



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500828-DF-26**

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|-------------------------------------|--|
| <b>Development</b>                  | Construction of padel court facility and all associated site works |
| <b>Location</b>                     | Belinstown, Ballyboughal, Co. Dublin                               |
| <b>Planning Authority</b>           | Fingal County Council  |
| <b>Planning Authority Reg. Ref.</b> | F25A/0855E   |
| <b>Applicant(s)</b>                 | Karen Nugent   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant Permission   |
| <b>Type of Appeal</b>               | Third Party Normal Planning Appeal                                 |
| <b>Appellant(s)</b>                 | Alan Sexton  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 8 <sup>th</sup> May 2026   |
| <b>Inspector</b>                    | Aisling MacNamara  |

## 1.0 Site Location and Description

- 1.1. The site is located within the rural area of Belinstown, south of Ballyboghal in north County Dublin.
- 1.2. Access is from the R108 public road via an existing entrance and access road serving a complex of existing warehouse buildings which adjoin to the southern boundary of the site.
- 1.3. The main part of the site is set back from the public road and within an existing agricultural field.
- 1.4. In the immediate surrounding area there are warehouses and single houses.

## 2.0 Proposed Development

2.1. The proposed development is as follows:

- construction of a padel court facility consisting of c1330sqm, 11.78m high agricultural style structure housing four padel courts
- provision of proprietary wastewater treatment plant for 60 pe
- provision of 20 no. car parking spaces (including 4 no. EV charging stations, 3 no. accessible spaces) and 24 no. sheltered cycle parking spaces
- associated site development and engineering works
- use of existing access to the permitted Nugent Farm Produce development (granted F21A/0128)

The area of the site is 1.6ha.

Revised proposals were submitted at further information stage. The revisions include a revised wastewater treatment system for 50pe and introduction of a pedestrian path and crossing within the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 27<sup>th</sup> January 2026, the planning authority made the decision to grant permission subject to 12 conditions.

Condition 2 relates to finishes.

Condition 3 relates to service cables.

Condition 4 relates to landscaping plan.

Condition 5 relates to visibility splays, vehicular entry splay, works to road and roadside verge, stormwater and services.

Condition 6 relates to operating hours.

Condition 7 relates to surface water drainage.

Condition 8 relates to foul drainage and on site wastewater treatment system.

Condition 9 relates to protection of road during construction.

Condition 10 relates to construction hours.

Condition 11 relates to external lighting.

Condition 12 relates to development contribution scheme.

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Reports**

- The case planners report of 11<sup>th</sup> November 2025 recommends further information.
- Further Information was requested on 12<sup>th</sup> November 2025 on three items:
  - (1) Provide rationale for pe sizing of on site wastewater treatment system and loading.
  - (2) Submit landscaping plan.
  - (3)(a) Submit amended site layout to address requirements for EV parking. (b) Site access not constructed in accordance with F21A/0128, ABP310349. The submitted proposed site layout proposes to retain existing gates. Gates at road do not facilitate set down of articulated vehicles. Provide details regarding operation of gates, alternatively remove western gate. (c) Amend proposal to include footpath and crossings proposed on layout submitted to ABP 27<sup>th</sup> May 2021 (footpath between the site entrance off R108 and the then proposed development).
- Response to FI request was received on 22<sup>nd</sup> December 2025.
- The case planners report of 26<sup>th</sup> January 2026 recommends grant of permission.

### 3.2.2. Other Technical Reports

- Transportation Planning Section

- Report of 10/11/2025 recommends further information in relation to EV charging, site access not constructed in accordance with ABP310349, operation of gates to ensure no set down on public road, include proposal for footpath and crossing between site entrance and development as per ABP decision May 2021.
- Report 13/01/2026 indicates no objection subject to conditions in relation to visibility splays, gate, works to public road, vehicular splay, services, stormwater.

- Water Services Department

Report of 10/10/2025

- Flood risk - no objection.
- Foul sewer – additional information - provide rationale for pe of wwts – current loading is excessive.
- Surface water – no objection subject to justification for run off calculations, provide rationale for direction of outfall, carry out soil investigations to maximise infiltration, give consideration to open ditch for any discharge.

Report of 15/01/2026

- Flood risk – no objection
- Foul drainage – no objection subject to conditions in relation to the on site wwts.
- Surface water drainage – no objection subject to conditions in relation to design of system.

- Parks and Green Infrastructure Division

- Report of 21/10/2025 – recommends additional information be submitted in relation to landscaping and boundary treatment.
- Report of 13/01/2026 – recommended condition for landscaping plan with boundary treatment specifications be submitted prior to development.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

3.5. Three third party observations were received. The submissions raised issues in support and against the proposal.

## 4.0 Planning History

There is no planning history related to the main development site.

The proposed access is via an existing access to the existing adjoining buildings. The relevant history associated with that development is as follows:

- **F21A/0128, ABP310349-21** – James Nugent - Grant – permission for change of use from agricultural sheds to agribusiness stores.

*Condition 4 Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the proposed security fence and re-located gates at the entrance to the proposed development. Reason: In the interest of public safety.*

- **F18A/0417, ABP302716-18** – James Nugent - Refuse - Retention of development to enhance security for farm yard and sustain food packing business into the future. The elements that make up this planning application include the following: planning retention of inner security gate and fencing, retention of car parking area and full planning permission for surfacing, drainage and all associated site works.

*Reason: The car park proposed to be retained is located approximately 100 metres from the location where the staff who it is to serve are employed and would entail employees having to walk between the two sites along a regional road (R108) where there are no footpaths in place. The development proposed to be retained and the proposed development would, therefore, endanger public safety by reason of traffic hazard.*

- **F09A/0234** – Grant - Retention of revised layout to agricultural entrance including erection of steel sliding gate and block wall and removal of roadside boundary and associated site works.

The following history relates to land to the south:

- **F23A/0751, ABP319202-24** – Aramex Ireland Limited - Grant – permission for construction of extensions to warehouses, replacement of internal offices with new offices and all associated site works.
- **F21A/0572, ABP312521-22** – Aramex Ireland Limited - Refuse – permission for extension to warehouse, change of use part of warehouse to office, new security hut and new HGV parking area

## 5.0 Policy Context

### 5.1. Development Plan

Fingal County Development Plan 2023-2029 (including variations 1 and 2 adopted 30<sup>th</sup> March 2026)

The site is located on land zoned RU Rural.

*Objective: 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*

*Objective vision: Protect and promote the value of the rural area of the County. This rural value is based on: Agricultural and rural economic resources, Visual remoteness from significant and distinctive urban influences, A high level of natural features. Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.*

*'recreational / sports facility' is 'permitted in principle' 'where it is in proximity to residential settlements and would not generate unacceptable traffic problems'*

Part of the site which contains the access the main development is located on lands zoned RE Rural Business with specific objective 'Belinstown Rural Business'

Objective: *Provide for and facilitate rural-related business which has a demonstrated need for a rural location.*

Objective vision: *Provide a location for the development of business within the rural area which is directly related to the rural location and to the agricultural or horticultural sectors. Such business involves either the processing of produce of which a significant portion is sourced locally or support services for the local agricultural or horticultural sector. Provide a balance between the need for competitiveness and efficiency within the agricultural and horticultural sectors and the need to protect and promote the values of the rural area.*

The site is located within a Landscape character type – low lying agricultural.

#### Chapter 4 Community Infrastructure and Open Space

**Policy CIOSP6 – Facilities for Children, Teens and Young Adults** Provide appropriate recreational, community, social and educational facilities for children, teens and young adults.

**Objective CIOSO7 – Community Infrastructure and Local Amenity** Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.

**Objective CIOSO10 – Flexibility in Design** Ensure community facilities are flexible in their design and promote optimum usage, for users of all age and abilities.

**Policy CIOSP8 – Sports Facilities** Ensure that all communities in the County are facilitated with a variety of sporting facilities that are fit for purpose, accessible and adaptable.

**Objective CIOSO13 – Active Recreational Hubs and Multi-Use Games Areas** Promote the development of high-quality and multi-functional recreational facilities throughout Fingal, including Active Recreational Hubs and Multi-Use Games Areas to meet existing and future community needs, in accordance with the National Sports Policy 2018–2027.

**Policy CIOSP14 – Sports, Recreation and Play Amenities** Support sports, recreational and play amenities in the County for all ages and abilities; encourage sporting and

recreational organisations to achieve their aims and goals and support platforms for new and alternative sports to develop.

#### Chapter 7 Employment and Economy

**Policy EEP24 – Protecting the Rural Landscape And Natural Heritage** 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.

#### Chapter 9 Green Infrastructure and Natural Heritage

**Policy GINHP25 – Preservation of Landscape Types** Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

**Objective GINHO57 – Development and Landscape** Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

#### Chapter 14 Development Management Standards

##### 14.14 Community Infrastructure

**Objective DMSO77 – Community Facilities** Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:

- Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities.
- Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility.
- Conformity with the requirements of appropriate legislative guidelines.
- Conformity with land use zoning objectives.

## 14.17 Connectivity and Movement

**Objective DMSO115 – Restriction of New Access Arrangements** Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

**Objective DMSO118 – Road Safety Measures** Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

National Planning Framework, First Revision

National Policy Objective 30 Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

National Policy Objective 36 Support the objectives of public health policy including the Healthy Ireland Framework and the National Physical Activity Plan, though integrating such policies, where appropriate and at the applicable scale, with planning policy.

## 5.3. **Natural Heritage Designations**

There are no sites designated for natural heritage at the site or in proximity to the site. The closest designated site is Rogerstown Estuary SAC / pNHA located c 4.6km from the site.

## 6.0 **EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not

trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A third party appeal is received from the resident of the adjoining residential property. The issues raised are summarised as follows:

- Urged to consider the following additional observations alongside original objections namely zoning misuse, visual intrusion, adequacy of traffic measures in place and proximity to local town.
- Scale requires financial outlay, failure to show how enterprise makes commercial sense in long term with no business plan, rural agricultural only zoned area, no plan if venture fails.
- Sports and leisure facilities should be situated within village to ensure easy access particularly for young people who rely on public transport and other means, site is 2km outside of village, difficult to access, local bus service is irregular and seats few, other leisure and sport amenities e.g. GAA, pitch and putt courts, Bounce and Beyond are all within village boundaries ensuring safe pedestrian friendly access for all.
- Location in rural area will exacerbate traffic on roads already heavily congested with trucks and agricultural vehicles around the clock for both Aramax and Nugent's vegetable business. The proposal introduces a significant safety risk and do not believe FCC has sufficiently assessed. The existing traffic management is inadequate and addition of proposed busy facility will compound hazardous conditions.
- Trust these concerns along with original objections will be given due consideration.
- Urge ACP to reconsider decision in light of precedents such as ABP320480 (Louth), ABP313950 and ABP318502 which address issues of traffic hazards, zoning conflicts and over commercialisation.

## 7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal

The applicant has responded to the grounds of appeal. The issues raised are summarised as follows:

- Details are provided regarding the timeline of the application and the decision.
- Any issues have been comprehensively addressed in the planning application documentation submitted.
- No objection to the imposition of any ACP required conditions.
- Scale and design – The form, design, scale is comparable with agricultural buildings typically found in rural farm complexes and reflects established character of the area, is contiguous with RB lands and RB developments, reads visually as part of established rural enterprise cluster rather than stand alone development.
- Landscape and visual impact – Has submitted landscape and boundary plans. Planning authority satisfied that would not result in adverse visual impact. Willing to accept condition regarding landscaping and boundary treatment.
- Traffic and access – Utilises permitted access. Traffic generation is modest. Site is adequately serviced with car and cycle parking and EV infrastructure. The Council's Road Section concluded sight distances acceptable and no objection to development.
- Environmental and servicing infrastructure – planning authority considers proposals are acceptable. No environmental or infrastructural constraints were identified. Willing to accept any conditions.
- Condition 6 Hours of operation – Request consideration be given to earlier morning start time to allow children to be facilitated with training before school. Request earlier start time of 07.00 Monday to Friday.
- Compliance with Development Plan policy – Council considered acceptable having regard to zoning, surrounding land uses and objectives. The proposed development forms part of a family holding comprising existing Nugent Farm Produce enterprise which operates as an established rural commercial activity in the area. The proposed padel facility represents a modest recreational diversification of that existing rural enterprise and is therefore consistent with CDP policy to support rural economic diversification and small scale recreational facilities in rural areas. Information provided

in relation to applicants expertise and career in tennis and padel tennis. Applicant lives in this immediate area and her family is integral to rural economy. She is former Irish No.1 tennis player and experienced performance coach. Devoted significant time to promoting tennis amongst young players and supporting access to sport through coaching and bursary initiatives. Wishes to create a new employment opportunity for herself and others (1-2 no.). The siting of the facility will allow local school children, older members of local community and others to enjoy this emerging sport. Much needed local business and recreational facility and has support of Local Enterprise Office and local community.

- Represents appropriate and sustainable development at this location.
- Proposal supported by Planning Statement and technical documentation. Proposal has the support of the Council's planning authority.
- Request ACP dismiss the appeal and uphold decision to grant permission.
- Letter submitted from Mitchell Environmental – As per EPA CoP 2021, the wastewater system design is revised to 50 PE WWTS (with hydraulic loading for 128 daily users) in response to Council concerns that the originally proposed 60 PE WWTS was oversized.

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

The planning authority has responded to the grounds of appeal as follows:

- No further comment to make on the appeal.
- ACP requested to uphold the decision of the planning authority.
- In the event of grant, provision should be made for application of a financial contribution and / or any special development contribution required in accordance with FCC Section 48 Development Contribution Scheme.
- Conditions should be included where tree bond is required.

### 7.4. **Observations**

None

## 8.0 Assessment

8.1. Having examined the application details and all other documentation on file and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- principle of development
- traffic considerations
- visual impact
- other matters

### 8.2. Principle of development

- 8.2.1. The proposed development is for the construction of a new 1330sqm padel court facility (4 padel courts each with 4 person capacity) within the rural area c 800m south of the rural village boundary of Ballyboghal. The applicant was a professional tennis player. Since retiring from professional tennis she has trained to become a performance tennis coach. She wishes to bring tennis and paddle tennis to her local community and children. The facility will also provide employment for the applicant. The facility is to be located on the family landholding and utilises the existing access to the adjoining Nugent Fresh Produce business.
- 8.2.2. The Fingal County Development Plan (CDP) contains objectives which support the development of sports facilities including alternative sports (CIOSP6, CIOSP8, CIOSP13, CIOSP14).
- 8.2.3. The main part of the development site is located on lands zoned under the CDP for RU Rural where the zoning objective is to *'protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape and the built and cultural heritage'*.
- 8.2.4. The existing entrance and access road that is to serve the proposed development is located on lands zoned RE Belinstown Rural Business with objective to *'provide for and facilitate rural related business which has a demonstrated need for a rural location'*.
- 8.2.5. On lands zoned RU Rural, 'Recreational / sports facility' is 'permitted in principle' *'where it is in proximity to residential settlements and would not generate unacceptable traffic'*

*problems*'. The padel court facility is a recreational / sports facility. The site is located within close proximity to the village. Subject to the proposal not generating unacceptable traffic problems (addressed below), the proposal is permitted in principle.

8.2.6. I am satisfied that the RU zoning objective of the CDP allows for the development of sports facilities within the rural area and that the proposal is acceptable in principle.

### 8.3. **Traffic considerations**

8.3.1. The site is located c 800m from the rural village boundary Ballyboghal. There are no footpaths between the village and the site. The site is accessed from the R108. The R108 serves the local link bus route 192 between Balbriggan and Swords.

8.3.2. The facility is to be provided with on site parking facilities including 20 no. car parking spaces (4 with EV charging stations and 3 accessible) and 24 no. sheltered cycled parking facilities and 2 no. motor bike spaces. The submitted engineering report states that the capacity of the facility is 4 persons per court.

8.3.3. Objective DMSO115 is to restrict unnecessary new accesses directly off regional roads and to ensure that any new entrances are designed in accordance with DMRB to avoid traffic hazard. Objective DMSO118 is to promote road safety measures.

8.3.4. It is proposed to enter and exit via an existing entrance that was permitted under ABP310349 for the adjoining agribusiness. It is proposed to setback the hedgerow to the north of the entrance and install bollards at the entrance splay to prevent parking within the entrance. The works for sightlines are within the red site boundary. Sightlines of 145m are achievable to the nearside edge to the from 2.4m back. The TII Geometric Design of Junctions DN GEO03060, 2023 requires 120m sightline on road of 70km/hr design speed and 160m on road with design speed of 85km/hr from 3m desirable setback which can be relaxed to 2.4m at simple junctions. The sightlines are in accordance with the TII standards. The entrance and sightlines were considered acceptable by the Council's Transport Department.

8.3.5. The Council's Transport Department raised concerns that the electric outer gates have not been removed and reinstated inwards on the access road and the internal footpath and crossing have not been constructed, as per ABP310349. At further information stage, the applicant responded with revised drawings and details. The footpath and crossings are to be constructed as per the ABP permitted layout. The entrance gates are to remain open

during operating hours. This ensures no obstruction of vehicles on the public road whilst awaiting turn in to the entrance. The Council's Transport Department is satisfied with the proposal. On day of site visit the outer gate at the road was open. The inner gate was closed but opened upon my arrival. Should permission be granted, it is recommended that condition be attached to require the construction of the footpath and crossing and for arrangements to be agreed with the Council to ensure that the access road is kept open for unimpeded free flow during operation of the facility.

- 8.3.6. A total of 20 car parking spaces are proposed. Car parking is provided based on a calculation of 16 persons x 2 playing slots / 1.5 persons per vehicle x 90% by car = 19.2 vehicles. Section 14.17.7 of the CDP sets out parking requirements. The site is located in Zone 2. Table 14.9 car parking standards states a 'norm' of 1 space per 20sqm for sports club. Applying this standard, 67 spaces can be permitted. As per the CDP, 'Norm' *"refers to the number of spaces that will generally be permitted unless specific changes are considered necessary to ensure the proper planning and sustainable development of a proposed development"*. Having regard to the nature of the facility which has capacity for max 16 players at a time on court, it is considered that a change to the norm standard is necessary. The provision of 20 spaces is acceptable having regard to the particular needs of the facility. I am satisfied that sufficient car parking is provided on site and that there would be no obstruction of road caused by unregulated parking.
- 8.3.7. Facilities are provided for accessible parking, motorcycle parking, electric parking and cycle parking, all of which is to the satisfaction of the planning authority.
- 8.3.8. Regarding capacity of the surrounding roads, an Engineering Report is submitted. It is estimated that the hourly movement from the site is 20 trips, 10 inbound and 10 outbound per session during AM and PM peak hours which equates to a 2% increase on the R108 north and 2% increase on the R108 south during critical peak hours. As the proposed development generates a traffic increase less than 10% of baseline traffic, no junction modelling is required. The R108 is well trafficked road of good alignment and finished to acceptable standard. Having regard to the information in the submitted engineering report and to the design of the R108 road, I am satisfied that the surrounding roads have capacity to accommodate the additional traffic generated by the proposed development.
- 8.3.9. Having regard to the provision of car parking, the proposed entrance design and sightlines and the design and capacity of the existing surrounding roads, I am satisfied that the

proposed development can be accommodated without resulting in traffic hazard or obstruction of road users and I am satisfied that the proposal is in accordance with Objective DMSO115 and DMSO118.

#### 8.4. **Visual impact**

- 8.4.1. Objective GINHP25 is to ensure the preservation of landscape character types and objective GINH057 relates to development and landscape.
- 8.4.2. The proposed development is located in the rural area with a 'low lying agricultural' landscape character type. Under section 9.6.13 of the CDP, it states that the low lying character type is of modest value and low landscape sensitivity. There are no protected views in the vicinity of the site. There are no archaeological or built heritage features within the visual range of the development.
- 8.4.3. The proposed development is to be constructed within an open field on relatively flat topography, adjoining the existing Nugent warehouse buildings and setback from the public road. The proposed building has a ground to ridge height of 11.93m of simple agricultural shed form and treated in corrugated cladding (green), light grey corrugated roof panels and glazed curtain walling at door. Contiguous elevation drawings are submitted showing that the height of the proposed building is similar to the existing Aramex building. A planting and landscape detail drawing is submitted showing proposed tree planting around the northern, western and eastern exposed site boundaries.
- 8.4.4. Having regard to the low sensitivity of the landscape, the proposed siting and design, and the relatively modest scale of the development including proposed planting, I am satisfied that the proposed development will integrate into the landscape and will not have a significant adverse impact on the visual amenities of the area. The proposal does not compromise the preservation of the landscape and the development does not adversely impact on the distinctiveness of the landscape and is in accordance with GINH25 and GINH057.

#### 8.5. **Other matters**

##### 8.5.1. Hours of operation

- 8.5.2. The planning authority has attached condition 6 which restricts the operation of the facility to between 08.00 and 22.00 Monday to Friday and between 0800 and 2100 Saturday to Sunday, unless otherwise agreed in writing with the planning authority.

- 8.5.3. The applicant in the response to the appeal has requested that consideration be given to earlier morning start time to allow children be facilitated with training before school and is requesting ACP give consideration to earlier start time of 0700 Monday to Friday.
- 8.5.4. The facility is not located in a densely populated area. I do not consider that restrictions on timing is necessary. However, I do consider that a condition should be attached to ensure no nuisance to residential amenity is caused by reason of noise or lighting. As such, should the Commission grant permission it is recommended that conditions be attached in relation to these matters.
- 8.5.5. Development management objective DMSO77
- 8.5.6. Objective DMSO77 states that applications for community facilities shall have regard to certain matters. The applicant has submitted a planning statement report which demonstrates that the proposal provides for the development of local sports facilities. The site is a practical option for the applicant, being part of a family landholding, located within close proximity of the existing village. The site is served by an existing entrance and the proposed facility requires a warehouse type building which is similar in appearance to the existing buildings at the site. The facility is served with adequate transport and drainage infrastructure. The development can be accommodated without adversely impacting on the environment or residential or visual amenities. The proposal is in accordance with the zoning objective. I am satisfied that the proposal is in accordance with DMSO77.

## 9.0 AA Screening

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located 4.8km from Rogerstown Estuary SAC, 5.6km from Rogerstown Estuary SPA, 5.5km from Malahide Estuary SAC and 5.9km from Malahide Estuary SPA.

Having considered the nature, scale and location of the project, 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 and nature of the development,

- distance to the nearest European site and lack of any significant ecological or hydrological connections,

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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance.

The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. The wastewater collection and disposal is designed in accordance with EPA codes of practice and best practice guidance. The drainage infrastructure incorporates appropriate measures to prevent pollution, control runoff and protect both surface water and groundwater receptors.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 **Recommendation**

I recommend grant of permission subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the objectives of the Fingal County Development Plan 2023-2029, the location of the development on lands zoned RU Rural where the objective is *‘to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’* and where *‘recreational/sports facility’* is permitted in principle (where it is in proximity to residential settlements and would not generate unacceptable traffic problems), it is considered that subject to the conditions set out below, that the proposed padel court facility would be an acceptable use in this area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health or the environment and would not seriously injure the amenities of the area. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

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| 1 | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 22<sup>nd</sup> December 2025, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2 | <p>(a) Before any other development commences, the entrance and roadside boundary and footpath and pedestrian crossing shall be constructed in accordance with the Proposed Site Plan submitted 22<sup>nd</sup> December 2025.</p>  |

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|   | <p>(b) The area between the existing public road carriageway and the revised roadside boundary shall be finished 200-300mm above carriageway level and finished in grass.</p> <p>(c) The revised boundary shall match the existing boundary.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>  |
| 3 | <p>Prior to commencement of development, the developer shall submit for the written agreement of the planning authority detailed proposals for the unobstructed free flow of vehicles and other users on the access road during the operation of the facility.</p> <p><b>Reason:</b> In the interest of traffic safety and to ensure no obstruction of the public roadway caused by gates.</p>   |
| 4 | <p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The scheme shall comply with the requirements of the planning authority. This scheme shall include the following:-</p> <p>(a) The establishment of hedgerow and planting of trees along the boundaries of the site. All hedgerow and tree planting shall be indigenous species only.</p> <p>(b) Details of proposed boundary treatments, including heights, materials and finishes.</p> <p>The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after the commencement of development.</p> <p>Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of</p> |

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|   | <p>the development, shall be replaced within the next planting season with others of similar size and, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity</p>   |
| 5 | <p>Drainage arrangements for the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit detailed designs to the Planning Authority for written agreement.</p> <p>Within three months of the first operation of the development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the drainage system and associated works are constructed and operating in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p> |
| 6 | <p>(a) The wastewater treatment system and polishing filter hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with this application and as revised by particulars submitted 22<sup>nd</sup> December 2025.</p> <p>(b) Within three months of the first operation of the development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the submitted details.</p> <p><b>Reason:</b> In the interest of public health and to prevent water pollution</p>               |

|    |   |
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| 7  | <p>Prior to commencement of development proposals for all external lighting details including details of measures to prevent light overspill shall be submitted for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>  |
| 8  | <p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>   |
| 9  | <p>During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p> |
| 10 | <p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>  |

11 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Aisling Mac Namara  
Planning Inspector

25<sup>th</sup> May 2026

## Appendix 1: Form 1 - EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   | 500828   |
| <b>Proposed Development Summary</b>   | Construction of padel court facility and all associated site works         |
| <b>Development Address</b>  | Belinstown, Ballyboughal, 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><br><br>(For the purposes of the Directive, "Project" means:<br><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 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.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested.</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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  |  |

|  |  |
|--|--|
| <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 checked="" 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>Schedule 5, Part 2,</p> <p>10 (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</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 checked="" type="checkbox"/></p>  | <p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p> |

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

## Appendix 2: Form 2 - EIA Preliminary Examination

|   |  |  |
|---|--|--|
| <b>Case Reference</b>   | 500828   |  |
| <b>Proposed Development Summary</b>   | Construction of padel court facility and all associated site works   |  |
| <b>Development Address</b>  | Belinstown, Ballyboughal, Co. Dublin   |  |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>   |  |  |
| <b>Characteristics of proposed development</b><br><br>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).  | <ul style="list-style-type: none"> <li>- Proposed sports/recreation use is compatible with the rural area.</li> <li>- Modest size and intensity of development</li> <li>- No substantial use of natural resources</li> <li>- Modest production of waste</li> <li>- No significant risk of pollution or nuisance</li> <li>- No significant risk of accidents / disasters or vulnerability to climate change</li> <li>- No risk to human health</li> </ul> |  |
| <b>Location of development</b><br><br>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | <ul style="list-style-type: none"> <li>- Rural area on improved agricultural land which is abundant in this area.</li> <li>- Local ecology only on site.</li> <li>- Removed from centres of population.</li> <li>- Removed from designated sites.</li> <li>- No significant impact on natural habitats or built heritage.</li> <li>- No significant impact on significant landscapes.</li> </ul>   |  |
| <b>Types and characteristics of potential impacts</b><br><br>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).  | Having regard to the following: <ul style="list-style-type: none"> <li>- Modest nature of the development proposal</li> <li>- lack of significant environmental sensitivities on the subject site,</li> <li>- limited magnitude and spatial extent of effects</li> <li>- absence of in combination effects</li> </ul> there is no potential for significant effects on the environmental factors listed in section 171A of the Act.                      |  |
| <b>Conclusion</b>   |  |  |
| <b>Likelihood of Significant Effects</b>  | <b>Conclusion in respect of EIA</b>  |  |

|   |                      |
|---|----------------------|
| There is no real likelihood of significant effects on the environment.<br><br>x | EIA is not required. |
|---|----------------------|

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3: Water Framework Directive Screening

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING                                     |                           |            |  |  |   |                                      |   |
|--|---------------------------|------------|--|--|---|--------------------------------------|---|
| Step 1: Nature of the Project, the Site and Locality                         |                           |            |  |  |   |                                      |   |
| An Bord Pleanála ref. no.  |                           | 500828     |  | Townland, address  |   | Belinstown, Ballyboughal, Co. Dublin |   |
| Description of project   |                           |            |  | Construction of padel court facility and all associated site works |   |                                      |   |
| Brief site description, relevant to WFD Screening                            |                           |            |  | No surface water bodies on site or adjoining site.                 |   |                                      |   |
| Proposed surface water details   |                           |            |  | SuDS and final outfall to ditch to south of site.                  |   |                                      |   |
| Proposed water supply source & available capacity                            |                           |            |  | Public mains   |   |                                      |   |
| Proposed wastewater treatment system & available capacity                    |                           |            |  | Proprietary wastewater treatment plant                             |   |                                      |   |
| Other issues   |                           |            |  | .  |   |                                      |   |
| Step 2: Identification of relevant water bodies and Step 3: S-P-R connection |                           |            |  |  |   |                                      |   |
| Identified water body  | Water body name(s) (code) | WFD status | Risk of not achieving WFD Objective e.g.at risk, review, not at risk | Identified pressures on that water body                            | Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater )<br><br>Consider all phases | Mitigation measures proposed         | Is mitigation sufficient? Will there be any residual impacts? |

|                 |                |      |                |   |   |  |                       |
|-----------------|----------------|------|----------------|---|---|--|-----------------------|
|                 |                |      |                |   |   |  |                       |
| River           | Turvey<br>_010 | poor | At risk        | River<br>Agriculture<br>Pressures<br><br>River<br>Urban Run<br>Off<br>Pressures | Operational -<br>Surface water<br>outfall to<br>ditch               | SUDS measures<br>designed in accordance<br>with Greater Dublin<br>Strategic Drainage Study<br>(GSDSDS) Regional<br>Drainage Policies Volume<br>2 for New Developments<br>and CIRIA documents | No residual<br>impact |
| Ground<br>water | Swords         | good | Not at<br>risk |   | Construction<br>- drainage to<br>ground                             | Best practice construction   | No residual<br>impact |
|                 |                |      |                |   | Operational -<br>Surface water<br>drainage to<br>ground             | SUDS measures<br>designed in accordance<br>with Greater Dublin<br>Strategic Drainage Study<br>(GSDSDS) Regional<br>Drainage Policies Volume<br>2 for New Developments<br>and CIRIA documents | No residual<br>impact |
|                 |                |      |                |   | Operational –<br>on site<br>wastewater<br>treatment<br>and disposal | Designed to EPA Code of<br>Practice standards and in<br>accordance with Council<br>requirements.   | No residual<br>impact |