



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322453-25

<b>Development</b>	Revisions to Reg. Ref: F21A/0436 for plant storage and drainage, retention of entrance, fence, and lighting with all associated site works
<b>Location</b>	Hanna's Avenue, Corduff, Lusk, County Dublin, K45 X897
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0232
<b>Applicant(s)</b>	M.R. Concrete
<b>Type of Application</b>	Retention Permission and Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	M.R. Concrete
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15/7/25
<b>Inspector</b>	Ronan Murphy

## **Site Location and Description**

- 1.1. The appeal site is located on the northern side Hanna's Avenue, Corduff, a rural area approximately 2.5km to the south Lusk town centre in north County Dublin. The appeal site is accessed from a completed vehicle access which is recessed off Hanna's Avenue.
- 1.2. The site has a stated area of c. 0.998 ha and is irregular in shape. At present there is a building on site which has a floor area of c. 328m<sup>2</sup> and a height of c.5.4m and a large hardstand area which is currently used for the storage of mobile cranes, tower cranes, concrete pumps and associated equipment. There are 12 No.6m high lighting standards within the site. In addition to this, there is an existing on-site wastewater treatment system towards the northern end of the site. The site is enclosed by 2.4m high plastic coated, welded mesh fencing.
- 1.3. The appeal site is bounded by the R127 to the east, Hanna's Avenue to the south and agricultural land to the north and west. There is a ditch / watercourse on the northern boundary of the land. The topography of the land falls towards the north from a high point of 11.3m OD to 8.4m OD to the northern boundary of the site.
- 1.4. While the area is predominantly agricultural in nature, there are a number of dwellings and a car service business along Hanna's Avenue.

## **2.0 Proposed Development**

- 2.1. The application seeks planning permission for the change of use from the approved Agricultural Machinery Store granted planning permission under F21A/0436 to allow for plant storage within the approved storage building. It is also proposed to increase the floor area of the approved storage building by 124.8m<sup>2</sup>, revise on site foul and surface water disposal layout, to provide additional car parking and bicycle parking spaces and to provide remedial landscaping works.
- 2.2. In addition to this, the proposed development seeks Retention Planning for the as constructed vehicular entrance off Hanna's Avenue and 2.4m high plastic coated, welded mesh fencing to site boundaries. It is also proposed to retain 12 No.6m high lighting standards and fittings within the appeal site.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 10<sup>th</sup> April 2025, the Planning Authority decided to refuse retention planning permission and planning permission for the following reasons:

- 1. The proposed development would fail to protect or promote the development of agriculture and rural-related enterprise, biodiversity, the rural landscape and the value of the rural area of the County; and would result in a 'Builders Providers/Yard', as defined by the Fingal Development Plan 2023-2029, being developed and operated on the site which is 'Not Permitted' use class under the 'RU' – 'Rural' land-use zoning objective. The proposed development would therefore be contrary to the 'RU' – 'Rural' land-use zoning objective attached to the site under Fingal Development Plan 2023-2029 and, therefore, contrary to the proper planning and sustainable development of the area.*
- 2. Based on the information submitted it is considered the proposed development would seriously injure the residential amenity of the area, fails to support Policies EEP23 AND EEP24 of the Fingal County Council Development Plan 2023-2029 and would negatively impact on the visual amenity of the area*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

There are two planning reports on file. The initial report of the area planner is dated 7/5/24. The initial area planners report notes that the subject land is within the RU Zone and states that the planning authority requires further information relating to the intended use of the proposal to allow it to confirm whether or not the facility would be commercial in nature as this may intensify a use on the site and may result in commercial activity which is not related to agriculture. In addition to this, further information was required with respect to a hardstand / gravel area on site, impact of the size and scale of the alterations to the shed, the need for a tree survey, an Appropriate Assessment Screening Assessment, impacts on bats, landscape screening of the site, impact of the lighting installation.

### 3.2.2. Other Technical Reports

- **Transportation Planning Section:** Report dated 25/4/24 outlining no objection, subject to conditions.
- **Parks and Green Infrastructure Division:** Report dated 24/4/24 requesting further information relating to the need for an Arboriculture Impact Assessment and Tree Protection Plan including details of compensatory tree and hedgerow planting.
- **Water Services Department:** Report dated 18/4/24 outlining no objections, subject to conditions.

### Prescribed Bodies

**Uisce Eireann:** Response dated 19/4/24 outlining no objection subject to conditions.

3.2.3 A Further Information response was received on 14/2/25. The Further Information response included the following:

- A cover letter from CWPA Planning and Architecture.
- Drawings prepared by CWPA Planning and Architecture.
- Photomontages prepared by Digital Dimensions.
- Arboricultural report prepared by Arborist Associates Limited.
- AA Screening report prepared by ESC Environmental.
- Bat Assessment prepared by Wildlife Surveys Ireland

3.2.4 It is noted that the proposal to increase the floor area of the storage shed (from that permitted under F21A/ 0436) was omitted by the applicant from the proposed development as part of the Further Information response.

3.2.5 After submission of the further information, the response was deemed significant and revised public notices were submitted by the applicant.

3.2.6 The second planning report dated 9/4/25 considered that on the basis of the information provided that the uses proposed would be Not Permitted in the RU zone and that the proposal would fail to protect or promote the development of agriculture or rural-related enterprise.

### 3.2.7 Other Technical Reports (Post Further Information)

- **Transportation Planning Section:** Report dated 4/4/25 outlining no objection, subject to conditions.
- **Parks Division:** Report dated 4/4/25 outlining no objections, subject to conditions.
- **Water Services Department:** Report dated 24/2/25 outlining no objections, subject to conditions.

## 4.0 Planning History

### *Appeal site*

7.3.1 Reg. Ref. F21A/0436. On the 12<sup>th</sup> of April 2022 Fingal County Council granted planning permission to demolish the existing building, decommission existing Biocycle wastewater treatment unit and percolation area, and for permission to construct an Agricultural Machinery Store and all associated site works.

7.3.2 The key reason for this application is to change the wording of Condition 6 of Reg. Ref. F21A/0436 which restricts the use of a permitted agricultural machinery store to allow for the permitted building to be used as 'Plant Storage'. Condition 6 states:

*6. The permitted development shall be used specifically for the storage of agricultural machinery only, associated with the applicant's farm. The permitted structure shall not be let or used by third parties. No retail, trade, processing of farm produce or industrial activity shall be established therein. The keeping of animals in the permitted structure is not permitted. Any proposed change of use shall be subject to a prior and specific grant of permission from the Planning Authority or from An Bord Pleanála on appeal.*  
**Reason:** *To ensure that the development shall be in accordance with the permission and that effective control be maintained.*

**Reg. Ref. F07A/0386.** Application for 1. Retention of permission Reg. Ref. F05A/1379 - condition 2 beyond March 2008 to facilitate school activity whilst permanent school facility is being pursued. 2. Permission for additional temporary school

accommodation, comprising the erection of 1 x 80 sq.m. prefabricated classroom and 1 x 21 sq.m. prefabricated resource room and toilets, approximately 3.5m high to south/east of existing building. 3. Removal of approx. 10 no. existing trees from internal tree line of site. 4. Additional hard/play area adjacent to existing play area with associated service/drainage connections and all ancillary works. Retention permission and planning permission granted, subject to conditions.

**Reg. Ref. F05A/1379.** Application for temporary permission for the addition of 3 no. x 80 sq. m. prefabricated classrooms with toilets, and temporary retention of change of use of the former single-storey Teagasc Educational Centre to Primary School, both for the period until March 2008, together with ancillary drainage and provision of new wastewater treatment system, for which a discharge licence is required. Permission granted, subject to conditions.

*Site to the west*

**Reg. Ref. F19A/0228.** Application for minor alterations to development approved under F15A/0185 for the construction of a Gospel Hall and associated works. Permission granted, subject to conditions.

**Reg. Ref. F15A/0185.** Application for the construction of a Gospel Hall, vehicular access and associated works. Permission granted, subject to conditions.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The *Fingal County Development Plan 2023-2029* is the operative plan for the area. The appeal site is zoned RU 'Rural' with the associated land use objective to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. The vision for the RU zone is Protect and promote the value of the rural area of the County. This rural value is based on:

- agricultural and rural economic resources
- Visual remoteness from significant and distinctive urban influences,

- A high level of natural features.

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

It is noted that the *Fingal County Development Plan 2023-2029* does not include an 'Open for Consideration' category. Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.

#### 5.1.2 Policies of relevance to the appeal site are set out below:

**EEP23:** Which seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry

**EEP24:** Which seeks to balance protecting the landscape and natural heritage of rural Fingal with the need to harness and promote economic opportunities associated with rural life such as agricultural, horticultural, tourism and rural-related economic uses.

**Appendix 7-** Technical Guidance which provides guidance on adopted use classes relating to zoning objectives. The classes relevant to this assessment are as follows:

**Builders Providers / Yard:** *A building and/or land used for the storage, sale or hire of builders materials.*

**Plant Storage:** *The use of buildings or land for the storage of plant machinery, equipment or appliances.*

## 5.2 Natural Heritage Designations

5.2.1 There are no designated sites in the immediate vicinity of the appeal site. The closest sites are the Rogerstown Estuary SAC which is located c.519m to the south of the site

and the Rogerstown Estuary SPA to the east of the site. The Rogerstown Estuary pNHA is located c.700m to the south-east of the site.

## **5.2. EIA Screening**

5.3.1 The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **5.4 Water Framework Directive**

5.4.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

5.4.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality.

5.4.3 The subject site is located c.0.473km to the north-east of the Ballough Stream\_020 river waterbody (also known as Corduff River). In proximity to the appeal site, this waterbody is classified as a moderate ecological status. In addition to this, the Ballough Stream\_020 river waterbody flows into the Rogerstown Estuary which is a transitional waterbody (IE\_EA\_050\_0100). This waterbody is classified as poor ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/agriculture>).

5.4.4 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & 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.

5.5.5 The reason for this conclusion is as follows:

- The small number of employees at the site.
- The tertiary wastewater facilities proposed as part of the development.
- The distance from nearest Water bodies.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by CWPA Planning and Architecture Ltd. on behalf of M.R. Concrete against the Notification to Refuse Permission issued by Fingal County Council.

6.1.2 The grounds of appeal can be summarised as follows:

- The Planning Authority have erred in their technical assessment of the principle of development. The precise use of the site is 'Plant Storage' and not 'Builders Providers Yard'. 'Plant Storage' is an open for consideration use in the RU Zone.
- All mobile cranes, tower cranes, concrete pumps and associated equipment are rented from MR concrete on a temporary basis all of what is stored on site in plant machinery, equipment and appliances and this would fit within the definition of 'Plant Storage' as set out in Appendix 7 of the *Fingal County Development Plan 2023-2029*.
- The applicants do not provide construction materials of any kind to builders and as such the proposed development would not fit within the definition of 'Builders providers yard' as set out in the Appendix 7 of the *Fingal County Development Plan 2023-2029*.
- Plant storage is considered an acceptable use in this instance having regard to the brownfield nature of the site. The site has not been used for agricultural purposes for 20 years with previous established uses being educational or religious uses.

- The proposal would contribute towards the achievement of the RU Zoning Vision in terms of the protection of biodiversity, the rural landscape and the value of the rural area as evidenced by all internal departments having no objection to the proposed development.
- Given the brownfield nature of the site, it is unreasonable to require any current development must only relate to agriculture and / or rural related enterprise rather than alternative open for consideration uses.
- A condition of Planning which restricts the use of the site to 'Plant storage' would be welcomed.
- Policies EEP23 and EEP24 do not apply to the appeal site as many established uses on the site have not related to the rural economy.

## 6.2. Planning Authority Response

### 6.2.1 Letter dated 29/5/25 stating the following:

- On the basis of the plans and particulars submitted, particularly the business details at Significant Further Information stage it is clear that the proposed development does not contribute to the achievement of the RU zoning objective and vision.
- Concerns relating to the precedent set for the cumulative negative impacts on the RU zoned lands of the county.
- The Board is requested to give judicious consideration of the context of the previous application on the land.
- There are no 'Open for Consideration' use classes in the *Fingal County Development Plan 2023-2029*. The brownfield nature of the site is considered irrelevant to the assessment of permissible developments on the site.

## 6.3. Observations

### 6.3.1 There are no observations on file.

## 6.4. Further Responses

### 6.4.1 There are no further responses on file.

## 7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including the first party appeal, the report of the local authority and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development /Compatibility with the Rural Zone
- Visual / Residential amenity
- Traffic safety
- Wastewater
- Flood Risk
- Appropriate Assessment

### 7.2 Principle of Development / Compatibility with the Rural Zone

7.2.1 The appeal site is zoned RU 'Rural' with the associated land use objective to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

7.2.2 The First Party Appeal states that the Planning Authority have erred in their technical assessment of the principle of development and that the precise use of the site is 'Plant Storage' and not 'Builders Providers Yard'. The first party states that 'Plant Storage' is an open for consideration use in the RU Zone.

7.2.3 The Planning Authority in its report considered that the hiring and storage of mobile cranes, tower crane parts, concrete pumps and associated equipment for construction purposes is akin to using the site for the storage and hiring of builder's equipment and so defined the land use as 'Builders Provides / Yard'.

7.2.4 In the interests of clarity, I make the Coimisiún aware that the *Fingal County Development Plan 2023-2029* does not include an 'Open for Consideration' use class. Instead, a note under the zoning matrix for the Rural Zone states that uses which are neither 'Permitted in Principle' or 'Not Permitted' can be considered subject to their compliance with the zoning objective and the policies / objectives of the Development

Plan. Therefore, there are de-facto 'Open to Consideration' uses, provided the aligns with the intent of the zone and polices of the development plan.

7.2.5 The land use 'Builders Provider / Yard' is identified as being not permitted in the RU Zone, while 'Plant Storage' is not identified as being either 'Permitted in Principle' or 'Not Permitted' in the RU Zone.

7.2.6 I have considered all the material on file including the area planner's reports, the first party appeal and the Technical Guidance Notes as set out in Appendix 7 of the *Fingal County Development Plan 2023-2029*.

7.2.7 In my opinion, the proposed use of the land is most closely aligned with the land use 'Plant Storage'. While the definitions for both uses are broadly similar, I have come to this conclusion based on the fact that the definition of 'Builders Providers / Yard' includes the sale or hire of builder's material. The first party appeal is clear that the proposal does not include any construction materials. In addition to this, on the day of my site visit, I did not observe any builder's material for sale on the land.

#### *Conclusion*

7.2.8 Having considered the foregoing; I am satisfied that the appropriate land use for the appeal site is 'Plant Storage'. As this land use is not identified as being either 'Permitted in Principle' or 'Not Permitted' in the use classes for the RU zone, it can be considered in terms of their contribution towards the achievement of the Zoning Objective and Vision.

#### *Compatibility with the Rural Zone*

7.2.9 Reason No.1 for refusal states the development fails to protect and promote the development of agriculture, rural-related enterprise, biodiversity, the rural landscape and the value of the rural area of the county.

7.2.10 The first party appeal states that the site is partially brownfield with the existing building on site having previously been used as a school and separately as a place of worship. The first party also states that the proposed would sufficiently contribute towards the

achievement of the RU Zoning, vision in terms of the protection of 'biodiversity, the rural landscape and the value of the rural area.

7.2.11 The proposed shed has a similar size and appearance to the development granted planning permission under Reg. Ref. F21A/0436 (see planning history above). However, in that case, the Planning Authority was satisfied that there was an agricultural justification for the shed. In this regard, Condition 6 of that permission restricted the use of the shed for the storage of agricultural machinery only for the applicant's farm holding. Condition 6 also required that the shed could only be used by the applicant and not by any third parties.

7.2.12 I accept that the site has been previously used for educational and worship purposes. Having consulted historic maps on Google Maps and Google Earth, I am satisfied that this has been the case for some time (since at least 2009). In addition to this, I accept these uses included a hardstand to the front of the site which provided car parking and that the site did not have a developed look. However, I am of the opinion that the use of the land for educational and / or worship supports rural life and as such would have complied with the objective of the RU Zone.

7.2.13 In this case, the use of the land for 'plant storage' would transform the land into a commercial use which has no relationship to agriculture or rural life. In my opinion, the use of the land for 'plant storage' would sit more comfortably within an industrial or commercial area. I have concerns that allowing the use of the land for 'plant storage' would set an undesirable precedent for similar proposals within RU zoned lands throughout Fingal.

7.2.14 Having regard to the information provided on file, I have no basis to conclude that the 'plant storage' as proposed contributes towards protecting and promoting the development of agriculture and rural related enterprise as per the 'RU' – Rural zoning objective. Moreover, I am not satisfied from the details before me that the development would accord with the overall rural vision for the 'RU' – Rural area which is based on agricultural and rural economic resources including a high level of natural features for the benefit of the local/wider population.

7.2.15 The use of the land for plant storage would not align with the objectives and vision of the RU Zone and therefore I recommend that the wording of Condition 6 of Reg. Ref. F21A/0436 is not revised.

### **7.3 Visual /Residential Amenity**

7.3.1 The second reason for refusal states that the proposed development would injure the residential and visual amenity of the area and would fail to support policies EEP23 and EEP24 of the *Fingal County Development Plan 2023-2029*.

7.3.2 The first party appellants state that the Planning Authority have not shown an adequate appreciation of the established brownfield and non-agricultural nature of the subject site and the policies EEP23 and EEP24 no longer apply to the subject land.

#### *Visual Impact*

7.3.3 From a design/visual impact perspective, while the site is in a prominent location at the intersection of Hanna's Avenue and the R127, I note that the appeal site is located in a Low Lying Agricultural' area.

7.3.4 In addition to this, I note that, as a result of the response to Further Information, the applicant no longer wishes to extend the footprint of the permitted storage building on site, in this regard, I refer the Coimisiún to Drawing No. 23061-AI-05 which details this. As the proposed shed would be visually similar to the previously permitted shed, I conclude that this element of the scheme would not detract from the visual amenities or landscape character of the area.

7.3.5 Notwithstanding this, the level of hardstanding within the site has been increased from the previous use of the land. The hardstand is primarily in the form of gravel paving to facilitate storage of various mobile cranes, tower cranes, concrete pumps and associated equipment. In this respect I have had regard to historic imagery from Google maps and Google Earth, and I note that the intensity of the use of the site has increased as a result of the use of the land for 'plant storage'.

7.3.6 I refer the Board to the verified photomontages prepared by Digital Dimensions submitted as part of the response to Further Information. View 1 and 2 show that the

landscaping as proposed as part of this application would improve the screening of the site to the east. Views 3 and 4 shows that the landscaping as proposed would improve the screening of the site from the north. Views 6 and 7 show that no landscaping is proposed along the southern boundary of the land and the site would be completely open to views from this vantage point. I also refer to the contiguous elevation drawings and the landscape plans submitted with the application which show that views into the site from the south would be uninterrupted.

- 7.3.7 In addition to this, the landscaping plans submitted with the Further Information response do not include any references to the Bat Assessment prepared by Wildlife Survey Ireland which was included as part of the application material. This assessment found extensive tree removal on the site with a subsequent loss of feeding and roosting habitat. The Bat Assessment outlines 5 mitigation measures which are required including erecting Bats boxes, ceasing works if bats or nesting birds are discovered, a dark sky to be designated to the north and west of the site and the need to plant 50 native trees on the site.
- 7.3.8 Having considered all the above, I do have concerns that the development would not comply with objective of the RU Zone seeks to protect and promote biodiversity and the rural landscape. The landscaping proposed does not adequately screen the development from the south and does not consider the mitigation measures set out in Bat Assessment.
- 7.3.9 However, taking a balanced approach, these matters could be dealt with by way of condition required enhanced landscaping along the southern boundary and which responds to the mitigation measures set out in the Bat Assessment, should the Coimisiún be of a mind to grant permission.

#### *Residential Amenity*

- 7.3.10 There are a number of dwellings along Hanna's Avenue, including to the south to the site (on the opposite side of Hanna's Avenue) and to the west of the site. This application seeks retention planning permission for 12 x 6m high lighting standards. The application does not include any information with respect to LUX levels from the lights and any impact such would have on the residential amenity of dwellings in the area. In this regard, the applicants Further Information response states that a new

lighting plan for the site is appropriate but that this would be submitted by way of compliance with planning conditions.

7.3.11 In broad terms, I have concerns relating to the potential for light spill from these lighting standards which has the potential to impact residential amenity of the residential properties in the area. These concerns are increased by the lack of information provided by the applicant with respect to a lighting plan for the site.

7.3.12 However, on balance, I am of the opinion that this matter could be dealt with by way of condition requiring that the lighting is appropriately managed to ensure that there is no light spill into surrounding properties, should the Coimisiún be of a mind to grant permission.

#### *Noise / traffic levels*

7.3.13 The proposal generally comprises of the storage of various mobile cranes, tower cranes, concrete pumps and associated equipment which would not create any noise related issues. However, there is a potential for an increase in noise levels from the site relating to traffic movements associated with collecting and dropping off the various plant equipment stored at the site.

7.3.14 While there would be an increase in traffic movements at the site (and as such noise levels would increase), I note that the previous permission on the site was for an Agricultural Machinery Store for a large farm. Given the size of the farm associated with the permitted shed, it is likely that a large number of vehicles of various sizes would have been required to access the site. In addition to this, given harvest and planting times at different times of the year, these vehicles could be using the access at various different times of the day and night.

7.3.15 I accept that the level of traffic and associated noise at the site would increase because of the development. However, I am satisfied that the level of traffic is likely to be similar to that associated with the permitted Agricultural Machinery Store on the land and as would not have any increased impact on the residential amenity of the area compared to the permitted development.



## **7.4 Traffic Safety**

- 7.4.1 This application seeks retention permission for the as constructed vehicular entrance off Hanna's Avenue. The appeal site is located in an area with a 60kmph speed limit. On the day of my site visit, I noted that traffic was travelling at a lower speed due to the proximity of the junction of Hannas Avenue and the R127 to the east of the site.
- 7.4.2 The vehicular entrance is recessed back from the road edge and provides for site lines of 38m to the east and 90m to the west. While I note that the sightline to the east is below the forward visibility standards set out in DN-GEO-03060 (May 2023), I note that the entrance is recessed and provides for good visibility. I further have regard to the Swept Path Analysis prepared by Waterman Moylan submitted at application stage which demonstrates that large vehicles can safely access the site. I further have regard to the report of the Transportation Planning Section of Fingal County Council who did not have any objection to the entrance. I am satisfied that the entrance is acceptable from a traffic safety perspective.

## **7.5 Wastewater**

- 7.5.1 It is proposed to use the existing Biocycle WWTS system on site. However, the disposal area associated with this system is not fit for purpose and therefore a new polishing filter is proposed.
- 7.5.2 I have considered the Site Characterisation Form and note that the soils and subsoils on the site are suitable for a tertiary wastewater treatment system and infiltration / treatment area. I further note that minimum separation distances will be met and exceeded in all instances.
- 7.5.3 I am satisfied that the use of the existing Biocycle system and new polishing filter complies with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) 2021.

## **7.6 Flooding**

- 7.6.1 I refer the Coimisiún to the Flood Risk Assessment prepared by Waterman Moylan Consulting Engineers Limited. This report states that the appeal site has been analysed for risks from tidal and fluvial flooding, pluvial flooding, ground water and

failures of mechanical systems. The assessment provides sets out mitigation measures and that subject to compliance with these measures, the residual risk of flooding from any source is low.

- 7.6.2 I have considered the mitigation measures set out in Table 9-1 of the Flood Risk Assessment and I am satisfied that I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area.

## **8.0 AA Screening**

- 8.1. The permitted development Reg. Ref. F21A/0436 included an AA Screening Report which determined that there would be no significant effects on any European sites arising from that project and that there are no other plans or projects that would act in combination with the project to have a significant effect on any European sites. The elements seeking retention would not have a greater impact that what was previously considered. Therefore, I am satisfied that the issue of substitute consent does not exist.
- 8.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.
- 8.3. The application material includes an Appropriate Assessment-Natura Impact Assessment Screening report prepared by ESC Environmental Limited.

### *Screening summary*

- 8.3 Table 1 of the Appropriate Assessment-Natura Impact Assessment Screening report identifies 6 Natura 2000 designated sites within 10km of the application site. Having consulted the EPA mapping I am satisfied that all applicable Natura 2000 sites have been identified and assessed.
- 8.4 The proposed development is identified as being within the Zone of Influence of Rogerstown Estuary SAC (Site Code 000208), Malahide Estuary SAC (Site Code

000205), Rockabill to Dalkey Island SAC (003000), Rogerstown Estuary SPA (Site Code 004015), Malahide Estuary SPA (Site Code 004025), Skerries Island SPA (Site code 004122) and North-West Irish Sea cSPA (Site Code 004236).

European Site	Distance	Qualifying Interests	Screened in / Out
Rogerstown Estuary SAC (Site Code 000208)	500m south	<ul style="list-style-type: none"> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> </ul>	<b>Screened in-</b> Hydrological connectivity via drainage ditch to the north of the site. Significant effects upon this SPA and its QIs cannot be ruled out.
Rogerstown Estuary SPA (Site Code 004015)	780m south	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	<b>Screened In –</b> Hydrological connectivity via drainage ditch to the north of the site. Significant effects

		<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>	upon this SPA and its QIs cannot be ruled out.
<p>Malahide Estuary SAC (Site Code 000205)</p>	<p>4km southeast</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p><b>Screened In-</b></p> <p>Hydrological connectivity via ground water body.</p>

Malahide Estuary SPA (Site Code 004025)	4km southeast	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	<b>Screened In-</b>  hydrological connectivity via ground water body.
Rockabill to Dalkey Island SAC (003000)	7.6km east	<p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	<b>Screened Out-</b>  No hydrological connection other than the marine.
Skerries Island SPA (Site code 004122)	9.6km Northeast	<p>Cormorant (Phalacrocorax carbo) [A017]</p>	<b>Screened Out-</b>

		<p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Purple Sandpiper (Calidris maritima) [A148]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Herring Gull (Larus argentatus) [A184]</p>	No hydrological connection other than the marine.
North-West Irish Sea cSPA (Site Code 004236)	6km East	<p>Red-throated Diver (Gavia stellata) [A001]</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Manx Shearwater (Puffinus puffinus) [A013]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Great Black-backed Gull (Larus marinus) [A187]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p>	<b>Screened In-</b>  Hydrological connection via the marine pathway through Rogerstown Estuary.

		Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]  Guillemot ( <i>Uria aalge</i> ) [A199]  Razorbill ( <i>Alca torda</i> ) [A200]  Puffin ( <i>Fratercula arctica</i> ) [A204]  Little Gull ( <i>Hydrocoloeus minutus</i> ) [A862]  Little Tern ( <i>Sternula albifrons</i> ) [A885]	
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**Table 1:** Site summaries

#### *Rogerstown Estuary SAC (Site Code 000208)*

- 8.4 A site-specific conservation objective has been developed for Rogerstown Estuary SAC (Site Code 000208), which can be summarised as *‘To maintain the favourable conservation condition of Estuaries, mudflats, sandflats not covered by seawater at low tide, Salicornia and other annuals colonizing mud and sand, Mediterranean salt meadows (*Juncetalia maritimi*). Site-specific conservation objectives also include to restore the favourable conservation condition of Atlantic salt meadows (*Glaucopuccinellietalia maritimae*), Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'), and fixed coastal dunes with herbaceous vegetation ('grey dunes') in the Rogerstown Estuary SAC.*

#### *Rogerstown Estuary SPA (Site Code 004015)*

- 8.5 A site-specific conservation objective has been developed for Rogerstown Estuary SPA (site code 004015) which can be summarised as *‘to maintain the favourable conservation condition of Greylag Goose, light-bellied Brent Goose, Shelduck, Shoveler, Oystercatcher, Ringed Plover, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Redshank and wetland habitat in the Rogerstown Estuary SPA.*

#### *Malahide Estuary SAC (Site Code 000205)*

- 8.6 A site-specific conservation objective has been developed for Malahide Estuary SAC (Site Code 000205) which can be summarised as *to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Mediterranean salt meadows*

*(Juncetalia maritimi)*, in the Malahide Estuary SAC. Site-specific conservation objectives also include *to restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae), Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') and fixed coastal dunes with herbaceous vegetation ('grey dunes')* in the Malahide Estuary SAC.

*Malahide Estuary SPA (Site Code 004025)*

- 8.8 A site-specific conservation objective has been developed for Malahide Estuary SPA (Site Code 004025) which can be summarised as *to maintain the favourable conservation condition of Light-bellied Brent Goose, Shelduck, Pintail, Goldeneye, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Redshank and the wetland habitat in Malahide Estuary SPA as a resource for the regularly-occurring migratory waterbirds.*

*North-West Irish Sea cSPA (Site Code 004236)*

- 8.9 A site-specific conservation objective has been developed for North-West Irish Sea cSPA (Site Code 004236) which can be summarised as *to maintain the favourable conservation condition of red-throated diver, great northern diver, manx shearwater, common scoter, black-headed gull, common gull, lesser black-backed gull, great black-backed gull, roseate tern, common tern, Arctic tern, little tern, guillemot, razorbill, and little gull* in the North-West Irish Sea cSPA. Site-specific conservation objectives also include *to restore the favourable conservation condition of fulmar, cormorant, shag, herring gull, kittiwake and puffin* in the North-West Irish Sea cSPA.
- 8.11 Table 4 of the Appropriate Assessment-Natura Impact Assessment Screening provides an analysis of the potential impacts on the Conservation Objectives of the screened in sites.
- 8.12 With respect to the Rogerstown Estuary SAC, it is noted that the extent of habitats is determined by tidal range in the estuary and this would not be impacted by the proposed development.
- 8.13 With respect to Rogerstown Estuary SPA, it is noted that the proposed development has no potential to impact the feeding habits, roots or mudflats within the SPA. In addition to this, the development would not lead to habitat loss of identified species.



With respect to wetlands, it is noted that as there is no potential for impacts on the Wetland Special Conservation Interest.

- 8.14 With respect to the Malahide Estuary SAC and Malahide Estuary SPA, it is noted that there are no potential impacts to ground water as a result of the proposed development and therefore no potential for significant impact on the European sites.
- 8.15 The site is hydrologically connected to the North-West Irish Sea c. SPA by way of a marine pathway through the Rogerstown Estuary. As there would be no impact from the proposed development on the Rogerstown Estuary SAC or the Rogerstown Estuary SPA, there would be no impact on the North-West Irish Sea c. SPA.

#### *Cumulative Impacts*

- 8.16 I make the Coimisiún aware that I have reviewed the Appropriate Assessment Screening Report, the Department of Housing, Local Government and heritage's National Planning Application database and EIA Portal and the Fingal County Council's planning register, I note that there are no other plans of projects for potential in-combination effects in the Hanna's Avenue area.
- 8.17 I am satisfied that the subject application will have no cumulative impacts on the protected sites described above or any Natura 2000 site when considered in combination with properly assessed developments.

#### *Appropriate Assessment Conclusion*

- 8.18 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).
- 8.19 Following an Appropriate Assessment Screening exercise, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No's: 000208, 004015, 000205, 004025 and Code 004236 or any other European site, in view of the sites' Conservation Objectives.
- 8.20 This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## **9 Recommendation**

- 9.1 Having regard to the above assessment, I recommend a SPLIT DECISION I recommend that permission be REFUSED for the revisions to Condition 6 or Reg. Ref. F21A/0436 to facilitate plant storage within the approved storage building and the retention of 12 x 6m high lighting standards for the reasons and considerations marked (1) below and I recommend that retention permission be GRANTED for the retention of an as constructed vehicular access of Hanna's Avenue and 2.4m high plastic coated, welded mesh fencing to on-site boundaries, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

## **10 Reasons and Considerations (1)**

1. The subject site is located in an area zoned objective 'RU' – Rural which seeks to 'protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage' in the *Fingal County Development Plan 2023-2029*. The Commission considers that the retention of the change of use of the land for 'plant storage' relates to a non-agricultural / rural purpose and would be contrary to the RU-Rural land-use zoning objective and vision and therefore would be contrary to the proper planning and sustainable development of the area.

### **Reasons and Considerations (2)**

Having regard to the policy and objectives as set out in the *Fingal County Development Plan 2023 – 2029*, the scale and design of the vehicular entrance and boundary fencing which are proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development is acceptable in terms of traffic safety and would not seriously impact the visual amenities of the area or property in the vicinity of the site.

### **Conditions**

1. The development to be retained comprising of the constructed vehicular access and 2.4m high mesh fencing to the boundaries shall accord with the plans and

particulars lodged with the application lodged on 14<sup>th</sup> March 2024 as amended by further information dated 14<sup>th</sup> February 2025 and 17<sup>th</sup> February 2025, except as may otherwise be required in order to comply with the following conditions.

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

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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Ronan Murphy  
Planning Inspector

25 July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-322453-25</b>
<b>Proposed Development Summary</b>	Revisions to Reg Ref: F21A/0436 for plant storage and drainage, retention of entrance, fence, and lighting with all associated site works
<b>Development Address</b>	Hanna's Avenue, Corduff, Lusk, County Dublin, K45 X897
	<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>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input 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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" 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 checked="" 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>	

<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></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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