

An
Bord
Pleanála

Board Direction
BD-009297-21
ABP-309422-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/10/2021.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development would be acceptable and would not unduly restrict pedestrian and cyclist permeability and would contribute to connectivity through the site and inclusivity of the site to surrounding areas. The proposal to be retained would not detract from the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

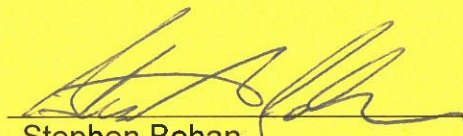
Furthermore, having regard to the location of the site through which the River Poddle flows overground and in a culvert, which is in an area identified as Flood Zone A and B, and on the basis of the submissions made in connection with the planning application and appeal, the Board considers that the development to be retained, subject to compliance with condition number 2 below, would provide access to the culvert for the purpose of maintenance and management of flood risk, and would not be prejudicial to public health and public safety and is, therefore, in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention of gates and railings in Areas A, B and C, the Board considered that, subject to Condition 3 below, the development proposed for retention would not create a perception of a gated community or be detrimental to social integration, would not unduly restrict pedestrian and cyclist permeability, or detract from the visual amenities of the area, and would contribute to connectivity through the site and inclusivity of the site to surrounding areas. The Board further considered that, subject to Condition 2 below, the development proposed for retention would not be contrary to the Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November 2009, would not have the potential to increase the risk of flooding of the site and/or of property in the vicinity or be prejudicial to public health and public safety. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application on the 13th day of November 2020.
Reason: In the interest of clarity.
2. Access gate/s shall be provided for the maintenance of the proposed culvert screen, details of such access gate/s shall be submitted to, and agreed in writing with, the planning authority.
Reason: In the interest of public health and public safety.
3. All pedestrian and vehicular gates proposed for retention shall remain in the fully opened position between the hours of 06:00am to 11:00pm Monday to Sunday inclusive, to allow open unrestricted access to public open space and permeability through the development.
Reason: To accord with the principles of connectivity, permeability and inclusivity of the overall development.

Board Member



Stephen Bohan

Date: 20/10/2021

