



An
Bord
Pleanála

Inspector's Report ABP-314085-22

Development	House, wastewater treatment system, well, 3 polytunnels in relation to proposed on-site strawberry farm enterprise and all site works.
Location	McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD22A/0117.
Applicant	Annette & Alan Richie.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v Refusal of Permission
Appellant	Annette & Alan Richie.
Observer(s)	An Taisce.
Date of Site Inspection	1 st May 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1. The address of the appeal site McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin. The site is located on the south-western side of McDonagh's Lane, c. 500m to the north-west of the junction of McDonagh's Lane with the N81 road in Brittas village.
- 1.2. The site has an irregular shape and is accessed from an existing vehicular entrance at the northern end of the roadside boundary to McDonagh's Lane. A timber post and wire fence, back planted with shrubs form the remainder of the roadside boundary. A gravel surfaced driveway leads from the entrance to an existing log cabin type structure. The structure is centrally located within the site and there are a number of smaller shed type structures located to its east. The structure was inhabited at the time of my inspection. The majority of the site is relatively flat, with the exception of the site's northern and western end, which has significantly higher ground levels. I note that ground levels in the wider area are greatly undulating. The site is also quite exposed with extensive views in a southerly direction. The appeal site has a stated area of c. 0.52ha.
- 1.3. In terms of the surrounding area, I note that there is a substantial amount of one-off rural housing in the vicinity of the site, in particular on the opposite side of the road. The local road network is relatively narrow at this location and the ground levels of the road rise in a general south-east to north-westerly direction in its vicinity.

2.0 Proposed Development

- 2.1. The proposal seeks planning permission for construction of a single storey detached dwelling on the appeal site with a stated floor area of c. 160sq.m. The dwelling will comprise an entrance hall, open plan kitchen/living/dining room, utility, bathroom, 3 no. bedrooms and a sitting room. The eastern portion of the dwelling has a pitched roof form with a flat roof link to the west, connecting to a half barrel (curved) shaped roof to the rear. In terms of the palette of materials and finishes, the dwelling will have a nap plaster finish. The pitched roof element to the front will have a slate roof with the half barrel roof to the rear utilising an unspecified cladding.

- 2.2.** The proposed dwelling is set back c. 17m from the existing roadside boundary and will be accessed via a new recessed entrance. The proposal also seeks to realign the existing road side boundary to achieve sightlines in each direction. The dwelling is proposed to be served by a waste water treatment system and percolation area which is to be located within the western portion of the site.
- 2.3.** The proposed development also includes the construction of 3 no. polytunnels which are to be located to the west of the proposed dwelling and are to be utilised as a strawberry farm. The location of 2 no. future polytunnels have also been identified on the submitted site layout plan.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council refused planning permission for the development for the following 9 no. reasons:

1. "The proposed development does not overcome the reason(s) for refusal relating to Rural Housing policies in the South Dublin County Development Plan 2016 - 2022, under Reg. Ref. SD21A/0263.
 - a. Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016- 2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicants have not provided sufficient evidence to come within the scope of the housing need criteria as set out in the development plan for a house at this location. The evidence submitted is considered to be out of date, mostly dated from 2016. In addition, the business plan provided for the Strawberry farm is missing key information to provide justification for the location of such a business at this location and would not be considered to represent a genuine plan for a business that is necessary at this

location, or which would be viable. The development would therefore contravene Policy H23 of the County Development Plan and the proper planning and sustainable development of the area.

b. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. The applicants have not provided sufficient justification for a need to reside at this location and why none of the existing settlements nearby can meet their requirements. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not overcome the previous reason for refusal relating to regional policy under reg. ref. SD21A/0263. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the Regional Spatial and Economic Strategy. The Settlement Strategy policy for the Eastern & Midlands Region supports

provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans. The applicants have not provided sufficient justification to not reside in one of the nearby existing settlements, and the business plan provided does not provide sufficient information to consider that the proposed strawberry farm use would be viable. The proposed development would therefore represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

3. The proposed development does not overcome the previous reason(s) for refusal relating to national rural housing policy under Reg. Ref. SD21A/0263. It is considered that the applicants have not satisfactorily justified an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, would contribute to the encroachment of ad-hoc 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.

4. The site is zoned 'HA-DM' - To protect and enhance the outstanding natural character of the Dublin Mountains Area.' The proposed development has not overcome the previous reasons for refusal relating to the impact on the outstanding natural character of the Dublin Mountains, under Reg. Ref. SD21A/0263.
 - a. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 – 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.
 - b. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the

character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

- c. The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are specific conservation objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried out to date have adversely affected the character of the mountain area. It is considered that the proposed development would further adversely affect the significant views along McDonagh's Lane, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
5. The proposed development has not overcome the previous reasons for refusal relating to inadequate road frontage and ribbon development, under Reg. Ref. SD21A/0263. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. The proposed development would have a road frontage of less than 60m and would therefore not comply with the requirements of Section 11.3.4(ii). H27 Objective 1 of the Development Plan also states that new rural development would not create or exacerbate ribbon or haphazard forms of development. The development would clearly contribute to ribbon development would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

6. The proposed development has not overcome the previous reasons for refusal relating to traffic hazard. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
7. The proposed development has not overcome the previous reasons for refusal relating to soil percolation tests and site suitability, under SD21A/0263. The applicant has not submitted a report showing site specific soil percolation test results and design calculations for the proposed soakaway (or trench soakaway) in accordance with BRE Digest 365 - Soakaway Design. Furthermore, a site suitability report indicating the condition of the site with respect to the suitability of the proposed waste water treatment system has not provided. A map showing the location of trial holes is also not provided. The proposed development would therefore be contrary to the GI and drainage policies and objectives contained within the South Dublin County Council Development 2016-2022 and would be contrary to the proper planning and sustainable development of this area of outstanding natural character of the Dublin Mountains Area.
8. The applicant has not provided sufficient information to meet the requirements of H27 Objective 1 of the Development Plan which sets out specific criteria for all new rural housing developments to comply with. In addition, the applicants have not provided a site analysis and character appraisal of the development as per the requirements of Section 11.3.4(ii) of the Development Plan. Furthermore, the driveway area shown on drawings is considered to be excessive, and a minimum road frontage of 60m has not been provided. These are all requirements of Section 11.3.4(ii) of the Development Plan. In lieu of

providing sufficient supporting information in relation, the application does not meet the requirements of the Development Plan and the development would therefore be contrary to the proper planning and sustainable development of the area.

9. The applicants have not proposed any Sustainable Urban Drainage Systems (SuDS) as part of the development. Section 11.6.1 of the Development Plan states that all new developments will generally be required to incorporate SuDS, with Green Infrastructure (G) Policy 5 stating 'it is the policy of the Council to promote and support the development of Sustainable Urban Drainage Systems (SUDS) in the County and to maximise the amenity and biodiversity value of these systems.' Without providing any proposals for SUDS, the development would be contrary to the proper planning and sustainable development of the area”

3.2. Planning Authority Reports

3.2.1. Planning Report

The South Dublin County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development and the policy at local through to national level that is applicable to the development proposal. The report also sets out the extensive planning history of the appeal site.

In terms of the Applicant’s rural housing need and based on the information submitted with the application, the Planning Authority was not satisfied that the Applicant had provided sufficient information to demonstrate a definitive economic or social need to live at the proposed development site. Concerns were also raised with respect to the potential visual impact of the dwelling given its elevated position and the Planning Authority noted that residential development at this location is not considered acceptable. Concerns were also highlighted with respect to the extent of the proposed driveway and car parking area. Within their assessment, the Planning Authority have had regard Policy H27 Objective 1 of the Development Plan and it was contended that the proposed development would contribute to and exacerbate haphazard forms of

development. The Planning Authority have had regard to the planning history on the appeal site and it is considered that the Applicant has not overcome or adequately addressed the previous grounds for refusal. A refusal of planning permission was therefore recommended by the Planning Authority for 9 no. reasons.

3.2.2. Other Technical Reports

Roads: Report received recommending a refusal of permission.

Surface Water Drainage: Report received requesting additional information.

Public Realm: Report received requesting additional information.

3.2.3. Prescribed Bodies

EHO: Report received requesting additional information.

Irish Water. Report received stating no objection to the proposed development subject to compliance with conditions.

An Taisce: Report received recommending a refusal of permission.

3.2.4. Third Party Observations

None.

4.0 Planning History

SD21A/0263: Planning permission refused by the Planning Authority for development consisting of the construction of a single storey dwelling, waste water treatment system, well, 3 polytunnels in relation to proposed on site strawberry farm enterprise and all site works. The application was refused for the following 2 no. reasons:

1. The proposed development does not overcome the reason(s) for refusal relating to Rural Housing policies in the South Dublin County Development Plan 2016 - 2022, under Reg. Ref. SD20A/0157.

- a. Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016- 2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that none of the applicants come within the scope of the housing need criteria as set out in the development plan for a house at this location. The development would therefore contravene Policy H23 of the County Development Plan and the proper planning and sustainable development of the area.
 - b. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HADM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development would constitute urban generated housing, would contravene the objective of the planning authority, and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development does not overcome the previous reason for refusal relating to regional policy under reg. ref. SD20A/0157. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and

Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism, and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

3.

- a. The proposed development does not overcome the previous reason(s) for refusal relating to national rural housing policy under Reg. Ref. SD20A/0157. It is considered that the applicants have not satisfactorily justified an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, would contribute to the encroachment of random 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.

- b. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism, and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.
4. The site is zoned 'HA-DM' - To protect and enhance the outstanding natural character of the Dublin Mountains Area.' The proposed development has not overcome the previous reasons for refusal relating to the impact on the outstanding natural character of the Dublin Mountains, under Reg. Ref. SD20A/0157.
 - a. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 – 2022 following a Landscape

Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.

- b. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.
- c. The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are specific

conservation objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried out to date have adversely affected the character of the mountain area. Therefore, it is also considered that the proposed development would adversely affect the significant views along McDonagh's Lane that it is an objective to protect and preserve, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

5. The proposed development has not overcome the previous reasons for refusal relating to inadequate road frontage and ribbon development, under Reg. Ref. SD20A/0157. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. It is the policy of the planning authority as set out in the development plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
6.
 - a. The proposed development has not overcome the previous reasons for refusal relating to inadequate sightlines and traffic hazard, under Reg. Ref. SD20A/0157. It has not been satisfactorily demonstrated that sightlines of 90 metres in both directions can be achieved from either the existing or proposed entrances. In addition, the existing entrance represents an intensification of the original agricultural use of the lands and the continuation of development, in addition to the proposed use of the lands, which would generate additional traffic on the substandard rural road

network and would result in increased traffic movement on this roadway which would endanger public safety by reason of traffic hazard.

- b. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.
7. There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant has not submitted a report showing site specific soil percolation test results and design calculations for the proposed soakaway (or trench soakaway) in accordance with BRE Digest 365 - Soakaway Design. Furthermore, a site suitability report indicating the condition of the site with respect to the suitability of the proposed waste water treatment system is not provided. A map showing the location of trial holes is also not provided. The proposed development would therefore be contrary to the GI and drainage policies and objectives contained within the South Dublin County Council Development 2016-2022 and would be contrary to the proper planning and sustainable development of this area of outstanding natural character of the Dublin Mountains Area.

SD20A/0157: Planning permission refused for 6 no. reasons by the Planning Authority for various works comprising:

- The erection of three bed bungalow;
- Strawberry farm;
- Stable area for horse;
- Food store and forge installation of wastewater treatment plant and percolation area & stormwater disposal;
- New vehicular access and walling;
- Existing well & pumphouse;
- Landscaping and ancillary site works;

Retention permission was also refused for a 2 bed log cabin, temporary septic tank and temporary vehicle driveway.

SD19A/0211 & ABP-305499-19: Planning permission refused by the Planning Authority and An Bord Pleanála for 4 no. reasons for a proposed development comprising:

- Erection of a 3 bed house;
- Christmas Tree Farming;
- 1 stable area for horse, food store and forge;
- Installation of wastewater treatment plant and percolation area;
- Storm water disposal;
- New vehicular access and walling, well, landscaping and ancillary site work; temporary.

Temporary retention permission was also refused for an existing 2 bed log cabin; temporary septic tank; well; pump house and temporary vehicle driveway.

SD19A/0010: Planning permission refused by the Planning Authority for 5 no. reasons for a proposed development comprising:

- Erection of a 3 bed bungalow
- Installation of wastewater treatment plant and percolation area;
- Storm water disposal;
- Vehicular access and walling; well; landscaping and ancillary site work;
- Agriculture storage for hobby farming containing 1 stable;
- Area for goats & food store and forge;

Temporary retention permission was also refused for an existing 2 bed log cabin; temporary septic tank; well; pump house and temporary vehicle driveway.

SD18A/0260: Planning permission refused by the Planning Authority for 6 no. reasons for a proposed development comprising:

- Erection of a 3 bed bungalow;
- Installation of wastewater treatment plant and percolation area;
- Storm water disposal,
- New vehicular access and walling;

- Well, landscaping and ancillary site works.

Temporary retention permission was also refused for an existing 2 bed log cabin; temporary septic tank; well; pump house and temporary vehicle driveway.

SD18A/0016: Planning permission refused by the Planning Authority for 4 no. reasons for a proposed development comprising:

- 3 bed bungalow;
- installation of wastewater treatment plant and percolation area;
- storm water disposal,
- new vehicular access and walling;
- well, landscaping and ancillary site works.

Temporary retention permission was also refused for an existing 2 bed log cabin; temporary septic tank; well; outhouse and temporary vehicle driveway.

SD16A/0194 & PL06S.247085: Planning permission refused by the Planning Authority and An Bord Pleanála for 2 no. reasons for a proposed development comprising:

- Erection of 3 bed bungalow;
- Installation of wastewater treatment plant and percolation area;
- Stormwater disposal;
- New vehicular access, and walling;
- Well, landscaping and ancillary site works.

4.1. Enforcement History

The Planning Authority's Planning Report refers to Ref. S7830. This enforcement file related to the potential:

- Construction of a wooden structure for residential habitation, a dwelling house.
- The construction of a new vehicular entrance onto McDonagh's Lane.
- The development of a wastewater treatment system & percolation area.

- The construction of an ESB outhouse to the rear (west) of the wooden structure residence.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective 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.

This will be subject to siting and design considerations. In all cases, the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and

compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.3. Climate Action Plan 2023 (CAP23)

5.1.4. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, November 2009.

5.1.5. Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.1.6. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.1.7. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

5.2. Local Policy

5.3. South Dublin County Development Plan, 2022 -2028 (CDP)

The South Dublin County Development Plan (CDP), 2022-2028 came into effect on 3rd August 2022, and after the decision to refuse permission. The site is located within an area zoned 'HA-DM' (High amenity – Dublin Mountains) of the current CDP, which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. All lands within the surrounds of the appeal site are also zoned 'HA-DM'.

Given the location of the appeal site on lands zoned HA-DM', Section 6.9.3 (Rural Housing in HA – Dublin Mountains Zone) of the Plan is applicable to the consideration of the appeal. Relevant policies and objectives include:

- Policy H19: Rural Housing in HA – Dublin Mountains Zone New or replacement dwellings within areas designated Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) will only be considered in exceptional circumstances.
- H19 Objective 1: To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) in the following exceptional circumstances where all of the criteria below are met:
 - o The applicant is a native of the area; and
 - o The applicant can demonstrate a genuine need for housing in that particular area; and
 - o The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and
 - o The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area. The policy states that the above criteria are to be considered alongside the need to sustain and renew established rural communities and to ensure the viability of amenity, including local schools and the need to accommodate genuine rural housing needs where they arise.

Policy H23 (Rural Housing and Extension Design) of the plan seeks to 'Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and

visual setting of the surrounding landscape. In this regard, proposals for new rural houses or extensions shall comply with H23 Objective 1 which seeks to:

- Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);
 - o Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
 - o Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
 - o Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
 - o Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and
 - o Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
 - o Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and à Would not create or exacerbate ribbon or haphazard forms of development.

Policy H22 of the Plan requires: 'Occupancy Condition Conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent residence by the applicant and / or by members of his / her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.'

In addition to the above, Section 12.6.9 (Rural Housing) set outs the Planning Authority's set outs the policy with respect to 'Rural Housing Design'.

Policy NCBH6 (Dublin Mountains) of the Plan seeks to 'Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network.' Relevant policy objectives include:

- NCBH6 Objective 2: To restrict development within areas designated with Zoning Objective 'HA-DM' (To protect and enhance the outstanding natural character of the Dublin Mountains Area) and to ensure that new development:
 - o does not significantly impact on sensitive habitats, species, or ecosystem services;
 - o is related to the area's amenity potential or to its use for agriculture; mountain or hill farming; and
 - o is designed and sited to minimise environmental and visual impacts.
- NCBH6 Objective 3: To ensure that development proposals within the Dublin Mountains protect existing ecological and geological features and archaeological landscapes.
- NCBH6 Objective 4: To ensure that any permitted development supports the principles and protections included in the South Dublin County Green Infrastructure Strategy, recognising the significant value for amenity and ecosystem services provided by the Dublin Mountains for the Greater Dublin Area.

As per Zoning Map 11 & 11a of the Plan, there is an objective to 'Protect and Preserve Significant View' that applies to both sides of McDonagh's Lane. Policy NCBH15 (Views and Prospects) seeks to 'Preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.' Relevant policy objectives include:

- NCBH15 Objective 1: To protect, preserve and improve Views and Prospects of special amenity, historic or cultural value or interest including rural, river valley, mountain, hill, coastal, upland and urban views and prospects that are

visible from prominent public places and to prevent development which would impede or interfere with Views and / or Prospects.

- NCBH15 Objective 2: To require a Landscape / Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

5.4. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122), c. 5.1km to the south-east of the site. The 'Proposed Natural Heritage Area: Slade of Saggart and Crooksling Glen' is also located c. 350m to the east of the site.

5.5. EIA Screening

Having regard to the nature and scale the development which consists of the construction of a single house in an un-serviced rural 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

A First Party appeal has been prepared on behalf of the Applicant. The main grounds of appeal made can be summarised as follows:

- The Applicants believe that the information submitted in support of the application has not been fully or adequately assessed by the Planning Authority's technical staff. It is stated that the Planning Authority did not acknowledge significant changes in the applicant's circumstances, specifically in relation to their parents need for her to remain as their carer.
- It is stated that there are a number of anomalies in the Chief Executive's Order regarding reports that were included in the application, in some cases the anomalies relate to inaccurate assessment and in other references to

reports not having been submitted, where they clearly were included in the planning application submission.

- The Planning Authority has failed to acknowledge points raised within the application content in specific reports and drawings submitted, specifically in relation to road issues, ribbon development and road frontage.
- The Planning Authority consistently state that there was insufficient justification provided by the Applicants to warrant the overturning of previous reasons for refusal. This indicates that there are situations that would allow the Planning Authority to grant planning permission in this area, and it is contended that the reasons put forward are sufficient.
- The Planning Authority have stated that the proposed business plan was inadequate and the proposal was not viable. The Applicants dispute this issue, and it is stated that a revised business plan is included with the appeal submission.
- It is stated that several sections of the Chief Executive Order recommend that additional information should be sought. However, a refusal of permission was issued.
- It is stated that there has been a significant shift within the South Dublin County Council Rural Housing Policy recently where an amendment in the Draft County Development Plan supports the provision of rural housing for family members who need to reside close to family members to care for them. The Applicants suggest that this specific amendment supports their application, and it is stated that the Applicants were instrumental in the amendment process in relation to the wording and gaining support for it from Elected Members of the Local Authority.
- In terms of the Applicant's rural housing need, it is stated that Annette Richie is indigenous to this area and married to Alan Richie, the joint Applicant. The information submitted with the application shows her connection with the area and further up to date correspondence to their current address, McDonagh's Lane, is included within the appeal submission. It is stated that the information submitted with the application clearly shows that she is caring for both of her parents, as fully certified by her parents GP. A sworn

affidavit from the Applicant with respect to the ongoing health issues of her parents has been enclosed and confirms that their conditions continue to decline. It is stated that there could be no greater social need for her to reside on this site. The health and welfare of the Applicant's parents are of paramount importance to the Applicant and she's the only person who can provide the care for her parents. It is confirmed that the applicant will be made redundant shortly by her employers and it is stated that this gives her some element of assurance as she embarks on the future enterprise of the strawberry farm. In an earlier planning application, the Planning Authority suggested that she would be unable to operate the enterprise, work and care for her parents at the same time. It is stated that the case now is that she will be able to concentrate on development of the farming enterprise and be within walking distance of her parents. It is stated that the joint applicant gives full support to his wife and both will be involved with the farming enterprise. It is stated that the revised business plan shows it is a viable proposition and they both have confidence in their ability to operate the enterprise successfully. It is suggested that the Applicant's situation represents a situation that justifies relaxing of the policies cited in the refusal. The appeal submission indicates that they disagree entirely with the Planning Authority's contention that the Applicant has not provided a sufficient rationale for locating a dwelling at this location and not in an existing settlement. The following points are made:

- The Applicant's parent's condition and subsequent needs are clearly and unambiguously stated in the supporting documentation lodged with the application.
- The Applicant's own situation regarding her imminent redundancy from her employment is clearly outlined.
- The proposed business enterprise of the strawberry farm is outlined and supported with the revised business plan submitted with the appeal. It is stated that the Applicant has become a member of the Irish Farmers Association on the advice of the Strawberry Growers Association of Ireland.

- The Applicant is indigenous to this specific area and all the necessary documentation to support this was lodged with the application, with some updated in the appeal submission
- It is stated that the Applicant could not adequately carry out her carers role if she resided any distance from her parent's home and it is stated that carers must be within a reasonable distance of those being cared for. The Applicant has used the Department of Social Protection carers allowance form, in order to have the Applicant's parents assessed by their GP, as this sets out the recognised criteria used to determine the role of the carer. The criteria set out regarding the proximity of a carer to the person being cared for is also determined by the Department and dictates that a carer must reside with or close to the person being cared for. If the carer was to be located any distance from those being cared for, it would have significant impact on the safety and health of those being cared for.
- In terms of residential and visual amenities, it is stated that a detailed assessment was lodged with the application which covered all aspects of the proposal. It is highlighted that there were a number of instances within the Planning Authority's assessment where it was suggested that additional information could be sought on various items and it is stated that the Applicant would have welcomed the opportunity to address any request. It is stated that the design concept of the dwelling creates a visual context that has been seen throughout the rural countryside of Ireland and in rural areas of the county. The dwelling is designed to replicate the small farms that are indicative of traditional small rural land holdings. The front portion of the dwelling replicates the traditional cottage building with symmetry to the front elevation. This section is joined to the barrel style roof at the rear by a flat roof section. The barrel roof is similar to the traditional hay barn that is visible all over the countryside and indeed within the mountain ranges of Dublin and Wicklow. It is said the Planning Authority's reference to this as being suburban is not the case and it is stated that the dwelling has been positioned forward on the site and nestled into the embankment behind it.

The points raised regarding access to the site does not appear to address the significant changes proposed relating to sight lines, entrance and the recess area to facilitate passing. It is stated that the proposed development would create a safe entrance area and it has sufficient sightlines for the achievable speed on the road.

- In terms of site access, sightlines, ribbon development and road frontage, it is stated that there is a considerable section of the planning assessment given over to these issues. It is noted that the extent as to how a development can be considered infill development and the circumstances of the Applicant does allow for flexibility on the ribbon development policy. It is suggested that the Applicant's needs and circumstances and the infill nature of the site does allow the Planning Authority to relax this policy. If the ribbon development policy is relaxed on this basis, then the 60m road frontage restriction can be deemed to be irrelevant. It is stated that considerable changes have been made relating to the entrance layout and location where the entrance has been set back and moved to a more central position on the site. This results in greater sightlines being achieved and a passing area where up to three vehicles can pull in. It is suggested that the changes are significant enough to allow the local Planning Authority to overcome these reasons for refusal. Should the Applicant have to source a dwelling within an established settlement, this would require her to travel to and from her parent's home to care for them, thereby resulting in significant additional movements to and from McDonagh's lane and therefore resulting in an intensification of traffic movements at this location. It is stated that this could be a minimum of 6 to 10 visits per day, accounting for 12 to 20 traffic movements. It is contended that the entrance to the applicant's parents dwelling is not safe as it was constructed decades ago and doesn't have sightline which would create a far greater risk than the proposal within this application.
- In terms of the issues raised by public realm section, it is suggested that these matters could have been addressed way of additional information. Within the application, it was proposed that a significant landscaping plan

would be produced in conjunction with the relevant section of the Planning Authority. It is suggested that the issues regarding the visual amenity and protection of views would be better served in conjunction with the landscaping as the screening and planting should be considered in that context. The concerns about the lack of information in relation to existing trees and hedgerows again suggests that the Planning Authority had not reviewed Tree Survey and Arboricultural Impact Assessment that was submitted with the application.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 12th August 2022 which confirms its decision and notes that the issues raised in the appeal have been covered in the Planner's report.

6.3. Observations

An observation has been received from An Taisce which states that they wish to support the Planning Authority's decision to refuse planning permission. Enclosed within the observation was a copy of the original objection to the application.

6.4. Further First Party Response

Following a review of the Applicant's appeal, it was evident that the Applicant had not submitted the revised business plan that was referenced in the appeal submission. The Applicant was afforded the opportunity to submit the updated business plan which was received on 20th March 2023 and a copy was referred to the Planning Authority for consideration.

6.5. Further Planning Authority Response

None received.

7.0 Assessment

The main issues are those raised in the First Party grounds of appeal, the Planning Report and the reasons for refusal, and I am satisfied that no other substantive issues

arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Design, Visual Impact & Ribbon Development
- Site Access
- Wastewater Treatment & Drainage
- Appropriate Assessment.

7.1. Compliance with Rural Housing Policy

7.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. I note that there is an extensive history of planning applications by the current Applicant on the appeal site dating back to c. 2016 and the refusal reasons have largely been similar in each of these cases. There have also been different options proposed by the Applicant for rural industry which formed part of the various development proposals. In summary, the Applicant's rationale for a house at this location relies on the contention that she is now taking on the role of carer to her parents and is to be supported by her husband, who is the joint Applicant. In addition, the proposed development includes the construction of 3 no. polytunnels on the site and it is intended to operate a strawberry farm from the lands. In terms of their role as carer, the appeal submission refers to the introduction of new policy in the Draft County Development Plan (i.e. Objective H17). It is stated the public representatives have supported this amendment in order to redress the situation that had prevailed in the County where the indigenous rural population were refused permission to build near their family home or to be close to or care for their family members. It is suggested that this should be considered as being reason enough for the decision to refuse planning permission to be overturned as the appeal submission demonstrates that the Applicant is required to reside on this site to provide the necessary care for both of her ill parents, while at the same time running a viable rural based enterprise.

7.1.2. The current CDP (i.e. 2022-2028) has been adopted since the Planning Authority's determination on the proposed development and I note that H17 Objective 2 has been included as follow:

- To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.

However, my interpretation of this policy is that it applies only to lands Zoned RU and is therefore not directly relevant to the current proposal given the zoning designation of the appeal site (i.e. 'HA-DM'). Whilst I have had regard to the Applicant's supporting documentation (i.e. Care Reports and Sworn Affidavit) and I accept that it is the Applicant's desire and intention to care for her elderly parents, any proposal on the subject site will need to demonstrate compliance with the relevant policy of the County Development Plan. In this instance, Policy H19 applies and is elaborated on in further detail below.

7.1.3. As indicated in the foregoing, the appeal site is located on lands zoned 'HA-DM' (High amenity – Dublin Mountains), the objective of which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. The current CDP highlights that new or replacement dwellings within areas designated Zoning Objective 'HA-DM' will only be considered in the following exceptional circumstances, where all of the criteria below are met:

- The applicant is a native of the area; and
- The applicant can demonstrate a genuine need for housing in that particular area; and
- The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and

- The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

7.1.4. The first criterion is whether the Applicant is a native of this particular area. In support of the application, the Applicant had submitted:

- A letter (dated 2016) from parish priest confirming baptism and school attendance within the area as well as baptism, communion, and confirmation of applicants' child.
- A letter (dated 2016) from St Martins National School confirming attendance of one of the applicants at the school from 1984 to 1992 and attendance of applicant's child between 2005 – 2013.
- A letter from a Parents Association Member confirming involvement of one of the Applicant's in the Parents Association until 2013.
- A letter from Holy Family Community School (dated 2016) confirming attendance of one of the applicants from 1992 – 1997 and the applicants' son from 2013.
- Marriage certificate dated 2008 confirming applicant's wedding in Saggart.
- Birth certificate confirming birth of Applicant's child in 2001.
- A letter (undated) from Brittas Community confirming involvement of one of the applicants in community fundraising.
- A letter from Rathcoole Boys Football Club (dated 2016) confirming involvement of the applicant's son with the team.
- A letter from Ulster Bank (dated 2022) confirming the employment of one of the Applicants and notification of their imminent redundancy.

I note that the Applicant has not identified the location of their family home (i.e. parents), nor have they clearly indicated where they are currently residing. Nonetheless, having regard to the information on the planning file and given the Applicant's are married, I am generally satisfied that their eligibility under this criterion has been adequately demonstrated and they are a native of this area.

7.1.5. In terms of demonstrating a genuine need for housing in this particular area, I note that the Planning Authority within their assessment of the application acknowledged that the Applicant had provided medical reports for both parents, where it is stated there will be an indefinite need for assistance in running the home and for some day-to-day tasks. I note that no definitive statement as to whether this demonstrated a genuine housing need was provided by the Planning Authority. From the information on file, it has not been clearly indicated on a site location plan where the Applicant currently resides or whether they currently own or have owned a home in the past. I note that an address at McDonagh's Lane, Glenaraneen is provided on the correspondence on file. When examining the historical planning files that pertain to the lands, it was documented previously that the current Applicant resided in the log cabin type structure that was erected on the appeal site. In many of the applications, retention permission was sought for the erection of this structure, outbuildings and associated site works and each application was consequently refused planning permission. In this instance, the proposed development does not seek permission to retain the existing structures on the site, which would appear to be unauthorised. Whilst I observed the log cabin to be occupied upon inspecting the appeal site, it is not documented on file whether it is the Applicant themselves that currently reside in the property. Again, I note that the precise location of the Applicant's parent's dwelling has also not been clearly identified on the submitted plans or particulars. Whilst I accept that it is the Applicant's desire and intention to care for her elderly parents, I am not satisfied on the basis of the information submitted at application and appeal stage that it has been adequately demonstrated that the Applicant has a genuine need to reside at this particular location, that could not be reasonably accommodated elsewhere, for e.g. in established settlements. Whilst I note that someone who has either grown up, is living in the area or who wishes to care for immediate family members can be considered for a rural dwelling on lands zoned RU under H17 Objective 2 of the current CDP, no such provisions are stipulated under Policy H19.

7.1.6. As part of the development proposal, permission is sought for the erection of 3 no. polytunnels for use as a strawberry farm which is to be operated from the appeal site by the current Applicants. As detailed earlier in this report, there has been a history of

planning applications on site which included rural industries, including a Christmas tree farm. Previous proposals also included a hobby farm for the Applicant. In support of the application, the Applicant has submitted a business plan for the proposed enterprise. Within their assessment of the planning application, the Planning Authority note that the Local Enterprise Office of the Local Authority has reviewed the business plan and have stated that the document provided 'is not a comprehensive enough document... It is a general overview but is missing core components of a complete business plan and as such it's not possible to draw any conclusion about its viability.' As part of the appeal submission, a revised and updated business plan has been prepared in response to the Planning Authority's concerns. The business plan provides some general information regarding the requirements for the farming of strawberries. In addition, some rudimentary information is included with respect to projected income and expenditure, including a bar chart illustrating set up costs, running cost, income, net profit from the period 2023 -2026. I note that the author of the business plan has not been clearly identified and there is no evidence included from an accountant or other financial professional to confirm that the figures presented are accurate, which would typically be required for business plans of this nature. Notwithstanding this, I would share the Planning Authority's concerns with respect to the viability of the proposed enterprise and on the basis of the rudimentary financials provided, it is unclear how this would sustain the Applicant's as their principal income.

- 7.1.7. Following on from the above, whilst I acknowledge there are rural industries that may require the operator to reside on the appeal site, there is no evidence presented to demonstrate that this is the case with strawberry farming. For a development of this nature, I would question the necessity of having to construct a new dwelling on the site to sustain the operations of the business, particularly at a location that is under significant development pressure. I am also conscious of the extensive planning history of the appeal site which has included unauthorised works and proposals for alternative rural industries by the same Applicant. A reasonable assumption could be made that the proposed enterprise is ancillary to the primary use of the site for residential purposes.

- 7.1.8. In terms of the final criterion, the policy notes that a new dwelling will only be considered on lands zoned HA-DM where the development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area. Within their assessment of the planning application, concerns were raised with respect to the adequacy of the information that was submitted at application stage, and it was considered that the submitted reports were out of date. I note that the above issues within this criterion also form separate reasons for refusal in the Planning Authority's decision and I shall therefore discuss these items in further detail in the following sections of this report.
- 7.1.9. In terms of regional and national planning guidance, the site's identified location in an area under strong urban pressure under the Development Plan is consistent with Sustainable Rural Housing Guidelines for Planning Authorities, 2005, which similarly identifies the site and its wider rural setting. I note that the Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031, under RPO 4.80 sets out that Local Authorities shall manage growth in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- 7.1.10. In relation to locations identified as being under strong urban influence the National Planning Framework, NPO 19, requires developments like this to demonstrate a functional economic or social requirement for housing need in areas under urban influence. With this being stated as a necessity. Whilst the Applicant appears to have a strong desire to live in this rural, this in itself does not override the public good necessity for such applications to meet local through to national planning provisions. These provisions seek to safeguard such rural locations from the proliferation of what is essentially a type of development that planning provisions seek to channel to appropriate serviced land within settlements where they can be more sustainably

absorbed whilst safeguarding the rural environment from further diminishment of its character and predominant rural land use based function.

7.1.11. In keeping with this, I note that National Policy Objective 3a of the National Planning Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. In addition, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development as well as at an appropriate scale of provision relative to location. There are settlements within the wider area, including those with infrastructural services such as mains drainage and potable water through to other services as well as amenities, where there is capacity to absorb additional residential development in a sustainable manner than at this location.

7.1.12. On the basis of the information submitted at application and appeal stage, there is no specific, quantifiable and/or robust social need justification provided by the applicant on file to have a dwelling at this particular rural location, that cannot be met more sustainably elsewhere, including in nearby settlements such as villages and towns that can more readily absorb such developments in a manner that is consistent with local, regional and national planning provisions. At such locations, this type of development has less potential for adverse visual and environmental impacts to arise and would have less unsustainable economic demands on public infrastructure and services. I also highlight what could be only be described as a proliferation of one off houses within the surrounds of the appeal site which I observed when inspecting the appeal site and the surrounding area. Therefore, to permit the proposed development sought under this application, would result in a haphazard and unsustainable form of development in a sensitive rural area and it would militate against the preservation of the rural environment that is sensitive to change. Further, it would undermine the settlement strategy set out in the current CDP that seeks to direct this type of development to appropriately zoned land within settlements and would therefore be contrary to Policy H19. For these reasons the proposed development would not accord with the HA-DM zoning provisions of the site and would, therefore, be contrary to the proper planning and sustainable development of the area. This is reason in itself for

the development sought under this application to be refused. Should the Board come to a different decision on this matter, I consider that an occupancy condition restricting occupancy of the house specifically to the Applicant should be attached to any grant of permission as set out in Policy H22 of the current CDP.

7.2. Design, Visual Impact & Ribbon Development

- 7.2.1. The proposal seeks planning consent to construct a single storey dwelling within the eastern portion of the appeal site. The appeal submission notes that the dwelling has been designed to replicate the small farms that are indicative of traditional small rural land holdings. The front portion of the dwelling replicates the traditional cottage building with symmetry to the front elevation and this section is joined to the barrel style roof at the rear by a flat roof section. It is stated that the barrel roof is similar to the traditional hay barn that is visible all over the Irish countryside. As per Appendix 9 of the current CDP (Landscape Character Assessment (LCA)), the appeal site is located within the Athgoe and Saggart Hills landscape area. This area is attributed a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. The LCA notes that the area of strongest landscape character and integrity within the Athgoe and Saggart Hills landscape area, which presents as a cohesive landscape, are the southern hills adjoining Counties Wicklow and Kildare and including Brittas and the surrounding area. It is stated that this retains a very agricultural character with working farms and is generally well maintained. In the addition to the foregoing, there is an objective to 'Protect and Preserve Significant View' that applies to both sides of McDonagh's Lane (along the site frontage) as per Zoning Map 11 & 11a of the current CDP. I note that NCBH15 Objective 1 of the Plan seeks 'To protect, preserve and improve Views and Prospects of special amenity, historic or cultural value or interest including rural, river valley, mountain, hill, coastal, upland and urban views and prospects that are visible from prominent public places and to prevent development which would impede or interfere with Views and / or Prospects'.

7.2.2. Given the nature of the proposed development, Policy H23 (Rural Housing and Extension Design) of the plan is directly relevant to the consideration of the appeal. The policy seeks to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape. In this regard, proposals for new rural houses or extensions shall comply with H23 Objective 1 which seeks to ensure that all new rural housing and extensions within areas zoned HA-DM comply with the below criteria.

7.2.3. *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features*

I note that the appeal site has been substantially cleared and there is an existing log cabin type structure located centrally within the site. It has been clearly documented in the planning history that pertains to the lands that significant works were undertaken on site, which included extensive site clearance, works to the existing roadside boundary, the construction of a gravel driveway and the erection of the existing structures on site. Whilst the proposal does not seek permission to retain these works, I note that retention permission has been refused in the past for these works in various iterations. In terms of design and siting, I note that the appeal site commands extensive views to the south given its elevated position. Although I acknowledge that the Applicant has attempted to provide a design response which has had regard to the vernacular character of the surrounds, I have significant concerns with respect to the potential visual impact of the proposed dwelling given the sensitivity of the receiving landscape and the elevated position of the site. I also note the proposal includes the provision of 3 no. polytunnels to the west of the dwelling which are proposed to be in use as a strawberry farm. Two (2) no. additional polytunnels have also been indicatively identified on the submitted site layout plan. However, the Applicant has failed to clearly identify the height of these structures and provide the necessary details (i.e. plans, elevations or site sections) to allow for an thorough assessment of the application to be undertaken. As per NCBH15 Objective 2, Applicants are required to

submit a Landscape / Visual Assessment for significant proposals that are likely to affect views and prospects. I consider this to be directly applicable to the subject proposal given the location of the appeal site and nature of the proposed development, i.e. a residential dwelling and associated commercial strawberry farm. In addition, the proposal lacks comprehensive landscaping proposals. The appeal submission indicates that this could be addressed by way of condition, whereby a landscape proposal could be agreed with the Planning Authority prior to the commencement of development. Given the sensitivities of the appeal site and surrounds, I am not satisfied that this is an acceptable approach in this instance.

7.2.4. Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings;

Within their assessment of the planning application, the Planning Authority note that the Applicant has submitted AA Screening and Ecological Reports dating from 2016 and 2019. The Planning Authority considered these documents to be out of date, and it could not be determined on the basis of this evidence that there would not be a negative impact on the environment as a result of this development. I note that the Ecology Report submitted with the application included a desk top study and an inspection of the appeal site which focused on the presence of Badgers, Bats and Invasive Species. Whilst the ecological assessment report concluded that the site was of limited ecological value, I would share the concerns that the ecological value of the site may have been changed over the last number of years since the original report was prepared. I also note that the report was prepared in the context of a different development which comprised retention works and the construction of a dwelling and associated Christmas tree farm. In this regard, I am not satisfied on the basis of the information on file that the application would not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings.

7.2.5. Is designed and sited to minimise impact on the site's natural contours and natural drainage features;

Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries;

Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls;

With respect to the above criteria, I note that the dwelling is proposed within the lower portion of the site and there is a steeper embankment along the northern site boundary. Although some spot levels have been identified on the submitted site layout plan, the application is not supported by a detailed site survey. Corresponding spot levels have also not been identified on the plans or elevations and the application has failed to provide any detailed site sections to clearly illustrate how the dwellings and associated polytunnels would sit in the context of the site and the surrounding landscape. It therefore not possible to determine whether any intrusive engineered solutions are required to accommodate the proposed development.

In terms of the existing roadside boundary, the proposal seeks to recess the existing boundary and entrance to achieve adequate vehicular sightlines in each direction and provide a passing area for vehicles. Within their assessment of the application, the Planning Authority noted that it is clear from a site visit that the original site boundary has already been removed. I confirmed to be the case upon inspecting the appeal site and the roadside boundary has been significantly altered from its previous, more natural and rural condition, (as per Google Streetview Image Capture October 2009). The current boundary treatment comprises a timber fence, back planted with hedging. The submitted site layout plan indicates that a new native hedge will form the new roadside boundary. However, I note that no elevations of the existing or proposed roadside boundary have been submitted with the application and it is unclear if the entrance is proposed to be gated.

7.2.6. *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission*

was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies;

Would not create or exacerbate ribbon or haphazard forms of development.

In terms of the Applicant's proposals for the disposal of wastewater on site, I note that I will discuss this item in further detail in Section 7.4 of this report.

Within their assessment of the application, the Planning Authority raised concerns that the proposed development would contribute to a haphazard form of development at this location. Section 12.6.9 (Rural Housing Design) of the current CDP notes that a minimum road frontage of 60m should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided. I note that the appeal site has road frontage of c. 45m and therefore does not comply with this policy. The Sustainable Rural Housing Guidelines for Planning Authorities (2005) highlights that areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250m of road frontage. I note that there is what can only be described as a proliferation of one off dwellings within the surrounds of the appeal site, all of which are located on lands zoned HA-DM. The proposed development would result in a form of development that would contribute to and intensify existing ribbon development along this section McDonagh's Lane and I do not consider that the proposal could constitute infill development as purported by the Applicant. Although there are proposals to provide a passing area at the entrance to the site, McDonagh's Lane has a restricted carriage way width and I concur with the Planning Authority that the proposed development would exacerbate haphazard forms of development at this location.

- 7.2.7. On the basis of the foregoing assessment, I have significant concerns with respect to the potential impact of the proposed development. In particular, the proposal will have

a significant adverse impact on this sensitive landscape, and it will contribute to and exacerbate haphazard forms of development at this location, where there is already a proliferation of rural housing. The proposed development fails to accord with the pertinent policy of the recently adopted County Development Plan and I therefore recommend that planning permission be refused for the proposed development.

7.3. Site Access

- 7.3.1. As detailed earlier in this report, the proposal seeks to recess the existing boundary and entrance to achieve adequate vehicular sightlines (85m to the north and 90m to the south) in each direction and to provide a passing area for vehicles adjacent to the site entrance. I note that a letter of consent has been included within the application from an adjoining landowner, consenting to the removal of the hedgerows of their property to improve the northern sightline. Whilst a 'Proposed Site Entrance Layout Drawing' has been submitted with the application, it does not clearly identify this property nor in fact the extent of hedgerow that would be required to be removed to achieve the appropriate sightlines. There are also number of trees along the roadside boundary of the property to the north and it is unclear whether their removal would be required as a consequence. It is noteworthy that that these works would be outside the application red line site boundary.
- 7.3.2. Within their assessment of the application, the Planning Authority have indicated that the proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. It is stated that the road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. I observed this to be the case when inspecting the appeal site and in many sections, the road was not of an adequate width for two cars to pass. The appeal submission contends that if the Applicant had to source a dwelling within an established settlement, this would require her to travel to and from her parent's home to care for them, thereby resulting in significant additional movements to and from McDonagh's lane and therefore resulting in an intensification of traffic movements at this location. As part of the development proposal, permission is also sought for the operation of a commercial strawberry farm from the appeal site. There is a limited

degree of information provided within the application and appeal documents with respect to the potential traffic movements that would be generated from a development of this nature. I would therefore share the concerns of the Planning Authority with respect to the proposed development and it is considered that the generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.

7.4. Waste Water Treatment & Drainage

- 7.4.1. The proposal seeks planning consent for the provision of a waste water treatment system (WWTS) and percolation area which is to be located at the western end of the site. From a review of the spot levels on the site layout plan, the proposed dwelling is elevated relative to the WWTS and there is a level difference of c. 3m. Section 12.6.9 of the current CDP notes that domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the requirements of the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021, except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses (2009) applies. Within their assessment of the application, the Planning Authority have commented that the EHO has reviewed the application and has stated the Applicant has not supplied the relevant information to allow for a full assessment of the application. They note that a site suitability report has not been provided and that their observation remains the same as per the previous application (i.e. SD21A/0263). A refusal of permission was therefore recommended.
- 7.4.2. Notwithstanding the commentary of the Planning Authority, I note that a Site Characterisation Form and a Site Recommendation Report did in fact accompany the planning application for the proposed development. However, it is worth highlighting that the report was prepared in 2016 and the Site Characterisation Form indicates that the trial hole was excavated in April 2016. I note that the assessment of the waste water treatment element of a one-off house in an unserved area is a standard consideration. The appeal site is located in an area with a poor aquifer of high

vulnerability. The Site Characterisation Form notes that groundwater was not encountered in the 1.9m deep trial hole. Bedrock was also not encountered at a depth of 1.9m. The soil was sandy gravelly clay in the upper 100mm, sandy silt/clay between 0.1 to 0.5m and silty gravelly sand with cobbles below 500mm. Table B2 (Response Matrix for On-Site Treatment Systems) of the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses (2009), identifies an R1 response category i.e. Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).

7.4.3. The T-test result recorded in the Site Characterisation Form was 4.67. Whilst the trial hole on site had been filled in, I consider the results to be generally consistent with the ground conditions observed on site and the ground condition was dry and firm underfoot. Section 4.0 of the Site Characterisation Form indicated that the site is suitable for a secondary treatment system. Section 5.0 (Recommendation) of the Site Characterisation Form recommends that a packaged wastewater treatment system and polishing filter be installed on site. Whilst a Site Characterisation Form has been submitted in support of the application, I note that it was prepared in relation to a previous application for an alternative proposal on the appeal site. The location of the trial hole has been identified on the site layout plan. However, the application does not identify the location of existing septic tanks or wells on the neighbouring sites. This is particularly relevant given the proliferation of one-off houses in the immediate surrounds of the site and the likely reliance on wells for drinking water as there appears to be no watermain for the area. This application is therefore not accompanied by an adequate demonstration that proposal is in compliance with the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses (2009) or that there would be no potential risk of it being prejudicial to public health or that it would not give rise to diminishment of ground water quality in this area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.4.4. The Planning Authority have raised concerns with respect to the proposals for surface water drainage on site, or the lack thereof. Refusal Reason No. 7 indicates that the

Applicant had not provided any soil percolation test results, design calculations or dimensions or a report showing site specific soil percolation test results and design calculations for the proposed soakaway. In addition, Refusal Reason No. 9 related to the lack of any Sustainable Urban Drainage Systems (SuDS) as part of the development. As per the Section 12.6.9 (Rural House Design) of the current CDP, Sustainable Urban Drainage measures should be incorporated to all development proposals. Whilst I acknowledge that the application is in fact supported by a Stormwater Soakaway Report and associated drawings, I note that this report is dated January 2019 and relates to a previous development proposal (SD19A/0211 & ABP-305499-19) on the lands which was refused planning permission. The current proposal includes a redesigned dwelling, an area of hard standing to the south and east of the dwelling and 3 no. polytunnels which are proposed to be in use as a strawberry farm. Whilst I do not consider this to warrant a reason for refusal, I am of the opinion that revised proposals for surface water run off which are specially tailored to the development proposal should have accompanied the planning application in order to allow for a full assessment to be undertaken. This is particularly relevant given the significant differences between the two proposals.

7.5. Appropriate Assessment

- 7.5.1. The nearest designated site is the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122), c. 5.1km to the south-east of the site. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. Nor does there appear to be access to a group water scheme in this area. I also acknowledge the prevalence of agricultural activities and a significant proliferation of one-off dwellings in the immediate vicinity.
- 7.5.2. Despite these factors, I am nonetheless of the opinion that taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the proposed would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and within lands which are zoned HA-DM (High Amenity Dublin Mountains) in the South Dublin County Development Plan, 2022-2028. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the Applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the applicant could not be met elsewhere. In this regard, the proposal is considered to be contrary to Policy H19 of the South Dublin County Development Plan, 2022-2028, whereby ‘New or replacement dwellings within areas designated Zoning Objective ‘HA-DM’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area) will only be considered in exceptional circumstances’. It is considered, therefore, that the Applicant does not come within the scope of the housing need criteria as set out in local, regional and in national policy for a house at this location. The proposed development would result in a haphazard and unsustainable form of development in an un-serviced area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change. The proposed

development is therefore contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the subject site on lands zoned Objective HA-DM (High Amenity Dublin Mountains), which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' and the specific objective to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane, it is considered that the proposed development, by reasons of its location on an elevated and prominent site, would be contrary to Policy NCBH6 (Dublin Mountains) of the South Dublin County Development Plan, 2022-2028, whereby, it is an objective to 'Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network. It is considered that the proposed development would adversely affect the significant views along McDonagh's Lane, would seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development would result in a form of development that would contribute to and intensify existing ribbon development along this section McDonagh's Lane. The proposed development would therefore be contrary to H23 Objective 1 of the South Dublin County Council Development Plan, 2022-2028, which seeks to ensure that all new rural housing and extensions on lands zoned HA-DM would not create or exacerbate ribbon or haphazard forms of development. In addition, the proposed development fails to accord with 12.6.9 (Rural Housing) (Rural Housing Design) of the South Dublin County Council Development Plan 2022-2022 and would militate against the preservation of the rural environment. In this regard, the proposed development would be contrary to the proper planning and sustainable development of the area.
4. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment, which lacks pedestrian, public lighting and drainage facilities and is characterised by a proliferation of one-off houses. It is considered that the generation of additional traffic movements associated with the proposed

development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5. The applicant has failed to adequately demonstrate on the basis of the information on file that the proposal is in compliance with the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses (2009) or that there would be no potential risk of it being prejudicial to public health or that it would not give rise to diminishment of ground water quality in this area. In this regard, the development is contrary to H23 Objective 1 and 12.6.9 (Rural Housing) (Wastewater Treatment) of the South Dublin County Development Plan, 2022-2028 and the development would, therefore, be prejudicial to public health and would be 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.

Enda Duignan
Planning Inspector

08/05/2023