS the Board considered that the correction of the above-mentioned error would not result in a material alteration of the terms of the development,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had

made submissions or observations in relation to the matter the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that its order and the reason therefor shall be as follows:

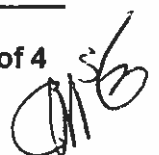
REQUEST received by An Bord Pleanála on the 4th day of October 2021 from Stranwil Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a permitted Strategic Housing Development the subject of a permission under An Bord Pleanála Reference Number ABP-303803-19.

WHEREAS the Board made a decision to grant permission, subject to 24 conditions, for the above-mentioned development by Order dated the 25th day of July 2019,

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:

1. Alterations to the layout, size and positioning of the concierge and reception area, communal amenity areas, creche and two number commercial units provided at the ground floor and omission of the previously approved office and two number apartments to facilitate the introduction of a larger commercial unit capable of accommodating a small supermarket.
2. Removal of Core C to facilitate the introduction of a larger ground floor commercial unit and reconfiguration of the Block C's internal space across first to fifth floor levels and the introduction of a glazed link between Blocks B and C at first floor level.
3. Reconfiguration of the approved basement layout.
4. Amalgamation and consolidation of communal amenity space serving the development at ground floor level.



5. Relocation of the substation and switch room previously proposed in Block D to Block A and associated alterations to previously approved ground floor Apartments 2 and 3 in Block D and Apartments 1 and 2 in Block A.
6. Minor alterations to party walls in Blocks A, B and D to accommodate a number of one-bedroom apartments in lieu of previous approved studio apartments.
7. Minor alterations to previously approved facades, building line and internal partition walls to accommodate the aforementioned amendments and a slight increase in the number of apartments featuring within the development, from 196 number units to 204 number units.

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

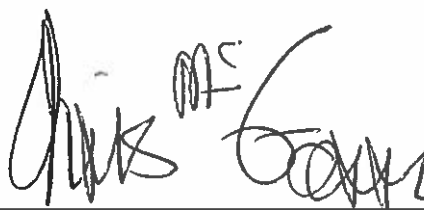
AND WHEREAS having regard to the nature of the issues involved the Board decided to invoke section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submission or observations in relation to the matter from the members if the public,

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 decision having regards to the following:

REASONS AND CONSIDERATIONS

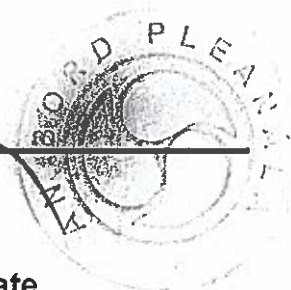
On the basis of the information presented, it cannot be concluded that the proposed alterations would not represent a risk of serious damage to the Luas track bed and infrastructure, with consequential implications for the operation of the Luas Red Line. As such, the proposed alterations fail to integrate land-use planning with the regional transport strategy; enhance strategic land networks; and protect the strategic capacity of the metropolitan area transport network; contrary to Policy SM1, SM1 Objective 3 and SM1 Objective 5 of the of the South Dublin County Development Plan 2022, as well as Regional Policy Objectives 8.1, 8.2 and 8.3 under the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031. The proposal is also contrary to guidance in Project Ireland 2040 National Planning Framework which identifies that improving strategic infrastructure, including expansion and improvement of Luas networks, is key to Dublin's continued performance, which is critical to Ireland's overall competitiveness.



Chris McGarry

Member of An Bord Pleanála

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



Dated this
2023

^{13th} day of March