



An
Bord
Pleanála

Inspector's Report

ABP-307662-20

Development	Permission for retention of two single storey buildings.
Location	The Paddocks Riding Centre, Ballyedmonduff Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0207
Applicant(s)	Teresa Cribbin
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Teresa Cribbin
Observer(s)	None.
Date of Site Inspection	25 th November 2020
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports.....	4
3.3. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022	8
5.2. National Policy/Guidelines.....	9
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
6.3. Observations	12
6.4. Further Responses.....	12
7.0 Assessment	12
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19

1.0 Site Location and Description

- 1.1. The appeal site is located close to the end of a narrow lane/cul de sac off the Ballyedmonduff Road c.1km to the west of the Enniskerry Road R117 and the village of Stepside, Co. Dublin. The site is located in the foothills of Three Rock Mountain, c.0.5km to the south of the Blue Light Pub and associated car park.
- 1.2. Ballyedmonduff Road is relatively narrow, with no footpaths and has a speed limit of 50km/hr. Bus stops serving Dublin Bus route 44b between Dundrum Luas to the north and Glencullen to the south are located either side of the junction with the cul de sac. Ballyedmonduff Road is elevated at a height of 240mOD, some 100m above the village of Stepside, and benefits from panoramic views over Dublin City and Dublin Bay across to Howth.
- 1.3. The Riding Centre known as 'The Paddocks' is a family run business currently operated by the applicant and her daughter and has a total of 45 stables. It offers a range of activities including riding lessons for children and adults, camps for children during school holidays, birthday parties for children or adults, work events and hen parties. It consists of a number of stable blocks, barn, reception area/office, staff facilities, paddocks, car park etc. The applicant's dwelling is also on the site .

2.0 Proposed Development

- 2.1. Retention permission is sought for the following;
 - Detached single storey building (c.95sqm) for fodder storage, and
 - Infill single storey building (c.40.5sqm) for shavings storage.
- 2.2. The application for the proposed development was accompanied by the following:
 - Cover letter from applicants agent
 - Letter of consent from adjoining landowner

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** retention permission for the above described development for 2 no. reasons.

1. *'The two structures subject to the application are located in an area zoned 'Objective G; To protect and improve high amenity areas' in the County Development Plan 2016-2022. They are considered to fall under the definition a 'sports facility' as defined in Section 8.3.12 (Definition of Use Classes) of the Plan. Table 8.3.11 of the Plan indicates that a sports facility is open for consideration on 'Objective G' zoned land. It is considered that the proposed uses are not compatible with the policies and objectives for the zone as previously expressed through the refusal of planning applications D96A/0310 / PL06D.099855, D00A/0757 / PL06D.121976, D18A/0888 / ABP-303160-18 and D19A/0373/ PL06D.305214, and would have the undesirable effects of intensifying and further enabling the use of an overall unauthorised development, would contravene materially the development objective for this area indicated in the County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.'*
2. *'The proposed development, would endanger public safety due to insufficient sightlines at the junction of Woodside Road and Ballyedmunduff and associated traffic hazard and / or obstruction of road users, contrary to Section 8.2.4 Sustainable Travel and Transport of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022, and therefore should be refused in accordance with Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.'*

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 24/06/2020)

Basis for planning authority decision. Include:

- *Use* - A 'sports facility' is considered the most applicable use class to describe the use of both structures, given that they are buildings used for supporting the proposed horse riding facility as per definition under Section 8.3.12 (definition of Use Classes) in the CDP.
- Table 8.3.11 indicates that a sports facility is open for consideration in 'Objective G' zoned land. Section 8.3.4 of the CDP refers to uses open for consideration. Not satisfied that the subject use would be consistent with the provisions of Section 8.3.4 of the CDP.
- *Intensification of use* - Building to be used for storage but still facilitates the expansion of the site/development and consequently an intensification of the horse-riding facility.
- *Planning History* – Riding centre has been developed without the benefit of planning permission. Third reason for refusal under PL06D.121976 explicitly referenced the fact that the application related '*to a site the use of which is unauthorised for the carrying out of a riding centre and associated facilities and that the development proposed to be retained would facilitate the consolidation and intensification of this unauthorised use*'.
- *Unauthorised use* – Entire development and use on site is unauthorised though the 7 year statute of limitations has elapsed for the wider development. Consider that the structures/use are not compatible with the policies and objectives for the zone would have the undesirable effects of intensifying and further enabling the use of an unauthorised development and would be inconsistent with the proper planning and sustainable development of the area. Notes that while this reason for refusal was not included by the Board under PL06D.305214 the PA retains the view that this development is not appropriate or in line with the provisions of the CDP and should be cited as a reason for refusal.
- Asserts that had a planning application been made for the subject development in the first instance i.e. an application for permission as opposed to permission for retention, it is not likely that permission would have been granted. The fact that the structures exist is not a material consideration.

- *Previous reason for refusal/transport* – Notes
 - Cover letter from applicants agent stating that the owner has removed the vegetation to both the north west and south east and has reduced the height of the topography to both sides.
 - Letter from owner of both these pieces of land giving approval for the applicant to make the necessary improvements and also agreeing to enter into a maintenance agreement to keep the area in a 'state that is seen in the attached photos'.
 - Cover letter suggests Irish Water could reduce their structure which houses a pump to improve sightlines, use of a mirror and references DMURS but that the site was in existence before introduction of guidelines.
- *Drainage* - Notes recommendation of Drainage Planning section but given the application is fundamentally not acceptable, a decision to refuse permission is considered appropriate.

3.2.2. **Other Technical Reports**

Transportation: Report recommends refusal on the basis of insufficient sightlines at the junction of Woodside Road and Ballyedmunduff Road which would give rise to a traffic hazard. Notes that adequate sightlines to the south have not been demonstrated and that drawings submitted indicating achievable sightlines of 32.7m, are not in accordance with TII Rural Road Design Link (DN-GEO-03031-July 2017) and/or the DMURS concerning existing traffic speeds on a road with Bus routes. Proposed use of mirrors to achieve sightlines is not acceptable.

Drainage Planning Section: Report recommends further information.

EHO: Report recommends no objection.

3.3. **Third Party Observations**

None received.

4.0 Planning History

PA D19A/0373/ABP 305214-19: Permission **refused** November 2019 for retention of detached single storey building (c. 95sqm) comprising reception area, riding centre office, hats and boots store, riding centre shop and shop store and infill single storey staff area (c. 40.5sqm). (file attached)

Reason for refusal referred to '*the development to be retained would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and Ballyedmonduff Road where sightlines are restricted.*'

PA D18A/0888/ABP 303160-18: Permission **refused** April 2019 for retention of a detached single storey building comprising of a reception area, riding centre office, hats and boots store, riding centre shop and shop store and infill single storey staff area for two reasons relating to development plan policy and traffic safety. (file attached)

PA D00A/0757/ABP PL.06D.121976: Permission **refused** July 2001 for retention of 10 stables and a hay shed for reasons relating to 1) the scale and intensity of the development would be contrary to the zoning objectives of the area, 2) substandard laneway and substandard junction with Woodside Road and 3) the site has no authorised use as a riding centre and development to be retained would facilitate the consolidation and intensification of an unauthorised use.

PA D96A/0310/ABP PL.06D.099855: Permission **refused** 1997 for a) the retention of stable building and use of lands as a riding centre, including parking and all-weather arena and 2) single storey feed store.

Reasons for refusal refer to 1) the scale and intensity of the development would generate substantial extraneous traffic and would be contrary to the zoning objective of the area, 2) substandard laneway and a substandard junction with Woodside Road and 3) insufficient detail with regard to effluent disposal.

Section 5 Referral

RL2023/ ABP PL.06D.RL2023: Referral in 2003 related to *whether the arrangement of land into a number of Paddocks is or is not development*. The Board determined that it was development and was not exempted development.

Planning Enforcement

ENF 59/18 refers to both previous applications, and current application before the Board. Warning letter issued March 2018 in relation to ‘the erection of a shed/storage structure in the rear western portion of the yard complex without the benefit of a valid planning permission.’

ENF07/02 in relation to the stables blocks. Planning Application D00A/0757 (PL.06D.121976) was an attempt to address this.

5.0 **Policy Context**

5.1. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

Land Use Zoning Objective:

The site straddles two land use zoning objectives:

Objective ‘**G**’ *To protect and improve high amenity areas.*

Objective ‘**B**’ *To protect and improve rural amenity and to provide for the development of agriculture.*

The two structures which are the subject of the current application before the Board are located on lands zoned under land use objective ‘G’.

Sports facilities are ‘open for consideration’ under this zoning objective as set out in **table 8.3.11. Open space** is permitted in principle.

Section 8.3.5 notes that uses which are not indicated as ‘permitted in principle’ or ‘open for consideration’ **will not be permitted.**

Section 8.3.7 refers to other uses not specifically mentioned in the use tables and that these will be considered on a **case-by-case basis** in relation to the general policies of the Plan and the zoning objectives for the area in question.

Section 8.3.12. Definition of Use Classes:

Sports Facility *A building or part thereof or land used for organised and competitive activity that aims to promote physical activity and well being, eg sports hall, gym, squash centre, tennis club, golf club, swimming pool, sports pitch, athletic track, skate park, health studio, meeting or activity rooms with clubhouses, racecourse.*

Open Space Open space is a parcel of land in a predominately open and undeveloped condition that is suitable for the following:

- *Outdoor and indoor sports facilities and cultural use – owned publically or privately, and with natural or artificial surfaces, including tennis courts, bowling greens, sports pitches, golf courses, athletic tracks and playing fields.*

Equestrian Centre/Riding centre is not defined.

Section 8.2.3.7 refers to rural non-residential development. Sets out that any application for non-residential development within the rural area will be dealt with on a case-by-case basis and will be assessed having regard to the following criteria: Compliance with land use zoning, the need for such a use in a rural area, the suitability of the site in accordance with section 8.2.3.6(i), the potential negative effects of the development on the rural amenity, access and potential impacts on the existing road network, compliance with EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) and the requirements of the EHO.

Section 8.2.3.6(i) refers to the suitability of the site for rural development. The criteria for assessing the suitability of a site ranges from visual impact, no other adverse impact on the environment, adequacy of the infrastructure to serve the development, protection of residential amenities where appropriate, etc.

Protected Views Map No. 9 of the CDP identifies objectives to preserve views along Ballyedmonduff Road. These views are to the north and east over Dublin City and Dublin Bay which are visible in the vicinity of the access to the appeal site from Ballyedmonduff Road.

Public Right of Way Map No.9 of the CDP identifies a public right of way linking Burrow Road to the east and Ballyedmonduff Road.

Appendix 7 Landscape Character Areas.

The site is located within **LCA 9. Barnacullia.**

5.2. National Policy/Guidelines

5.2.1. Project Ireland 2040. National Planning Framework (2018)

Section 5.3 refers to planning for the future growth and development of rural areas.

Section 5.4 refers to planning and investment to support rural job creation.

National Policy Objective 21 Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

Transport Infrastructure Ireland (TII) Rural Road Link Design – DN-GEO-03031
April 2017 refer to standards.

5.3. **Natural Heritage Designations**

There are no designated areas in the vicinity.

Location	Designation	Site Code	Distance
Wicklow Mountains	SAC	002122	3.5km SW of and uphill from the site

5.4. **EIA Screening**

Having regard to the nature and scale of the development to be retained, which consists of two small structures within an existing riding school in a rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the decision to refuse permission by the planning authority has been lodged by Manahan Planners, Town Planning Consultants on behalf of the applicant. It includes correspondence in relation to the nature of the use and related insurance details.

In summary, the appeal states:

- *High Amenity Zoning Objective*- Structures are not visible from outside the complex, no adverse impact on the zoning objective, are appropriate within a horse riding facility and therefore not incompatible/inconsistent with high amenity zoning of the area.
- *Intensification of use* – Buildings are ancillary in nature and do not involve the expansion of the business and therefore do not facilitate an intensification of use. Buildings are used by staff to greet visitors to the centre and to carry out office functions, and store various equipment required by the business.
- *Nature of use* - Issue is now irrelevant as the business has been reconstructed due to higher insurance premiums. Uses at present comprise 50% trekking in the mountains by tourists, 40% consists of pony camps during school holidays and 10% livery. Insurance requires trekking business be discontinued and has been, and therefore the stock of horses on site has been reduced accordingly.
- *Traffic Issues* – Refers to Inspector Report on previous planning appeal which refers to control over necessary lands to achieve adequate sight lines. Applicants have obtained consent from both landowners to clear and lower the land levels on both sides of the junction. Photographs included indicating land clearance works carried out in Spring 2020. Submit that sightlines in both directions are now substantially improved and so circumstances have changed since the previous decision of the Board.
- Submit therefore, that there is no substantive reason to refuse permission, and request that permission be granted.
- *Evolving Business Case* – Further reduction in business due to Covid 19 considerations.

6.2. Planning Authority Response

The planning authority provided a screen shot of the Paddocks Riding Centre webpage, taken on the 28th July 2020. The information on the webpage states that ‘the riding centre offers 3,000 acres of trekking through the Dublin Mountains’ and offers beach trekking.

6.3. **Observations**

None received.

6.4. **Further Responses**

None received.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principle of Development
- Traffic Safety
- Material Contravention
- Other Matters
- Appropriate Assessment

I draw the Boards attention to the recent enforcement and planning history on this site and refusals for retention permission by the Board, as outlined in section 4 of this report above.

This proposal as amended seeks to address the previous Board reason for refusal under ABP 305214-19. The principle difference between the current proposal and previous applications/proposals relates to the nature of the use of the structures to be retained and works since carried out to improve sightlines at the junction with the public road.

7.1. **Principle of Development**

- 7.1.1. Reason for refusal no. 1 refers to land use zoning '*Objective G*' '*To protect and improve high amenity areas*' within which the two structures subject to the application are located. It states, '*that the proposed uses are not compatible with the policies and objectives for the zone*', as in previous refusals, and '*would have*

undesirable effects of intensifying and further enabling the use of an overall unauthorised development, in material contravention of the development objective as indicated in the CDP.

- 7.1.2. On the day of my site visit, I was accompanied around the riding centre by the applicants daughter. I can confirm that the 'detached single storey building' to be retained includes a conservatory style entrance. The conservatory style entrance is currently in use principally as a waiting/lobby area before arriving into reception. The reception desk/office area provides access to two storage areas organised for horse riding equipment, including hats, boots and saddles. These items are not for sale.
- 7.1.3. On the day of my site visit the conservatory style element included seating areas and was partially in use for dry storage. I can also confirm that there was no evidence of a retail shop in any other part of the facility.
- 7.1.4. The other structure to be retained described as an 'infill single storey building' is located to the rear of existing stables and is accessed from the main yard area. On the day of my site visit, it appeared to be used for storage of dry shavings.
- 7.1.5. It is clear from the planning and enforcement history relating to this development that the existing riding centre is unauthorised. I concur fully with the PA that had an application for permission for a riding centre been made initially it is unlikely that permission would have been granted. Over time the facility has expanded incrementally such that the current facility notwithstanding recent changes due to insurance arrangements still constitutes a business of significant scale in a high amenity area.
- 7.1.6. I concur with the PA in that reason for refusal no. 3 of PL06D.121976 relating to intensification of use has still not been addressed. I do not accept the contention by the applicant that the nature of the use is irrelevant given that the business has been restructured due to higher insurance premiums. If the Board are minded to refuse permission I recommend that a similar reason for refusal to reason no. 3 of PL06D.12976 be attached.
- 7.1.7. I am also mindful of the proximity of a number of high density residential developments along the Enniskerry Road R117 with connectivity to the adjoining upland area including the Ballyedmonduff Road and appeal site. These include the following;

- Burrow Road connects to the R117 close to the entrance to the Belarmine residential development. The Belarmine development comprises high density residential apartments and houses, a small Neighbour Centre.
- Village Road connects to Sandyford Village Neighbourhood Centre. Residential developments include Cruagh Manor and the Clay Farm Phase 2 residential development currently under construction.
- Slate Cabin Lane connects to the R117 close to the entrance to Aiken's Village.

7.1.8. In my opinion, given the nature of use and traffic associated with the use of the riding centre including deliveries and movement of horseboxes, to permit retention for the structures proposed, (which I would argue are integral to the operation of the unauthorised business), would conflict with the use of Ballyedmonduff Road as an amenity route, with protected views. In my opinion therefore to grant retention permission in this instance would be contrary to the zoning objectives of the area which is to protect and improve rural amenity.

7.2. Traffic Safety

- 7.2.1. Reason for refusal No. 2 refers to the proposed development for retention giving rise to a traffic hazard. In my opinion is the crux of the appeal.
- 7.2.2. Ballyedmonduff Road/Woodside Road extends to Blackglan Road R113 to the north and Glencullen village to the south. Ballyedmonduff Road/Woodside Road runs roughly parallel to the Enniskerry Road R117 which connects Dundrum Town Centre to the north and Kiltiernan/Enniskerry villages to the south.
- 7.2.3. The vehicular access to the site is via an existing entry/exit point from a lane/cul de sac which also serves a small no. of houses including the applicants. The cul de sac, forms a T junction with Ballyedmonduff Road where visibility is restricted to the north/left and south/right along Ballyedmonduff Road primarily by the horizontal alignment of the road and ground levels on adjoining lands which are supported by retaining walls.
- 7.2.4. With regard to sightlines and traffic speed at the T junction along Ballyedmonduff Road, it is located within the 50km/hr speed limit zone. On the day of my site visit I

noted a steady volume of vehicular traffic mainly but traffic speeds were generally low.

- 7.2.5. The applicant refers to the changed circumstances from the previous application whereby ground works have been carried out to lower site levels primarily to the south of the T junction. A letter of consent from the adjoining landowner was also submitted with the application, and a number of photographs illustrating sightlines before and after the ground works.
- 7.2.6. I can confirm from my site visit, notwithstanding the works carried out, sightlines in both directions are severely restricted. In particular the road width at the junction of the cul de sac and the public road is particularly narrow, does not have any footpaths, grass verge, or street lighting. I also noted the solid white line road markings and location of traffic mirrors at the junction opposite adjoining houses to the east of the junction.
- 7.2.7. While noting the location, and proximity of bus stops (with no bus bay) on either side of the junction, I did not observe any buses serving the Dublin Bus 44b route at the time of my site visit. Having driven by car and walked along Ballyedmonduff Road in either direction, I did observe the restricted passing room for cars travelling in opposite directions, and consequent use of private entrances as pull in areas to accommodate oncoming traffic. I also noted the steady volume of vehicular traffic mainly but traffic speeds were generally low.
- 7.2.8. This arrangement I expect is even more problematic for cars when accommodating a passing bus. The Transportation section of the PA recommended a refusal on the basis of insufficient sightlines at the junction, which are not in accordance with TII design standards for rural roads concerning existing traffic speeds on a road with Bus routes. The Transportation section also state that the proposed use of mirrors to achieve sightlines is not acceptable.
- 7.2.9. I have had regard to Section 8.6 of the Rural Road Link Design – DN-GEO-03031 standards dated April 2017. It refers to parking bays and wherever practicable, they *'should not be sited on the inside of bends or near junctions or signing'*. In the case of a *'single carriageway road....a parking bay can also function as a bus bay, ideally bus stops should be sited where there is a grade separated pedestrian access'*. It is

also notes that '*care should be taken to avoid creating conflicting traffic movements at junctions*'.

- 7.2.10. I also noted in particular given the sloping topography of the area, development to the east and west of Ballyedmonduff Road is generally characterised by widely splayed vehicular entrances and retaining boundary walls along their frontage with the public road. Ballyedmonduff Road is elevated at a height of 240mOD, some 100m above the village of Stepside, and benefits from panoramic views over Dublin City and Dublin Bay across to Howth.
- 7.2.11. What was most striking on the day of my site inspection were the no. of pedestrians/walkers, cyclists and joggers using the road albeit around midday on a weekday in November during Covid 19 Level 5 restrictions. Notwithstanding, given its proximity to and connectivity via road, particularly to the Enniskerry Road R117, the route is highly accessible from nearby residential areas. The route also benefits from panoramic views over Dublin City and Dublin Bay, which are protected views under the CDP appears to me to contribute to the popularity of the area for active recreation.
- 7.2.12. The applicant contends that the nature of the riding centre business has changed due to insurance restrictions namely in respect to the trekking element of the business which accounted for 50% of the business which has now discontinued. It is argued that this has consequently reduced the stock of horses and thereby generating less traffic than previously.
- 7.2.13. On the day of my site inspection I also noted the steady volume of vehicular traffic on both directions along Ballyedmonduff Road but traffic speeds were generally low. I am also cognisant of the nature of vehicular traffic associated with the Riding Centre which include the movement of horses by horse box and delivery vehicles which typically have a wider load.
- 7.2.14. I would contend that with significant residential development along the R117 over the last two decades that the wider area including Ballyedmonduff Road is now used far more intensively than in the past when the Riding School first opened.
- 7.2.15. I am not satisfied that the previous reason for refusal by the Board under ABP-305214-19 has been adequately addressed in the current application.

7.2.16. On this basis, and from my own assessment, I am satisfied that permission for retention should be refused as the development proposed to be retained would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and Ballyedmonduff Road where sightlines are restricted.

7.3. Material Contravention

7.3.1. The Board will note that Reason Number 1 of the decision of Dun Laoghaire Rathdown County Council to refuse planning permission for the development to be retained states that the proposed development would materially contravene the Dun Laoghaire Rathdown County Development Plan 2016-2022. Therefore, Section 37 (2)(b) of the 2000 Planning and Development Act (as amended) applies. This states :-

(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:

(i) the proposed development is of strategic or national importance

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan'.

7.3.2. Having considered the file, and the provisions of the Plans, as outlined above, I consider that the Planning Authority's conclusion that the development materially contravenes the Plan is reasonable.

7.3.3. In the circumstances, the Board would have to address itself to the requirements of this section in the event that it was minded to grant a permission in this case.

7.4. **Other Matters**

Foul and Surface Water Drainage

7.4.1. The Drainage section of the PA note from the planning application form that the use of an existing septic tank is indicated but are unclear if any toilet/sink facilities have been provided in the buildings subject of the retention application. Further information was recommended to clarify the matter and if so to demonstrate that the existing system has the capacity to cater for the additional loading from the buildings/or other waste runoff, is currently performing satisfactorily and is being maintained annually.

7.4.2. I can confirm from my site inspection that there are no toilets or sink facilities provided in the buildings to be retained and was shown to the existing kitchen/sink facilities and toilets on site. I can also confirm that the overall site and family home are serviced by the existing septic tank located to the front of the family home. I have no information on the capacity of this system but would note that it is located downhill from the Riding Centre. I would also note however, that the EHO section of the PA had no objection.

7.4.3. However, the applicant has not provided any additional information demonstrating that the existing system has the capacity to cater for the existing loading as part of the first party appeal. I would also note that the relevant standards which apply to this facility are the EPA Waste Water Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

7.4.4. If the Board were minded to grant permission for retention then a suitably worded condition in relation to compliance with these EPA requirements would be appropriate.

7.4.5. In relation to surface water drainage I also noted the drainage works carried out to manage surface water, which naturally drains from higher ground above. These comprise an existing covered drain along the edge of the yard area which directs surface water away from the car parking area.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the development to be retained and its location relative to European sites, I consider it is reasonable to conclude, on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the development to be retained, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 **Recommendation**

8.1. I recommend that permission be **refused** subject to conditions for the following reasons and considerations.

9.0 **Reasons and Considerations**

1. It is considered that the development proposed to be retained would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and Ballyedmonduff Road where sightlines are restricted. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the submissions made in connection with the planning application and appeal, the Board considers that the development proposed to be retained relates to a site, the use of which is unauthorised for the carrying out of a riding centre and associated facilities and that the development proposed to be retained would facilitate the consolidation and intensification of this unauthorised use. It is considered that it would be inappropriate for the Board to consider the grant of a permission for retention of the proposed development in such circumstances.
3. It is considered that the development proposed to be retained, by reason of its commercial nature, would contravene materially the zoning objectives, as set out in the current Dun Laoghaire-Rathdown County Development Plan for the

area in which it is located, namely “to protect/improve high amenity areas” and “to protect and improve rural amenity and to provide for the development of agriculture”. These objectives are considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

3rd December 2020