



An  
Bord  
Pleanála

## Inspector's Report ABP-322062-25

<b>Development</b>	Construction of farmyard area entrance.
<b>Location</b>	Commons Lower, Garristown, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/1145E
<b>Applicant(s)</b>	Joseph and Patricia McManus
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party V Condition
<b>Appellant(s)</b>	Joseph and Patricia McManus
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4/6/25
<b>Inspector</b>	Ronan Murphy

## **1.0 Site Location and Description**

- 1.1. The appeal site is located within a rural area on the border of Fingal and County Meath in the townland of Commons Lower, which is located c.2.5km to the north-east of Garristown. More specifically the appeal site is located on the northern side of a narrow local road.
- 1.2. The character of the area is rural in nature with a number of farm holdings and one-off houses along the local road.
- 1.3. The appeal site is part of a larger agricultural land holding and comprises of a dwelling and a farmyard which includes agricultural sheds, and a cattle crush to the south-east of the agricultural shed on the land.
- 1.4. Vehicular access to the farmyard is by way of an existing entrance to the southeast of the site. The current access is narrow and is encumbered by the placement of farm buildings.
- 1.5. The appeal site has an area of c. 0.055ha and is bound by a local road to the south and fields within the applicant's ownership to the north, south and east.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of a new vehicular entrance from a farmyard area to the public roadway and all associated siteworks.
- 2.2. The proposed vehicular entrance would have a maximum width of 8.8m which reduces to 6.1m for the gates. The proposed gates would have a height of c.6.1m and would comprise of timber slats on a galvanised metal framework.
- 2.3. The proposal would also include the culverting the open drain at the roadside to link with the existing culverted drain to the east and west of the appeal site.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 By order dated 18/1/25 Fingal County Council decided to grant planning permission subject to 9 conditions. The conditions are generally standard in nature apart from condition No. 3 which states the following:

*Prior to the commencement of development, full plans shall be submitted demonstrating the blocking up of the existing agricultural access to east of the proposed access gate. Such plans should include details of the boundary treatment including new hedgerow consisting of blackthorn, holly, or hawthorn. The existing agricultural access to east shall be blocked up within 6 months of the formation of the proposed new access gate. New hedgerows shall be planted in the first planting season following the blocking up of the eastern access point.*

*REASON: In the interest of visual amenity and clarity.*

### 3.2. Planning Authority Reports

- 3.2.1. There is one planning report on file dated 18/2/25. The area planners report states that the proposed development is acceptable in principle but that the proximity two access points at this location is undesirable and that this matter could be dealt with by way of condition. The area planners report also highlights concern with respect to the extent of hedgerow proposed to be removed and that this matter could be dealt with by way of condition which would seek to minimise the extent of the new vehicle entrance boundary treatment in favour of the retention of hedgerows.

#### 3.2.2. Other Technical Reports

- **Transportation Planning Section:** Report dated 11/2/25 outlining no objection subject to conditions.
- **Water Service:** Report dated 4/2/25 outlining no objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.1 None on file.

### 3.4. Third Party Observations

3.4.1 No third-party observations on file.

## 4.0 Planning History

4.1 There is no planning history relating to the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The *Fingal County Development Plan 2023-2029* is the operational plan for the area. The appeal site is zoned RU 'Rural' with the associated land use 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 vision for the RU zone is to protect and promote the value of the rural area of the County. This rural value is based on: Agricultural and rural economic resources, visual remoteness from significant and distinctive urban influences, a high level of natural features. Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

5.1.2 The following policies and objectives are the most to the proposed development:

**DMSO100** which notes that the Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they

will be required to be sympathetic to their surroundings in scale, materials, and finishes.

**DMSO115** which seeks, inter alia, to ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances and to ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

**DMSO118:** which seeks to promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

**DMSO128:** which seeks to ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.

## **5.2. Natural Heritage Designations**

5.2.1 There are no designated sites in the immediate vicinity of the appeal site. The closest site is the Northwest Irish Sea cSPA (Site Code 004236) which is located c. 12.7km to the east of the site. The River Boyne and Blackwater River SAC (Site Code 002299) is c.13.7km to the north of the site and the Rogerstown Estuary SAC (Site Code 000208) and the Rogerstown Estuary SPA (Site Code 004015) are located c.13.8km to the east of the site.

5.2.2 The Cromwell's Bush Fen pNHA (site code 001576) is located c. 4.2km to the north of the site.

## **5.3. EIA Screening**

5.3.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also

no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 A first-party appeal has been lodged by Joseph and Patricia McManus. The appeal relates to condition no. 3 of the Planning Authority's Notification of the Decision to Grant Planning Permission only and can be summarised as follows:

- The sharp turn at the existing gate makes safe access very difficult.
- The existing gateway is vital to the operations of the farm as it will be used to bring cattle in and out, for penning and containing them adjacent to a crush making it safer for the AI technician.
- One access is for farm machinery and the other is livestock only.

### **6.2. Planning Authority Response**

- Letter dated 7<sup>th</sup> April stating that the Planning Authority has no further comment to make and that An Bord Pleanála is requested to uphold the decision of the Planning Authority. In the event that the appeal is successful conditions relating to Development Contributions are requested to be included.

### **6.3. Observations**

6.3.1 There are no observations on file.

### **6.4. Further Responses**

6.4.1 There are no further responses on file.

## **7.0 Assessment**

7.1 As the appeal relates to a first party appeal against one condition, having regard to the acceptability of the proposed development in principle; being a new vehicular

access gate on lands within the RU zone it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I am satisfied that the Board can determine this appeal as an appeal against conditions only in accordance with Section 139 of the Planning and Development Act 2000, (as amended).

7.1.3 Condition No. 3 requires that the existing access gate to the east of the proposed gate be blocked up within 6 months of the formation of the new access gate and that a new hedgerow be planted in the area where the existing gate is located.

7.1.4 It would appear that the rationale for condition 3 is predicated on visual and natural heritage considerations, with the area planners report stating that the proximity of two access points at this location is undesirable.

#### *Visual and Natural Heritage*

7.1.5 Objective DMSO128 of the *Fingal County Development Plan 2023-2029* seeks to ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments. The first party has justified the need for the retention of the existing gate stating that it is vital to the operation of the farm, and it is required to bring in and out cattle for penning and containing.

7.1.6 I note the provisions of Objective DMSO128. However, I also have regard to the operational needs of the farm to provide safe convenient access for cattle to the crush area which provides penning and containing facilities and on balance, I am satisfied that the retention of the existing gate is acceptable and would not have an undue impact on the visual amenities of the rural landscape. I am satisfied that the proposal

is acceptable and would not be contrary to Objective DMSO128 of the *Fingal County Development Plan 2023-2029*.

### *Road Safety*

7.1.7 Objective DMSO115 of the *Fingal County Development Plan 2023-2029* broadly seeks to restrict access points onto rural roads to ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances. As the existing gate would be used for the purposes of stock entry / exit only, I am satisfied that the retention of the existing gate would not lead to the increase in the number of vehicular entrances from the appeal site. The proposal therefore would not have any impact on the ongoing capacity of the road and would not be contrary to Objective DMSO115 of the *Fingal County Development Plan 2023-2029*.

7.1.8 Objective DMSO118 seeks to promote road safety measures and to avoid the creation of traffic hazards. I note that agricultural vehicles are getting larger and that the road on which the appeal site is located is narrow. In addition to this, the existing access to the land is narrow and the turning circle for farm machinery using this access is encumbered by the placement of farm buildings. This arrangement is not ideal in terms of traffic safety as larger agricultural machinery would have to pass onto the opposite side of the road to get access to the land. In my opinion, the use of the existing access for the purpose of stock movements only and a new vehicular access directly into the farmyard for agricultural vehicles only would lead to a better road safety outcome and this would comply with objective DMSO118 of the *Fingal County Development Plan 2023-2029*.

7.1.9 For the above reasons I recommend that the Board remove Condition 3 in deciding the appeal.

## **AA Screening**

8.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is



located within a rural area in north county Fingal. The proposal comprises of the construction of a new vehicular access, gate, and associated site works.

8.2 The subject land is not directly adjacent to a European site. The closest sites are the Northwest Irish Sea cSPA which is located c. 12.7km to the east of the site. The River Boyne and Blackwater River SAC is c.13.5km to the north of the site and the Rogerstown Estuary SAC and Rogerstown Estuary SPA which are c.13.8km to the south-east of the site and.

8.2 In addition to this, Cromwell's Bush Fen pNHA (site code 001576) is located c. 4.2km to the north of the site, the Duleek Commons pNHA is located c. 9.5km to the north of the site and the Laytown Dunes / Nanny Estuary pNHA is located c. 10.6km to the northeast of the site.

8.3 It is noted that there is no hydrological connection between the site and any European site.

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. The reason for this conclusion is as follows:

- The small scale of the proposal; and
- The location of the development and its distance from the closest European Site.

8.5 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.

## **9.0 Recommendation**

9.1 Having regard to the nature of the condition which is the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below direct the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 to: Remove Condition 3.

9.2 Arising from my assessment above therefore I recommend that the Board:

- Remove Condition 3.

## **10 Reasons and Considerations**

- 10.1 Having regard to the nature of the proposed development which is to improve the access to the farmyard complex for larger farm vehicles and the continuing operational need for the access to the animal facilities, it is considered that both accesses have been justified in this locality given the limited traffic volume on the local road.

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

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**Ronan Murphy**  
Planning Inspector

12 June 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-322062-25</b>
<b>Proposed Development Summary</b>	Construction of farmyard area entrance.
<b>Development Address</b>	Commons Lower, Garristown, Co. Dublin
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project.' Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** Ronan Murphy

**Date:** 12/6/25

