



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0618

APPEAL by Gareth Lee of 7 The Links, Donabate, County Dublin on behalf of the Donabate Portrane Community Council against the decision made on the 17th day of June, 2019 by Fingal County Council to grant subject to conditions a permission to Aledo Donabate Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin.

Proposed Development: Planning permission is sought for 10 years for development comprising strategic open spaces, upgrades to the public road, reconfiguration of the existing car park serving Smyths Bridge House (a Protected Structure), upgrade of existing entrance onto Main Street, new access from Balcarrick Road, internal access roads, water services and a pumping station, and utilities. These proposed works are to facilitate future residential development including reserved sites for new primary school and local neighbourhood centre at Corballis East, as provided for in the Donabate Local Area Plan 2016. It is proposed to provide a nature park of 13.63 hectares and three number additional parks of 1.4437 hectares, 0.6788 hectares, and 0.3856 hectares. The proposed internal road infrastructure comprises a hierarchy of 2,320 metres of linking roads and 4,680 metres of local access roads. It is proposed to reconfigure the existing permitted car park serving Smyths Bridge House to accommodate pedestrian, cyclist and

limited vehicular access to the site, and 46 number replacement car parking spaces, and including the upgrade of 140 metres of Main Street including the Balcarrick Road junction. Proposed potable surface and foul water services and utilities, will be provided under the proposed roadways. Proposed works include SUDS wetland area in the nature park, and a wastewater pumping station set within a fenced compound of 320 square metres accessed off the Donabate Distributor Road (under construction), all on lands to the south of Main Street and Balcarrick Road (R126), Corballis East, Donabate, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 23rd day of April 2019.

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

Having regard to –

- (a) Previous recorded observations of significant numbers of wintering birds utilising the subject lands as an ex-situ feeding site, including species which are qualifying interests for the Malahide Estuary Special Protection Area (Site Code:004025) and Rogerstown Estuary Special Protection Area (Site Code:004015), in particular the Light-Bellied Brent Geese,
- (b) the lack of adequate up-to-date, quantitative and qualitative analysis with regard to the frequency, duration and extent of such use of the lands, and
- (c) the extended duration of construction activity involved in the provision of the nature park,

the Board cannot determine the significance of the potential disturbance and displacement impacts of construction activity within the proposed nature park on such species with sufficient certainty and accordingly, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites in view of the sites' conservation objectives.

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

Dated this day of 2020.