



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322377-25

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Change of use to amusement arcade with all associated site works   |
| <b>Location</b>                     | 44 Main Street, Finglas, Dublin 11,<br>D11 TCC9  |
| <b>Planning Authority</b>           | Dublin City Council – North  |
| <b>Planning Authority Reg. Ref.</b> | WEB1276/25   |
| <b>Applicant(s)</b>                 | Michael Ennis  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant Permission with Conditions   |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | (1) Philomena Byrne Murphy on behalf<br>of Finglas Tidy Towns & Others<br>(2) Finglas Addiction Support Team |
| <b>Observer(s)</b>                  | (1) Dublin Northwest Partnership<br>(2) Rory Hearne TD   |
| <b>Date of Site Inspection</b>      | 10 <sup>th</sup> July 2025   |
| <b>Inspector</b>                    | P Maguire  |

## 1.0 Introduction

- 1.1. This case relates to separate appeals lodged by Philomena Byrne Murphy (Finglas Tidy Towns & Others) and Finglas Addiction Support Team, under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Dublin City Council under Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

## 2.0 Site Location and Description

- 2.1. Situated along and to the eastern side of Main Street, the appeal site is located in the village of Finglas, c. 5km northwest of Dublin City Centre. The surrounding area is characterised by commercial uses extending north towards the village core and south towards the Ballygall Road West junction. Saint Canice's Church is located to the north of the site and accessed off Main Street, whilst a newly built apartment scheme, Saint Canice's Hall, is located to the rear, and accessed off Ballygall Road West.
- 2.2. The appeal site is a ground floor unit of limited frontage. It forms part of an arcade of units contained in a two-three storey building, 44-49 Main Street, and anchored by the Village Medical Centre. The unit was formerly occupied by a pharmacy but was vacant with the shutters down at the time of inspection. The building also accommodates residential units to the rear. Pedestrian access to these units is via an adjacent doorway. A gated archway lies immediately south of the doorway. It provides access to a car parking area at the rear of the appeal site, albeit closed during my inspection.

## 3.0 Proposed Development

- 3.1. Planning permission is sought for a change of use to an amusement arcade etc.
- 3.2. The proposed development is described in the statutory notices as:

*The development will consist of the change of use of the ground floor from commercial unit to gaming/amusement arcade with ancillary site works.*

- 3.3. The supporting documentation indicates daily operating hours of 10:00am to 10:00pm, however it suggests that opening time on Sundays could be delayed until 11:00am.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. Permission was granted on 8<sup>th</sup> April 2025, subject to 11 no. conditions. The conditions are generally of a standard nature, nonetheless the following are of note:

Condition 2 – permission limited to temporary period of 3 years.

Condition 3 – opening hours 1000-2200 Monday to Saturday, 1200-2200 Sunday.

Condition 4 – patron access via Main Street, no patron access to rear of premises.

Condition 5 – restriction on products; to include unit address; and de-exemption etc.

Condition 6 – relating to the provision of one staff cycle parking space.

Condition 7 – drainage requirements for new build.

Condition 8 – compliance with various Council codes of practice.

Condition 9 – construction management (clean streets etc.).

Condition 10 – construction management (noise).

Condition 11 – construction management (working hours).

### 4.2. Planning Authority Reports

- 4.2.1. The Planning Officer's Report (09/04/25) can be summarised as follows:

#### *Principle of Proposed Development*

- Proposed use is a permissible use under the Z4 zoning objective and notes such use is limited to town/village centres i.e., areas zoned Z4, Z5 and Z10.
- Notes that there are no prohibition / constraints / restrictions on the type / character of commercial units in Finglas village – Section 13.5 of the Development Plan.
- Proposed active use would help retain the mixed-use character of the structure and would help create a vibrant retail and commercial core with animated streetscapes – Section 14.7.4 of the Development Plan.
- Policy CCUV14 and Section 15.14.10 of the Development Plan are applicable; would be located in a 'mixed' use area in keeping with the scale of the building.

- In terms of the presumption against an excessive concentration of adult shops, betting shops and gaming arcades under policy CCUV14, it lists 4 no. betting shops with no other adult or gaming shops known to exist in the area.
- Notes a previous 2012 refusal on a neighbouring site which considered the number of betting shops in the village, stated as 'at least five' at the time, and considers that the proposal would not amount to an excessive concentration of such uses.

*Residential Amenity including Anti-social Behaviour*

- Notes that whilst St Canice's Hall apartment scheme is located to the rear of the site and is accessed through Ballygall Road West, states that the proposal would have no access to the apartments and should have no adverse impacts on same.
- Also notes that the presence of 'over the shop' residential uses in the village should not preclude the development of more active uses in Z4 zoned areas.
- Notes that a significant number of objections relate to anti-social behaviour but states that properly run amusement arcades are legitimate businesses and 'permissible' uses within the Z4 zoning and a feature of urban centres in Dublin.
- Active and passive monitoring should alleviate much of the concern and notes that the objectors did not substantiate how or why the proposed use would promote anti-social behaviour any more than a licenced premises or takeaway etc.
- States that the term can be specified for a temporary period of a maximum of 3 years in the event of a grant of permission, in order to monitor the impact.
- In terms of proximity to school sites and places of worship, it notes that the Development Plan does not specify indicative distances that would be considered close proximity and states that each case must be considered on its own merits.
- Notes the proximity of the site to the entrance of St Canice's Church carpark, but states that the proposal should have no adverse impact on church goers.
- There are a number of schools in the vicinity including one at Ballygall Road West (St. Canice's Girls Primary School) and accepts that whilst students may congregate in the village centre after school, notes that the proposal would not be either excessively visible or intrusive upon school sites in the area.

- Further notes that the majority of schools in the immediate area are primary schools where unaccompanied children are much less likely to congregate and such establishments are generally age restricted in any event.
- Hours of Operation – notes the opening hours imposed under appeal ref. PL 29N.241225 and states that the opening time of 1100 hours on Sundays, as proposed, is reasonable, subject to moving it to 1200 hours.
- Shopfront – notes the proposal involves the alteration of the existing shop front and states that there is no objection to the proposed fascia sign but considers the proposed signage etc. covering the entirety of the glazed areas problematic and considers a condition keeping the shopfront free of stickers etc. is required.

#### *Drainage & Roads*

- Notes that the drainage and roads sections have no concerns subject to conditions.

#### *AA and EIA*

- Considers that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area and thus Appropriate Assessment is not required.
- States that there is no real likelihood of significant effects; the need for EIA can be excluded at preliminary examination, thus screening determination not required.

#### *Conclusion*

- The proposal, located in a 'mixed services' area is not unduly proximate to either schools or places of public worship and is consistent with policy CCUV14.
- The proposal shall be subject to a three-year temporary permission to determine whether it would promote anti-social behaviour and as such, the proposal, subject to a temporary permission, would facilitate the re-use of a vacant retail unit on a temporary basis and is consistent with policy CCUV13.
- The proposed alteration to the shop front is consistent with the guidelines for shop fronts as set out in the Shopfront Design Guide 2001.
- The proposal would not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028; recommends permission.

#### 4.2.2. Other Technical Reports

- Drainage (12/03/25) No objection subject to condition.
- Roads (26/03/25) No objection subject to condition.

#### 4.3. Third Party Observations

- 4.3.1. A total of 26-no. received. The issues raised are similar to the grounds of appeal.

### 5.0 Planning History

#### 5.1. Appeal Site

- 5.1.1. PA ref. 2762/06 – in July 2006, the planning authority granted permission to extend the medical centre into part of Unit 2 St. Canice's Precinct, 44-47, Main Street, Finglas along with internal alterations to the layout including 2 no. consulting and 9 no. treatment rooms, staff areas etc. and altered shop fronts etc. at Units 2, 3, 4 and 5.
- 5.1.2. PA ref. 0438/95 – in June 1995, the planning authority granted permission for a medical centre and pharmacy etc. at Nos. 45, 46, 47 Main Street, Finglas, Dublin 11.
- 5.1.3. PA ref. 1878/91 – in January 1992, the planning authority granted permission for five new shopfronts and to internally alter the existing arcade at 44-49 Main Street, Finglas.

#### 5.2. Surrounding Area

*11 Main Street, Finglas, Dublin 11*

- 5.2.1. PA ref. 3032/12 – in March 2013, the decision of the planning authority was upheld on appeal and permission granted for an internet café and permission refused for an amusement arcade (PL 29N.241225). Having regard to the pattern of development in the area, which included a number of betting shops, An Bord Pleanála considered that the proposed amusement arcade would contribute to the erosion of the primary retail function of this key district centre, would conflict with Section 17.27 of the Development Plan, and would seriously injure the amenities of the area and of property in the vicinity. Opening hours of the internet café were confined to 1100 to 2200 hours, on any day.

*Bottom of the Hill Bar, 34 Main Street, Finglas, Dublin 11*

- 5.2.2. PA ref. 4704/22 – in February 2024, the decision of the planning authority was overturned on appeal and permission granted (ABP-315080-22) for the demolition of existing building, including bar, restaurant, bookmakers and takeaway, and the construction of 48 no. apartments. Work has not commenced on this development.

*St. Canice's Hall, Ballygall Road West, Finglas, Dublin 11*

- 5.2.3. PA ref. 4520/18 – in May 2019, the planning authority granted permission for two apartment blocks (32 no. units) and a commercial unit. Change of use of the latter to office use was permitted in April 2025 under PA ref. WEB1043/25. Retention of boundary treatment amendments was permitted in November 2021 (PA ref. 3132/21).

### **5.3. Other Relevant History**

*394 South Circular Road, Dolphins Barn, Dublin 8*

- 5.3.1. PA ref. WEB1913/24 – in March 2025, the decision of the planning authority was upheld on appeal and permission refused for a change of use from retail to an amusement centre (ABP-320989-24). Having regard to the proximity of the subject site to existing residential property and places of worship and given the established residential character of the surrounding area, An Bord Pleanála considered that, in the absence of sufficient justification, the provision of an amusement centre at this location would be contrary to policy CCUV14 of the City Development Plan 2022-2028 and would, by itself and by the precedent it would set for other similar development in the vicinity, be contrary to the proper planning and sustainable development of the area.

*29A Lower Main Street, Letterkenny, Co. Donegal*

- 5.3.2. PA ref. 20/50860 – in January 2021, the decision of the planning authority was overturned on appeal and permission granted for a change of use from bookmakers to amusement arcade (ABP-308108-20). Having regard to the zoning objectives for the site, the provisions of the Development Plan, the pattern of development in the area and the town centre location of the site, An Bord Pleanála considered that the proposed arcade would not adversely impact on the character or mix of uses in the town centre, would not seriously injure the amenities of the area or of property in the vicinity and would not impede the vision to deliver a high-quality vibrant town centre.

*31-33 Lower Main Street, Letterkenny, Co. Donegal*

- 5.3.3. PA ref. 19/51690 – in March 2020, the decision of the planning authority was overturned on appeal and permission granted for a change of use from ground floor office to amusement arcade (ABP-306432-20). Having regard to the provisions of the Development Plan, the existing pattern of development in the area, and the nature and scale of the proposed development, An Bord Pleanála considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not impede the development of a high-quality vibrant town centre.

*Unit 16 Block C, Castlemill Shopping Centre, Balbriggan, Co. Dublin*

- 5.3.4. PA ref. F19A/0163 – in October 2019, the decision of the planning authority was upheld on appeal and permission granted for a change of use from retail unit to amusement arcade (ABP-304753-19). Having regard to the Development Plan, and the zoning objective for the area, An Bord Pleanála considered that the proposal did not unduly impact on the amenity of the surrounding area or of neighbouring property.

*2 & 3 McCurtain Street, Cork*

- 5.3.5. PA ref. 18/37846 – in December 2018, the decision of the planning authority was upheld on appeal and permission refused for a change of use from retail unit to amusement arcade (ABP-301911-18). An Bord Pleanála considered, amongst other things, that the loss of an active ground floor use frontage, would be inconsistent with the retail strategy which sought to reinforce the primacy and retail function of the City Centre retail area, thus the proposal would materially contravene the zoning objective.

*8 Barrack Street, Johns Court, Kilkenny*

- 5.3.6. PA ref. 17/783 – in October 2018, the decision of the planning authority was overturned on appeal and permission granted for a change of use from retail unit to amusement arcade (ABP-301062-18). Having regard to the pattern of development, An Bord Pleanála considered that the proposal would accord with the provisions of the Plan and would not seriously injure the amenities of the area or of property in the vicinity.



## 6.0 Policy Context

### 6.1. Dublin City Development Plan 2022-2028

- 6.1.1. The current City Development Plan, as varied, came into effect on 14<sup>th</sup> December 2022. The planning authority decision of 8<sup>th</sup> April 2025 was made under the provisions of this Plan. This appeal shall be determined under this current Development Plan.
- 6.1.2. The appeal site is zoned 'Z4 – Key Urban Villages / Urban Village' with a land use zoning objective *'to provide for and improve mixed-services facilities'*. Amusement/leisure complex uses are permissible subject to normal considerations.
- 6.1.3. The appeal site is south of St. Canice's Church where lands are zoned 'Z15 – Community and Social Infrastructure', with an objective *'to protect and provide for community uses and social infrastructure'*. Between this and the site lies St. Canice's Hall apartments. It is zoned 'Z1 – Sustainable Residential Neighbourhoods' which seeks *'to protect, provide and improve residential amenities'*.
- 6.1.4. The main policies, objectives and standards are set out under Chapter 7 (The City Centre, Urban Villages and Retail), Chapter 13 (Strategic Development Regeneration Areas), Chapter 14 (Land-use Zoning) and Chapter 15 (Development Standards).
- 6.1.5. The following sections are relevant to the appeal:
- 7.5.1 – General Retail Policy
  - 7.5.3 – Key Urban Villages, Urban Villages and Neighbourhood Centres
  - 13.5 – SDRA 3 – Finglas Village Environs and Jamestown Lands (Figure 13-6)
  - 14.6 – Transitional Zone Areas
  - 14.7.4 – Key Urban Villages and Urban Villages – Zone Z4
  - 15.14.9 – Betting Shops / Adult Store
  - 15.14.10 – Amusement Centres / Events
  - 15.17.5 – Shopfront and Façade Design (Appendix 17)
- 6.1.6. Summary of relevant policies and objectives:
- CCUV13      Requires high quality design and finish for shopfront signage.

- CCUV13      Seeks to promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses which can contribute to the economic, social and cultural vitality of Key Urban Villages etc.
- CCUV14      Sets out a presumption against betting shops, gaming arcades etc. in proximity to residential areas, places of public worship and schools and a presumption against an excessive concentration of such uses having regard to the existing presence of such retail outlets in an area.
- CCUV20      Seeks to supports the development, regeneration and or consolidation of Key Urban Villages etc. to ensure they continue to develop their mixed used role and function adding vitality to these centres etc.
- CCUV09      Seeks to progress 'Health Check Assessments' for older suburban Key Urban Villages, as part of LAPs etc. in order to ensure the vitality and viability of these centres etc.
- CCUV23      Seeks to promote active uses at street level in Key Urban Villages etc.

## 6.2. National Planning Policy and Guidelines

### ***Development Management Guidelines***

- 6.2.1. The Development Management Guidelines (DEHLG, 2007) are intended to promote best practice at every stage of the development management process. Section 7.3 sets out the basic criteria in deciding whether or not to impose a planning condition. In this regard, conditions should be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other regard.
- 6.2.2. Section 7.5 sets out the main factors to take into account when deciding whether a temporary permission is appropriate. Firstly, it notes that it will rarely be justified for development of a permanent nature that conforms with the provisions of the Development Plan. Secondly, it states that it is undesirable to impose a condition involving the removal/demolition of a structure that is clearly intended to be permanent. Lastly, it notes that it does not alter or limit the material considerations to which regard must be had in dealing with applications such as impacts on the amenities of an area.

### ***Retail Planning Guidelines***

- 6.2.3. The Retail Guidelines for Planning Authorities (DECLG, 2012) notes that the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport. The Guidelines set out five key policy objectives including the promotion of town centre viability through a sequential approach to development.

### **6.3. Other Guidance**

#### ***Shopfront Design Guide 2001***

- 6.3.1. The Shopfront Design Guide (Dublin Corporation, November 2001) notes that shopfronts form an important part of a street's character as they constitute a highly visible part of the building at street level. It sets out the various guiding principles, including the context and the relationship to the building overhead and adjoining buildings. Appendix 1 of the guide outlines a checklist of design points to consider.

### **6.4. Natural Heritage Designations**

- 6.4.1. Nearest proposed Natural Heritage Areas (pNHAs):

- Royal Canal pNHA (002103) – c. 1.6km south, southwest
- Santry Demesne pNHA (000178) – c. 3.2km northeast
- North Dublin Bay pNHA (000206) – c. 5.4km south, southeast

- 6.4.2. Nearest Special Areas of Conservation (SACs) and Special Protection Areas (SPAs):

- South Dublin Bay and River Tolka Estuary SPA (004024) – 5.6km east, southeast
- North Bull Island SPA (004006) – 8.3km east, southeast
- North Dublin Bay SAC (000206) – 8.3km east, southeast

### **6.5. EIA Screening**

- 6.5.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings (see Form 1 in Appendix 1).

## 6.6. WFD Screening

- 6.6.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (Appendix 2).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. Third-party appeals have been received from Finglas Addiction Support Team and Philomena Byrne Murphy. The latter is on behalf of Finglas Tidy Towns, Finglas Historical Society, Fr. Richard Hyland of St. Canice's Church, Anne Martin, Philomena Murphy and Marie Duffy of McKee Avenue and Maura Churchill of Mellowes Avenue.
- 7.1.2. The appeal by Philomena Byrne Murphy can be summarised as follows:

#### *Contravention of Policy CCUV14 – Proximity to Sensitive Uses*

- Proposal is located close to St. Canice's Church and Girls National School, a youth drop-in centre and addiction support services, and undermines policy CCUV14.

#### *Precedent – Prior refusal at 11 Main Street*

- An Bord Pleanála refused permission for a similar proposal at 11 Main Street (PA ref. 3032/12), citing the negative impact on the retail character of Finglas, anti-social behaviour etc. and that reasoning should be respected in this case.

#### *Overconcentration of Gambling-Related Outlets*

- At least 5 no. bookmakers in Finglas Village and the proposal would exacerbate an already saturated situation, with the Development Plan warning against the "excessive concentration of such uses".

#### *Detriment to Community Amenity and Safety*

- Increased loitering, late-night activity and risk for those struggling with addiction – the use does not promote daytime footfall or a family-friendly atmosphere.

#### *Incompatibility with SDRA 3 Vision for Finglas Village*

- A gaming arcade does not contribute to SDRA 3, with an emphasis on community-led renewal, urban vitality and balanced development – it does not support daytime retail or enhance community use of the public realm.

#### *Closed Frontage – Impact on Urban Design and Streetscape*

- Notes policy CCUV23 in relation to ‘active uses at street level’ and submits that gaming arcades are typically closed-frontage operations which do not encourage natural surveillance or social engagement.

#### *Conflict with Mixed-Use and Town Centre Health Objectives*

- Notes policy CCUV20 and objective CCUVO9 in relation to sustainable uses and submits that gaming arcades offer little to the local economy and they displace more beneficial uses like cafés, shops etc.

#### *Overwhelming Community Opposition & Conclusion*

- Refers to a petition signed by 887 community members which shows widespread opposition and urges the Board to uphold the objectives of the Development Plan, respect planning precedent and recognise the concerns raised by the community.

7.1.3. The appeal by Finglas Addiction Support Team can be summarised as follows:

#### *Precedent – An Bord Pleanála’s 2013 Rejection of a Similar Gaming Arcade*

- The Board’s decision in relation to 11 Main Street (PA ref. 3032/12) outlined concerns in relation to the negative impact on the character of Finglas as a retail and commercial hub; potential social and economic consequences, including anti-social behaviour; and the importance of maintaining a balanced commercial mix.

#### *Dublin City Development Plan*

- Notes Section 15.14.9 of the Development Plan seeks to ‘prevent an excessive concentration of amusement centres’ and states that ‘amusement centres will not be permitted in residential areas’ – suggesting the proposal contravenes the Plan in this regard given the proximity to residential areas.

- Acknowledges that one betting shop did recently close, but states that there are four others in the area and the proposal is not desirable notwithstanding the Z4 zoning, suggesting that it is contrary to policy CCUV14.

#### *Positive Community Space*

- Disputes the applicant's claims that the proposal will provide a positive community space having regard to the internal layout and suggests that it would instead promote problematic usage with negative public health and wellbeing implications.
- Outlines recent CSO and Pobal data regarding deprivation and social issues in Finglas, including lone parent families, unemployment and financial resources.

#### *Societal Impacts such as Addiction*

- Notes that there has been a steady increase in people presenting with gambling issues in addition to parents of teenagers with compulsive gaming behaviours.
- Submits that more access to gaming options will exacerbate such gambling issues and the intended use will drain money out of the local economy, and this is of great concern in an area where there are already two betting shops.

#### *Community Health and Wellbeing, and Safe Spaces*

- Anti-social behaviour in the area due to increased drug and alcohol usage etc.
- The proposal would conflict with the work of a local youth support service.
- Does not enhance Finglas Village as a desirable leisure location or provide healthy recreational options for those either working or living in the area.

## **7.2. Applicant Response**

- 7.2.1. McCutcheon Halley, responded on behalf of the applicant, Michael Ennis. The response notes the temporary period of the permission by virtue of Condition 2, and whilst the applicant is not appealing this condition by way of First Party appeal, they invite the Board to exercise its discretion in determining the benefit of this condition.
- 7.2.2. In summary, the applicant states that the proposal seeks to address legacy vacancy issues in Finglas Village by providing a use that will seek to increase footfall and improve the vibrancy of the streetscape which is currently blighted by retail vacancy.

7.2.3. The consolidated response to the appeals can be summarised as follows:

*Compliance with the City Development Plan*

- Site located within a 'Z4 mixed services' zoning where amusement complexes are permissible and there is no direct access to it from a residential setting.
- Customer access to the ground floor use is from Main Street and this dispels the appellant's claims that the site is in a residential area.
- No prohibition of gaming or amusement arcades in Section 13.5 of the Plan.
- Notes the supportive context of the Planning Officer's Report which, among other things, states that policy CCUV14 'does not explicitly exclude the use of gaming/amusement arcades' and the proposal 'would generally be in keeping with the scale of the building'.
- Notes the words 'in proximity' in relation to policy CCUV14 but submits there is no definitive tool to define what it represents in distance, stating that none of the immediate or adjoining premises are places of worship or schools etc.
- Notes the second aspect of policy CCUV14 in relation to the excessive concentration of gaming arcades etc. but submits that the proposal would be the only such establishment in Finglas, and noting that whilst the betting shops in the area provide a similar but not identical use, they have reduced in number over time.
- Submits that the Planning Officer's Report provides an accurate explanation and interpretation of the relevant policies and objectives of the Development Plan.

*Over Concentration of Similar Uses*

- Small number of betting shops in the village and this has reduced in recent years.
- Considers that the proposed use will offer more variety to existing retail and commercial uses and attract patrons who might ordinarily travel elsewhere.
- The proposal seeks to address ongoing local vacancy by providing a use, for which there is demand, in a vacant and underutilised premises.

*Unrelated Precedent Case for Similar Use*

- Contends that the referenced precedent case, PA ref. 3032/12, is not an accurate representation of the proposal and was in a different Development Plan context.

- Highlights a difference in wording between the current Development Plan and the Plan under which PA ref. 3032/12 was determined, namely a provision aimed against a 'concentration' of betting offices or similar uses, against a current provision in relation to an 'over concentration' of such uses.
- Suggests that there may have been more betting shops in operation in 2012/13.
- Submits that the proposals also differ in terms of the layout and opening hours.

#### *Social Impacts*

- The proposal does not seek to bring harm to the social fabric of the community.
- Dispute the claim that there is 'no local benefit', with the proposal resulting in full-time employment opportunities and economic contribution through rates etc.
- Asserts that the weight of a petition alone does not constitute a valid basis for rejecting the development.
- Submits that the shopfront is in accordance with the Shopfront Design Guide 2001 and acknowledges Condition 5(d) of the Council's decision.
- Notes that the arcade will operate under limited opening hours as per Condition 3 of the Council's decision and alleviate concerns regarding potential anti-social behaviour in addition strict security measures, including CCTV.
- Public access will be confined to the front of the premises with staff operational areas to the rear; this will mitigate any anti-social behaviour or loitering.

### **7.3. Planning Authority Response**

None.

### **7.4. Observations**

7.4.1. The observations received from Rory Hearne TD can be summarised as:

- Concerns regarding the normalisation of gambling for young people in the area.
- Proposal would be situated near schools and youth centres.
- Suggests that the proposal contravenes the Development Plan, referencing Section 15.14.9 specifically.



- Proposal does not align with the characteristics of the area.
- Refers to resident's concerns in relation to increased anti-social behaviour.
- Request the Board to consider the submission and refuse permission.

7.4.2. The observations received from Dublin Northwest Partnership can be summarised as:

- Objects to the granting of permission.
- Have witnessed the devastating effects of gambling addiction and believe that the introduction of new gambling opportunities will have a negative effect on residents.
- Disputes the claims that the proposal will provide a positive community space, rather it would promote usage with negative health and wellbeing implications.
- Suggests that the proposal is contrary to policy CCUV14 irrespective of the zoning.

## **8.0 Planning Assessment**

### **8.1. Preliminary Points**

8.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

8.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle
- Residential and Visual Amenity
- Other Issues

### **8.2. Land Use and Development Principle**

8.2.1. The appellants and observers raise a number of substantive issues regarding the principle of the proposed development, including that relating to policy and zoning.

8.2.2. The applicant, on the other hand, submits that the proposal complies with the City Development Plan, noting that amusement complexes are permissible in the zoning.

### *General Arrangements*

- 8.2.3. As noted, the proposed development relates to a change of use to amusement arcade.
- 8.2.4. No external works are proposed save for some minor alterations to the shopfront.
- 8.2.5. The submitted drawings include an indicative layout of the amusement / gaming room. It appears to illustrate 29 no. seated gaming machines, a coffee dock and cashier's counter. The back of house includes two offices, a kitchenette, WC and rear exit door.
- 8.2.6. The main entrance is shown to the front of the building and accessible via Main Street.

### *Defining the Proposed Use*

- 8.2.7. Appendix 15 of the City Development Plan defines 'Amusement/leisure complex' as:  
*"A building, or part thereof, used for the playing of gaming machines, video games or other amusement machines as defined in Article 5 of the Planning and Development Regulations, 2001, as amended. It may also include a bowling alley, quasar complex, pool or snooker hall, or children's indoor play centre."*
- 8.2.8. For completeness, Article 5 of the Regulations defines 'amusement arcade' as a:  
*"premises used for the playing of gaming machines, video games or other amusement machines"*.
- 8.2.9. I also note that Appendix 15 of the City Development Plan and Article 5 of the Planning and Development Regulations 2001, as amended, provide identical definitions of "betting office" i.e., a premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931.
- 8.2.10. There is no statutory definition of 'gaming'; it is however defined in the Oxford English Dictionary (10<sup>th</sup> ed., 2005) as "play at game of chance for money". This is evidently the nature of the proposed use and distinguishable from a betting shop in this regard.

### *Land Use Zoning*

- 8.2.11. The appeal site is zoned 'Z4 – Key Urban Villages / Urban Village' with a land use zoning objective to provide for and improve mixed-services facilities. Amusement/leisure complex uses are permissible subject to normal considerations.
- 8.2.12. The Council's Report notes that such uses are only permissible in town/village centre zonings. The footprint within which the proposed use is permissible in Finglas Village

is therefore generally limited to Main Street and sections of the various arterial roads including Jamestown Road, Church Street, Mellows Road and McKee Avenue.

- 8.2.13. The surrounding area is characterised by a mix of commercial uses and services, including a medical centre, pharmacy and hot food take away within the same arcade of units, and solicitors, hair and beauty salons and a betting shop directly opposite.
- 8.2.14. There are two other betting shops located along Main Street, c. 80m southeast, at the Bottom of the Hill Bar, and c. 190m northwest. A fourth betting shop within the Finglas Village area is located in Drogheda Mall and some 240m northwest of the appeal site. It is mostly agreed amongst the parties that a fifth betting shop in the area has closed.
- 8.2.15. There are no amusement arcades along this section of Main Street and it is generally agreed amongst the parties that there are no other amusement arcades within Finglas Village. In this regard, I am satisfied that the proposal will add to a mix of commercial uses in the area and is therefore fully consistent with the land use zoning objective.
- 8.2.16. Whilst I note the appellants concern regarding the proximity to residential areas, and I do acknowledge the recently built apartment scheme at Saint Canice's Hall to the east, the appeal site is clearly not within, nor directly accessible from this area. With customer access from Main Street, the applicant submits that this dispels any claims that the appeal site is in a residential area, and I am inclined to agree. Whilst I also note the importance of avoiding abrupt transitions in land-use (Section 14.6 of the Plan), I am satisfied no issues arise notwithstanding the adjacent Z1 and Z15 zonings.

*Policy CCUV14 & Planning Precedent*

- 8.2.17. The provisions within policy CCUV14 are central to the appellants argument. They state that the site is located close to St. Canice's Church, a school and various support services and the proposal contravenes this policy, whilst also noting the quantum of betting shops and suggesting that the proposed use would exacerbate this situation.
- 8.2.18. As noted, Development Plan policy CCUV14 sets out a presumption against betting shops, gaming arcades etc. in proximity to residential areas, places of public worship and schools and a presumption against an excessive concentration of such uses etc.
- 8.2.19. As detailed above, I am satisfied that the proposal is located within a mixed-commercial area, sufficiently removed from any residential areas, notwithstanding the aforementioned apartment scheme and residential units to the rear. In terms of

proximity to places of worship etc., the applicant submits that policy CCUV14 does not define what is an acceptable distance and submits that the proposal would be the only such establishment in Finglas Village, whilst also noting that the betting shops in the area provide a similar but not identical use, albeit having reduced in number over time.

- 8.2.20. In terms of the first bite point of the policy, I am satisfied that the proposed use is also sufficiently removed from the nearby St. Canice's Church, where the church entrance is c. 70m due north and set some 40m back from Main Street. The local primary school, mainly accessed off Seamus Ennis Road, is also a sufficient distance away. To alleviate public concern regarding the proximity to St. Canice's Church, the applicant proposes to delay the Sunday opening time. This is discussed further below.
- 8.2.21. Whilst I acknowledge the other 'sensitive uses' in the area including various support services, as highlighted by the appellants and observers, and I note that the proposal will result in an odd juxtaposition in an arcade of units anchored by the Village Medical Centre, none of these uses or services are listed for consideration under the policy.
- 8.2.22. In terms of the second bite point of the policy, I accept the applicant's submission that the proposed development will be the only such establishment in Finglas Village, and whilst there is a distinction drawn in the Development Plan between betting shops and gaming arcades, policy CCUV14 is explicit in its consideration of 'such uses'. In this regard, betting shops and gaming arcades are to be assessed in a cumulative fashion.
- 8.2.23. For clarity, the Commission should note that one of appellants states that there are five betting shops in the area, whilst the other appellant, the applicant and the Council all state that there are four. The latter figure tallies with my visit to the area. This is important to note in the context of what the appellants refer to as a precedent decision opposite the appeal site, at 11 Main Street (see section 5.2.1 above). That decision, does not, however, in my opinion establish a numerical value to represent an 'excessive concentration of such uses' i.e., betting shops and gaming arcades etc. and likewise the closure of a betting shop does not create headroom for an arcade.
- 8.2.24. Whilst the applicant correctly highlights a subtle policy difference between the provision preventing "a concentration" of betting offices in the operative Plan at the time of that decision and the equivalent provision in the current Plan which seeks to prevent "an over concentration" of betting shops etc. (Section 15.14.9), it is respectfully

suggested that this applies only to the provision of betting offices etc. The Commission should however note that there was no equivalent to policy CCUV14 at that time.

- 8.2.25. The provisions in Section 15.14.9 are also noted by an observer who suggests that there is a contravention in this regard, and whilst policy CCUV14 does require a cumulative consideration of betting shops and gaming arcades, the uses are addressed separately in terms of development management standards in Chapter 15.
- 8.2.26. Therefore, in addition to policy CCUV14, the relevant guidance is outlined in Section 15.14.10 of the City Development Plan. It states that amusement centres will not be permitted in residential areas and will only be appropriate in mixed-use areas where the proposed use is in keeping with both the scale of the building and the pattern of development in the area. It further states that it is an objective to prevent an excessive concentration of amusement centres. In this regard, I am satisfied that the proposal would be the only arcade in Finglas Village and located within a mixed-use area, in keeping with the scale of the building and the pattern of development in this area.
- 8.2.27. On balance and having regard to the existing presence of betting shops in Finglas Village, which are relatively well dispersed in my opinion, I agree with the Council that the proposed change of use would not result in an excessive concentration of such uses (arcades and betting shops), and would therefore accord with policy CCUV14.
- 8.2.28. In reference to the purported precedent decision, the appellants also suggest that the proposal would have a negative impact on the retail character of Finglas. This aligns more closely with the appeal decision which stated that “the proposed amusement arcade would contribute to erosion of primary retail function of this key district centre”.
- 8.2.29. A distinction can however be drawn on two fronts. Firstly, I note that the ground floor of 11 Main Street was in retail use at the time of the appeal and indeed was in retail use at the time of my inspection, some 12 years later. Secondly, the subject premises appear to have been vacant for a similar period of time, and whilst this has not been fully explored by the applicant, it is relevant to the overall vitality and viability of Finglas.

#### *Temporary Permission*

- 8.2.30. Whilst I note that the Council’s decision permitted a temporary use of the premises for a three-year period by virtue of Condition 2, and in doing so attached weight to policy CCUV13 which seeks to promote the temporary use of vacant premises etc., I do not

consider such a limitation justified given the proposal complies fully with policy CCUV14 and Section 15.14.10 of the City Development Plan. Moreover, Section 7.5 of the Development Management Guidelines explicitly cautions against this approach.

- 8.2.31. Whilst the applicant has not appealed Condition 2, they have requested the Commission to consider its merits. Having regard to policy CCUV13, which in my opinion is more applicable to 'pop-up shops' or uses that do not require a significant investment of capital, and given the fact that the proposal fully complies with policy CCUV14 and Section 15.14.10 of the Plan, I recommend the omission of Condition 2.

*Conclusion on Land Use and Development Principle*

- 8.2.32. On balance, the proposed development is acceptable in principle and land-use terms subject to stringent controls over the hours of operation as discussed further below.

**8.3. Residential and Visual Amenity**

- 8.3.1. The appellants and observers raise varied concerns regarding the impact of the proposal on community amenity and safety. These generally relate to issues around anti-social behaviour including increased loitering and late-night activity. I cannot attach any weight to the stated concerns in the absence of specific evidence and to do so, in any event, would stray beyond the relevant material planning considerations.
- 8.3.2. Whilst I also fully acknowledge the deprivation and societal issues in the area, including that in relation to addiction, and I consider the appellants case well made in this regard, this is also beyond the scope of the appeal before the Commission.
- 8.3.3. The appellants do, however, raise a specific concern regarding the impact of the proposal on Finglas Village and the City Council's vision for the area, in addition to other policy related concerns in relation to the streetscape and village centre uses.
- 8.3.4. As noted, Finglas Village is designated as a Key Urban Village (KUV 4) and within a Strategic Development Regeneration Area (SDRA 3) as per the Development Plan.
- 8.3.5. The appellants submit that a gaming arcade does not contribute to SDRA 3, with an emphasis on community-led renewal, urban vitality and balanced development, suggesting that it does not support daytime retail or enhance community use of the public realm. Section 13.5 sets out the City Development Plan provisions in relation to SDRA 3. Amongst other things, it seeks to support the economic revitalisation of

Finglas Village and provide for more varied and intense mix of uses within the Dublin metropolitan area. I have reviewed Section 13.5 of the Plan and I agree with the applicant that there are no restrictive provisions on gaming or amusement arcades.

- 8.3.6. Section 14.7.4 of the Plan states that development in KUVs should be in accordance with the general principles outlined whilst complying with the land-use zoning. In this regard, it seeks to promote the creation of a vibrant retail and commercial core with animated streetscapes and diversity of uses to maintain vitality throughout the day and evening. As noted, the proposed development complies with the land-use zoning objective Z4, and will provide a daytime and evening use in a currently vacant unit.

#### *Sustainable Uses*

- 8.3.7. In the context of policy CCUV20 and objective CCUVO9, the appellants submit that arcades are of little local economic benefit and displace uses like cafés, shops etc. In this regard, I agree with the applicant that the proposal will result in employment opportunities and contribute to the local rate base. Indeed, the viability of a shop or café at the subject premises does not correlate with its extended period of vacancy.

#### *Streetscape & Signage*

- 8.3.8. Whilst the appellants submit that gaming arcades are typically closed-frontage operations, they do so in the context of policy CCUV23, and this does not reflect the wording of the policy. Policy CCUV23 relates to the provision of active uses at street level and the proposal does not offend the policy in this regard. Moreover, Condition 5 of the Council's decision attached conditions in relation to the shopfront signage.
- 8.3.9. I recommend that the Commission attach similar conditions in the event of a grant. In this regard, the Council can ensure compliance with the Shopfront Design Guide and indeed the relevant planning policy in relation to shopfront design i.e., policy CCUV12.

#### *Noise*

- 8.3.10. Whilst not raised, I also recommend a condition controlling noise from the premises.

#### *Operating Hours*

- 8.3.11. Whilst the documentation proposed daily operating hours of 10:00am to 10:00pm, flexibility in relation to Sunday openings (11:00am) was suggested by the applicant to address any potential concerns given the proximity of the site to St. Canice's Church.

- 8.3.12. Condition 3 of the Council's decision imposed Sunday operating hours from 12:00pm to 10:00pm but there was no particular rationale provided beyond noting the opening hours imposed under appeal ref. PL 29N.241225. Having reviewed the service times at the nearby St. Canice's Church<sup>1</sup>, 10:00am Monday to Saturday and 11:30am on Sundays, and notwithstanding my conclusion above regarding the proximity of the proposal to this place of worship, I recommend that opening be restricted until 10:30am on Sundays. I note that this corresponds with the two nearby betting shops.

*Conclusion on Residential and Visual Amenity*

- 8.3.13. On balance, I am satisfied that the proposed development will not adversely impact on residential amenity, including that of the community, or on the visual amenities of the area subject to conditions controlling the signage, noise and hours of operation.

**8.4. Other Issues**

- 8.4.1. The Council's conditions are summarised in section 4.1.1 above. Whilst I note the context within which Condition 4 (patron access) was attached, particularly regarding concerns over use of the rear of the premises as a smoking area, this is not proposed and it does not meet the relevant tests of a planning condition outlined in section 6.2.1.
- 8.4.2. The planning authority has also attached a number of other conditions in relation to construction management, including working hours and noise, drainage and staff parking. Save for some minor shopfront alterations, no construction works are proposed nor are any of the drainage or vehicular access arrangements to be altered.
- 8.4.3. The proposed development is entirely for a change of use of the ground floor of the premises to an amusement arcade with new shopfront. In this regard, I recommend that the Commission omit Conditions 4 and 6-11 in the event of a grant of permission.

*Conclusion on Other Issues*

- 8.4.4. I have no residual concerns regarding the proposed development, subject to the recommended conditions, as noted above. This assessment, therefore, represents my *de novo* consideration of all planning issues material to the proposed development.

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<sup>1</sup> Greater Finglas Parish. *Mass Times*. [Online] Available at <https://greaterfinglasparish.ie/> [accessed 30<sup>th</sup> July 2025]



## 9.0 AA Screening

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case ABP-322377-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located within a predominantly commercial area in Finglas, near the village core, and comprises the change of use of an existing building to an amusement arcade and associated works. The closest European site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA, located c. 5.6km east, southeast of the proposed development.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale nature of the development and the absence of any significant external works i.e., limited to shopfront alterations; and
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

I recommend that permission be **granted** for the reasons and considerations below.

## 11.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, as varied, and the location of the proposed development on zoned Z4 'Key Urban Village' lands where the land use zoning objective seeks 'to provide for an improve mixed-services facilities', and within an existing premises that is currently vacant and underutilised, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not impede the Strategic Development and Regeneration of Finglas Village. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. Details of materials, colours and textures of all the signage to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The shopfront shall be in accordance with the following requirements: -
  - (a) All external lights shall be adequately hooded and aligned to as to prevent direct spillage of light onto the public road;
  - (b) No L.E.D., neon or similar lights shall be erected on the subject premises;
  - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission;

(d) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises.

**Reason:** In the interests of visual amenity and public safety.

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

5. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

**Reason:** In the interest of the amenities of the area.

6. Unless otherwise agreed in writing with the planning authority, the hours of operation of the amusement arcade hereby permitted shall be between 1000 hours and 2200 hours Monday to Saturday and between 1030 hours and 2200 hours on Sunday.

**Reason:** In the interest of residential amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Philip Maguire

Inspectorate

31<sup>st</sup> July 2025

## Appendix 1 (EIA Screening)

### Form 1 – EIA Pre-Screening

|   |   |
|---|---|
| <b>Case Reference</b>   | ABP-322377-25   |
| <b>Proposed Development Summary</b>   | Change of use to amusement arcade etc.                              |
| <b>Development Address</b>  | 44 Main Street, Finglas, Dublin 11                                  |
|   | <b>In all cases check box /or leave blank</b>                       |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.     |
|   | <input checked="" type="checkbox"/> No, No further action required. |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |   |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>   |   |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3   |   |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>   |   |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road  |   |

|   |  |
|---|--|
| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>   |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>  |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> |  |

|   |   |
|---|---|
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |   |
| <b>Yes</b> <input type="checkbox"/>   | <b>Screening Determination required (Complete Form 3)</b>                 |
| <b>No</b> <input checked="" type="checkbox"/>   | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2 (WFD Screening)

### Template 1: Screening the need for Water Framework Directive Assessment Determination

The subject site is located in a predominantly commercial area in Finglas, near the village core, and some 1.2km from the Tolka River, the nearest watercourse. The proposed development comprises the change of use of an existing building to an amusement arcade and associated works. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed change of use and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale nature of the development and the absence of any significant external works i.e., limited to shopfront alterations; and
- The location-distance from nearest water bodies and/or lack of hydrological connections.

#### **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.