

An
Bord
Pleanála

Board Direction
BD-008197-21
ABP-309316-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/05/2021.

The Board decided to refuse permission for the following reasons and considerations.

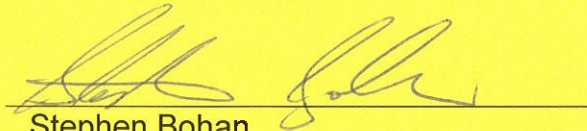
Reasons and Considerations

The proposed development materially contravenes the North Lotts & Grand Canal Dock SDZ Planning Scheme - 2014 in respect of height and density. However, having regard to the strategic and national importance of the development of this site for housing within an area earmarked for urban regeneration, as well as national policy contained in the NPF and Housing Action Plan, and section 28 Ministerial Guidelines, the Board is satisfied that in principle the proposed development would satisfy the requirements and criteria outlined in section 37(2)(b) of the PDA (as outlined in detail in the Inspector's assessment).

The Board accepted the Inspector's assessment and recommendation in respect of the potential impacts of the proposed development and agreed in full with his assessment and recommendation in this regard including that outstanding issues could be addressed by way of clarification and elaboration of the issues through the oral hearing process, in order to ensure adequate information is available to meet the Board's obligations in respect of the SPPR3 of the Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

However, the Board, taking into account the findings in the judgement of Justice Richard Humphreys delivered on 12th November 2020, between Dublin City Council and An Bord Pleanála and Spencer Place Development Company Ltd (Notice Party) [2020 No:557 J.R.], considered that under the relevant provisions of the Planning & Development (Housing) and Residential Tenancies Act, 2016, the Board considered that it was precluded from granting permission for development, as under the Strategic Housing Development legislative provisions the Board does not have jurisdiction to materially contravene the North Lotts and Grand Canal Dock Planning Scheme.

Board Member


Stephen Bohan

Date: 18/05/2021