

An  
Bord  
Pleanála

**Board Direction**  
**BD-011896-23**  
**ABP-313222-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2023.

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

### **Reasons and Considerations**

1. The site is within and adjoining a designated 'Highly Sensitive Landscape' as per the Fingal County Development Plan 2017-2023, wherein Objective NH36 and Local Objective Point 95 aim to ensure that new development does not impinge in any significant way on the character, integrity, distinctiveness, and scenic value of such areas, including the greenbelt to the north of the site. Having regard to the massing and height strategy proposed, it is considered that the proposed development would result in an excessive scale, bulk, and massing at the interface with the greenbelt, would fail to appropriately integrate with the surrounding landscape character and public realm, and would be seriously injurious to the visual amenity of the area. Furthermore, the design and layout of the proposed development fails to appropriately incorporate the 'green routes' and public spaces through the site in accordance with the provisions of the Baldoyle-Stapolin Local Area Plan 2013 (as extended to May 2023). The proposed development would be deficient in terms of quality architectural design, and provision of public open space, would result in poor permeability and would

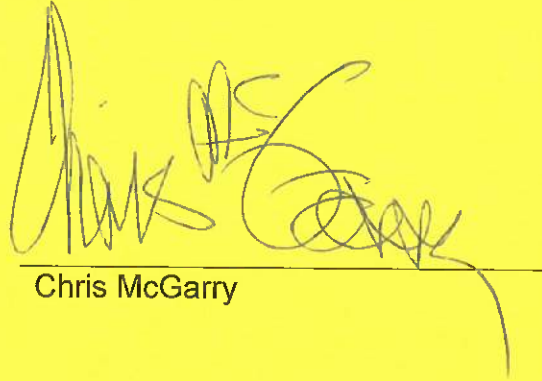
constitute an inappropriate overdevelopment of the site which would fail to provide a successful urban form at this location and would therefore be contrary to the overarching RA Zoning Objective which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure. The proposed development proposal would therefore, not provide an acceptable contribution to place-making, not respond appropriately to the surrounding natural environment, nor provide appropriate legibility through the site to the wider urban area. Having regard to the above, the scale, height and density of the proposed development would not be justified under the criteria set out in Section 3.2 and Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Objectives DMS57A and DMS57B of the Fingal County

Development Plan 2017-2023 require that a minimum 10% of a proposed development site area be designated for use as public open space. On the basis of the information submitted with the application regarding the delivery of public open space on lands outside the subject site, the Board is not satisfied that the proposed development meets the requirements of these objectives. The development is therefore considered to materially contravene the development plan in relation to the provision of public open space to serve the proposed apartments. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot invoke section 37(2)(b) of the Planning and

Development Act 2000 (as amended) and is precluded from granting permission.

**Board Member**



Chris McGarry

**Date:** 14/03/2023

