



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0263

APPEAL by Derek Keeling care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 12th day of August, 2019 by Fingal County Council to refuse permission.

Proposed Development: Temporary (three year) retention of the following:-
(i) Extension of farm machinery yard and the erection of palisade security fencing on the west boundary, (ii) seven by forty foot metal containers and one by portacabin (22 square metres) for use as offices, storage, toilet block and security, (iii) the use of the existing grain store as a workshop for the maintenance of trucks, (iv) the parking of Heavy Goods Vehicle trucks and heavy machinery within the yard, (v) fire pit and steel chimney to north of grain store, (vi) vehicle wash area and holding tank, (vii) electric metal gate at entrance and (viii) all site development works including drainage and Sustainable Urban Drainage Systems at Lanestown, Donabate, County 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. 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 square metres 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 Heavy Goods Vehicle 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 circa 1.8 kilometres to the south of the Rogerstown Estuary Special Protection Area (Site Code: 004015) and circa 1.6 kilometres to the south of the Rogerstown Estuary Special Area of Conservation (Site Code: 000208). The site is also located 1.7 kilometres 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: 000205). 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.

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

Dated this day of 2020.