



An
Bord
Pleanála

Inspector's Report ABP 305406 -19

Development	Temporary (three year) retention permission for extension of farm machinery yard, erection of palisade security fencing, the use of existing grain store and all site development works
Location	Lanestown, Donabate, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0263
Applicant	Derek Keeling
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Derek Keeling
Observer(s)	None
Date of Site Inspection	22 nd December 2019
Inspector	Brendan Coyne

1.0 Site Location and Description

- 1.1. The site, which has a stated site area of 0.57 Ha, is located on the northern side of the R126 / Hearse Road in the townland of Lanestown, c. 2.5km west of Donabate and c. 1.3 km east of the M1/ R132 junction. The site is currently occupied by M&N Groundworks Ltd. Civil Engineering, which, as detailed on their website, specialise in all types of ground works including site clearance and development, drainage systems, utility installations and roadways.
- 1.2. The site is rectangular in shape with a depth of c.120m and a width of 55m. The site is accessed from the R126 via an electronic sliding gate at the south-western corner. The gate is set back c.12m from the edge of the public road. A large metal clad shed is located along the southern section of the site, which is currently in use as a mechanical workshop for the maintenance of HGVs. A row of six no. portacabins are located along the eastern boundary whereby they are stacked in a two-storey configuration (i.e. 3 at ground floor and 3 at first floor). The upper level portacabins are accessed via an external stairwell and walkway. Internally, the portacabins provide meeting rooms, offices, a lounge, canteen and 1 no. bedroom with an ensuite w.c. . A toilet block and a single storey portacabin, currently in use as an office, is located further to the north along the eastern boundary. A vehicle washing area is located along the western section of the site, with a stone outbuilding located to its north under a large mature deciduous tree. This shed contains a water connection, sink and hose used for the washing of vehicles. A metal container is located further to the north of the stone outbuilding. The yard is used for the parking and storage of HGV trucks, heavy machinery, other vehicles and building materials. The site is relatively level with a slight fall from south to north. Its ground surface is hard surfaced for the most part.
- 1.3. The western, northern and eastern boundaries of the site are defined with palisade fencing. The roadside boundary of the site is defined with a low rise, timber post fence, a mature deciduous tree and a directional road sign adjacent, to the east of, the vehicular entrance. A two-storey residential dwelling, yard and outbuildings are located on lands adjoining the site to the east. Lands adjoining the site to the north and west comprise agricultural farmland. Newbridge Demesne is located 0.5km to the east of the site and a Tesco Distribution Centre is located 0.2km to the north.

2.0 Proposed Development

2.1. The applicant is seeking **temporary 3-year permission** for the **retention** of the following works, as described in the statutory notices;

- Extension of the farm machinery yard,
- The erection of palisade fencing along the western boundary,
- 7 no. forty foot metal containers and 1 no. portacabin (22sq.m.) for use as offices, storage, toilet block and security,
- The use of the existing grain store as a workshop for the maintenance of trucks,
- The parking of HGV trucks and heavy machinery within the yard,
- Fire pit and steel chimney to the northern side of the grain store,
- Vehicle wash area and holding tank,
- Electronic metal gate at the entrance,
- All site development works including drainage and SUDS.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council refused permission for the development seeking retention for the following reasons.

1. The site is located within the 'RU' zoning objective under the Fingal County Development Plan 2017-2023, the objective of which 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'. Having regard to the nature of the development, the uses which are permitted and not permitted in the 'RU' zoning and the overall vision and objectives for the 'RU' zoning, the development would contravene the 'RU' zoning and the Fingal County Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The existing vehicular entrance has restricted sightlines in an easterly direction and due to the nature and location of the access gate there is the possibility of HGV's protruding onto the public road, hence the development for retention would therefore endanger public safety by reason of traffic hazard. The development would therefore be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority is not satisfied based on the information submitted, that satisfactory measures are in place on the site for the treatment and disposal of wastewater. The development would therefore be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority Decision. Includes:

- The use of the development seeking retention, which comprises a truck maintenance and parking depot with attendant offices (including staff canteen toilets and sleeping area), is not permitted under the 'RU' zoning of the site.
- No information has been provided about the scale of the proposed development in terms of employment numbers and no. of vehicles stored and maintained on the site. As such the Planning Authority has concerns regarding the impact of the development on the amenities of the area.
- The nature of the operations ongoing at the site are unclear. As such, the Planning Authority have concerns that the development may not be dealing with effluent from the operations on the site in an appropriate manner and hence may have adverse direct, indirect or secondary impacts on the integrity of nearby Natura 2000 sites.

3.2.2. Other Technical Reports

3.2.3. *Transportation Planning Section Report.*

- Drawings submitted do not show sightlines at the entrance to the site.
- In accordance with DN-GEO-03060 of TII Standards, a sightline of 145m as observed from a setback of 2.4m from the road edge is required in both directions for an 80 km/hr speed limit.
- Site inspection found that a sightline greater than 145m is achievable looking to the right at the entrance (in a south-westerly direction).
- Site inspection found that overgrown vegetation and 2 no. directional 'chevron type' road signs obstruct the left-looking view (in an easterly direction) and a sightline of only 74m is achievable, which is substandard. Adequate sightlines could be achieved with the removal of the overgrown vegetation along the roadside and the relocation of the road signs.
- The setback of the sliding electric gate from the edge of the public road may not be sufficient to allow a HGV to pull in fully off the public road, thereby potentially causing a traffic hazard.
- Further Information Requested - Applicant requested to submit details showing;
 - (i) Sightlines of 145m in each direction at the entrance to the site and the removal of the overgrown roadside vegetation and the relocation of road signs.
 - (ii) Dimensions of the largest HGV at the site entrance, to assess the adequacy of the gate set-back from the public road.

3.2.4. **Waste Enforcement Section Report:**

3 no. Conditions recommended in relation to waste management.

3.2.5. **Water Services Engineer Report:**

Re. Foul Sewer: Further Information sought detailing how the on-site portacabins comply with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (Oct. 2009).

Re. Surface Water Drainage: The existing surface water soakpit has not been shown on drawings submitted. Further Information sought detailing the location and dimensions of the soakpit and details of surface water run-off from the vehicle washing area.

- 3.2.6. **Environmental Health Section Report:** No objection subject to Conditions.
- 3.2.7. **Irish Water Report:** Further information requested detailing how the on-site portacabins comply with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (Oct. 2009).

4.0 Planning History

P.A. Ref. F96A/0443 Permission granted for the construction of a grain store. Permission approved on the 23rd September 1996.

5.0 Policy and Context

5.1. Fingal County Development Plan 2017-2023

- 5.1.1. The zoning objective of the site is as follows:

Zoning Objective Type: RU – Rural

Zoning Objective Description: 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.

Zoning Objective Vision: Protect and promote the value of the rural area of the County. This rural value is based on:

- Agricultural and rural economic resources
- Visual remoteness from significant and distinctive urban influences
- A high level of natural features

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

Use Classes related to Zoning Objective

Under lands zoned 'RU' which applies to the appeal site, the following relevant uses are **Not** Permitted:

- Office ≤ 100sqm
- Office >100sqm and <1,000sqm
- Heavy Vehicle Park
- Vehicle Servicing/Maintenance Garage

The following relevant uses are Permitted in Principle:

- Agricultural Buildings
- Office ancillary to Permitted Use

Zoning Objective Note: Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies

and objectives of the Development Plan.

Objective Z05 - Non-Conforming Uses: Generally, permit reasonable intensification

of, extensions to and improvement of premises accommodating non-conforming uses,

subject to normal planning criteria.

5.1.2. The following roads objectives are noted:

Map Based Specific Objective: The R126 is subject to a Road Proposal

Table 7.1 Road Schemes: includes the R126 Donabate Relief Road

Objective DMS129: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

5.1.3. The following objectives relating to ground and surface water are noted:

Objective DW03: Protect both ground and surface water resources and work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchment.

Objective WT06: Facilitate development in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed waste water treatment system is in accordance with the relevant EPA Codes of Practice.

Objective WT07: Require all new developments to provide separate foul and surface water drainage systems and to incorporate sustainable urban drainage systems.

Objective SW04: Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

5.2. **Other Relevant Government Guidelines**

Code of Practice Wastewater Treatment Disposal Systems serving Single Houses (October 2009)

Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

5.3. **Natural Heritage Designations**

- 5.3.1. The site is located c. 1.5km to the south of the Rogerstown Estuary SPA (site code: 004015) and SAC (site code: 000208). The site is also located 1.8km to the north of the Malahide Estuary SPA (site code: 004025) and SAC (site code: 00205).

6.0 **EIA Screening**

Having regard to the nature and scale of the development for retention it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A first-party appeal was received from Michael O'Neill Town Planning Consultant representing the applicant Derek Keeling, against the decision made by the Planning Authority to refuse permission for the development seeking retention.

The following is a summary of the grounds of appeal.

Re. Reason for Refusal No. 1

- The site was previously used for the production, storage and drying of grain, and the site was used for the storage and maintenance of large machinery and the parking of HGV's for the delivery of grain to producers. The Agent classifies this as a rural commercial operation.
- Following the relocation of the operation to Oldtown, the yard was utilised by a variety of machine and truck operators over the years.
- The site is currently occupied by M&N Groundworks Ltd. who are involved in a number of projects which can be classified as commercial agricultural, Local Authority works and other works.
- The current use on the site is not dissimilar to the long-established use on the site.
- The established use of the site was a non-conforming use and the small extension and temporary use of the site for a similar use complies with the Fingal County Development Plan, in so much as the use has essentially got the same impacts on the area as the established use, albeit with different components and scope.
- The temporary use of the yard as a machine and truck parking yard and maintenance area is a use which is not listed in the Development Plan Table of Use Classes under the 'RU' zoning objective. This Table sets out use classes which are either 'Permitted in Principle' or 'Not Permitted'. It is put forward that the use on the land is, therefore, 'open for consideration' which is covered by a note in the Development Plan which states that "Uses which are neither

‘Permitted in Principle’ nor ‘Not Permitted’ will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan”.

- By seeking a temporary permission, it is recognised that the development seeking retention is not a permitted development on the site and does not strictly meet the criteria of the Fingal County Development Plan.
- The established non-conforming use should be entitled to a temporary permission given the fact that there are no negative impacts.

Re. Reason for Refusal No. 2

- Improvements to the R126 are already taking place.
- The applicant has sold lands to the Local Authority to provide a safer route into Donabate, as well as a new access into the site, which will happen in the coming year.
- The applicant would be willing to set back the existing gate from the roadway by a further 2 metres and get agreement from the Local Authority to relocate the existing road signs adjacent the site entrance.
- The longest HGV using the site is ten metres. In order to allow for HGV’s longer than 12 metres entering the site, the applicant would accept a Condition to provide a setback of 15 metres for the sliding gate from the edge of the road.

Re. Reason for Refusal No. 3

- There is a septic tank and percolation area which has been operating for the last 40 years.
- There are a number of portaloo’s on the site to cater for staff.
- Waste wash water arising from the cleaning of vehicles will naturally percolate into the ground, which is porous throughout the site.
- The applicant is willing to accept a Condition requiring both a treatment plant and a number of soak pits, to mitigate any possible risks to public health.

7.2. Planning Authority Response

7.2.1. The Planning Authority's response is summarised as follows;

Re. Reason for Refusal No. 1

- Permission for the development seeking retention would lead to the erosion of the 'RU' zoning in the area, with a use that is not ancillary to the original farmyard.
- The development seeking retention does not constitute a 'reasonable intensification', as put forward by the Applicant. Aerial photography of the site for the years 1995, 2000, 2005, 2009, 2012 and 2019 show the gradual changes made by the applicant over the last 20 years (aerial photo images attached).
- The most obvious and intensive changes have occurred recently, coinciding with the occupation of the site by M&N Engineering.
- Google Imagery for 2019 clearly shows the yard being used for classes not permitted i.e. a Builders Yard, Industry – General, Office ≤ 100sqm, Office >100sqm and <1,000sqm and Vehicle Servicing / Maintenance Garage.
- The number of vehicles on site has increased exponentially with the introduction of c.20 HGV's.
- The two-storey office block is only evident in the 2019 imagery.
- The retention of the development would materially contravene the 'RU' zoning of the site and the Fingal County Development Plan.

Re. Reason for Refusal No. 2

- The applicant has not submitted any drawings showing the provision of 145m sightlines in each direction at the entrance to the site, to the requirements of the Transportation Planning Section.

Re. Reason for Refusal No. 3

- No drawings or documentation have been submitted detailing surface water drainage, water supply or waste water disposal from the site.

- The applicant has not submitted drawings / documentation detailing the treatment of surface water run-off from the vehicle washing area, other than to state that it percolates into the ground. This is an issue of concern for the Planning Authority.

8.0 **Assessment**

The main issues for consideration are those referred to in the 3 no. reasons for refusal as cited by the Planning Authority. These are addressed under the following headings;

- Zoning,
- Traffic
- Treatment and Disposal of Wastewater.

8.1. **Zoning (Planning Authority's Reason for Refusal No. 1)**

- 8.1.1. The Planning Authority refused permission for the proposed development on the grounds that the nature and use of the development seeking retention is not permitted under the 'RU' zoning of the site and would thereby materially contravene the Fingal County Development Plan and would be contrary to the proper planning and sustainable development of the area.
- 8.1.2. The Agent representing the Applicant addresses the reason for refusal and puts forward a case for the development seeking retention, as summarised in Section 7.1 above.
- 8.1.3. Under P.A. Ref. F96A/0443, permission was granted for the construction of a grain store. Under the current Development Plan such development is considered an Agricultural Building and is 'Permitted in Principle' under lands zoned 'RU', as set out in Chapter 11.
- 8.1.4. Under the current application, the development seeking retention is described in the Statutory Notices as comprising the following uses;
- An extension of the farm machinery yard,
 - 7 no. forty foot metal containers and 1 no. portacabin (22sq.m.) for use as offices, storage, toilet block and security,

- The use of the existing grain store as a workshop for the maintenance of trucks,
- The parking of HGV trucks and heavy machinery within the yard,
- A vehicle wash area and holding tank,

The Agent states in the appeal submission that the use of the site comprises a large HGV parking area for a haulage company. I have measured the combined floor area of the office space within the portacabins as c. 108 sq.m.

8.1.5. As detailed in Section 5.0 above, under lands zoned 'RU' which applies to the appeal site, the following relevant uses are **Not** Permitted:

- Office ≤ 100sqm
- Office >100sqm and <1,000sqm
- Heavy Vehicle Park
- Vehicle Servicing/Maintenance Garage

Notwithstanding the grant of permission given under P.A. Ref. F96A/0443 for the construction of a grain store, it is evident from the aerial photographs submitted by the Planning Authority that activities on site have intensified since 1994 and the footprint of hard standing on the site has extended considerably towards the rear / north. Furthermore, the use of the site has changed significantly from an agricultural use to uses ancillary to a haulage company including a Heavy Vehicle Park, Office >100sqm and <1,000sqm and a Vehicle Servicing/Maintenance Garage. It is my view, therefore, that the current use on the site is not similar to the use of the permitted development on site, as put forward by the Agent in the Grounds of Appeal submission. Furthermore, it is my view that the development seeking retention is not a non-conforming use, as put forward by the Agent, and the uses on site are **not** permitted under the 'RU' zoning of the site. Such development would, therefore, materially contravene the zoning objective of the area and would be contrary to the proper planning and sustainable development of the area.

8.1.6. In consideration of the above, I recommend that the appeal should not be upheld in relation to the Planning Authority's first reason for refusal.

8.2. **Traffic (Planning Authority's Reason for Refusal No. 2)**

- 8.2.1. The Planning Authority refused permission for the proposed development on the grounds that the existing vehicular entrance has restricted sightlines in an easterly direction and due to the nature and location of the access gate, there is the possibility of HGV's protruding onto the public road. Hence, it was considered that the development for retention would endanger public safety by reason of a traffic hazard.
- 8.2.2. With regard the issue of Sightlines, the R126 / Hearse Road is a Regional Road and subject to an 80km/hr speed limit. As set out in the Planning Authority's Transportation Planning Section Report, sightlines of 145m as observed from a setback of 2.4m from the road edge are required in both directions at the entrance to the site, in accordance with DN-GEO-03060 of TII Standards. The Drawings submitted do not show sightlines at the entrance to the site.
- 8.2.3. The Transportation Planning Section Report states that, further to site inspection, sightlines greater than 145m can be achieved looking to the right (in a south-westerly direction) and could be achieved in an easterly direction, subject to the removal of the overgrown vegetation along the roadside and the relocation of the 2 no. directional 'chevron type' signs, adjacent to the eastern side of the site entrance.
- 8.2.4. In the Grounds of Appeal, the Agent states that improvements are already taking place to the R126, that the applicant sold lands to the Local Authority to provide a safer route into Donabate and would relocate the road signs adjacent the site entrance, subject to the agreement of the Planning Authority.
- 8.2.5. In consideration of the above, it is my view that adequate sightlines can be provided in both directions at the entrance to the site, subject to a Condition requiring the removal of overgrown vegetation along the roadside boundary and the relocation of the 2 no. directional 'chevron type' signs, adjacent to the eastern side of the site entrance, to the satisfaction of the Planning Authority.
- 8.2.6. With regard the issue of HGV's protruding onto the public road, the Transportation Planning Section Report expressed concern that the setback of the sliding electric gate from the edge of the public road may not be sufficient to allow a HGV to pull in fully off the public road, thereby potentially causing a traffic hazard. In order to adequately assess the proposal, the Transportation Planning Section Report sought

Further Information regarding the dimensions of the largest HGV at the site entrance, in order to assess the adequacy of the gate set-back from the public road.

- 8.2.7. In the Grounds of Appeal, the Agent states that the Applicant would be willing to set back the existing gate from the roadway by a further 2 metres. This would provide a setback of 14m from the edge of the public road.
- 8.2.8. In consideration of the above and having regard to the length of the entrance passageway to the side of the maintenance workshop shed (c.26m) , it is my view that the steel gate serving the entrance to the site could be setback a sufficient distance from the public road to enable HGV's to pull in fully off the public road. This issue could be dealt with by way of Condition, in the event of a grant of permission. I recommend, therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

8.3. Treatment and Disposal of Wastewater (Planning Authority's Reason for Refusal No. 3)

- 8.3.1. The Planning Authority refused permission for the development seeking retention on the grounds that satisfactory measures have not been put in place for the treatment and disposal of wastewater and that, therefore, the development seeking retention would be prejudicial to public health.
- 8.3.2. In the Grounds of Appeal, the Agent states there is a septic tank and percolation area on the site which has been operating for the last 40 years and that there are several porta-loo's on site which cater for staff. The Agent states that waste wash water arising from the cleaning of vehicles will naturally percolate into the ground, which is porous throughout the site.
- 8.3.3. With regard Foul Drainage, both Irish Water and the Planning Authority's Water Service Department report sought further information, detailing how the on-site portacabins comply with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (Oct. 2009). With regards Surface Water Drainage, the Water Service Department report sought further information detailing the location and dimensions of the soakpit and details of surface water run-off from the vehicle washing area.

8.3.4. The development for retention provides a multiple of uses and development which affect foul and surface water drainage, including;

- 7 no. portacabins used for offices, training rooms, a lounge, bedroom and 1 no. W.C.
- A separate portacabin which incorporates 4 no. toilets.
- A vehicle washing area and storage tank.
- The use of the large shed along the southern section as a mechanical workshop for the maintenance of HGVs.
- The large area of hardstanding for the parking of HGVs and other vehicles and machinery.

8.3.5. The drawings / documentation submitted with the application and appeal do not detail the foul and surface water drainage serving the development seeking retention. No details have been provided of the number of staff employed on the site, the number of HGV drivers coming to and from the site and the no. of vehicles stored and maintained on the site. The applicant has not adequately demonstrated that the septic tank on site complies with the EPA Code of Practice for Wastewater Treatment Disposal Systems serving Single Houses (October 2009). Furthermore, the applicant has not submitted surface water drainage plans for the development seeking retention showing the location of all surface water drains, invert levels, manholes, AJs, soakaways, interceptors etc. located within the site boundary. Given the nature of the shed used as a workshop for the maintenance of HGVs and the adjacent vehicle washing area, details should be provided of petrol/oil/diesel interceptors before discharge to the ground and/or soakpit and other pollution control measures.

8.3.6. In the absence of sufficient information to establish a) that the existing septic tank and percolation area on the site complies with the EPA Code of Practice for Wastewater Treatment Disposal Systems serving Single Houses (October 2009) and b) that adequate provisions have been made for surface water drainage, the development seeking retention cannot be fully assessed. It is my view, therefore, that the development for retention is unacceptable, may be prejudicial to public health, and would be contrary to the proper planning and sustainable development of

the area. I recommend, therefore, that the appeal should not be upheld in relation to the Planning Authority's third reason for refusal.

8.4. Screening for Appropriate Assessment

- 8.4.1. The site is located c. 1.5km to the south of the Rogerstown Estuary SPA (site code: 004015) and SAC (site code: 000208). The site is also located 1.8km to the north of the Malahide Estuary SPA (site code: 004025) and SAC (site code: 00205). No documentation has been provided detailing the foul and surface water drainage serving the development seeking retention. In the absence of this information, I have serious concerns that the development in situ poses a threat to surface water and ground water running through the site which may provide connectivity to nearby European designated Natura 2000 site. In the absence of this information and given the proximity of the development to European designated sites, it cannot be reasonably ruled out beyond scientific doubt that there are no likely significant effects on these European sites and that an Appropriate Assessment is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

10.0 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' and 'Heavy Vehicle Park' are not permitted. The development for retention which comprises a HGV parking area, a vehicle servicing/maintenance garage and ancillary offices would, therefore, materially

contravene 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 site is located c. 1.5km to the south of the Rogerstown Estuary SPA (site code: 004015) and SAC (site code: 000208). The site is also located 1.8km to the north of the Malahide Estuary SPA (site code: 004025) and SAC (site code: 00205). No documentation has been provided detailing the foul and surface water drainage serving the development for which retention permission is sought. In the absence of this information, the Board cannot be satisfied that the development for retention would not pose a threat to surface water and ground water running through the site which may provide connectivity to nearby European designated Natura 2000 sites.

The Board, therefore, cannot reasonably conclude beyond scientific doubt that there are no likely significant effects on these European sites and that an Appropriate Assessment is not required.

Brendan Coyne
Planning Inspector

22nd January 2020