



An
Bord
Pleanála

Board Direction
BD-015963-24
ABP-313331-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2024.

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 proposed development fails to meet the criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018) in that the proposed development would result in a visually dominant, monolithic and overbearing form of development when viewed from the public realm, from within the development, and from surrounding residential development, and fails to provide public spaces of sufficient scale and quality, relative to the quantum of development proposed. This has resulted in poor urban design and placemaking. The proposal would, therefore, be contrary to the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018; be contrary to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; and would be contrary to Policy SPQH35 Quality Residential Development, and Section 14.5.3 Building Heights of the Fingal Development Plan 2023-2029, which seek to implement these Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed 'left-in, left-out' access/egress arrangements would give rise to significant negative impacts on the operation of the R132, in terms of road safety, and may conflict with the future operation of the Bus Connects Swords Core Bus Corridor. As such, the proposal is premature pending the delivery of the Fosterstown Link Road, which is a stated roads objective of the Fingal Development Plan 2023-2029 (Table 6.3 and CM041), and which will facilitate an appropriate access route to this site. The development as proposed would, therefore, endanger public safety by reason of traffic hazard and may prejudice the efficient operation of planned strategic infrastructure projects.

The Board considered the totality of the file and generally concurred with the Inspectors recommendation.

The Board noted that since this application was lodged the Fingal County Development Plan 2023 – 2030 has been made and the Residential Development and Compact Settlements Guidelines for Planning Authorities has replaced the 2009 Guidelines on Sustainable residential development. The Board considered both in the making of this decision.

The Inspectors recommendation included two reasons for refusal, the first being that the proposed development fails to meet the criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities, “that the proposed development would result in a visually dominant, monolithic and overbearing form of development when viewed from the public realm, from within the development, and from surrounding residential development, and fails to provide public spaces of sufficient scale and quality relative to the quantum of development proposed”.

The Board had regard to Section 14.5.3, Building Heights in the current Fingal County Development Plan, the requirement for applicants to demonstrate compliance with the 2018 Building Height Guidelines, as the Inspector had

concluded that the development failed to meet the criteria set out in these Guidelines, the Board decided that notwithstanding any new policy since this application was lodged this does not impact on the basis for this decision as the substance, as it relates to the application, has not changed.

The second reason for refusal is traffic hazard. The movements generated by the proposed development would endanger public safety and would, therefore, negatively impact on the operation of the R132. The policy context regarding future access to these lands has not changed since the application was lodged. The Fosterstown Link Road was an objective in the previous County Development Plan and is an objective in the current Plan; the proposed development would, therefore, be premature pending the construction of this road.

Board Member



Mary Henchy

Date: 28/03/2024