



An
Bord
Pleanála

Board Direction
BD-006786-20
ABP-307198-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/10/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to (a) the description of the development as a "car rental storage car park" set out within the public notices (b) Schedule 5 (Part 2) 10. Infrastructure Projects (b) (ii) of the Planning and Development Regulations 2001, as amended, "*Construction of a car park providing more than 400 space, other than a car park provided as part of, and incidental to the primary purpose of a development*", (c) the proposed car park with provision for 1,100 spaces which cannot be considered to be "incidental" to the primary purpose of the development and (d) the guidance set out within the European Commission publication "*Interpretation of definitions of project categories of Annex I and II of the EIA Directive*", the Board considers that the proposed development falls within the scope of Schedule 5 (Part 2) 10. Infrastructure Projects (b) (ii) of the Planning and Development Regulations 2001 as amended under which a mandatory EIAR is required. In the absence of this substantive EIAR documentation to adequately inform the decision of the Board, the Board is unable to carry out an environmental impact assessment and is precluded from granting permission.

2. On the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Baldoyle Bay SAC (Site Code 000199) or the Baldoyle Bay SPA (Site Code 004016), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Note: On review of the application documentation, the Board considers that there are significant information deficiencies within the application in relation to the following:

- a) Nature and extent of the proposed use of the development in light of the references to dual use with the existing Kart City Building.
- b) An assessment of how the proposal is in accordance with the policies and objectives of the Dardistown Local Area Plan 2013 together with an assessment of the compatibility of the proposed use with future land uses envisaged in the LAP.
- c) Works are proposed outside of the application site boundary for connection to drainage system and no consent has been provided for such works.

The Board considered that this deficiency in information might be addressed through a request for further information from the applicant but in the context of the substantive reasons for refusal set out above, decided not to pursue a further information request.

Copy of Board Direction to issue with the Board Order.

Board Member

Date: 27/10/2020

Maria FitzGerald