



An  
Bord  
Pleanála

**Board Direction**  
**BD-016080-24**  
**ABP-315822-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2024.

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 site is located in an area zoned objective 'MRE' to 'Objective Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.' in the Fingal Development Plan 2023 - 2029. The Board noted that uses not permitted included "Cargo yard" and "Logistics."

The Board considers that the development proposed to be retained would materially contravene the zoning objective, as set out in this plan. The Board pursuant to the provisions of section 37 (2)(b) of the Planning and Development Act, 2000, is precluded from the granting of planning permission for the proposed development as none of the provisions of section 37(2)(b) (i), (ii), (iii) or (iv) of the said Act apply in this case. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is an objective of the planning authority to require the provision of a Traffic and Transport Assessment (TTA) where new development is likely to have a significant effect on traffic demand and the capacity of the surrounding transport

network, including the road network, as indicated in Objective DMSO113 of the Fingal Development Plan 2023-2029. The Board considers this objective reasonable. In the absence of a TTA, the Board cannot be satisfied that the proposal would not have a significant adverse effect on the capacity of the surrounding road network, in particular, on the old Ballymun Road, Northwood Avenue and R108 and on The Old Ballymun Road / Northwood Avenue junction, the Northwood Avenue/ R108 and the R108/M50 junctions. The proposed development would therefore be contrary to the said objective DMSO113 and thus contrary to the proper planning and sustainable development of the area.

**Note:**

The Board noted the appropriate assessment screening report described the surface water drainage as linked in with the neighbouring site to the south and that surface water enters the environment via a soakway at some distance from the Santry River. The Board also noticed from the plans and particulars provided in relation to Planning reference number Ref F06A0512 that the surface water management in the neighbouring site to the south enters an attenuation tank followed by an oil interceptor before entering the existing roadside surface water pipe and discharging by pipe to the Santry River. Notwithstanding surface water from the proposed development entering the Santry River, thereby establishing a hydrological pathway to the North Dublin Bay SA and the North Dublin Bay SPA, THE Board concurs with the Inspector's conclusion that the project individually, or in combination with other plans and projects, would not be likely to give rise to significant effects on North Dublin Bay SAC, North Bull Island SPA or any other European site, in view of the site's Conservation Objectives and appropriate assessment (and submission of a Natura Impact Statement) is therefore not required.

**Board Member**

  
Liam Bergin

**Date:** 16/04/2024