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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18A/0187**

**APPEAL** by Frank Gleeson care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 12<sup>th</sup> day of February, 2019 by Fingal County Council to refuse permission.

**Proposed Development:** Demolition of the existing two-storey public house premises, and the construction of a new building consisting of three number commercial units (two number retail units, one number licenced public house) and 46 number apartments, (four number studios, 14 number one bedroom, 23 number two bedroom and five number three bedroom) all across lower ground to fourth floor, with associated 88 number surface car parking spaces, utilising the existing vehicular and pedestrian site access. All with associated landscaping, public open space at roof level, bin storage, bike storage, signage and site works at the former Páidí Ogs Public House, Junction of Church Road and Old Navan Road, Mulhuddart, Dublin.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

### **Stage 1 Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on South Dublin Bay Special Area of Conservation (Site Code: 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), or any other European site, in view of the site's Conservation Objectives.

1. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Development Plan for the area and the documentation on file. The proposed development includes a block wall along the north of the site and is defined as a defended area in the Strategic Flood Risk Assessment of the Fingal County Development Plan 2017-2023. Having regard 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 and the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject site has a foul sewer traversing the site. The proposed development does not include the location of the pipe or any diversion proposals. The site is constrained by its location along the Tolka River and therefore in the absence of any proposal and/or agreement to divert this foul sewer it is considered that the proposed development would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                    day of                    2019.**