



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323383-25

<b>Development</b>	Construction of workshop with all associated site works
<b>Location</b>	Roseville Business Park, Turvey Avenue, Donabate, Co. Dublin, K36 K759
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/0461E
<b>Applicant(s)</b>	Portakabin (Ireland) Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party vs. Condition
<b>Appellant(s)</b>	Portakabin (Ireland) Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	None
<b>Inspector</b>	Stephen Ward

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## **1.0 Site Location and Description**

- 1.1. The site is located within Roseville Business Park at Turvey, c. 2.5km west of Donabate village centre and c. 1.5km west of the western edge of its built-up footprint. The site (600m<sup>2</sup>) forms part of the larger existing Portakabin site, which comprises a main building, some smaller ancillary buildings, a large external portacabin storage area, and staff car-parking. The business park contains a range of other industrial/commercial premises.

## **2.0 Proposed Development**

- 2.1. Permission was sought for a development described as a prefabricated lightweight metal frame single-storey workshop building (600sq.m) along with rainwater harvesting. The application outlines that the structure is needed to provide protection for staff when repairing portacabins returned to the site after use.
- 2.2. The proposed building is to be erected as a standalone structure to the rear (east) of the existing 'main building'. The building design is typical of an industrial/commercial workshop. The external wall finishes consist of composite wall panels, while the pitched roof will be finished in 'twin layer insulated UPVC'. There are 'roller shutter' doors on the north (rear) and south (front) elevations.
- 2.3. The planning application form indicated that water supply would be provided via the existing public mains and that wastewater proposals were 'not applicable'. Surface water is to be addressed via rainwater harvesting.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By Order dated 16<sup>th</sup> of July 2025, Fingal County Council (FCC) made a decision to grant permission subject to conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The assessment outlined in the FCC Planner's report can be summarised as follows:

- The proposal is ancillary to the existing industrial use and there is no objection in principle.
- No unacceptable impacts on visual or residential amenity.
- There are no alterations to existing access, parking and road arrangements.
- Surface water proposals are acceptable subject to conditions.
- The site is within Flood Zone B but is acceptable subject to completion of a flood risk assessment prior to commencement of development.
- No significant effects on any European Sites.
- Environmental Impact Assessment is not required.

The report recommends a grant of permission, and this generally forms the basis of the FCC decision. Recommended conditions relating to a security bond and a financial contribution towards a shortfall in open space were omitted in the FCC decision.

### 3.2.2. Other Technical Reports

- Water & Drainage – No objections subject to surface water conditions and flood risk assessment.
- Transportation Planning – Requests further information in relation to the pedestrian crossing at the site entrance and legal consent for works relating to visibility/access.

### 3.2.3. Conditions

The FCC decision to grant permission is subject to 8 no. conditions. Condition no. 8 is the only relevant condition in this case, which states:

*Prior to Commencement of development the developer shall pay the sum of €62,166.00 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution*

*towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.*

*REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.*

*Note on above Condition: Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Uisce Éireann website [www.water.ie](http://www.water.ie) , Tel. (01) 6021000.*

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

**P.A. Reg. Ref. F02A/0240:** On 12<sup>th</sup> June 2002, FCC granted permission for an alternative building design for approved Block E industrial units. Works comprise the provision of a double storey office and single storey manufacturing/maintenance facility, including external portacabin storage area, associated vehicle access and parking, one number corporate sign, landscaping, perimeter security fencing and associated site works.

## 5.0 Policy Context

### 5.1. National Guidance

#### Development Contributions - Guidelines for Planning Authorities (January 2013)

These Guidelines aim to assist planning authorities in achieving a balance between the costs of services provided and the need to support economic activity via Development Contribution Schemes. Planning authorities are required to include specific exemptions and waivers in their Development Contribution Schemes, which should not apply to applications for the retention of development.

#### Development Management – Guidelines for Planning Authorities (2007)

Section 7.12 of the Guidelines provides guidance on planning conditions relating to development contributions. Section 8.12 of these Guidelines refers to appeals regarding development contribution conditions.

### 5.2. Development Plan

The operative Development Plan for the area is the Fingal County Development Plan 2023-2029. The site is zoned as 'GE – General Employment', the objective for which is to '*Provide opportunities for general enterprise and employment.*'

### 5.3. Fingal County Council Development Contribution Scheme 2021-2025

The above scheme was adopted on 14th December 2020 under section 48(2)(a) of the Act of 2000 (as amended) and became effective from 1st January 2021. It was operative at the time of the FCC decision to grant permission and continues to be operative now.

Section 9 outlines the contributions to be paid in respect of different classes of infrastructure and facilities, including:

Class 1: Transportation Infrastructure & Facilities.

Class 2: Surface Water Infrastructure & Facilities (incl. Flood Relief).

Class 3: Community & Parks facilities & Amenities.

#### **5.4. Natural Heritage Designations**

The Rogerstown Estuary SAC is c. 700m north of the site.

#### **5.5. EIA Screening**

The subject matter of the appeal (i.e. Development Contribution) 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. Refer to Form 1 in Appendix 1 of report.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

This first party appeal relates solely to Condition no. 8 of the FCC decision, which requires the payment of a Section 48 Development Contribution of €62,166. The appeal notes that there is no discussion or calculation of the contribution in the FCC Planner's Report but assumes that it is based on the 600m<sup>2</sup> floor area multiplied by the current commercial rate (€103.61) as outlined on the FCC website.

The appeal contends that the contribution has been incorrectly applied in this instance. The grounds of the appeal can be summarised as follows:

- The proposed development will not result in any increased demand on public services in respect of foul, surface water or roads, and therefore no levy should arise.
- It is essentially a roof covering an existing yard to provide shelter for operatives, and such a large contribution would be wholly unjust.
- It would make the development unviable.
- It was never the intention of the Act for such development to incur a levy of this nature.

## **6.2. Planning Authority Response**

The response outlines that all contributions are assessed based on the floor area of the development and are a contribution towards expenditure in respect of public infrastructure and facilities benefiting development in the area, not limited to specific development under construction.

Also, the enclosed repair workshop building is not covered in the Development Contribution Scheme 'Exemptions & Reductions'. Therefore, the Commercial Rate as outlined in the Development Contribution Scheme 2021-2025 is applied correctly. Condition No. 8 should remain unchanged.

## **6.3. Observations / Further Submissions**

No third-party submissions received.

The Planning Authority response was circulated to the appellant, but no further submissions were received.

## **7.0 Assessment**

- 7.1. This appeal relates to condition no. 8 only, which imposes a Development Contribution in accordance with the provisions of Section 48 of the Planning and Development Act 2000 (as amended).
- 7.2. Section 48 (10) (b) of the Act makes provision for an appeal to be brought to the Commission where an applicant considers that the terms of the relevant development contribution scheme have not been properly applied in respect of any condition laid down by the planning authority. In that context, I consider that the Commission is required to apply the scheme as adopted by the Planning Authority and not to evaluate the merits or otherwise of the scheme itself. Furthermore, as this appeal relates to a development contribution only, the Commission cannot determine the application as if it was made to it in the first instance and is confined solely to the consideration of whether the terms of the scheme have been properly applied.
- 7.3. The relevant S.48 scheme is the FCC Development Contribution Scheme 2021-2025. Section 9 of the scheme outlines the 'level of contribution' payable in respect



of different classes of public infrastructure and facilities (see section 5.3 above), subject to annual indexation. According to the FCC website<sup>1</sup>, a rate of €103.61 per m<sup>2</sup> applies to 'Commercial' development as of 1<sup>st</sup> January 2025.

- 7.4. The FCC scheme is quite clear in outlining that the contribution applies to 'Industrial/Commercial' development such as this proposed workshop. It is applied on the simple basis of floor area, and there is no accounting for the specific nature/operation of the development and/or its predicted demand on public services.
- 7.5. Section 11 of the scheme outlines 'Exemptions and reductions' that will apply. However, having reviewed this section, I do not consider that any exemptions or reductions apply in this case.
- 7.6. Having regard to the foregoing, I consider that the planning authority has correctly applied the terms of the development contribution scheme by attaching a condition requiring the payment of €62,166 (i.e. 600m<sup>2</sup> @ €103.61 per m<sup>2</sup>).

## 8.0 AA Screening

- 8.1. I have considered this case in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located to the west of Donabate and is c. 700m south of the nearest European Site (Rogerstown Estuary SAC).
- 8.2. The proposed development comprises the construction of a workshop building and all associated siteworks, but the appeal case relates to a development contribution condition only. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project and the nature of the appeal, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.4. The reason for this conclusion is as follows:
- The nature and small scale of the works and the nature of the appeal (i.e. a development contribution).

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<sup>1</sup> <https://www.fingal.ie/council/service/development-contribution-payment> - Accessed 3rd November 2025

- The location/distance from the nearest the European Site and lack of connections.

## 9.0 Water Framework Directive Screening Determination

- 9.1. The subject site is located to the west of Donabate. It is c. 115m south of the nearest river waterbody (EPA Name TURVEY\_010) and is underlain by the Swords groundwater body.
- 9.2. The proposed development comprises the construction of a workshop building and all associated siteworks, but the appeal case relates to a development contribution condition only. No water deterioration concerns were raised in the planning appeal.
- 9.3. I have assessed this case 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.
- 9.4. The reason for this conclusion is as follows:
  - The nature and small scale of the works and the nature of the appeal (i.e. a development contribution).
  - The location/distance from the nearest water bodies and lack of hydrological connections.
- 9.5. I conclude that on the basis of objective information, that the subject case 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.

## 10.0 Recommendation

I recommend that the Planning Authority be directed to ATTACH Condition No. 8 and the reason therefor, for the reasons and considerations set out hereunder.

## 11.0 Reasons and Considerations

Having regard to the nature of the proposed development, involving the construction of an industrial/commercial workshop building, and the terms of the Fingal County Council Development Contribution Scheme 2021 – 2025, the Commission considers that condition no. 8 of the Fingal County Council decision properly reflects the terms of the development contribution scheme and that condition no. 8, and the reason therefor, should remain attached.

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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Stephen Ward  
Senior Planning Inspector

3<sup>rd</sup> November 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323383-25
<b>Proposed Development Summary (case)</b>	Construction of workshop with all associated site works (appeal against development contribution only).
<b>Development Address</b>	Roseville Business Park, Turvey Avenue, Donabate, Co. Dublin
	<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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input checked="" type="checkbox"/> No, No further action required.  The subject matter of the appeal (i.e. Development Contribution) 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.
<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>	
<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>	

<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>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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