



An
Bord
Pleanála

Inspector's Report

ABP-321468-24

Development	Construction of house with wastewater system and all associated site works
Location	Baldrumman, Lusk, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0873E
Applicant(s)	Kate Barrett
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party V Refusal
Appellant(s)	Noonan Moran Architecture on behalf of Kate Barrett
Observer(s)	None
Date of Site Inspection	1/4/25
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c 3.65ha and is located in a predominantly rural area of north county Dublin which is c. 3.5km to the northwest of Lusk and c. 0.5km to the west of the M1 motorway.
- 1.2. The site is accessed off a narrow local road which provides access to a number of one-off houses along its length.
- 1.3. The site is irregular in shape and is generally flat and is currently under pasture. The site is bound to the east and west by existing one-off dwellings, other agricultural uses to the south and the narrow local road to the north.

2.0 Proposed Development

- 2.1. The proposal comprises of the following:
 - Construction of a two-storey dwelling.
 - A separate single storey garage.
 - A separate single storey stables building
 - A Package Wastewater Treatment and polishing filter.
 - New vehicular access.
 - All associated works.
- 2.2 The proposed dwelling is two storeys, with an internal area of c. 295.6m² and a maximum height of 8.1m. The proposed dwelling would be predominantly finished in render with natural stone feature style walls and high-pitched slate roofing.
- 2.3 The proposed garage is located to the northeast of the main dwelling and has a floor area of 37.2m² and has a maximum height of 5.5m.
- 2.4 The proposed stables are located to the west of the main dwelling and has a floor area of 119.1m² providing for 6 separate enclosures and has a height of 6.6m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 The planning authority decided on 21 November 2024 to refuse planning permission for the reason outlined below:

1. *With regard to the Rural Settlement Strategy, Objective SPQHO89 of the Fingal Development Plan 2023-2029 seeks to encourage new dwellings in the rural area be sited at a location in close proximity to the family home where the drainage conditions can safely accommodate the cumulative impact of such clustering and where such clustering will not have a negative impact on the amenities of the original house. Only where this arrangement is clearly demonstrated not to be available, will new dwellings be permitted on an alternative site which is within two kilometres from the family home. The applicant has failed to satisfactorily demonstrate that a dwelling could not be provided on the existing family landholding in close proximity to the family home, which contravenes materially Objective SPQHO89 of the Fingal Development Plan 2023-2029 and thus, would be contrary to the proper planning and sustainable development of the area.*

3.1.2 The decision was in accordance with the planning officer's recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 The area planners report is dated 20/11/24 notes that the proposed development is within the 'RU' 'Rural zone and that residential use is permitted in principle subject to compliance with the Council's Rural Settlement Strategy. The area planners report notes that the planning authority is satisfied that the applicant has resided at the family home for 22 years. However, a concern is raised in relation a genuine need for a rural as the applicant has not provided detail in relation to the 'interest' in a property in Balbriggan.

3.2.1.2 The area planners report also states that the applicants have not demonstrated that a new dwelling could not be sited on the family farm. The area planner states that the rationale that the family holding is constrained by equine facilities is not satisfactory and therefore the proposal would be contrary to Objective SPQHO89 of the *Fingal County Development Plan 2023-2029*.

3.2.1.3 The area planner also highlights concern in relation to the location and design of the garage and stables. The planning report outlines no concerns in relation to sight lines, wastewater treatment or flooding.

3.2.2. Other Technical Reports

- **Parks and Green Infrastructure:** Response dated 22/10/24 outlining no objection, subject to condition.
- **Water Services:** Response dated 1/11/24 outlining no objection, subject to conditions.
- **Transportation Planning Section:** Report dated 15/11/24 outlining no objection subject to conditions.

3.3. Prescribed Bodies

- **Uisce Eireann:** Response dated 12/10/24 outlining no objection, subject to conditions.

3.4. Third Party Observations

3.4.1 There are no third parties on file.

4.0 Planning History

4.1 There is no planning history associated with the subject site. From an inspection of the planning search function on the Fingal County Council website there would appear to be an overlap between a portion of the site to east and the appeal site. I make the

Board aware that the site location plan submitted with this application shows that the applicant is the owner of the entire site.

4.1 *Site to the east*

Reg. Ref. F02A/ 0931. Application for a dormer dwelling and biocycle system. Permission granted, subject to conditions.

Site to the west

Reg. Ref. F21A/0198. Application for new two storey dwelling comprising of 3-bedrooms, kitchen, living areas and associated ancillary accommodation with detached single storey garage. A new vehicular entrance to main road together with a proprietary wastewater treatment system, landscaping, and all associated site works. Permission granted, subject to conditions.

Reg. Ref. F20A/0557. Application for 3-bedroom dormer type dwelling detached garage, new site entrance, wastewater treatment system and percolation area and all associated site development works. Permission refused for the following reason:

1. *The subject site is zoned 'RU' 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage' in the Fingal Development Plan 2017 - 2023. The proposed development, in particular the dwelling, by virtue of its incongruous design, would be unsympathetic and inappropriate within the rural landscape, would be seriously injurious to the rural landscape and permitting same would therefore contravene materially Objective RF59 and Objective DMS52 of the Fingal Development Plan, 2017 - 2023 and would be contrary to the proper planning and sustainable development of the area.*
2. *The applicant has not demonstrated the availability of adequate sightlines from the vehicular entrance. The proposed development would therefore endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The removal of a long stretch of rural native hedgerow and associated trees would be required to serve the development and achieve sightlines. This would have a significant negative effect on the rural landscape character of the area,*

which is characterised by such hedgerows. The proposed development would therefore contravene objectives RF57, RF59, RF63 regarding hedgerow protection and DMS 52, Table 12.4 regarding access and sightlines.

Reg. Ref. F20A/0285. Application for 3-bedroom dormer type dwelling, detached garage, new site entrance, waste water treatment system & percolation area and all associated site development works. Permission refused for the following reasons:

- 1. The site is located within the 'RU' zoning objective under the Fingal Development Plan, 2017 – 2023, the objective of which is 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage', and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. The Rural Settlement Strategy of the Fingal Development Plan 2017-2023 provides that residential development is only permitted where the applicant is 'a member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties' and that the applicant 'is a close member of the family of the owners of the family home.' The applicant cannot be considered to be a member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, or a close member of the family of the owners of the family home, given that the applicant already owns and resides in the existing family home located in rural Fingal. Furthermore the applicant has not established they are in employment in a full-time occupation which satisfies local needs by predominantly serving the rural community/economy for 15 years prior to this planning application. The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 specifically Objective RF39 (i) and (ii), would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning*

Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *The proposed development in its current format would endanger public safety by reason of traffic hazard on account of substandard sightlines from the proposed entrance. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.*

Further west

Reg. Ref. F21A/ 0406. Application for a one and a half storey dormer style dwelling, and for wastewater treatment system, and for detached garage and ancillary site works with access off existing vehicular entrance. Permission granted, subject to conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The subject site is zoned 'RU' – Rural', the objective of which is to '*protect and promote in a balanced way, the development of agriculture and rural related enterprises, biodiversity, the rural landscape, and the built and cultural heritage*'.

- 5.1.2 The following policies and objectives are of relevance:

Policy CSP45 – Which, in line with RPO 4.80 seeks to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring 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.

Policy CPS46 – which seeks to 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

Policy SPQHP46 – which seeks to 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 SPQHO53- which presumes against development which would contribute to or intensify existing ribbon development.

Policy SPQHP55 – which seeks to require all new dwellings in the rural area to be sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design.

Objective SPQHO81 –which seeks to permit new rural dwellings in areas which have zoning objectives RU or GB on suitable sites where the applicant meets the criteria set out in Table 3.5.

Objective SPQHO89- which seeks to encourage new dwellings in the rural area to be sited at a location in close proximity to the family home where the drainage conditions can safely accommodate the cumulative impact of such clustering.

Table 3.3: which sets out the maximum Number of Houses which will be permitted per existing house.

Table 3.4: Which sets out who is Eligible for Planning Permission. Close family ties are eligible in the RU zone.

Table 3.5: Which sets out Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing.

Objective DMSO41- which seeks to ensure that new dwellings in the rural area are sensitively sited.

Objective DMSO43- which seeks to encourage new dwellings in the rural area to be sited at a location in close proximity to the family home.

Table 14.9: Design Guidelines for Rural Dwellings. The following are relevant excerpts:

- The location, siting, orientation, and the design of a proposed new dwelling in a rural location should be sensitive to its surroundings.

- The new dwelling should seek to integrate as much as possible into the landscape and not be a prominent feature that visually dominates its rural surroundings.
- Where hedgerows or native planting exist around the site, the proposed development should be designed so that they are retained and augmented as far as practical.
- An applicant must demonstrate that safe vehicular access to and from a proposed house is provided in terms of visibility from a proposed entrance, but also in terms of impact on road traffic on the adjoining public road.
- Domestic wastewater treatment plant and percolation areas must comply with the requirements of the Code of Practice Wastewater Treatment Systems Serving Single Dwellings (EPA).

Objective DMSO200 – which outlines 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).

Section 14.20.3 Sustainable Urban Drainage Systems (SuDS).

Other Relevant Planning Policy:

5.2 National Planning Framework

5.2.1 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.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory

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

5.3 Revised National Planning Framework (NPF)-February 2025

5.3.1 National Policy Objective (NPO) 28 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.

5.4 Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

5.4.1 Regional Policy Objective (RPO) 4.80 states 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.

5.5 Section 28 Guidelines

5.5.1 Sustainable Rural Housing Guidelines for Planning Authorities, 2005

5.5.2 The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural area types in the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community, as identified by the Planning Authority in the light of local conditions, while on the other hand directing urban generated development to areas

zoned for new housing development in cities, towns and villages in the development plan.

5.5.3 Circular Letter SP 5/08 was issued after the publication of the guidelines on 30th September 2009. The letter states that all planning applications for houses in rural area, regardless of where the applicant comes from, or whether they qualify under specific criteria, must continue to be determined on the basis of proper planning and sustainable development of the area, in accordance with Development Plan policies regarding overarching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety, etc.

5.5.4 EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.

5.5.5 This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

5.6 Natural Heritage Designations

5.6.1 The subject site is not located within a designated European Site. The subject land is not located in or immediately adjacent to a European site. The closest such site to the appeal site is the Rogerstown Estuary SAC (Site Code 00208) which is located c.3.8km and the Rogerstown SPA (Site Code 00415) which is 4.3km both to the south-west of the site.

5.7 EIA Screening

5.7.1 I refer the Board to the completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been received from Noonan Moran Architecture on behalf of Kate Barrett; the grounds of appeal are summarised below:

- The applicant was not afforded the opportunity to expand on the reason for not siting the new residence on the home landholding, a further information request would have allowed the applicant to expand on this issue.
- The home landholding accommodating a number of horses and there has been substantial investment into facilities to support this this has been undertaken. To accommodate a new dwelling on this land would have a detrimental impact on the equine use of the land and would have a detrimental impact on the visual amenity of this portion of land.
- There is an existing Gas Networks Ireland high pressure gas line running through the land. There are strict regulations to follow regarding location of buildings in proximity to the gas line.
- There is a biocycle and polishing beds for the main dwelling located immediately to east of the dwelling. This area could not accommodate a new residence.
- Neither of the two existing access points would be suitable for additional traffic.
- The amenity area for the dwelling is to the south and is well established including a rich variety of trees, scrubs, and plants. Locating a dwelling in this area would have a detrimental effect on the amenity of the main dwelling and would require the removal of much of the existing habitat.
- The applicant has demonstrated close family ties to the area and has a genuine need to create a family home.
- Design of the new dwelling is in accordance with the development plan.
- There are no objections from the Transport Department.
- There are no objections from the Water Services Department.

6.2 Planning Authority Response

- Letter dated 20/1/25 stating that the Planning Authority has no further comment to make on the application and that An Bord Pleanála is requested to uphold the decision of the Planning Authority. If permission is granted, then condition should be included relating to development contributions.

6.3 Observations

- There are no observations on file.

6.4 Further Responses

- There are no further responses on file.

7 Assessment

7.1 Having examined the appeal details and all other documentation on file and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Compliance with Rural Housing Policy - Rural Generated Housing Need
- Existing family holding
- Siting and Design
- Safety of the vehicle access
- Wastewater Management / Water Disposal
- Flooding
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The appeal site is zoned RU 'Rural' with the associated land use objective '*protect and promote in a balanced way, the development of agriculture and rural related enterprises, biodiversity, the rural landscape, and the built and cultural heritage.*' Residential is permitted in principle, subject to compliance with the Rural Settlement

Strategy. In addition to this, the proposed stables are an agricultural building as defined in Appendix 2 of *the Fingal County Development Plan 2023-2029* and as such is permitted in principle in the RU zone.

7.2.2 I am satisfied that the proposed uses are acceptable in principle in the RU zoning, subject to compliance with the rural settlement strategy as set out in Chapter 3 of *the Fingal County Development Plan 2023-2029*.

7.3 Compliance with Rural Housing Policy - Rural Generated Housing Need

7.3.1 In the first instance, I am required to be satisfied that the applicant meets the requirements set out in the Fingal Rural Settlement Strategy Rural Generated Housing Need. Section 3.5.15 states that rural Fingal can be classified as an area under 'Strong Urban Influence' due to its location in proximity to Dublin City, major urban centres, and important transport corridors.

7.3.2 Section 3.5.15.3 of the Fingal County Development Plan 2023-2029 states that the Fingal Rural Settlement Strategy serves to meet settlement needs which are the result of a genuine rural generated housing requirement.

7.3.3 The strategy provides 5 classes of rural generated housing need under which applications for one-off rural housing can be made and sets out criteria which apply to each. The five categories are as follows:

- Actively involved in farming.
- Close family ties.
- Employment related to the community.
- Exceptional health reasons.
- 'Bone Fide' business.

7.3.4 The applicant is seeking permission for a rural dwelling in the basis of the close family ties category i.e. criteria (i) of Table 3.5 of the *Fingal County Development Plan 2023-2029*. The application material includes a signed and notarised Supplementary Application form, a birth certificate, letters from national and secondary schools, tax certificate, details of the home landholding and aerial photography which shows the location of the proposed development in relative to the home landholding.

7.3.5 Having considered the information provided, I am satisfied that the applicant has demonstrated that they comply with criteria (i) of Table 3.5 of the *Fingal County Development Plan 2023-2029*.

- 7.3.6 While I would accept that the applicant has close family links to the area, I would have serious reservations regards the validity of the applicant's housing at the subject site, notwithstanding the family links to the area.
- 7.3.7 The first party appeal submission establishes that the appellant has a one third interest in a residential property in Dublin City. The appeal documentation includes a Co-Ownership agreement with the appellants siblings in relation to this building which substantiates this.
- 7.3.8 Given that the appellant is a part owner of a dwelling in Dublin City, in my opinion, there is no necessity for them to reside in the rural area in question. I am inclined to suggest that the appellants housing needs are satisfactorily addressed in the dwelling which they co-own.
- 7.3.9 As such, given that rural Fingal is classified as an area under 'Strong Urban Influence' I conclude that the applicant has not provided a demonstrable housing need and as a result does not comply with National policy as expressed in **(NPO) 19**, Regional policy as expressed in **RPO 4.80** and Local policy as expressed in Policy **CSP46** and Policy Objective **SPQHP46** of the *Fingal County Development Plan 2023-2029* all of which to ensure that housing will be facilitated within the countryside only for those people who have a rural generated housing need.
- 7.3.10 Should the Board come to a different decision on this matter, I consider that an occupancy condition restricting occupancy of this dwelling house specifically to the applicant be attached to any grant of permission.
- 7.3.11 I make the Board aware that this is a **new issue**, and the Board may wish to seek the views of the parties in this regard via Section 137 of the Planning and Development Act 2000 (as amended).

7.4 Existing family Holding

- 7.4.1 The reason for refusal relates to the appellants compliance with the Objective SPQHO89 – Proximity to the Family Homes. Specifically, that the applicant failed to satisfactorily demonstrate that a dwelling could not be provided on the existing family holding. The area planner states that the applicant's rationale that the family landholding is constrained by existing equine activities and wayleaves is not deemed satisfactory.

- 7.4.1 I note the concerns of the planning authority, and I would agree that the information provided in the initial application did not adequately demonstrate that the family land could not provide a dwelling.
- 7.4.2 However, the first party appeal provides a number of reasons as to why the proposed dwelling could not be accommodated on the existing family holding. These reasons include potential impact on the existing equine enterprise on the land, the location of a high-pressure gas line on the land, the location of the septic tank system and the location of the garden area for the family house on the land. I refer the Board to drawings No's SK-01 to SK-06 which were submitted with the first party appeal which provide detail on the family land holding.
- 7.4.3 I have considered the information provided with the first party appeal and the Objective SPQHO89 of the *Fingal County Development Plan 2023-2029*. In my opinion the information provided in the first party appeal does demonstrate that the subject site cannot accommodate a second dwelling.
- 7.4.4 I have come to this conclusion taking into consideration the modest area of the family land holding at c.3ha and the fact that the landholding accommodates both the family dwelling and an equine facility.
- 7.4.5 The equine facilities include stables, horse walker and horse arena exercise area and a pasture area and has been in operation for 20 years. I make the Board aware that the landholding has an official herd number issued by the Department of Agriculture, Food and Marine and is registered to accommodate up to six horses.
- 7.4.6 In their document '*Grassland for Horses A handbook on best grazing/forage management practices and techniques*' Teagasc recommends that a minimum area of 1.5 acres (0.6ha) of grazing land is required per horse and this requirement in combination with the equine facilities outlined above would mean that land would not have adequate redundant land on the site for a new dwelling.
- 7.4.7 Any redundant land is further reduced by a number of areas in which development would be restricted, these include a Gas Networks Ireland high pressure line which traverses the site (from north to south) and an area set aside for the infiltration area for the polishing filter immediately to the east of the family dwelling on the land.

7.4.8 It is therefore my opinion that the proposal would comply with SPQHO89 of the *Fingal County Development Plan 2023-2029*.

7.5 Siting and Design

7.5.1 Sections 14.14.2 and 14.12.3 of the *Fingal County Development Plan 2023-2029* together seek to limit the visual impact of new houses on Fingal's countryside and the visual impact of any proposed house upon the rural landscape. Table 14.9 sets out design guidelines for rural dwellings.

7.5.2 I have considered the design, height, and separation distances of the proposed dwelling against the design guidelines set out in Table 14.9 and I am satisfied that the dwelling is generally acceptable. The proposed dwelling would not be visually obtrusive in a landscape which includes dwellings on immediately adjoining sites, in an area which is not visually sensitive.

7.5.3 However, I do have concerns in relation to the location of the proposed stables. The location of the stables within 6m of the western boundary of the land may have impacts on the amenity of the property to the west. In my opinion, the stables should be relocated to an area of the site which is not in close proximity to abutting properties. This garage could then be relocated to the side of the dwelling which would allow for the proposal to achieve a greater visual symmetry.

7.5.4 This matter could be dealt with by way of condition, should the Board be of a mind to grant planning permission.

7.5.5 Notwithstanding the above, I have serious concerns that the proposal would lead to ribbon development in this area. Section 3.5.15.10 of the *Fingal County Development Plan 2023-2029* defines ribbon development as being 'formed by the development of a row of houses along a country road (resulting in five or more houses on any one side of a given 250m of road frontage)'. The proposed development would bring the number of houses on this part of the southern side of the road to 5. Policy **SPQHO53** outlines a presumption against development which would contribute to or intensify existing ribbon development. It is noted that there is a relaxation to this for on the grounds of meeting the housing needs of the owner of land which adjoins an existing house of a member of his/her immediate family where it is clearly demonstrated that no other suitable site is available. The potential relaxation is not applicable in this case.

7.5.6 This matter could not be dealt with by way of condition and therefore refusal is recommended.

7.5.7 I make the Board aware that this is a **new issue**, and the Board may wish to seek the views of the parties in this regard via Section 137 of the Planning and Development Act 2000 (as amended).

7.6 Safety of the vehicle access

7.6.1 The proposed development includes a new vehicular entrance. At the time when the application was made, the appeal site fronted onto a local road where the 80kph speed limit applied. However, in accordance with S.I. No. 618 of 2024, Road Traffic (Signs) (Speed Limits) Regulations 2024, the speed limits on local roads were reduced from 80kmph to 60kmph. This came into effect on 7/2/25.

7.6.2 A sightline drawing is included with the application drawings and shows that a sightline of 160m can be achieved in both an easterly and westerly direction from the proposed vehicular entrance. This distance would comply with Table 5.5: 'y' VISIBILITY distances from the minor road as set out in TII DN-GEO-03060 May 2023. However, given that speed limits have changed, as highlighted above, the sightline requirements would be reduced.

7.6.3 I note that the report of the Transport Planning Section of Fingal County Council states that the sightlines are in accordance with DN-GEO-03060.

7.6.4 I have visited the site, and I consider that the sight lines achieved by the proposal are acceptable in terms of traffic safety.

7.7 Wastewater Management / Water Disposal

7.7.1 I refer the Bord to the Site Characterisation Form which shows that the percolation tests conducted on site suggests that the soils and subsoils inherent on the site have adequate percolation and infiltration qualities to accommodate a Package Wastewater Treatment and polishing filter. The form shows that soil is poorly draining mineral soil (AminPD) with the subsoil being till derived from Namurian rocks with no bedrock encountered to 2.1m. The percolation tests yielded T values of 56.70 and no ground water was encountered, this would comply with the standards set out in the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤10) 2021.

7.7.2 Having reviewed the Geological Survey Ireland's GIS Mapping, I note that the proposed wastewater treatment system has been sited over a locally Important Aquifer with a low vulnerability.

7.7.3 The table below demonstrates the separation distance of the Domestic Wastewater Treatment System set out in Table 6.2 of the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent ≤10)* 2021.

Feature	Set back required	Set back achieved
Domestic Well	25m	No wells on or adjacent to the site
On-site House	7m tank / 10m infiltration area	37m tank 55m infiltration area
Road	4m	100m
Site boundary	3m	6.2m (south-western boundary) 6.4m (western boundary)
Water course / stream	10m	100m (drain to at the road / front boundary)

Table 1: Septic tank / percolation area setbacks

7.7.4 Table 1 above shows that the proposed Package Wastewater Treatment and polishing filter would comply with the separation distances required by the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent ≤10)* 2021.

7.7.5 With respect to surface water disposal, the applicant is proposing an underground attenuation system to the rear of the dwelling, designed for 100years + 20% increase for climate change. The application was referred to the Water Service Department of Fingal County Council who did not object, subject to conditions. I am satisfied that the underground attenuation system is acceptable.

7.7.6 I also inform the Bord that the dwelling would be connected to the public main supply.

7.8 Flooding

- 7.8.1 While not included in the grounds of appeal or as a reason for refusal, I wish to make the Board aware I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.
- 7.8.2 Having considered all the foregoing, I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

8 AA Screening

- 8.1 I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2 The proposed development is located within a rural area and comprises of the construction of a dwelling, including effluent treatment system, separate garage, separate stables, and vehicular access.
- 8.3 The subject land is not located in or immediately adjacent to a European site. The closest such site to the appeal site is the Rogerstown Estuary SAC (Site Code 00208) which is located c.3.8km and the Rogerstown SPA (Site Code 00415) which is 4.3km both to the south-west of the site. There is no hydrological connection between the site and the Rogerstown Estuary SAC / SPA.
- 8.4 Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.5 The reason for this conclusion is as follows:
- The relatively small scale of the development
 - The location of the development and its distance from the closest European Site.
- 8.6 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9 Recommendation

- 9.1 I recommend that planning permission should be refused for the reason and considerations set out below. As stated above, these are new issues in the context of the appeal.

10 Reasons and Considerations

1. Having regard to the location of the site of the proposed development within an area designated 'RU – Rural' in the *Fingal County Development Plan 2023-2029*, it is considered that, based on the information submitted with the planning application and the appeal, that the applicant who co-owns an existing house has not demonstrated a housing need for an additional house at this rural location and would therefore contravene policies **CSP46** and **SPQHP46** of the *Fingal County Development Plan 2023 – 2029* and the proposed development would, thereby, be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with existing and permitted development in the area and specifically along the stretch of roadway onto which the proposed development would access, the proposed development would add to an undesirable level of linear development along this stretch of road, would constitute ribbon development and would contravene Objective **SPQHO53** as set out in the *Fingal County Development Plan 2023-2029* and would therefore, 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.

Ronan Murphy
Planning Inspector

14 April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321468-24		
Proposed Development Summary	Construction of house with wastewater system and all associated site works		
Development Address	Baldrumman, Lusk, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 Infrastructure Projects (b) (i)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Class 10 Infrastructure Projects (b) (i)	(i) Proposal is significantly below 500-unit threshold

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321468-24
Proposed Development Summary	Construction of house with wastewater system and all associated site works
Development Address	Baldrumman, Lusk, Co. Dublin
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,	The development is situated in a rural area with some residences located on either side and which area is largely surrounded by open Greenfields.

absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	
There is no real likelihood of significant effects on the environment.	EIA is not required.	No	

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)