



An
Bord
Pleanála

Inspector's Report

ABP-318724-23

Development	Construction of 1 no. residential unit and ancillary site works
Location	The Grange, Ballyboughal, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0622
Applicant(s)	Naul Road Development Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal for 2 no. reasons
Type of Appeal	First Party
Appellant(s)	Naul Road Development Ltd.
Observer(s)	Valerie Dennigan & Pamela Blakeney Rooney and Andrew Carroll
Date of Site Inspection	29 th April 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site, which is an infill site, is located to the south of Ballyboughal village, Fingal, Co. Dublin. The site is accessed from the R108, a regional route running in a north-south direction east of the appeal site. There is an existing access from the R108 into the site which serves a dwelling to the east of the appeal site and other lands to the rear, west of the site. The site is surrounded by a large block wall and the access is currently gated which prevented access to the appeal site during the site visit on 29th April 2024.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 1-bed infill residential development, and a new vehicular access onto the existing estate road and all associated site development and engineering works necessary to facilitate the development.
- 2.2. From the drawings submitted, an L-plan, single storey dwelling is proposed with two bedrooms. The maximum footprint of the proposed dwelling measures 12.45m x 19.81m with a ridge height of 6.575m. Two car parking spaces and connection to the mains water and sewage systems, site landscaping and a swale with overflow to existing streams (SUDs) are also proposed. A site specific Flood Risk Assessment accompanied the planning application documentation.
- 2.3. The site area is stated to be 0.61ha and the GFS of the dwelling is stated to be 157.27m².

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 8th December 2023 for 2 no. reasons.

1. The proposed development would endanger public safety by reason of serious traffic hazard as the required sightlines cannot be achieved to the south and due to the intensification of a shared access road between residential and agricultural uses. The proposed development would be contrary to the requirements of Objective DMSO118 of the Fingal Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority consider that in the absence of a detailed commensurate flood risk assessment, sufficiently detailed surface water drainage, foul drainage and water supply information, the proposed development would be prejudicial to public health. Furthermore, in the absence of such detailed information, the Planning Authority cannot conclude that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites as the stream to the south of the site has hydrological links to the Natura 2000 network. The proposed development would therefore be prejudicial to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report on file makes the following points in relation to the proposed dwelling:

- As the application site is located in an area zoned RV Rural Village, the proposal for a dwelling at this site is acceptable in principle especially having regard to the Board's position in relation to Ref. ABP-314914-22 where another site in The Grange was considered to be an underutilised site and a proposal for a dwelling should therefore not be refused on a point of principle.
- The proposed dwelling complies with the requirements of the Fingal Development Plan 2023-2029 in terms of its design, layout and internal and external amenity.

- In addition, there are no adverse impacts associated with the proposed dwelling in terms of visual impact, overlooking or overshadowing.
- Having regard to the issues raised by the Transportation Planning Section, the relocated and upgraded access from the Grange onto the R108 permitted by F22A/0239 would not be sufficient to cater for the proposed development (and any other similar developments in The Grange) due to the intensification of use of said access caused by the trip generation associated with additional residential development in The Grange. The proposed relocated and upgraded access would therefore constitute a traffic hazard and the proposed should be refused permission on this ground.
- While the concerns of Irish Water and the Water Services Section are noted, it is unnecessary to request Further Information from the applicant as advocated by these two consultees as there are sufficient other areas of concern with the proposed development to warrant a refusal in this case.
- Insufficient information in terms of flood risk assessment has been submitted by the applicant in relation to potential impacts associated with the proposed development on European sites in the vicinity of The Grange and this is a reason to refuse the proposed development.
- EIA is not required in relation to the proposed development.

3.2.2. Other Technical Reports

- Transportation Planning Section – recommended refusal of permission as the sightline improvements which could be gained by the relocation northward of the entrance to The Grange off the R108 permitted by Ref. F22A/0239, are not sufficient to accommodate additional traffic generated by new residential development in The Grange.
- Water Services Section – recommended that Further Information be sought from the applicant regarding flood risk, foul and surface water drainage proposals.
- Housing Department – no objection.

3.2.3. Prescribed Bodies

- Irish Water – recommended that Further Information be sought from the applicant as there are known constraints at the Ballyboughal WWTP and the applicant should submit a pre-application enquiry to Irish Water to determine the feasibility of connection to Irish Water infrastructure.
- Daa – recommended that Fingal consult AerNav Ireland / IAA.

3.2.4. Observations

- 2 no. submissions were made in relation to this application and these are summarised in the Planner's Report on file. One of the persons who made a submission, Andrew Carroll, is an Observer to this appeal.

4.0 Planning History

4.1. On the Appeal Site

- Ref. ABP-315955-23 (PA Ref. F22A/0676) – Relates to a refusal on appeal for the provision of a storage shed, local alteration to existing boundary walls, landscaping, soakpit, SUDS and all associated site and other works on the current appeal site. The Board's reason for refusal was as follows:

Having regard to the location of the site on the outskirts of Ballyboughal Village, the policies and objectives of the Fingal County Development Plan 2023-2029 in relation to rural villages including Objective SPQHO56 and the land use zoning as RV, Rural Village where it is an objective to 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage', the nature, location and extent of the proposed development and the established character and pattern of development in the vicinity of the site, it is considered that the proposed development of a storage shed at this location would not be in accordance with the provisions of the Fingal County Development Plan 2023-2029. Accordingly, the proposed development would not be in accordance with the proper planning and sustainable development of the area.

- F22A/0071 – Permission was refused for a new residential infill development at The Grange, with development to consist of the provision of 3 no. detached two storey 4 bed dwellings, a bin store, the relocation of a ESB pole, local alteration to existing footpaths, alterations to the existing site entrance and existing boundary walls, landscaping, soakaways, SUDS with overflow to existing stream, connection to existing pumping station and all associated site and other works. This application site includes the current appeal site, the site to the east of the appeal site, which is also the subject of a live appeal, Ref. ABP-318005-23 (PA Ref. F23A/0374), and the existing dwelling in The Grange adjacent to the R108.

Three reasons for refusal were cited by the Planning Authority in this case:

1. In its current format, the proposed development by reason of inadequate sightlines, specifically in relation to the relocated agricultural entrance, would endanger public safety by reason of traffic hazard. Furthermore no substantive rationale has been provided for the proposed additional entrance, proximate to an existing entrance, on to this heavily trafficked section of the R108. As such, the proposed development if permitted would materially contravene DMS126 of the Fingal Development Plan 2017-2023 and would constitute a traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.
2. Given the edge of village location and the underdeveloped lands to the north of the proposed would not be sequential outwards from the village core. Furthermore In the absence of pedestrian and cycle infrastructure from the subject lands linking to Ballyboughal rural village centre and given the poor availability of public transport at this location, the proposed development is largely car dependent and would promote unsustainable transport modes. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The submitted Flood Risk Assessment fails to adequately consider the existing stream which flows to the south of the site and as such flood risk events cannot be ruled out. In the absence of a sufficiently detailed Flood Risk Assessment, the proposed development would be contrary to the proper planning and sustainable development of the area.

4.2. In the Vicinity of the Appeal Site

- There is a long and complicated planning history associated with The Grange and I draw the Board's attention to pages 5-11 of the Planner's Report on file. The most relevant and recent planning history in the vicinity of the appeal site is listed below.
- Ref. ABP-318005-23 (PA Ref. F23A/0374) – this is a live appeal on a site to the east of the current appeal site where the Planning Authority refused permission for 3 no. reasons. The refusal reasons were the same as Reason Nos. 1 and 3 of F22A/0071 above and in addition, this reason for refusal was also cited by the Planning Authority:

Having regard to the existing pattern and density of development in the area, the edge of village location of the site, and backland nature of the site and lack of connectivity to the village, the proposed development comprising two large suburban style dwellings would constitute undesirable back land and piecemeal development which would be out of character with the prevailing pattern of development for the village and would be contrary to Objective SPQHO42 - Development of Underutilised Infill, Corner and Backland Sites and would contravene materially Objective SPQHO56 - Rural Villages as set out in the Fingal Development Plan 2023 - 2029. Furthermore, in the absence of pedestrian and cycle infrastructure from the subject lands linking to the village centre and given the poor availability of public transport at this location, the proposed development is largely car dependent and would promote unsustainable transport modes. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

- Ref. F22A/0239 - Permission was granted for alterations to the existing site entrance and piers (moved northward) to allow for increased sightlines, the relocation of a ESB pole, landscaping and all associated site and other works at the access point of The Grange onto the R108.
- Ref. ABP-314914-22 (PA Ref. F22A/0403) – Permission was granted on 25th July 2023 subject to 10 no. conditions on appeal for the construction of a house and all associated site works on a site to the east of the current appeal site – the same site is currently the subject of a live appeal - ABP-318005-23 (PA Ref. F23A/0374).

5.0 Policy and Context

5.1. Development Plan

Fingal Development Plan 2023-2029 is the statutory plan for the area within which the appeal site is situated.

The appeal site is located on lands zoned as RV, Rural Village, where it is an objective to “Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”.

2.7 Settlement Strategy

Objective CSO68 – Rural Villages Manage the development of Rural Villages within the RV boundaries and strengthen and consolidate their built form providing a suitable range of housing as an alternative to housing in the open countryside.

Policy CSP46 – Rural Settlement Strategy Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council’s Rural Housing Policy and where sustainable drainage solutions are feasible.

Policy SPQHP46 – Rural Settlement Strategy Respond to the rural-generated housing need by means of a rural settlement strategy which will direct the demand where possible to rural villages, rural clusters and permit housing development within the countryside only for those people who have a genuine rural generated housing need in accordance with the Council’s Rural Housing Policy and where sustainable drainage solutions are feasible.

Policy SPQHP51 – Protection of Rural Villages Support and protect Fingal’s Rural Villages by ensuring their appropriate sustainable development to preserve the character and viability of villages and support local services.

Policy SPQHP52 – Growth of Rural Villages Ensure that Fingal’s Rural Villages accommodate additional growth in accordance with levels set out under the Housing Strategy in order to protect and enhance the character of existing settlements.

Policy SPQHP53 – Vitality of Town and Village Centres Encourage appropriate residential, social and community uses in town and village centres in order to enhance their vitality and viability while recognising diversity within communities and promoting balanced socially and economically sustainable communities.

Section 3.5.15.1: Rural Villages.

The rural settlement strategy supports the growth of rural villages in line with the growth levels set out under the Housing Strategy Objective SPQHO56 – Rural Villages

Facilitate appropriate development within Rural Villages subject to compliance with the following:

- i. The scale of new residential development shall be in proportion to the pattern and grain of the existing settlement and shall be located within the defined development boundary.
- ii. Encourage and promote compact growth within Rural Villages including infill, brownfield development together with redevelopment of derelict/underutilised properties.
- iii. All development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.
- iv. New commercial development should be centrally located within the village and contribute positively to the streetscape and public realm.
- v. Encourage new community and social facilities in conjunction with residential development.

Masterplan Table 2.1: Schedule of Masterplans to be commenced over the plan period.

Ballyboghil (MP 3.B)

Policy CSP7 – Masterplans Prepare Masterplans for areas designated on Development Plan maps in cooperation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

Objective SPQHO37 – Residential Consolidation and Sustainable Intensification

Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Objective SPQHO39 – New Infill Development New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Table 14.4: Infill Development

Infill Development
<p>Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.</p> <p>Proposals for infill development will be required at a minimum to:</p> <ul style="list-style-type: none">➔ Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.➔ Examine and address within the overall design response issues in relation to over-bearance, overlooking and overshadowing.➔ Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.➔ Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.➔ Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.

14.10.1 Corner/Infill Development

The development of infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of

the area and new residential infill, such development provides for the efficient use of valuable serviced land and promotes consolidation and compact growth.

Contemporary design is encouraged and all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden area and car parking.

Objective DMSO31 – Infill Development New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

The Board should note that the Ballyboghil Local Area Plan 2012, was extended for a period of 5 years, from the 8 May, 2017 up to the 7 May 2022 and is now expired. Ballyboghil and Ballyboughal are used interchangeably by the Planning Authority in their documentation.

5.2. Natural Heritage Designations

The following natural Heritage designations are located approximately 5.2km to the SE of the appeal site:

- Rogerstown Estuary SAC (000208) and SPA (004015).

5.3. EIA Screening

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

6.0 The Appeal

6.1. The relevant planning grounds of the First Party appeal are summarised below. The majority of the appeal document sets down the legislative provisions, site location and description, a summary of the Planning Authority assessment of the application, policy context and planning history related to the appeal which has already been summarised in my report above and has not therefore been reproduced in the summary of the appeal submission.

- The Rural Village zoning of the appeal site and the planning history of the area support a grant of permission for the proposed dwelling.
- The 1st reason for refusal related to traffic hazard due to the intensification of use of the access to the Grange from the R108 is factually incorrect. The reason for refusal states that agricultural vehicles as well as cars utilise the existing access but in fact agricultural vehicles use an access to the north (shown in Figure 4 of the appeal submission) and not the access that serves houses in The Grange.
- In addition, the access onto the R108 from The Grange is located within the 50kph zone (which commences approximately 210m to the south of this entrance) where the required Stopping Sight Distance (SSD) of 45m and even 70m can be achieved in both directions.
- Ref. F22A/0239 which relates to a grant of permission for a modified entrance to The Grange was assessed by the Planning Authority meets the DMURS standards and work is shortly to commence on implementing this permission.
- The revised entrance was assessed by the Board in appeal Refs. ABP-315955-23 and ABP-314914-22 was found to be compliant with the required standards and the developments permitted were also considered not to intensify the use of the entrance onto the R108 in any significant way.
- The 2nd reason for refusal cited by the Planning Authority, which relates to flood risk, was also considered by the Board previously and was not considered to be a valid reason for refusal.

- The appeal site is not located in a flood risk zone as confirmed by flood risk mapping in the Development Plan and the site specific flood risk assessment submitted with the application conclusively proves that there is no flood risk issue associated with the appeal site.
- The issue of AA Screening has also previously been considered by the Board for earlier proposals in The Grange and found not to be a substantive issue in terms of potential for any impacts on designated European sites in the area.
- The proposed layout and design of the dwelling under appeal is in accordance with the existing pattern of development and character of the area.

6.2. Planning Authority Response

- The Planning Authority have no additional comments to make but request that in the event the Board grant permission for the proposed dwelling that a Section 48 contribution condition be included in the Board's Order.

6.3. Observations

Observations have been received from Valerie Dennigan & Pamela Blakeney Rooney and Andrew Carroll and these submissions are summarised collectively below:

- The planning history associated with The Grange indicates that the Planning Authority are of the view that this section of Ballyboughal village is inappropriate for additional development and in addition there are issues relating to the sightlines achievable at the entrance to The Grange at the junction with the R108.
- The proposed dwelling is an inappropriate form of infill development and constitutes piecemeal development as the subject lands are not indicated in development zones identified in the Ballyboughal LAP 2012 (as extended).
- The access road onto the R108 is also used for agricultural vehicular traffic and there will be a conflict between this agriculturally generated traffic and the cars generated by further residential developments in The Grange.

- The entrance to The Grange from the R108 is not included within the red line boundary of the appeal site and thus the First Party is reliant on a separate landowner to carry out any improvement works to the existing entrance which has inadequate sightlines.
- Any improvements to the entrance are intended, as supported by the Transportation Planning Service's comments on this current proposal, only to accommodate the existing levels of development within The Grange and are not intended to accommodate any intensification of use on the land reliant on this access.
- The First Party assertion that the appeal site falls outside the Ballyboughal LAP boundary and in any event this LAP has now expired is incorrect and the proposed development must be assessed by the Board having regard to the Ballyboughal LAP 2012 (as extended).
- Section 3.3 of the LAP states that development should not affect the residential amenity of the area but the same applicant has sold a storage shed in The Grange which is used for commercial purposes and increases the traffic hazard level in the area.
- Section 3.4 of the LAP states that only those with a genuine local housing need will be permitted in the village but the applicant intends to develop multiple houses in The Grange which will further exacerbate the traffic hazard issue associated with The Grange.
- While the appeal site is not located in a flood risk area, extreme weather events allied with the topography of the area can result in significant flooding in the area and the flood risk assessment submitted with the planning application has not taken sufficient cognisance of this fact.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Traffic hazard.
- Flood risk and related issues.
- AA Screening.

7.1. Principle of Development

- 7.1.1. Having regard to the Rural Village zoning of the area within which the appeal site is situated and to the planning history of The Grange, I am of the opinion that the proposed development of a dwelling at this location is acceptable in principle.
- 7.1.2. I note that there have been several refusals of applications for residential development in The Grange, but none, as far as I can ascertain, have been refused on the basis that residential development at this location is unacceptable in principle. The Planner's Report on the current appeal case accepts that residential development at this location is acceptable in principle.
- 7.1.3. The appeal site is located on a de-facto mini housing estate with some residential development already constructed and occupied. The appeal site is in effect an infill site within the village boundary of Ballyboughal and is not located in an undisturbed rural area and therefore to tests such as rural housing need contained in the Development Plan.
- 7.1.4. Having regard to the above, I find that the proposal for the construction of a dwelling at the appeal site is acceptable in principle.

7.2. Traffic Hazard

- 7.2.1. The appellant states that the improved access proposal permitted by Ref. F22A/0239 can achieve the required 45m sightlines in both directions and that sightlines of up to 70m will be possible at the reconfigured entrance to The Grange. The appellant also notes that the DMURS SSD requirement for 50kph zones is 45m which is readily achievable at the junction proposed to be upgraded and that the trip generation associated with the proposed dwelling would be negligible and not amount to an intensification of use of the junction.
- 7.2.2. The Transportation Planning Section in their report state that Ref. F22A/0239 permitting an upgrade to the junction of the R108 and The Grange was not objected to as it was detached from any other development proposal. The Transportation Planning Section state that the upgraded junction would not support the intensification of use of The Grange represented by an approval of the application for a dwelling in addition to a dwelling previously approved by the Board, Ref. ABP-314914-22 (PA Ref. F22A/0403). In addition, while the Transportation Planning Section acknowledge that an upgraded junction can achieve sightlines of 70m to the north, the sightline to the south is 67m. There is uncertainty in the documentation regarding whether this 67m is achievable without the necessity of cutting back vegetation on third party lands or whether works on third party lands are in fact necessary to achieve the 67m sightline.
- 7.2.3. The agricultural use of the access road for agricultural purposes may or may not occur and there are conflicting claims in the submissions regarding this issue. I note that the locked gates (with a Naul Road Development Ltd. postbox affixed to the gate) would militate against the free passage of agricultural traffic using the access road regardless of any rights of way over the road. In any event, the frequency and level of traffic at the junction with the R108 generated by agricultural uses of adjacent lands, would not significantly affect the safety level of the proposed upgraded junction and I do not think that this is an issue on which the Board would wish to refuse the proposed development.

- 7.2.4. Having regard to the above, I find that the first reason for refusal based on traffic hazard issued by the Planning Authority is unsound as the permitted upgrade to the junction can achieve the DMURS requirement of 45m sightlines in either direction within the 50kph speed zone and that Table 4.2 of DMURS 2013 in dealing with town and village traffic does not make reference to any speed zone above 60kph where the sightline requirement is stated to be 59m.
- 7.2.5. While appreciating the Planning Authority desire to minimise traffic hazard at this location, I feel that in this instance, where it has been demonstrated that sightlines in excess of 59m (60kph zone requirement) will be achievable at the proposed upgraded junction, the requirement for 70m sightlines in both directions is excessive especially having regard to the limited number of house plots remaining in The Grange for development.
- 7.2.6. I note that the applicant for Ref. F22A/0239 and the current appeal being Naul Road Development Ltd are the same and that if the Board is minded to grant permission in this case a prohibition on the occupancy of the proposed dwelling until the modified entrance is operational to the satisfaction of the Planning Authority could be imposed by condition.
- 7.2.7. I am of the opinion therefore that the first reason for refusal based on traffic hazard issues is not valid given the permitted upgrade to the junction and to the small number of plots available for development in The Grange and the limited trip generating potential of same. This opinion is contingent upon the junction being upgraded and functioning to the satisfaction of the Planning Authority prior to the occupation of the proposed dwelling.

7.3. Flood Risk & Related Issues

- 7.3.1. The second reason for refusal issued by the Planning Authority relates to the lack of information relating to flood risk, surface water disposal, foul drainage and water supply information and the potential of impacts on European sites due to hydrological connectivity. The uncertainty of the Planning Authority is backed by the submissions of the Observers who state that no AA Screening or Ecological Impact Assessment has been carried out in relation to the proposed development which, given the location of the appeal site in close proximity to a stream with hydrological

connectivity to a designated European site, should be refused permission in the absence of this critical environmental assessment information.

7.3.2. Having regard to this issue, I note that a Site Specific Flood Risk Assessment (FRA) was submitted with the planning application which details surface water proposals, wastewater treatment proposals, ground water vulnerability, flooding records, etc and concludes that the appeal site is located in Flood Zone C, i.e. low flood risk area. The appellant states that given the low flood risk attached to the site and the distance from the designated European sites at Rogerstown Estuary, the potential for any ecological damage associated with the proposed dwelling on said European sites is extremely low and certainly below the threshold where a Natura Impact Statement (NIS) would be required.

7.3.3. The FRA also identifies Barnastown Stream which runs in an east-west direction to the south of the appeal site and The Grange and notes that this stream eventually discharges into the Rogerstown Estuary approximately 6.7km east of the appeal site which is a designated European site. The issue of AA Screening is assessed below.

7.3.4. I would comment initially that the perceived lack of information submitted with a planning application should not be used as a reason for refusal but rather as an instance where a request for Further Information may be appropriate providing the proposed development is acceptable in principle in the first instance.

7.3.5. I note the report of the Water Services Department in relation to the proposed dwelling which does not seem to be aware that an FRA was submitted with the application as this is an item which the Water Services Department requires from the applicant by way of a Further Information request. The information sought by the Water Services Department I would consider could be supplied by means of conditions should the Board be minded to grant permission in this case.

7.4. AA Screening

7.4.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the conditions set out hereunder.

9.0 Reasons and Considerations

Having regard to:

- a) The policies and objectives of the Fingal County Development Plan 2023-2029 in relation to rural villages and the land use zoning as RV, Rural Village,
- b) The nature, location and extent of the proposed development and the established character and pattern of development in the vicinity of the site,
- c) The location of the site within Ballyboughal Village and those speed restrictions along the R108 set at 50kmh, and
- d) The planned junction upgrade with the R108 permitted by Ref. F22A/0239,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the Fingal County Development Plan and with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of October 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed dwelling shall not be occupied before the upgrade works with the R108 junction permitted by Ref. F22A/0239 has been completed to the satisfaction of the Planning Authority.</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the species, variety, number, size and locations of all proposed trees and shrubs and all planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and</p>

	<p>species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Bernard Dee
Planning Inspector

8th May 2024