



An
Bord
Pleanála

Inspector's Report

ABP-309910-21

Development	Construction of dwelling and garage.
Location	Lands at The Matt, Ring Commons, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0024
Applicant(s)	Charlie and Carole Moore
Type of Application	Full.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Charlie and Carole Moore
Observer(s)	None
Date of Site Inspection	04 th of June 2021.
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site (0.23ha) is an agricultural field located along the east of a local rural road (L5175) at The Matt, Ring Commons, Naul, Co. Dublin. The local road radiates south off the R122, adjacent to Junction 6, M1. There are a few one-off rural dwellings around the site. The applicant's current dwelling is located directly north of the site and is attached to a farm holding which contains several barn structures. The site is currently used for sheep grazing and there is an agricultural entrance into the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
- The construction of one no. detached (c. 43m²), single-storey 4 bedroom dwelling with a detached garage, new vehicular entrance and driveway, on-site wastewater treatment system and all other works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reasons:

1. The site is located within the "RU" zoning objective under the Fingal Development Plan, 2017-2023, the objective of which 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."* Residential development is only permitted on suitable sites where the applicant has established a genuine need to live in the rural area, subject to specific criteria (contained in Table RF03) as expressed in Chapter 5 of the Fingal Development Plan, 2017-2023. The site is also located in a "Rural Area Under Strong Urban Influence", as set out in the National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban

influence. Having regard to the documentation submitted with the application, with specific regard to the applicant's existing dwelling, the applicant has not demonstrated eligibility to be considered for an additional dwelling in the rural area of Fingal on the basis of "medical circumstances". The proposed development would therefore contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023, including Objective RF39 and would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The house as proposed does not respond adequately to the open and sensitive landscape character of this particular area, the open nature of the landscape character has little assimilative capacity for the development as proposed. As such the proposed development would have a significant negative impact on identified rural landscape character and would contravene objective NH36 and RF53.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission on the site and may be summarised as follows:

Rural Dwelling

- Objective RF39 of the development plan allows for an additional dwelling beside the family home where there is a need for medical reasons.
- The applicant was previously advised at pre planning that they currently reside at the family home and therefore there is no need for an additional dwelling adjacent to same.
- There are no proposals for the use of the family home after the proposed development is complete.
- The applicant's son and daughter live beside the existing family home.

Design of dwelling

- The open nature of the site provides very little capacity for assimilation.
- Little attempt has been made to cluster the site.

Entrance

- Both the adjoining site and the proposed site are owned by the applicant's.
- Little attempt has been made to provide a shared entrance.
- The proposed development is contrary to Objective DMS126 as it will lead to excessive levels of individual entrances (i.e. an additional entrance to an additional house occupied by the applicants).

Landscaping

- The roadside planting is sparse.
- No Visual Impact Statement has been submitted.
- The proposed contiguous elevation does not reflect the proposed planting.

Services and Drainage

- Water services have no objection to the proposal.
- Inland Fisheries have raised concern in relation to the adverse effect on fisheries caused by additional phosphorous entering the waterways.

3.2.2. Other Technical Reports

Transport Planning Section: No objection subject to conditions.

Water Services Department: No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to condition

Inland Fisheries Ireland: Concern in relation to the impact on fisheries and recommend a condition relating to sewerage on any grant of permission.

3.4. **Third Party Observations**

None submitted

4.0 **Planning History**

None on the site, those in the vicinity of the site of relevance include the following:

F07A/1112

Permission granted for Lisa Moore, the applicant's daughter, further south of the site, along the L5175, for a dormer dwelling and wastewater treatment system.

F05A/1215

Permission granted for Gary Moore, the some of the applicant, for the dwelling on the opposite side of the L5175, for a dwelling and wastewater treatment system.

5.0 **Policy Context**

5.1. **Project Ireland 2040, National Planning Framework (NPF)**

NPO19 seeks to

'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'

5.2. **Section 28 Guidelines**

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.

- Section 3.2: A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within proximity to the immediate environs or close commuting catchment of large cities and towns.
- Section 4.3: Accessing Housing Circumstances

5.2.2. Appendix 3 sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.

5.3. EPA Code of Practice for Domestic Wastewater Treatment Systems 2009 & 2021

5.3.1. Planning System and Flood Risk Management -Guidelines for Planning Authorities (Nov 2009).

5.4. **Fingal County Development Plan 2017-2023**

The site is located in an area classified as being under “Strong Urban Influence”.

The site is located on lands zoned as “RU” where it is 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”*.

Rural Housing

Objective RF34: Permit 2 dwellings per family on RU zoned lands and one additional where the applicant demonstrates the need to reside on the farm.

Objective RF35: In exceptional circumstances in the RU zoning where two members of the family (excluding the occupier of the family farm) are actively engaged in the running of the family farm, permission may be considered for both. Documentation in support of an application must reflect the requirements of RF38.

Objective RF39: Permit new rural dwellings in areas which have zoning objectives RU, or GB, on suitable sites where the applicant meets the criteria set out in Table RF03:

- iii. A person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19th October 1999, and is considered to have a need to reside adjacent to the family home by reason of

that person's exceptional health circumstances. The application for a rural dwelling must be supported by two sworn affidavits from relevant and qualified professionals, with at least one from a registered medical practitioner. A qualified representative of an organisation which represents or supports persons with a medical condition or disability may supply the other.

It is to be noted that criterion no. (iii) applies in areas which have zoning objective, HA, as well as in areas with zoning objective GB and RU.

Table RF01: Maximum Number of Houses Which Will Be Permitted Per Existing House

- Area zoning objective: RU.
- Maximum no. of houses to be granted planning permission per existing house: 2 (+1 for exceptional health reasons +1 for exceptional farming circumstances).

Green Infrastructure Map 1

- The site is in an area designated as a Highly Sensitive Landscape
- Objective NH39- Visual Impact Assessments should be prepared for developments in highly sensitive locations.

Design Criteria for Housing in the Countryside

Objective RF58: Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

Objective RF59: Development Management Standards for housing in the countryside.

5.5. Natural Heritage Designations

The site is located c.7km to the south of the River Nanny and Estuary Shore SPA (004158), c.7.9km to east of Skerries Islands SPA (004122), c.9.5km from Rockabill

to Dalkey Island SAC (003000), c.10.3km Rockabill SPA (004014) and c.9.4km to the north of Rogerstown Estuary SPA (004015) and Rogerstown Estuary SAC (000208).

5.6. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by an agent on behalf of the applicant and the issues raised are summarised below:

Background

- A description of the development and location of the site are detailed.
- The merits of the proposed development are highlighted as being designed in accordance with research for home design for new build and retro fit homes for those with Dementia.
- The grounds of appeal is accompanied with a new Visual Impact Assessment, an updated contextual elevations of the proposed entrance gateway plan and elevations and a letter of correspondence outlines the scope of the works and the budgetary analysis for the adaption of the existing home.

Compliance with Objective RF39 and Table RF03 (iii)

- The criteria in objective RF39 allows a person with exceptional and demonstrated health reasons to have to reside beside their family home.
- The applicant can comply with the criteria necessary to prove the “exceptional health circumstances” and two supporting letters are included.

- The costs of a new build are much less than retrofitting the how to adapt to Carole's needs.
- The impact on retrofitting the house would be significant for Carole.
- The family care for Carole on a full-time basis.
- Retrofitting the existing house would be costly and may have significant impact on the landscape as the current house is raised from the ground.
- The new house will provide a modern high spec dwelling away from the farm and any agricultural activity.
- The possibility of providing a flat onto the son/ daughter's dwellings is not a possibility as it would be too disruptive for Carole and would provide inadequate open space.
- The possibility of an extension onto the existing dwelling would keep the dangers of the farm.
- The design of the new dwelling complies with the design for dementia.

Material Contravention

- The PA consider the proposal a material contravention of Objective RF39 and Table RF03.
- It is requested that the Board grant permission in accordance with Section 37 (2) (b) (iii) as the proposal complies with NPO 19 of the National Planning Framework (demonstrable social need to live in the rural area) and Section 4.3 of the Sustainable Rural Housing Guidelines (2005) (exceptional health reasons).

Design and Layout of the dwelling.

- Reference in the second reason for refusal refers to Objective RF 35 (seasonal workers). It is considered this is a typo and should refer to Objective RF58 ("Layout and Design for Housing in the Countryside")
- The site is located within a Highly Sensitive Landscape and Objective NH39 requires the submission of a Visual Impact Assessment.

- A Visual Impact Assessment is submitted with the grounds of appeal which states that the proposed development will have a low- medium impact on the landscape.
- The location of the site allows the dwelling to be assimilated.
- Contextual drawings submitted indicate consistency with the objectives.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response from the PA reiterates the considerations in the planning report and has no further comment.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Rural Housing Need
- Design of the dwelling
- Water and Wastewater.
- Appropriate Assessment.

Principle of Rural Housing

Background

7.2. The proposed development is for a one-off dwelling within the rural area north of Dublin and along the M1 motorway. The applicant currently resides on a dwelling to the north which is connected to a farm holding with a number of large sheds. Two one-off dwellings are in close proximity to the site and are in the ownership of the applicant's son and daughter. The surrounding area is flat and mostly in use as agricultural. Upon site inspection the site was used for sheep grazing.

Land ownership

- 7.3. The application is accompanied by a number of land folio maps indicating the applicant's ownership of the subject site and the surrounding lands. Details on the application and accompanied documents indicate the applicant has lived to the north of the site for 41 years and reference is made to this property as the family home. I note the PA pre planning discussions and reports highlight the applicant's current permanent residence directly north of the subject site. Having regard to the applicant's current residence the PA do not consider the applicant can comply with development plan objectives regarding any need for an additional dwelling, which I have further elaborated below. For the purpose of assessing the applicant's need for an additional dwelling at this specific location, I consider it necessary to highlight to the Board the applicant's current residence directly adjacent to the site.

Compliance with Objective RF39 and Table RF03

- 7.4. The site is located on lands zoned in the Fingal Development Plan 2017-2023 as RU, where it is 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 settlement Strategy for Fingal restricts dwellings to those who have a genuine rural-housing need.
- 7.5. Objective RF39 and the accompanying Table RF03 sets out the criteria to be met for those applying for new housing for the rural community other than those who are actively engaged in farming. Section (iii) of this objective permits a dwelling for a person who is an immediate member of a rural family who has been granted permission for a rural dwelling, since the 19th of October 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances. This application must be accompanied by two sworn affidavits from relevant and qualified professionals to support the person's medical condition.
- 7.6. The first reason for refusal relates to the location of the site within the RU zoning, NPO 19 of the National Planning Framework, the Sustainable Rural Housing Guidelines, the applicant's current ownership of a dwelling and the non-compliance with Objective RF39 on the basis of "medical circumstances". The report of the

planner notes the location of the applicant's dwelling beside the site, the absence of any proposals for the current dwelling and the location of the applicant's immediate family (son and daughter) in the vicinity of the site. In these regards, the PA do not consider the applicant would comply with RF03 (iii) as the applicant's current place of residence is the family home and it is not considered they have a need to reside adjacent to their existing home.

- 7.7. The grounds of appeal consider the applicant qualifies for a dwelling and is in compliance with Objective RF39 and Table RF03. It is considered that the applicant requires a new dwelling beside the family residence as the cost of retrofitting the current dwelling in line with Dementia best practice is too great. In addition, the location of the dwelling adjacent to the farm is too dangerous. It is argued that there is no potential to build a family annex onto the immediate family member dwellings. The grounds of appeal request the board grant permission for the dwelling under Section 37 (2) (b) (iii), further discussed below.
- 7.8. I note the criteria in both Objective RF39 and Table RF03 refers to the eligibility of applicant's for a new rural house in the countryside. The applicant has submitted two letters of support from medical professionals, her GP, and Consultant Psychiatrist, to state that retrofitting the existing dwelling would be very expensive and the location of the dwelling on a working farm presents dangers.
- 7.9. In relation to the applicant's need to live in this rural area, the Board will note the applicant already lives here. I consider the question arises as to whether the applicant requires an additional dwelling adjacent to the family home to serve her needs. The excessive cost of retrofitting the dwelling has been voiced in the grounds of appeal and the supporting documentation from the medical professional, although I do not consider this a sufficient planning reason to build a new dwelling in an area of the countryside which is currently designated as a highly sensitive landscape and under urban generated pressure. In regard to the danger to the applicant from the location of the existing dwelling adjoining the farm I do not consider that an exceptional situation which can not be resolved in some manner which would warrant the necessity for a new dwelling.
- 7.10. The Board will note the spirit of rural housing policy in Fingal county, in broad terms, is to accommodate persons who genuinely need to live at that location. The rationale

for complying with Objective RF39 (iii) being that the new dwelling would be beside the family home for reasons of caring for the person who had exceptional health circumstances. In this instance, the applicant already lives in the family home and beside immediate family members who can provide care. I consider permitting an additional dwelling would not be in compliance with those requirements as stated in Objective RF39 and therefore the proposal is in contravention of the development plan.

Material Contravention of the Fingal County Development Plan 2017-2023

- 7.11. The grounds of appeal consider the proposal should be granted by the Board having regard to Section 37 (2) (b) (iii). Section 37(2)(b) of the Planning and Development Act of 2000 as amended provides that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with specific criteria, where it considers one of the criteria of section 37 (2) (b) of the Act of 2000 were to apply.
- 7.12. Section 37 (2) (b) (iii) states that: *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*
- 7.13. The grounds of appeal refer to the National Planning Framework, specifically National Planning Objective 19, and Section 4.3 of the Sustainable Rural Housing Guidelines as justification to grant permission under Section 37 (2) (b) (iii).
- 7.14. NPO 19 of the NPF requires that in rural areas under urban influence the provision of single housing in the countryside is based on “*the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements*”. The grounds of appeal argue that the applicant has demonstrated the social need to live in a rural area with regard to exceptional health circumstances. I note the applicant already resides in the rural area. The assessment of this proposed development, in my opinion, is the need for an additional rural dwelling. In this regard I do not consider the terms of NPO 19

applicable in the assessment of additional dwellings and therefore I do not consider permission should be granted having regard to NPO19.

- 7.15. Having regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005, the site is in an area under “*Strong Urban Influence*” due to its location in close proximity to Dublin and other transport corridors. The M1 motorway runs along the east of the site and Junction 6 is in close proximity of the site. Section 4.3 provides reference to exceptional health circumstances and the need in a particular environment or close to family support. As stated above, the applicant already lives beside the site and the proposed site would not change the overall environment or be closer to any family support, already in the vicinity.
- 7.16. Therefore, having regard to my assessment above I consider a grant of permission under Section 37 (2) (b) (iii) of the Planning and Development Act 2000 (as amended), is not justified in this instance.

Conclusion

- 7.17. Having regard to the applicant’s current residence on the adjoining site and the potential to retrofit the dwelling, albeit at an expense, I do not consider there are sufficient planning considerations for an additional rural dwelling for the applicant at this location. I consider permitting the proposal will unnecessarily further erode the countryside in an area which is already under significant urban pressure. Overall, I do not consider the proposal can comply with the Objective RF39.

Design of the Dwelling

- 7.18. The subject site is relatively flat which is a characteristic of the surrounding landscape. The design of the proposed dwelling is single storey, slightly elevated at the rear (c.6.2m) with a detached dwelling. The second reason for refusal relates to the design of the house. It states that the house does not respond adequately to the open and sensitive nature of the rural area and considers the landscape has little assimilative capacity for the development as proposed. The reason for refusal refers to the rural landscape character and objective NH36 and RF53.
- 7.19. Green Infrastructure Map 1, of the Fingal County Development Plan 2017-2023, illustrates the site as being within a highly sensitive landscape. Objective NH39 of the development plan requires that Visual Impact Assessments should be prepared

for developments in highly sensitive locations. The report of the area planner noted that no visual impact assessment accompanied the application. A Visual Impact Assessment (VIA) has been submitted with the grounds of appeal along with Drwg No. PL-005 titled "Existing & Proposed Contextual Elevations Proposed Entrance Gateway Plan & Elevation". The grounds of appeal consider this information is sufficient to address those concerns as stated in the second reason for refusal.

- 7.20. The location of the dwelling is in keeping with the applicant's existing dwelling, along the same building line. I note the applicant's current dwelling is on filled lands and raised c. 1m above the existing ground level. Having regard to this existing feature and the proposed single storey dwelling I do not consider the design would be visually dominate at this location. In addition, I note the information contained in the VIA and the contiguous elevation drawings, which I consider indicates a low-medium impact on the existing landscape.
- 7.21. Therefore, having regard to the characteristics of the surrounding landscape. The location beside an existing dwelling and the overall design of the dwelling which has a simplistic style, I do not consider the proposed design of the dwelling would have a significant negative impact on the character of the immediate area.

Water and Wastewater

- 7.22. The proposed development includes a packaged wastewater treatment system and polishing filter (c. 180m²) designed for 6 persons. The applicant proposes to connect to the mains water supply. Irish Water have no objection to the proposal subject to a condition requiring a connection agreement.
- 7.23. A site characterisation form accompanied the application which states that the soil type is gleys, acidic. The aquifer category is *locally important*, and the vulnerability is *low*. The groundwater protection response is "R1". i.e. the soils are acceptable subject to normal good working practice.
- 7.24. The trail hole assessment submitted by the applicant encountered bedrock a depth of 2.1m. The site characterisation form notes that the water table was encountered at 1.5m and notes this as a potential site restriction. The submitted site characterisation records a T-test value of 45.89 min/25mm. Table 6.3 of the EPA Code of Practice 2009 considers this value acceptable. A P-value has also been provided of 38min/25mm.

7.25. A submission from Inland Fisheries Ireland raised concern in relation to the cumulative impact of phosphorous on the fisheries in the area and request the board assess any proliferation of other houses in the area in relation to contamination of local water courses. They request a condition be included on any grant of permission relating to compliance with the EPA CoP 2009. The Board will note my assessment above in relation to the applicants existing dwelling and the absence of any need for an additional dwelling. This aside, having regard to the site characterisation form , I am satisfied the site can accommodate a wastewater treatment system in line with the requirements of the EPA CoP 2009.

Appropriate Assessment

7.26. The site is located c.7km to the south of the River Nanny and Estuary Shore SPA (004158), c.7.9km to east of Skerries Islands SPA (004122), c. 9.5km from Rockabill to Dalkey Island SAC (003000), c. 10.3km Rockabill SPA (004014) and c.9.4km to the north of Rogerstown Estuary SPA (004015) and Rogerstown Estuary SAC (000208).

European Site	Qualifying Interest	Conservation Objectives
River Nanny Estuary and Shore SPA (004158)	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the species which are listed.
Skerries Island SPA (004122)	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Turnstone (<i>Arenaria interpres</i>) [A169]	A generic objective: To maintain or restore the favourable conservation condition of the bird species listed as Special

	Herring Gull (<i>Larus argentatus</i>) [A184]	Conservation Interests for this SPA
Rockabill to Dalkey Island SAC (003000)	Phocoena phocoena (Harbour Porpoise) [1351] Reefs [1170]	To maintain the favourable conservation condition of the species and habitats
Rockabill SPA (004014)	Purple Sandpiper (<i>Calidris maritima</i>) [A148] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]	To maintain the favourable conservation condition of the species which are listed.
Rogerstown Estuary SPA (004015)	Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the species listed as qualifying species SPA, which is defined by specific list of attributes and targets for each species.
Rogerstown Estuary SAC (000208).	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	To maintain the favourable conservation condition of all those habitats apart from the dunes listed below, in Rogerstown Estuary SAC, which is defined by a list of attributes and targets for each habitat.

	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in and Fixed coastal dunes with herbaceous vegetation ('grey dunes')
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There are no watercourses on the site or any direct hydrological connections to any of the European Sites. In relation to groundwater having regard to the distance to any European site and the information contained in the site characterisation form, I do not consider there is any potential pathway via groundwater or any indirect hydrological connection.

In relation to the SPA's, I note the site is separated from both the River Nanny and Estuary and Shore SPA, the Rogerstown Estuary SPA and the Rockabill and Skerries Islands SPA, in the most part, by the motorway and there is no direct connection to the site. The site is currently used as agricultural with grazing sheep and no habitats are identified which are necessary to support those species of interest in either SPA.

Having regard to the nature and scale of the proposed development, the information on the file and the nature of the receiving environment, no appropriate assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European Site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the site within “Area Under Strong Urban Influence” as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating need in accordance with Objective RF39 and Table RF03 of the Fingal County Development Plan 2017-2023, it is considered that based on the applicant’s current place of residence beside the subject site there is no demonstrable need for an additional dwelling at this location in a rural area. It is not considered the proposal comes within the scope of the housing need criteria as set out in the National Planning Policy, Guidelines or the Development Plan for a house at this location. Having regard to the applicant’s current place of residence the proposed development would be contrary to Objective RF39 of the Fingal County Development Plan 2017-2023, would contribute to the encroachment of excessive rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

08th of June 2021