



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th day of February 2020 by Jacko Investments Limited care of Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2.

Proposed Development

A planning permission for a strategic housing development at the site of the former Lord Mayor's Public House, Main Street, Swords, County Dublin.

The development will consist of:

- (i) Demolition of the existing one to three-storey public house, restaurant, off-licence and associated storage buildings (totalling 1,197 square metres) and removal of associated surface car park;
- (ii) Construction of a residential development providing a total of 172 number residential apartments (comprising 67 number one-bed units, 101 number two-bed units and four number three-bed units) in four number four to seven storey blocks over basement. Each apartment has associated private open space in the form of a ground floor terrace or a balcony and has access to three number communal amenity spaces (totalling 296 square metres), including a communal gym (77 square metres), and a ground floor level landscaped

courtyard. The development is served by an underground carpark (accessed from Church Road) providing a total of 132 number parking spaces (including six number mobility impaired user parking spaces and five number car club parking spaces), and 408 number bicycle spaces (336 number resident spaces at basement level and 72 number visitor spaces at ground floor level in the central courtyard);

- (iii) Two number commercial units (comprising 397 square metres and 301 square metres and accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended); a 242 square metres creche and 87 square metres café at ground floor level;
- (iv) Removal of existing culverts, installation of new culverts to facilitate pedestrian and vehicular access and diversion of the Glebe Stream on site; and
- (v) Associated site and infrastructural works are also proposed which include foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary fences; plant areas; Electricity Supply Board substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works.

Decision

Refuse permission for the above proposed development based on 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

1. The Board is not satisfied, in light of potential flood risk, and on the basis of the information provided with the application, including the Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites Malahide Estuary Special Protection Area (site code 004025) and Malahide Estuary Special Area of Conservation (site code 000205), in view of the sites' conservation objectives. In such circumstances the Board is precluded from granting permission.
2. Having regard to the use of a bespoke river flood model rather than the Office of Public Works Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) model in the Site Specific Flood Risk Assessment submitted with the application, to the location of all of Block B and part of Block A within flood Zones A or B as per FEMFRAMS mapping, and to the extent of the differences in design flows between the FEMFRAMS and the Site Specific Flood Risk Assessment, the Board is not satisfied that the proposal has been subject to an appropriate flood risk assessment that would satisfy criterion number 2 of the Justification Test for development management set out in section 5.15 of the Planning System and Flood Risk Management Guidelines issued by the Department of the Environment, Heritage and Local Government in November 2009. A grant of permission would, therefore, be contrary to those guidelines and would be contrary to the proper planning and development of the area.

