



An
Bord
Pleanála

Inspector's Report

ABP-321004-24

Development	Retention of commercial unit and all associated site works.
Location	Lands at Grange, Ballyboughal, Co. Dublin, A45 DY72
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0643
Applicant	Vladimirs Bariskov
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Vladimirs Bariskov
Observer(s)	None
Date of Site Inspection	14 th January 2025
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.428ha and located in the townland of Grange to the west of the rural village of Ballyboughal, Co. Dublin.
- 1.2. The subject site is irregularly shaped and comprises a large hard-surfaced yard containing a number of vehicles, HGV/lorries, shipping containers and a central building complex of conjoined shed buildings. The site is accessible via an existing entrance on the eastern side of the Local Road network. The topography of the site and surrounding area is generally flat. The roadside boundary comprises a c. 2 metre high security fence back planted with laurel-type hedging. The northern (side) boundary contains a mixed hedgerow adjoining an agricultural pass. The southern (side) boundary contains mixed hedgerow with trees and part fenced with the eastern (rear) boundary also containing a fence.
- 1.3. The surrounding locality is characterised by a number one-off rural dwellings in individual and linear settings of varying styles and arrangements, agricultural lands and associated agricultural/horticultural holdings. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is not located within a Flood Zone.
- 1.4. The appeal site is gated and was closed at time of inspection and I was unable to enter or traverse the site.

2.0 Proposed Development

- 2.1. The development subject to this appeal comprises:
 - Retention of a single storey commercial unit (c. 193sq.m.)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council refused planning permission for the following 3 no. reasons:

1. *The subject site is zoned as 'RU' Rural under the Fingal Development Plan 2023-2029, where the objective 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'. The proposed development which is*

considered as 'industry – general' is not permitted under this land zoning use and would contravene materially the development objective in the Fingal Development Plan for the zoning of land as 'RU' Rural and as such would be contrary to the proper planning and sustainable development of the area.

- 2. From examining the submitted plans and particulars, it is noted the existing 3 no. units adjoining the proposed unit would not appear to constitute authorised development, and have not been found to constitute exempted development under planning legislation. In the absence of clarity in relation to such matters, to permit the development as proposed would consolidate unauthorised development on this site and would be contrary to proper planning and sustainable development.*
- 3. Based on the information submitted, it is considered the sightlines at the entrance serving the site and structure are substandard in both directions and in its current format is considered to be a traffic hazard.*

3.2. Planning Authority Reports

3.2.1. Planning Report

- Planner's Report dated 10/09/2024 forms the basis for the decision to refuse retention permission.
- The report provides a description of the site, associated planning enforcement, identifies the land use zoning designation and associated policy context from the Fingal Development Plan 2023-2029.
- The development relates to a commercial unit but no other details have been provided regarding the nature and activities on the site.
- Existing structures on the site do not appear to have the benefit of planning permission and are considered to be unauthorised.
- The use of the subject structure would be contrary to the 'RU' – Rural land zoning objective and recommends that the development be refused.
- In terms of impacts on visual and residential amenity, the subject development is adjacent to 3 no. existing commercial/garage units of similar height and appearance and so the development is not considered to be out of character with the surrounding area.

- The connection to an on-site wastewater treatment system requires additional information from the Water Services section in terms of additional impacts on the system and details of same in compliance with EPA guidance.
- Transportation Planning Section require Additional Information regarding justification for storage yard, intended car parking and EV parking. It was noted that the vehicular access requires upgrading and sightlines have not been demonstrated.
- No objections in principle raised with respect to water supply and surface water connections.
- No issues raised with respect to AA or EIA.

3.2.2. Other Technical Reports

- Environment: No objection.
- Parks & Green Infrastructure: No objection, in principle.
- Transportation Planning: Additional information requested.
- Water Services: Additional information requested.

3.3. **Prescribed Bodies**

- Uisce Éireann: No objection in principle.

3.4. **Third Party Observations**

- None.

4.0 **Planning History**

- No planning history is associated with the subject site.
- The appeal file indicates that the subject site currently has an active Planning Enforcement file – Ref. 24/126. The Enforcement case is stated as ongoing for *‘the operation of a commercial business on lands at Grange, Ballyboughal, Co. Dublin, A45 DY72, without the benefit of planning permission’*.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Fingal Development Plan 2023-2029 is the relevant Development Plan for the appeal site.

5.1.2. The appeal site is zoned 'RU' – Rural which has an 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 Objective Vision for this zoning designation is as follows:

'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'.

5.1.3. Section 7.5.3 of Chapter 7: Employment and Economy of the Development Plan relates to 'Rural Economy'. It is noted that the rural economy is driven by a number of minor towns and villages and that there are currently a variety of small, medium and larger-scale commercial enterprises operating in rural areas throughout the County. These enterprises provide important sources of employment and contribute to the diversification of the rural economy. Fingal County Council supports existing rural employment and commercial enterprises and will promote and encourage appropriately scaled enterprises. It is further acknowledged by the Council that the development of rural enterprise and employment opportunities will be vital to sustaining the rural economy. The following policy is considered to be relevant:

Policy EEP23 (Rural Economy) 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.

5.1.4. Section 13.3 of Chapter 13: Land Use Zoning of the Development Plan relates to 'Non-Conforming Uses'. The Development Plan states that *'throughout the County, there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or which are un-authorised but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria'*. The following Objective is relevant:

Objective ZO3 (Non-Conforming Uses) Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.

5.1.5. Section 13.4 of Chapter 13: Land Use Zoning of the Development Plan relates to 'Ancillary Uses'. *It is stated in the Development Plan that 'planning permission sought for developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale, should be considered on their merits irrespective of what category the ancillary development is listed in the zoning objectives, vision and use classes section of this chapter'*. The following objective is considered relevant:

Objective ZO4 (Ancillary Uses) Ensure that developments ancillary to the parent use of a site are considered on their merits.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. The nearest designated sites are the Rogerstown Estuary Special Area of Conservation (Site Code: 000208) which is located approximately 5.78km to the east and Rogerstown Estuary Special Protection Area (Site Code: 004015) which is located approximately 6.55km to the east of the site. The Malahide Estuary Special Area of Conservation

(Site Code: 000205) and Malahide Estuary Special Protection Area (Site Code: 004025) are located approximately 6.85km to the southeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the subject development, which is for the retention of a commercial unit in a rural area, there is no real likelihood of significant effects on the environment arising from the subject development. The need for Environment Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

- The first party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse. The grounds of appeal can be summarised as follows:
 - The applicant added the subject structure in 2024 and over several years has upgraded the external facades of the 3 no. original units.
 - The applicant is of the understanding that the original 3 no. units on site were erected before 1963 and the applicant currently pays commercial rates on these units. No planning enforcement action has been taken on the existing units.
 - Rural Policy EEP23 is to protect existing rural economy and to support the diversification of rural economies to create additional jobs. The Planners Report acknowledges that the development is not considered to be out of character with the surrounding area (existing 3 no. single storey commercial/garage units)
 - Reference is made to no third party submissions being received and no objections being received from some internal departments.
 - The applicant is prepared to address concerns in relation to access, parking and hardstanding issues raised by the Transportation Planning Section. The applicant intends to upgrade the existing entrance to comply with TII-DN-GEO-03060 and is amenable to provide a speed survey.

- The applicant does not intend to create additional impact on the existing on-site wastewater treatment system and the applicant is prepared to provide an Engineering Report to address the items raised by the Water Services Section.
- The outright refusal did not allow the applicant to consider design modifications to address concerns of the Planning Authority.
- The applicant is open to limiting the use of the subject unit to commercial use associated with agriculture.

6.2. Planning Authority Response

- A response from the Planning Authority has been received on file and informs that the Planning Authority has no further comment to make in respect of this appeal and thereby confirms its decision. The response indicates that should the appeal be successful that provision of contributions and conditions be made.

6.3. Observations

- None.

7.0 Assessment

Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Planning History
- Principle of Development and Policy Criteria
- Traffic & Transport
- Wastewater Treatment & Drainage
- Appropriate Assessment

7.1. Planning History

- 7.1.1. There is no available planning history associated with the lands. Having inspected the site and reviewed the contents of the appeal file, I note there is a pre-existing building on the appeal site which is described as 3 no. existing commercial units. The assessment of the Planning Authority noted that the existing structures did not appear to have the benefit of planning permission and are considered to be unauthorised. These contentions have formed part of the basis of the Planning Authority's decision to refuse permission, namely Refusal Reason No. 2.
- 7.1.2. The First Party contends that the original 3 no. units on the site were erected before 1963 and that the external facades of these units have been upgraded over a number of years and that no planning enforcement action has been taken on these units. The First Party has submitted no details or evidential information on the appeal file to corroborate or substantiate the established nature of the buildings on the site. I note in this regard that the existing buildings, with the exception of the subject unit to be retained, and associated hardstanding yard area have not been included as part of the development but are within the red line application site boundary.
- 7.1.3. From my site observations, it is evident that the existing buildings on the site have contemporary external complexions. I am not satisfied, however, that the works to the existing units has been confined to the upgrade of external facades as claimed. It is my view that the northern (side) part of the primary building has the form and appearance of a new build or that of a building which has been subject to extensive re-development works.
- 7.1.4. In terms of the use of the site, I would be of the view that while there has likely been a long-term use at this site, this use has intensified in recent times with the erection/placement of building(s), re-development of buildings on site and the laying out of an extensive area of hardstanding amongst other items. I consider, based on an external visual inspection of the appeal site that the type of activity associated with the site is one predominantly of car repairs/services and the storage of vehicles and materials. As noted, there are no details or evidential information with the appeal documentation to suggest that the structures on site or the associated operations have the benefit of permission.

7.1.5. Notwithstanding the contentions by the Planning Authority and the First Party relating to the use/operations of the site and the status of the existing buildings, I note that such issues of apparent unauthorised development are a matter for the Planning Authority and is outside of the remit of the Board for consideration in this appeal.

7.2. Principle of Development and Policy Criteria

7.2.1. The commercial unit to be retained is situated within the existing hard surfaced yard and adjoins an existing amalgamated building of 3 no. units with a total floor area of approximately 436sq.m. The building to be retained is rectangular in shape with an approximate floor area of 193sq.m (23 metres x 8.6 metres) and a barrel roof standing at a height of 7.65 metres. The external finishes are corrugated metal sheeting (to match existing buildings) to the roof and side walls.

7.2.2. As per the Development Plan's zoning designations, the subject site is zoned 'RU' – Rural. The subject development, as applied for is a 'commercial unit'. I have reviewed the 'RU' - Rural zoning matrix and note there is no specific commercial use implicitly listed as being "Permitted in Principle" or "Not Permitted". I have also reviewed Appendix 7 (Technical Guidance Notes for Use Classes) of the Fingal Development Plan 2023-2029 and note that there is no definition which strictly relates to a "Commercial" use class.

7.2.3. I note that the First Party did not detail the nature of the commercial unit to be retained or the use on the lands at application stage and has not sought to clarify same in the appeal. The Planning Authority, in their assessment considered the subject development to constitute 'Industry – General' which is not permitted under the 'RU' – Rural zoning and forms part of the decision to refuse retention. At the time of my site inspection, I observed signage at the site entrance relating to 'MH Motors' and stated to be a 'Used Car Specialist' with the inclusion of a list of associated services provided. Additionally, a second sign affixed adjacent to the entrance relates to 'KS Engraving' and is addressed to the site. I am satisfied that the site signage is consistent commercial operations at the appeal site, particularly with respect to the motoring/vehicle element observed.

7.2.4. Having regard to the above, I consider it prudent to consider the default principle of the Development Plan which states that *'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.'

- 7.2.5. The objective under the 'RU' – Rural zoning designation 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 the vision is to *'protect and promote the value of the rural area of the County'*. The Development Plan expands to state that the rural value is based on - *'agricultural and rural economic resources; visual remoteness from significant and distinctive urban influences; and, a high level of natural features'*. Additionally, the vision for rural areas is that *'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'*.
- 7.2.6. Based on the lack of information provided with the appeal, I have no basis to conclude that the commercial unit to be retained contributes towards protecting and promoting the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage of the area as per the 'RU' – Rural zoning objective. Moreover, I am not satisfied from the details before me that the development to be retained accords with the overall rural vision for the 'RU' – Rural area which is based on agricultural and rural economic resources; visual remoteness from significant/distinctive urban influences; and, a high level of natural features for the benefit of the local/wider population so as to promote rural biodiversity and the integrity of the landscape.
- 7.2.7. From a design/visual impact perspective, I note that the appeal site is located in a Low Lying Agricultural' area and I acknowledge that the commercial unit to be retained is largely consistent in terms of scale and design with the existing building(s) on the appeal site and does not detract from the visual amenities or landscape character of the area on account of the existing screening around the appeal site. Notwithstanding this and as previously noted, the commercial unit to be retained has not been justified by the First Party and I consider that the operations on this site is not compatible with agricultural or rural-related business.

7.2.8 Furthermore, I am not satisfied that the subject development can be considered against Objective ZO3 (Non-Conforming Uses) or Objective ZO4 (Ancillary Uses) respectively of the Development Plan. I have formed this view as an ancillary use must be assessed against the permitted parent use of the site. This use has not been detailed by the First Party and there is no available planning history on the site to enable a reasoned consideration of the commercial unit. With respect to considering the development as a non-conforming use, I note that such a use is required to be in existence on 1st October 1964, have valid planning permissions, or where unauthorised development has exceeded the time limit for enforcement proceedings. There is nothing on the appeal file that confirms the existence of the use for a period of time and I am satisfied that there is currently unauthorised development associated with the lands.

7.2.9. Therefore, having regard to the above, I consider that the commercial unit to be retained is at a variance to the 'RU' - Rural zoning objective and vision of the Development Plan and I recommend that permission be refused.

Matter of Material Contravention

7.2.10. Refusal reason No. 1 of the Planning Authority's decision states that the subject development is considered as 'Industry – General' which is not permitted under the 'RU' Rural land zoning use and would contravene materially the development objective in the Fingal Development Plan for this zoning designation. I note that the Planning Authority made their own determination in considering the commercial unit as coming within the definition of 'Industry – General' on account of the lack of supporting information with the application. I do not have the information before to define the subject development 'Industry – General', however, I am satisfied that that a material contravention of 'RU' – Rural land use zoning of the Development Plan arises for the above-mentioned reasons regarding the significant lack of consistency with the vision of the zoning objective for the site.

7.2.11. Should the Board be minded to consider a grant of permission, I would draw their attention to Parts (i) to (iv) of Section 37(2)(b) of the Planning & Development Acts 2000 (as amended) which would need to be considered in order to grant permission if the Board agrees that a material contravention of the Development Plan arises.

7.2.12. I have reviewed the above criteria and I am not of the view that the subject development meets these criterion for the following reasons:

- the subject development, at this location, is not of strategic or national importance;
- there are no conflicting objectives in the Development Plan, or objectives which are not clearly stated, insofar as the subject development is concerned;
- there are no reasons to grant permission for the subject development in this location having regard to regional planning guidelines (RSES), Section 28 guidelines or policy directives under Section 29, the statutory obligations of Fingal County Council in this area, or, any relevant Government policies; and,
- there are no reasons why permission should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the relevant Development Plan.

7.2.13. In this regard, I do not recommend that the Board considers a grant of permission using the material contravention powers that are available to it.

7.3. Traffic & Transport

7.3.1. The third reason for refusal is based on the Planning Authority's consideration that the sightlines at the entrance serving the site and structure to be retained are substandard in both directions and in its current format is considered to be a traffic hazard. The First Party indicates that they are prepared to address concerns in relation to access, parking and hardstanding issues that were raised by the Transportation Planning Section of the Planning Authority along with stating their intention to upgrade the existing entrance to comply with Transportation Infrastructure Ireland (TII) standards. However, I note that no such details have been included with the appeal for consideration.

7.3.2. Following an inspection of the appeal site, I note that the entrance arrangement serving the subject lands appears to be established. The site access comprises an electric sliding gate and associated metal security fence set on the road edge. The appeal site is situated on a sharp bend adjacent to the local road network. Whilst I am of the view that the local road is lightly trafficked with reduced traffic speeds at this particular section due to the alignment of the carriageway; I am not satisfied adequate

provision of sightlines have been demonstrated by the First Party which would assure road safety and would not have the potential to create a traffic hazard. Given the lack of detail submitted with the appeal file, it is unclear as to the extent of vehicular movements associated with/generated from the appeal site having regard to the commercial use to be retained on the site.

7.3.3. In conclusion, I am of the view that the subject development could potentially create an unacceptable traffic hazard risk due to additional and conflicting traffic movements which could endanger public safety. Therefore, I recommend that the subject development be refused.

7.3.4. As a further point, I note the concerns raised by the Planning Authority in relation to the lack of detail on car parking spaces and Electrical Vehicle charging points along with the justification for size and nature of the storage yard. That said, I am of the view that a refusal of planning permission would not be warranted on this particular basis as I consider that the appropriate parking provision in accordance with Table 14.19 – Car Parking Standards and a minimum 10% provision of EV parking spaces could be accommodated on the site in compliance with the requirements of the Development Plan without impacting on vehicle manoeuvrability within the internal site area given its size.

7.4. Wastewater Treatment & Drainage (New Issue)

7.4.1. The Planning Authority's decision to refuse permission was not based on particular issues regarding wastewater treatment or surface water drainage. However, this appeal represents my *de novo* consideration of all planning matters relating to the proposed development in association with the grounds raised by the appellant.

Foul

7.4.2. The assessment of the Planning Authority raises concern with the waste water treatment on the site and indicate that it was unclear as to whether or not the development to be retained will impact on the existing on-site wastewater treatment system. The Water Services Section requested Additional Information in relation to the details of the existing wastewater treatment system; clarity on the number of chambers; photographs; condition of septic tank; drawings of the percolation area; and, confirmation that the system complies with the EPA Code of Practice (2021).

- 7.4.3. I have reviewed the submitted drawings and note that no details have been provided in respect of the location, working order, age and nature of the existing foul arrangement or percolation area. The commercial unit to be retained is demonstrated as an open plan shed with no toilet/bathroom facilities and the First Party states that they do not intend to create additional impact on the existing on-site wastewater treatment system. The First Party has indicated that they are prepared to provide an Engineering Report to address the items raised by the Water Services Section. However, no such information has been provided with this appeal for consideration.
- 7.4.4. On the day of my site inspection, I was unable to access the site to observe the precise location of any on-site wastewater treatment system or confirm its status/working condition and verify the presence of a percolation area. In the absence of any supporting evidential documentation submitted with the appeal file on existing wastewater treatment, I would have significant concerns regarding the safe and effective treatment of effluent arising from the commercial unit to be retained along with the current operations on the appeal site which is likely to have additional loading on the existing septic tank. As such, it is my view that the subject development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
- 7.4.5. I note that these matters were considered by the Planning Authority but is a 'new issue' in relation to this appeal. Therefore, the Board may wish to seek the views of the First Party. However, should the Board be minded to refuse this application based on the substantive reason of compliance with the 'RU' – Rural land use zoning objective and access, the applicant shall be advised that any future application on the subject lands should accurately access the site characteristics in accordance with the EPA's Code of Practice.

Surface Water

- 7.4.6. The Site Layout Plan has not indicated the surface water drainage serving the commercial unit to be retained or the existing drainage provisions in the yard area other than an indication on the Application Form that surface water disposal is via a water course. I note that the Planning Authority have not expressed concerns regarding surface water disposal apart from suggested provisions of SUDs/nature-based solutions to slow down and reduce run-off. On balance, I am satisfied that

details of surface water drainage regarding the subject development could be reasonably considered through agreement with the Local Authority by way of appropriate condition(s) if the Board was minded to grant permission.

8.0 Appropriate Assessment (Screening)

- 8.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The subject development is located in a rural area approximately 5.78km from the Rogerstown Estuary SAC (Site Code: 000208) and Rogerstown Estuary SPA (Site Code: 004015) which are nearest European Sites respectively. The subject development comprises the retention of commercial unit.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 8.4. 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

I recommend that retention be REFUSED for the following reasons and considerations.

10.0 Reasons and Considerations

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 Development Plan 2023-2029. The Board considers that the subject development to be retained would materially contravene the zoning

objective, as set out in this plan. As such, the development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject development to be retained would likely result in the generation of increased volumes of traffic and an intensification of use of the access to the lands. It is considered, based on the lack of information provided with respect to sightlines in both directions from the existing entrance, that the subject development would create conflicting traffic movements which would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of traffic hazard. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, on the basis of the lack of information provided, that the existing effluent treatment system on the subject site has the capacity to effectively treat foul effluent arising from the additional loading from the development to be retained in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is considered that the subject development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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.

Matthew O Connor
Planning Inspector

22nd January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321004-24		
Case Reference			
Proposed Development Summary	Retention of commercial unit and all associated site works.		
Development Address	Lands at Grange, Ballyboughal, Co. Dublin, A45 DY72		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____