



An
Bord
Pleanála

Board Direction
BD-003495-19
ABP-304063-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 9th July, 2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

AA Screening

The Board noted the AA screening report, dated March 2019, submitted by the applicant, which concludes that any significant impacts can be ruled out and that Stage 2 AA is not required, noted the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. However, the Board also noted the uncertainty around the possible presence of a stream in the vicinity of the development that would provide a hydrological link to the South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC. The Board adopted the Inspector's report and determined, on the basis of the information available, that it could not be satisfied that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives.

Reasons and Considerations

1. Having regard to the design, scale, bulk and height of the development, to its proximity to site boundaries and to the proposed removal of trees at the development site, it is considered that the proposed scheme would be overbearing when viewed from adjacent residential properties and would seriously injure the residential amenities of adjoining properties through undue

levels of overlooking, overshadowing and noise impacts. In addition, the development would have an adverse visual impact on Fosters Avenue due to its bulk and scale in close proximity to the road in advance of the established building line to the west of the site, and to the extensive nature of the façade at the road frontage. The proposed development would be contrary the National Planning Framework and Ministerial Guidelines, which promote innovative and qualitative design solutions and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Bat Survey Report indicates that there are 3 Bat species present at the development site, i.e. Soprano Pipistrelle, Common Pipistrelle and Leisler's Bat, which are all protected under the European Communities (Birds and Natural Habitats) Regulations 2011 and the Wildlife Act 1976 (as amended). It is considered that the proposed development would have a significant adverse impact on the Bat species present at the site due to the removal of existing trees that provide connectivity and foraging habitat and to potential light spillage from the apartment building and the public lighting serving the development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 09/07/2019

Terry Ó Niadh