



An  
Bord  
Pleanála

**Board Direction**  
**BD-005048-20**  
**ABP-305406-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 29<sup>th</sup>, 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. The development for which retention permission is sought is located in an area zoned 'RU' in the current Fingal County Development Plan for which the objective is to 'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'. Under 'RU' zoned lands, the use classes 'Vehicle Servicing/Maintenance Garage', 'offices greater than 100 sq m in area' and 'Heavy Vehicle Park' are listed in this Development Plan as "not permitted". The development for which retention is sought, which includes a HGV parking area, a vehicle servicing/maintenance garage and offices would, therefore, contravene materially the zoning objective of the site, as set out in the Development Plan. The retention of the development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Adequate provisions for foul and surface water drainage have not been demonstrated. The Board cannot be satisfied, therefore, that the retention of the development would not be prejudicial to public health.

3. The subject site is located c. 1.8km to the south of the Rogerstown Estuary Special Protection Area (site code: 004015) and c. 1.6 km to the south of the Rogerstown Estuary Special Area of Conservation (site code: 000208). The site is also located 1.7km to the north-west of the Malahide Estuary Special Protection Area (site code: 004025) and of the Malahide Estuary Special Area of Conservation (site code: 00205). No documentation has been provided detailing the foul and surface water drainage serving the development for which retention permission is sought, nor any measures to prevent pollution of surface and groundwater from hydrocarbons arising from the activities on the subject site. In the absence of this information, the Board cannot be satisfied that the development for which retention is sought would not pose, and has not posed, a threat to surface water and ground water running through the site which may provide connectivity to these nearby European sites. Accordingly, the Board cannot conclude, beyond reasonable scientific doubt, that the subject development has not had, and would not have in the future, significant effects on these European sites, in the light of their conservation objectives. The Board is therefore precluded from considering a grant of planning permission in this case.

**Board Member**

**Date:** 29<sup>th</sup> January 2020

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Philip Jones