



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0547

APPEAL by Flynn Brothers Rent a Car Ballygar care of O'Connor Whelan, Planning Consultants of 222-224 Harold's Cross Road, Dublin against the decision made on the 8th day of April, 2020 by Fingal County Council to refuse permission.

Proposed Development: Change of use of an existing karting motor racing track to a car rental storage car park and maintenance/cleaning facility on a site of 2.99 hectares. The development will consist of the change of use to provide for 1132 number car parking spaces, a single storey maintenance/cleaning building of 294 square metres including an external car wash and refuelling area, four staff car parking spaces, demolition of an existing single storey pavilion/corridor building (476 square metres). The proposal includes revised boundaries and associated site works at Kart City, Turnapin Great, Santry, 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

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 Environmental Impact Assessment Report (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 Special Area of Conservation (Site Code: 000199) or the Baldoyle Bay Special Protection Area (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.

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

Dated this day of 2020