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## **Planning and Development Acts 2000 to 2021**

### **Planning Authority: Fingal County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27<sup>th</sup> day of October 2021 by MNE Capital Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin.

#### **Proposed Development comprises of the following:**

- (i) Construction of 189 number Build to Rent apartments (comprising 63 number one-bed apartments and 126 number two-bed apartments) across four number Blocks A to D ranging in height from five storey over lower ground floor car park to ten storeys over lower ground floor car park. Each apartment is provided with its own private balcony and has access to a landscaped communal open space (4268 square metres). Residents also have access to 773.4 square metres of communal amenity spaces, comprising a residential amenity area, parcel drop box, laundry and a 270 square metres creche at ground floor level in Block A; a residential amenity area, parcel drop box and laundry. Creche at ground floor level in Blocks B and C; a concierge, parcel drop box and fitness suite with changing facilities at ground floor level in Block D; and a laundry, three number common rooms, beverage prep area, toilets and cleaner's store at first floor level in Block D;

- (ii) Provision of 96 number car parking spaces at lower ground floor level to serve the apartments including four number limited mobility spaces, two number Go-Car spaces and ten number electric charging spaces accessible from pedestrian entrances on northern facade and vehicular entrance to west of subject site;
- (iii) Provision of seven number at grade car parking spaces to serve the creche (including one number limited mobility space) accessible from existing entrance off Old Navan Road on western boundary of the site;
- (iv) Provision of 410 number bicycle parking spaces and seven number cargo bicycle parking spaces at lower ground floor level to serve the apartments;
- (v) Provision of a covered bicycle stand catering for eight number bicycle parking spaces at lower ground floor level of Block A to serve the creche;
- (vi) Provision of a new vehicular and pedestrian access serving residents of the apartments off Old Navan Road to the west of the site and vehicular and pedestrian access serving the creche will be provided via existing entrance off Old Navan Road to the east of the site. A set down area for the creche will also be provided; and
- (vii) Provision of new pedestrian crossing on Old Navan Road linking the proposed development with the Tolka Valley Park;
- (viii) Provision of 1120 square metre of public open space comprising landscaped areas and play areas;
- (ix) Road, and streetscape upgrade works along Old Navan Road, Damastown Close, and Damastown Road, to facilitate the provision of a shared footpath and bicycle lane and pedestrian crossings to improve links to public transport and local facilities in Mulhuddart; and
- (x) All associated site, landscaping and infrastructural works, including tree planting, boundary treatments, street lighting, internal roadways, footpaths and shared surfaces, Electricity Supply Board substations, foul and surface water drainage, and potable water supply necessary to facilitate the development all located at Canterbury Gate, Old Navan Road, Mulhuddart, Dublin 15.

## **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**

It is considered that Objective SW02 and Objective SW07 of the Fingal County Development Plan 2017-2023 require that there be no new development within floodplains other than development which satisfies the justification test and that a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk be provided.

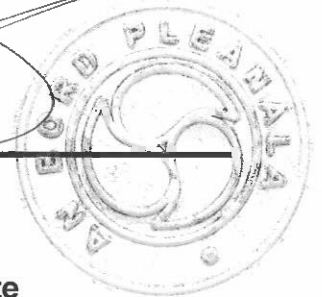
The vehicular access, internal road network and surface level car parking spaces are considered to be an intrinsic element of the residential development and are, therefore, considered as a highly vulnerable use. These uses are located within Flood Zone A and B, which are at risk of pluvial flooding from the River Tolka.

The nature of the proposed development is considered a highly vulnerable use as defined in the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009. A justification test as set out in the Guidelines was not carried out by the applicant and it is considered that proposed development does not satisfy the criteria of the justification test as the mitigation measures provided in the Flood Risk Assessment are not sufficient to manage flood risk to an acceptable level and would be a risk to people and property and prejudicial to public health.

The proposed development would, therefore, be contrary to Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009 and Objective SW02 and Objective SW07 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

  
Paul Hyde

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



Dated this 2<sup>nd</sup> day of MARCH 2022