



An
Bord
Pleanála

Inspector's Report ABP-322739-25

Development

Retention of change of use to 6 self-contained guesthouses and alterations. Permission for demolition of boundary and construction of entrance with all associated site works.

Location

Eden House, Cabragh, Oldtown, Co. Dublin, A45 FY7

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/0257E

Applicant(s)

Jessed Ltd.

Type of Application

Retention and Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Jessed Ltd.

Observer(s)

None

Date of Site Inspection

5th September 2025

Inspector

Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Cabragh to the south of the village of Oldtown, Co. Dublin. Ashbourne is located c. 4.5km to the west.
- 1.2. The site is adjoined to the north, south and east by fields and to the south-east by a commercial yard/ warehouse complex. It is accessed on its west side from the R-122 regional road. The wider area is rural in character, has a relatively flat open topography and features a mix of one-off housing and agricultural lands, enterprises and farms.
- 1.3. The rectangular site is circa 0.061ha in area and features a U-shaped building with an east facing courtyard. The building comprises of a large single storey bungalow of c. 236sq.m (southern wing) together with an attached single storey extension of c. 360sq.m (L-shaped northern wing) which features some accommodation at attic level. The property's vehicular access is located on its south-west side and is secured by electric gates.
- 1.4. The property is not a protected structure and is not listed on the National Inventory of Architectural Heritage.

2.0 Proposed Development

- 2.1. The development for which retention permission is sought comprises of:
 - (i) the change of use of the workshops/garages at 'Eden House' from residential use to 'guesthouse' accommodation, ancillary to the use of the main house, and comprising 6 no. self-contained guest units comprising 1 no. one-bed, 3 no. two-bed and 2 no. three-bed units each provided with cooking facilities, living spaces, bathrooms and stores;
 - (ii) alterations to the internal and external layout at ground and attic floor levels of the northern wing of the property, including the replacement, relocation, and reinstatement of doorways, windows, and wall partitions;
 - (iii) the provision of 13 no. parking spaces.
- 2.2. The proposed development for which permission is sought comprises of:

(i) the demolition of a portion of the existing boundary wall to provide for a new 4.871m-wide entrance, with the reconstructed wall and gates matching the previously existing entrance; and,

(ii) all other associated engineering works, landscaping, and ancillary works necessary to facilitate the development.

- 2.3. The description of development in the statutory notices refers to the change of use of the workshops/garages at 'Eden House' from residential use. I wish to draw the Commission's attention to the fact that there is no record of permission being granted for the change of use of the workshops/ garages to residential use.

3.0 Planning Authority Decision

3.1. Decision

Permission and Retention Permission refused on 14/05/2025 for 5 no. reasons:

1. The guesthouse/ self-contained units accommodation to be retained, by reason of poorly integrated design, limited aesthetic value and by reason of the height of the building and its floor area, is not ancillary to the 'dwelling' on the site and is visually unacceptable. Furthermore, the applicant has failed to provide sufficient evidence the 'guesthouse' accommodation qualifies as a guest house under the Registration and Renewal of Registration for Guest Houses Regulations 2003 under the Tourist Traffic Acts 1939- 2003, or other as revised, or that the 'dwelling' on site is being used as the main residence for a person or persons who would manage the guest house. The proposed development therefore materially contravenes the 'RU' – 'Rural' land-use zoning objective of the Fingal Development Plan 2023-2029 and is contrary to the proper planning and sustainable development of the area.
2. The guesthouse/self-contained guest units, given their individual external access doors and internal facilities, are apartments. The development of 'Holiday Home/Apartments' on 'RU' – 'Rural' zoned lands is only permissible where the development involves conversion of a Protected Structure. The subject site does not contain any Protected Structures and, as such, the retention of the development would materially contravene the 'RU' – 'Rural' land-use zoning objective of the Fingal Development Plan 2023-2029. Furthermore, the apartments

fail to demonstrate compliance with the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2023), including all SPPRs and Appendix 1, and Objective DMSO24 of the Fingal Development Plan 2023-2029; and would provide for sub-standard accommodation that would be seriously injurious to the residential amenities of occupiers. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3. Having failed to demonstrate the development qualifies as a guest house, as set out in reason 1 above, and given the provision of Holiday Home/Apartments on the site is not permissible, as set out in reason 2 above; the units on site are considered to be new rural dwellings and the applicant has failed to demonstrate compliance with the Rural Settlement Strategy of the Fingal Development Plan 2023-2029 which is required for any residential development on 'RU' – 'Rural' zoned lands. Therefore, in addition to reasons 1 and 2 outlined above, the development would materially contravene the Rural Settlement Strategy of the Fingal Development Plan 2023-2029, would be contrary to the Ministerial Guidelines and the overarching national policy in the National Planning Framework relating to the development of new rural housing; and contrary to the proper planning and sustainable development of the area.
4. The sightlines required for the proposed development in accordance with TII DN-GEO-03060, are obstructed by the existing/proposed roadside boundary walls which are located within the visibility splay. In the absence of a proposal to recess the existing/proposed roadside boundary walls from the road edge, the proposed development represents a traffic hazard and would endanger pedestrian safety. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
5. The applicant has failed to submit a design statement in accordance with DMSO5 of the Fingal Development Plan 2023-2029; and has failed to adequately demonstrate how the development complies with Table 14.9 'Design Guidelines for Rural Dwellings', Section 14.12.13 'Extensions to Rural Dwellings', Objective DMSO109 or Table 14.17 'Bicycle Parking Standards' of the Fingal Development Plan 2023-2029. The proposed development therefore materially contravenes objectives of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 14/05/2025) formed the basis of the planning authority's (PA) assessment:

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Key points of note raised in the report are as follows:

- *Principle of Development* –
 - No record of permission for residential use of workshops/ garages.
 - Floor area of the guesthouse element (c. 360sq.m) is larger than that the main dwelling (236sq.m) and also has a greater height and is therefore not ancillary to the use of same as required for guesthouses to be permitted in principle under the 'RU – Rural Area' zoning.
 - Insufficient evidence is submitted to demonstrate the proposals compliance with the FDP land use definition of a 'guesthouse' (i.e. overnight guest accommodation to whom meals are available) or how it qualifies as a guesthouse under the Registration and Renewal of Registration for Guest Houses Regulations (2003) or the Tourist Traffic Acts (1939 – 2003).

Refusal recommended on this basis.

- *Zoning Compliance* –
 - No guesthouse manager or owner lives or works on the appeal site and the applicant is a registered company rather than an individual. On this basis, the main dwelling does not appear to be used as a residence for a person or persons as required in compliance with the 'RU – Rural Area' zoning objective.
 - Application documentation refers to the use of the site as being for 'sheltered accommodation' – a use which is not permitted on 'RU' zoned lands.
 - It is noted that the 6 no. self-contained guest units each have their own external entrance door, cooking facilities, living spaces, bathrooms and stores and are more akin to apartments given their design and construction.

- Holiday homes/ apartments are only permissible on 'RU' zoned lands where the development involves the conversion of a Protected Structure which is not the case for this proposal.
- Apartments on 'RU' zoned lands are considered to be new rural dwellings. On this basis, the applicant has not demonstrated compliance with the Fingal Rural Settlement Strategy which is required for any residential development on 'RU' – 'Rural' zoned lands.

Refusal recommended on this basis.

- *Compliance with Residential Standards –*
 - The majority of the residential units do not meet the minimum requirements set out under Appendix 1 of the Apartment Guidelines (2023) in respect to gross floor area, internal room areas and widths and floor-to-ceiling heights in contravention of SPPR4 and SPPR5 of the Guidelines and Objective DMSO24 of the FDP.
 - It has also not been demonstrated to the satisfaction of the PA that the attic level residential accommodation complies with Building Regulation Standards for human habitation.
 - Overall, the PA have serious concerns about the sub-standard level of residential amenity provided to occupants.

Refusal recommended on this basis.

- *Visual Impact –*
 - The building containing the guesthouse element has a limit visual/ aesthetic value and is poorly considered, with a poor quality finish/ architectural detailing, and doesn't present an active frontage to the R122.
 - The ridge height of the guesthouse element exceeds the ridge height of the main dwelling, is not visually subordinate to/ respectful to the proportions same or of a reasonable or modest scale.
 - The applicant has not demonstrated how the proposal complies with FDP Table 14.9 (Design Guidelines for Rural Dwellings) and Section 14.12.13 (Extensions

to Rural Dwellings) and has not submitted a Design Statement in accordance with Objective DMSO5.

Refusal recommended on this basis.

- *Transportation and Access –*
 - Proposal for 13 no. car parking spaces (serving 7 no. units (i.e. 1 no. existing and 6 no. new)) is compliant with SPPR3 of the 2024 Compact Settlement Guidelines.
 - Proposal to cease use of existing entrance and construct a new entrance is acceptable.
 - Existing and proposed roadside boundary walls are obstructing visibility splays and sightlines (145m required to the nearside edge of the road on both sides of the entrance viewed from a 1.4m setback from edge of road as per TII DN-GEO-03060 requirements) from the proposal onto the 80km/hr R-122 regional road and the Transportation Planning Section sought to request Further Information (FI) in respect to the recess of the walls by 2.5m from the road edge (and to clarify that roadside verge be levelled and grassed and roadside hedgerow cut back) in order to address the obstruction.
 - The Case Planner considered that the visibility obstruction gave rise to an unacceptable traffic hazard and risk to pedestrian safety and FI was not pursued.

Refusal recommended on this basis.

- *Water/ Drainage –*
 - Noted that no changes are proposed to foul drainage, water supply and surface water arrangements (i.e. existing connections to public mains/ network).
 - The PA's Water Services Dept. raised no objections to the proposal subject to the attachment of standard conditions.
 - The applicants submitted a confirmation of feasibility with their application but as no response was received from Uisce Eireann this should be addressed by FI (not pursued on account of decision to refuse permission).
- *Landscaping/ Boundary Treatments –*

- No landscaping/ boundary treatment proposals were submitted.
- The PA's Parks and Green Infrastructure Division stated that they have no issue with the proposal, and they do not recommend the attachment of condition(s).
- The Case Officer determines the proposal to close the existing vehicular entrance off the R-122 and to provide a more centralised entrance which harmonises with the existing boundary treatment to be acceptable and in-keeping with the rural context of the site.

The planning report concluded by recommending permission be **refused** for 5 no. reasons (as detailed in Section 3.1 of this report).

3.2.2. **Other Technical Reports**

Transportation Planning Section (25/04/2025) – sought FI to demonstrate that unobstructed sightlines can be achieved.

Water Services Department (24/04/2025) – no objection on flood risk or surface water drainage grounds.

Parks and Green Infrastructure Division (14/04/2025) – no objection in principle.

3.3. **Prescribed Bodies**

Dublin Airport Authority – submission dated 29/04/2025 states that the DAA have no comments to make in respect of the application.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

4.1. **Appeal Site**

P.A. Ref. F08A/0089 – Application for the construction of a single storey agricultural extension (floor area c. 366sq.mm., ridge height of 9.5m) to the side of an existing agricultural potato store. Application deemed withdrawn on 02/03/2028 when applicant did not respond to a FI request [application site included current appeal site, but proposal related to commercial yard/ warehouse complex located to the rear of same].

P.A. Ref. F03A/0517 – Application for the construction of a potato store on farmyard, granted permission on 16/07/2003 subject to conditions [as above].

P.A. Ref. 93A/0786 – Application for outline permission for the extension and conversion of Eden House to residential home for the elderly, granted on 08/09/1993 subject to conditions including one which sought that specific proposals in respect to the improvement of vision splays at the entrance to the site be submitted for approval.

Enforcement – Ref. 24/082 active enforcement file open in respect to the use of the property's outbuildings for human habitation.

4.2. Neighbouring Sites

No relevant planning history found.

4.3. National Policy

Project Ireland 2040 – National Planning Framework (2025) – NPO 19 (facilitate provision of rural housing where applicant has a demonstrable social or economic need to live in the area).

Climate Action Plan (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030.

Planning Design Standards for Apartments Guidelines for Planning Authorities (DoHLGH, 2025).

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) SPPR 3 – Car Parking.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023).

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) [cited by the PA].

Our Rural Future: Rural Development Policy 2021-2025.

Design Manual for Urban Roads and Streets (DoHLGH, 2019) & TII DN-GEO-03060.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007).

Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

Registration and Renewal of Registration for Guest Houses Regulations (2003) [cited by the PA].

Tourist Traffic Acts 1939-2003 [cited by the PA].

4.4. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – Rural Areas: RPO 4.81 siting and design criteria for rural housing.

4.5. Development Plan

The Fingal Development Plan (FDP) 2023-2029 applies.

Zoning

Section 13.5 (Zoning Objectives, Vision and Use Classes).

The site is zoned 'Objective RU – Rural' with the 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 'RU' zoned lands is to 'Protect and promote the value of the rural area of the County'.

'Residential' development is permitted in principle on RU zoned lands only subject to compliance with the Rural Settlement Strategy.

'Guesthouses' are permitted in principle on RU zoned lands only where the use is ancillary to the use of the dwelling as a main residence.

'Holiday Homes/ Apartments' are only permitted on RU zoned lands where the development involves conversion of a Protected Structure.

Site is also located in a 'low-lying' agricultural landscape character area and within Dublin Airport Noise Zone D.

Section 13.4 (Ancillary Uses):

Planning permission sought for developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale, should be

considered on their merits irrespective of what category the ancillary development is listed in the zoning objectives, vision and use classes section of this chapter.

Objective ZO4 - Ancillary Uses: Ensure that developments ancillary to the parent use of a site are considered on their merits.

Rural Settlement Strategy

Sections 3.5.15 (Housing in Rural Fingal) and 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need) – states that residential development in areas zoned RU which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource.

Objective SPQHO55 (roadside trees and hedging).

Guesthouses and Holiday Homes/ Apartments

Appendix 7 (Technical Guidance) Land Use Definition of a Guest House:

A building or part thereof, providing overnight guest accommodation and to whom meals, usually breakfast, are available and which qualifies as a guest house under the Registration and Renewal of Registration for Guest Houses Regulations 2003 under the Tourist Traffic Acts 1939- 2003 or other as revised.

Appendix 7 (Technical Guidance) Land Use Definition of Holiday Home/ Holiday Apartments: The use of a building, or part thereof, for short term holiday-related accommodation.

Objective DMSO109 – Bicycle Parking: Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this Plan, where feasible, practical and appropriate, having regard to local, national and international best practice.

Table 14.17 (Bicycle Parking Standards) – 1 per 5 staff and 1 per 5 rooms.

Table 14.19 (Car Parking Standards) – Zone 2 areas: 1 per room.

Tourism/ Rural Economy

Section 7.5.2 (Tourism).

Sections 5.3 (Rural Economy and Enterprise) and 7.5.3 (Rural Economy) [cited by appellant].

Objective EEO45 – Tourism and Economic Growth: Direct the provision of tourist related facilities, such as information offices and cultural centres, into town and village locations to support and strengthen the existing economic infrastructure of such centres.

Objective EEO46 – Tourist Related Facilities: Direct the provision of tourist related facilities, such as information offices and cultural centres, into town and village locations to support and strengthen the existing economic infrastructure of such centres.

Housing/ Extension Design Guidance

Sections 14.9 (Design Guidelines for Rural Dwellings), 14.12.2 (Design Criteria for Housing in the Countryside) and 14.12.13 (Extensions to Rural Dwellings).

Objective DMSO5 – Design Statement: All medium to large scale planning applications (in excess of 5 residential units or 300 sq.m of retail/ commercial/office development in urban areas) or as otherwise required by the Planning Authority shall be accompanied by a Design Statement to address the contextual and design issues which have been taken into consideration as part of the scheme (...).

Objective DMSO24 – Apartment Development: All applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and general contents of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at the time of lodgement of the planning application) [cited by the PA].

5.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 8.5km from Rogerstown Estuary SAC (Site Code 000208)
- c. 9km from Rogerstown Estuary SPA (Site Code 004015)
- c. 9km from Malahide Estuary SAC (Site Code 000205)
- c. 9.5km to Malahide Estuary SPA (Site Code 004025)
- c. 14km to North-West Irish Sea SPA (Site Code 004236)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 9km from Bog of The Ring pNHA (Site Code 001204)
- c. 8.5km from Rogerstown Estuary pNHA (Site Code 000208)
- c. 9km from Malahide Estuary pNHA (Site Code 000205)
- c. 16km from Skerries Islands NHA (Site Code 001218)

6.0 EIA Screening

The proposed development and development to be retained has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and development to be retained and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development and development to be retained, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development and development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 2 for details).

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received (10/06/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1

Design and Visual Impact

- Proposal involves the adaptive reuse of existing structures; no new built form has been introduced; and, there is no change to visual character of the area.
- Modifications made to existing structures are in-keeping with character and materiality of neighbouring rural properties and don't give rise to negative impacts on existing residential amenity.

Use

- Use of existing buildings as guest accommodation is ancillary to that of main dwelling and residence on site which is being retained.
- Principle residence remains in active residential use and is physically, functionally and operationally separate from the guest accommodation.
- Proposal is not a standalone commercial project/ does not operate independently of the primary residential use of the site and is ancillary to the main use/ dwelling.
- Guest accommodation is modest in scale, subordinate to the main dwelling and occupies a comparatively smaller (physically separate) portion of the site.
- Guest accommodation will continue to be managed by residents of the main dwelling.
- The guesthouse use complies with the site's RU zoning and will support the local rural economy by creating employment and promoting sustainable tourism.

Refusal Reason No. 2

Use/ Nature of Accommodation

- Proposal does not meet the definition of apartments under the 2023 Guidelines.
- The 6 no. guest units are specifically designed as short-term tourist accommodation (i.e. guestrooms associated with a managed hospitality offering) and not to function as permanent/ long-term residential units.
- Independent access points are intended to facilitate independent guest use.

Refusal Reason No. 3

Compliance with Rural Settlement Strategy and Rural Housing Policy

- Proposal is for the change of use of existing buildings and minor alterations to same and does not involve the construction of any new building(s).
- The conversion of the ground floor and attic levels of existing structures into 6 no. short-term self-catering guest accommodation units does not constitute the creation of new rural dwellings or permanent dwellings for residential occupancy.
- The guesthouse units are not intended to operate as individual residential units and will not be let or sold as permanent residences or standalone rural housing and they operate under a single management structure.
- As the development does not constitute new rural housing it does not trigger the need to comply with the rural settlement strategy.

Refusal Reason No. 4

Access Sightlines

- The concerns raised in respect to the obstruction of sightlines are capable of being addressed through minor boundary treatment adjustments and the PA should have sought FI on the matter (no revised engineering drawing illustrating same was provided with the grounds of appeal).
- The development does not give rise to any material traffic hazard on the R-122 or pose a risk to pedestrian safety.

Refusal Reason No. 5

Design Statement/ Compliance with Design & Rural Extension Guidelines

- The proposal fully adheres to the relevant design and extension policy of the FDP (i.e. Table 14.9 and Section 14.12.13).
- Proposal involves the reuse and adaption of existing buildings and is in-keeping with prevailing character of the area.
- Siting and design of proposal has been carefully considered in relation to rural context.
- Proposal does not encroach on any archaeological, natural or built heritage.
- The site's natural features will be preserved (hedgerows retained in full etc).
- Proposed does not adversely impact visual or residential amenity of area.

- The proposal accords with the design principles set out in Table 14.9.

Bike Parking

- The proposal is consistent with Objective DMSO109 (no further details provided).
- Provision can be made on site to meet bike parking requirements (as per Table 14.17) and this can be ensured by condition.

Other

Drainage

- Existing surface water drainage system is sufficient to manage run-off and no upgrades or alterations are required.
- Property has been connected to the public wastewater network since 2023 and the foul system (incl. proposed new connection to this network) has been designed in accordance with Uisce Eireann Code of Practice.

Observations

- No third party submissions were received on the proposal which indicates a lack of local opposition to the proposal.

The grounds of appeal are accompanied by a copy of the PA's decision letter.

8.2. Planning Authority Response

Response received 24/06/2025 states that the PA have no comments to make in respect of the appeal and seeks that the Commission uphold their decision to refuse permission. In the event that their decision is overturned by the Commission they seek that, where relevant, conditions relating to the payment of a Section 48 Development Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in play facilities be applied.

8.3. Observations

None received.

8.4. Further Responses

None received.

9.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Traffic Safety and Parking
- Other
- Material Contravention

9.1. Principle of Development

Background

- 9.1.1. The PA's refusal reasons No's 1 and 2 concern the proposal's material contravention of the sites 'RU – Rural' zoning objective on the basis of a number of factors outlined in Section 3 of this report. I will consider these refusal reasons in further detail in subsequent sections of my assessment.
- 9.1.2. I acknowledge the PA's decision to refuse on the basis of the proposal's non-compliance with the Rural Settlement Strategy (refusal reason no. 3). However, I note the arguments made in the grounds of appeal in this regard (as detailed in Section 8.1 of this report) and, that the subject units are specifically designed for short term tourist accommodation and are not to function as permanent residential units. I therefore consider that the substantive issue to assess is the proposal as applied for in the statutory public notices i.e. the change of use to 6 self-contained guesthouses and related alterations. Should the Commission, however, consider that the proposal constitutes rural dwellings, it should be noted that the development would not comply with either the Development Plan standards or the 2025 and 2023 Apartment Guidelines with respect to gross floor area, storage and private amenity space.

Guesthouse

- 9.1.3. The description of development applied for seeks retention permission for a change of use to 'guesthouse' accommodation. The FDP defines a 'guesthouse' as "*A building*

or part thereof, providing overnight guest accommodation and to whom meals, usually breakfast, are available and which qualifies as a guest house under the Registration and Renewal of Registration for Guest Houses Regulations 2003 under the Tourist Traffic Acts 1939- 2003 or other as revised". The PA are of the view that the proposal does not constitute a 'guesthouse' in accordance with this definition and instead constitutes 6 no. separate apartments on account of their layout and independent access arrangements. The appellant does not agree with the PA's assessment and reiterate that the purpose of the facility is for short-term, self-catering tourist accommodation.

9.1.4. Having consulted the Registration and Renewal of Registration for Guest Houses Regulations (2003), I note that the qualifying criteria for accommodation to be considered a 'guesthouse' include shared/ common access and egress (the units all have independent accesses) together with, inter alia, a reception area, a dining area (for the serving of breakfast), kitchen and service areas, a lounge area, cloakroom facilities, staff accommodation and storage areas (there was no evidence of staff facilities or a back of house facilities specifically for the catering and serving of meals to patrons of the guesthouse etc.). The regulations also require that the premises be used primarily for the lodging or sleeping of travellers presenting themselves with or without prior arrangement. However, during my site inspection I observed that there was no signage on the public road (R-122), in the immediate locality, on the front boundary of the site or, within the site, advertising the existence of a guesthouse. There was also no intercom, no bell or other means of contacting the guesthouse at the gated entrance to the site.

9.1.5. In light of the foregoing, I consider that the proposal is not compliant with the land use definition of a 'guesthouse' set out in the FDP (as informed by the Registration and Renewal of Registration for Guest Houses Regulations (2003)).

Ancillary Use

9.1.6. The FDP provides that 'guesthouses' are permitted in principle only where the use is ancillary to the use of the dwellinghouse as a main residence.

9.1.7. The PA, in considering the nature and use of the main dwellinghouse on the appeal site, noted that no guesthouse manager or owner lives or works on the appeal site.

- 9.1.8. The PA's refusal reason No. 1 outlines concerns in respect to the proposal's scale, design and visual character relative to the main dwellinghouse as being the main reasons for determining that the 'guesthouse' element is not subordinate to, or ancillary to, same.
- 9.1.9. Notwithstanding the PA's assessment of the proposal outlined above, and the rebuttal of same outlined in the grounds of appeal, I consider that the crux of the issue for determination relates to 'use' i.e. the scale and intensity of use of the guesthouse development relative to that of the main dwellinghouse.
- 9.1.10. It is stated in the grounds of appeal that the use of the existing buildings as guest accommodation is ancillary to the use of main dwellinghouse/ residence on site (which is being retained in active residential use) and that it is not a standalone commercial project/ enterprise. The appellant states that the guest accommodation will continue to be managed by the residents of the main dwellinghouse (i.e. will form part of a managed hospitality offering on the site). For these reasons, it is argued that the guesthouse units will not operate independently of the primary residential use of the site and will, in effect, be ancillary to same. The appellant also contends that the main dwellinghouse is physically, functionally and operationally separate from the guest accommodation.
- 9.1.11. Whilst I acknowledge that it is indeed physically separate (with no internal interconnecting door between the two buildings), I observed no on-site manager and no administrative support facilities during my visit to the site and I also observed much of the same pattern of multi-occupancy (i.e. multiple beds and bunk beds in bedrooms with shared kitchen/ dining facilities) in both the main dwellinghouse and in the guesthouse element which suggests to me that the guesthouse/ guest unit use on the site is all encompassing.
- 9.1.12. Therefore, on the basis of what I observed on site, together with inconsistencies in the documentation provided by the appellant (i.e. references to off-site management and to the use of the site being for 'sheltered accommodation' in the Tent transport report which accompanied the application), I am not satisfied that it has been demonstrated that the existing dwellinghouse is in use as a 'main residence'.
- 9.1.13. In respect to whether the guesthouse use is ancillary to that of the main dwellinghouse, I consider that, at c. 360 sq.m, the scale of the proposal is not subordinate to that of

the dwellinghouse (c. 236 sq.m), and that the guesthouse element has an intensity of use which is equivalent to (if not greater than) that of the main dwellinghouse (as detailed in paragraph 9.1.11). On this basis, I am not satisfied that it has been demonstrated that the guesthouse element (6 no. units) is ancillary to the main dwellinghouse.

- 9.1.14. In summary, given that ‘guesthouses’ are permitted in principle on ‘RU’ zoned lands only where their use is ancillary to the use of the dwellinghouse as a main residence, I consider the guesthouse proposal to be a material contravention of the site’s zoning.

Holiday Apartments

- 9.1.15. I note that the grounds of appeal use the terms ‘guesthouse’ and ‘guest units’ interchangeably and that the documentation on file suggests that the 6 no. guest units are specifically designed as short-term, self-catering tourist accommodation.
- 9.1.16. Having regard to my observations on site, as detailed in paragraphs 9.1.4 and 9.1.11 above, I would agree that the units are more akin to holiday apartment lets than to guesthouse accommodation in the ordinary/ planning policy meaning of the term.
- 9.1.17. In this regard, I note that Section 13.5 of the FDP provides that ‘holiday homes/ apartments’ are permitted in principle on RU zoned lands only where the development involves the conversion of a Protected Structure and that no specific accommodation standards apply to holiday apartments. Given that there is no such structure on the appeal site the proposal would give rise to a material contravention of this policy provision (see Section 9.4 for further details on this point).

9.2. Traffic Safety and Parking

Traffic Safety

- 9.2.1. Whilst accepting the principle of the proposal to cease the use of the existing entrance and to construct a new centralised entrance, the PA refused permission for same. This decision being reached on the basis of their concerns in respect to the existing/ proposed roadside boundary walls being located within the sightline visibility splay associated with the proposed vehicular access to the site and related traffic hazard and endangerment of pedestrian safety (as per refusal reason No. 4).
- 9.2.2. The appellant is of the view that these concerns did not warrant a refusal and could have been dealt with via a request for FI (as recommended by the PA’s own

Transportation Planning Department (TPD)) or by condition. They also argue that the development does not give rise to any material traffic hazard on the R-122 or pose a risk to pedestrian safety.

- 9.2.3. I note that the R-122 regional road at this location has a design speed limit of 80kmph and that the TII DN-GEO-03060 requires sightlines of 145m in each direction in such circumstances. I accept that the existing/ proposed roadside boundary walls do obstruct visibility splays associated with these sightlines, and I consider it reasonable that this would give rise to concerns in respect to pedestrian and traffic safety.
- 9.2.4. Having reviewed the reports of the PA's Parks and Green Infrastructure Division (14/04/2025) and TPD (25/04/2025) together with the access proposals put forward by the applicant at application stage, I consider that the matter of the boundaries' obstruction of the visibility splay is capable of being addressed and therefore would not warrant a refusal of permission. The matter can be dealt with by recessing the existing/ proposed roadside boundary walls from the road edge by 2.5m as per the recommendation of the TPD and by cutting back the existing hedgerow slightly and levelling the adjoining roadside bank in a way that complies with Objective SPQHO55 (roadside trees and hedging). It is my view that these requirements can satisfactorily be addressed by condition where the Commission are minded to grant permission and that reason for refusal (No.4) can be overcome on this basis.

Parking

- 9.2.5. The PA were satisfied with the applicant's proposals to provide for 14 no. car parking spaces (serving 7 no. units (i.e. 1 no. existing and 6 no. new)) and deemed them compliant with SPPR3 (Car Parking) of the 2024 Compact Settlement Guidelines. Having reviewed same, I am also satisfied with the nature and extent of the car parking provision for the 7 no. holiday apartment guest units.
- 9.2.6. In respect to bike parking, the PA found that the applicant had failed to demonstrate how the development complies with FDP Objective DMSO109 (Bicycle Parking) or Table 14.17 'Bicycle Parking Standards' and they refused permission on this basis (refusal reason No. 5).
- 9.2.7. The appellant notes that their proposal is consistent with Objective DMSO109 but does not elaborate on why they consider this to be the case and they go on to suggest that provision can be made on site to meet bike parking requirements by condition.

- 9.2.8. As per the above, the development would need to provide for 1 per 5 staff and 1 per 5 rooms in accordance with the standards set out in Table 14.17 of the FDP and, having regard the scale, layout and quantum of hardstanding on site, I consider that this provision this could be addressed by condition in the event of a grant of permission and that this refusal reason (No. 5) can be overcome.

9.3. Other

Design/ Visual Character

- 9.3.1. The PA's refusal reason No. 1 outlines various issues with the proposal's poorly integrated design, limited aesthetic value, poor visual character, and height and floor area relative to the main dwellinghouse - with these concerns being linked to the PA's refusal reason No. 5 (non-compliance with rural design and extension guidance).
- 9.3.2. It is the appellant's view that, as the proposal involves the adaptive reuse of existing structures, no new built form has been introduced and therefore there is no change to the visual character of the area.
- 9.3.3. Having reviewed the documentation on file, it is apparent to me that the guesthouse element is larger, both physically and visually, than the main dwellinghouse and is not visually subordinate to it in these respects. However, given that the proposal relates only to the change of use of an existing rural building and related minor modifications to the building's elevations, I do not agree with the PA's view that the proposal is visually unacceptable on account of its design, limited aesthetic value, poor quality finish, architectural detailing and failure to present an active frontage. I am also satisfied that it does not give rise to a negative impact on visual or neighbouring residential amenities on account of the siting and relationship to adjoining properties.

Water Services/ Drainage

- 9.3.4. The appellant draws the Commission's attention to the fact that no changes are proposed to the appeal site's foul drainage, water supply and surface water arrangements (which it is stated constitute existing connections to public mains and public network). It is their view that the existing surface water drainage system is sufficient to manage run-off and no upgrades or alterations are required.
- 9.3.5. In respect to surface water drainage and flood risk matters, I note that the PA's Water Services Department raised no objections to the proposal subject to the attachment of

standard conditions and that the proposal's surface water arrangements were deemed acceptable for this reason.

- 9.3.6. However, I do note that the PA raised issues in respect to the proposal's water supply and foul drainage arrangements and noted that, whilst the applicant submitted a confirmation of feasibility with their application, it was unclear whether this was based on Uisce Eireann having an accurate understanding of the development on site. In this regard I note that the water supply demand and foul loading person equivalent in the applicant's civil engineering report does not appear to reflect the occupancy levels of the units that I observed (i.e. underestimating same). No response on the application was received from Uisce Eireann and this issue in respect to infrastructural capacity and feasibility remains unresolved.

Building Regulation Compliance

- 9.3.7. The PA raised concerns about whether or not the attic level residential accommodation complies with Building Regulation Standards for human habitation and I note that the ongoing enforcement action under Ref. 24/082 is stated to relate to this matter. In light of these issues, the PA determined that the proposal would provide for substandard accommodation that would be seriously injurious to the residential amenities of its occupiers.
- 9.3.8. The proposal's compliance with the Building Regulations is outside the remit of the Commission on the basis that this issue is governed by a separate statutory code.

9.4. Material Contravention

- 9.4.1. As per my assessment outlined above in Section 9.1 above, I consider that the development to be retained and the continued use of the structure as 6 no. self-contained guest/ holiday apartment units would be a material contravention of the site's 'RU' zoning objective as per the Fingal Development Plan 2023-2029. Therefore, one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act 2000, as amended (hereafter referred to as 'the Act'), must be met in the event that the Commission was minded to grant permission in this instance.
- 9.4.2. Section 37(2)(a) and (b) of the Act state the following:

“(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes

materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that— (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

9.4.3. The criteria set out under Section 37(2)(b) are assessed as follows:

(i) ***the proposed development is of strategic or national importance,***

The grounds of appeal make no reference to the proposal's strategic or national importance. Having regard to the nature and scale of the subject development, which pertains to the retention of 6 no. guest units associated with an existing residential property, and the location of the appeal site in a rural area outside the village of Oldtown, Co. Dublin, this development is not considered to be of strategic or national importance.

(i) ***there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,***

The grounds of appeal provide that the guesthouse/ guest unit use complies with the site's RU zoning and will support the local rural economy by creating employment and promoting sustainable tourism. It is argued that the retention of this use is in accordance with the zoning objective and vision for 'RU - Rural' zoned lands, which seeks to protect and promote rural communities while providing for agriculture and other rural-related enterprises, on the basis that the guesthouse accommodation is

appropriately scaled, complementary to its rural setting and supports the rural economy and rural enterprises (agriculture, horticulture, tourism etc).

I note that FDP Objectives EEO45 and EEO46, which support tourism and economic growth, seek to direct the provision of tourist related facilities into town and village locations in order to support and strengthen the existing economic infrastructure of such centres. The appeal site is located outside of the village of Oldtown and, as such, the provision of a tourist accommodation facility on same would not be consistent with the intent of Objective EEO46.

I note that the 'RU' rural land use zoning on which the site is located states that this objective will 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. It also specifically states that 'guesthouses' are permitted in principle only where the use is ancillary to the use of the dwelling as a main residence and that 'holiday homes/ apartments' (i.e. guest units) are permitted only where the development involves conversion of a Protected Structure. In this regard, I consider that whilst the zoning objective sets out a general objective to support rural related enterprises (including those cited by the appellant), there is no ambiguity in the Development Plan in respect to the nature and circumstances of the uses permissible under the 'RU' zoning. On this basis, and for the reasons outlined in Section 9.1. of this report, I consider both the guesthouse and guest unit/ holiday apartment uses not to be permissible on this specific site and to give rise to a material contravention of the site's zoning on this basis.

Accordingly, I consider that the subject development does not meet the criteria set out under Section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended.

(iii) Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

I do not consider that there are grounds under which permission for the subject development should be granted having regard to strategies, guidelines, policies, or statutory obligations outlined above.

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

The applicant has not provided examples of the pattern of development, and permissions granted, in the area since the making of the Development Plan, to demonstrate how Section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, is applicable in this case.

Fingal Development Plan 2023-2028 came into effect on 5th April 2023. With regard to permissions granted in the area since the making of the Development Plan, an online planning search on the PA's website (viewed on 11th September 2025) do not indicate any relevant planning permissions granted in the immediate area since the making of the Development Plan. Accordingly, I consider that it has not been demonstrated that the subject development meets the criteria set out under Section 37(2)(b)(iv) of the Act.

- 9.4.4. Having considered the file, and the provisions of the Development Plan, I do not consider that any one or more of the criteria set out under Section 37(2)(b) of the Act are met, and I therefore conclude that there are no grounds for the Commission to grant permission in accordance with Section 37(2)(b) when the refusal is on the grounds of it being a material contravention of the Development Plan.

10.0 AA Screening

- 10.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development and development to be retained individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, specifically Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015), Malahide Estuary SAC (Site Code 000205), Malahide Estuary SPA (Site Code 004025) and North-West Irish Sea SPA (Site Code 004236), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

- 10.2. This determination is based on:

- The relatively minor nature of the development/ development to be retained.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the appropriate assessment screening undertaken by the PA.

10.3. I conclude that, on the basis of objective information, the proposed development and development to be retained would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.

10.4. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend that permission be REFUSED for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. It has not been adequately demonstrated that the existing dwellinghouse is in use as a 'main residence' or that the development to be retained is functionally ancillary to same in terms of its use. Therefore, given that 'guesthouses' are permitted in principle on 'RU' zoned lands only where their use is ancillary to the use of the dwellinghouse as a main residence, I consider the development to be retained to be a material contravention of the site's 'RU' – 'Rural' land-use zoning objective of the Fingal Development Plan 2023-2029 and is contrary to the proper planning and sustainable development of the area.
2. The development of 'Holiday Home/Apartments' on 'RU' – 'Rural' zoned lands is only permissible where the development involves conversion of a Protected Structure. The subject site does not contain any Protected Structures and, as such, the retention of the development would materially contravene the 'RU' – 'Rural' land-use zoning objective of the Fingal Development Plan 2023-2029 in this regard. The proposed development to be retained 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.

Emma Gosnell

Planning Inspector

19th September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322739-25
Proposed Development Summary	Retention of change of use to 6 self-contained guesthouses and alterations. Permission for demolition of boundary and construction of entrance with all associated site works.
Development Address	Eden House, Cabragh, Oldtown, Co. Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 6 no. dwelling units. Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.061ha. Part 2, Class 1(a) - (rural restructuring/ hedgerow removal)

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322739-25
Proposed Development Summary	Retention of change of use to 6 self-contained guesthouses and alterations. Permission for demolition of boundary and construction of entrance with all associated site works.
Development Address	Eden House, Cabragh, Oldtown, Co. Dublin, A45 FY7
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).	Retention is sought for the change of use of an existing rural building and related works and for the changes to the existing boundary & vehicular access fronting the R-122 – full details are contained in Section 2.0 of the Inspector's Report. It comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its 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, 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 situated on a brownfield site located in the rural townland of Cabragh, Oldtown, Co. Dublin. The Ballyboghil River is located c. 50m to the north of the appeal site. This watercourse provides a very indirect hydrological link to the Rogerstown Estuary (and Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015), Malahide Estuary SAC (Site Code 000205), Malahide Estuary SPA (Site Code 004025) and North-West Irish Sea SPA (Site Code 004236)). However, it is considered that there is no pathway from the appeal site to this river as per Section 10 of the Inspector's Report (AA Screening). The development is removed from sensitive natural habitats, dense 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 nature of the proposed development and development to be retained, 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

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal to retain the change of use of an existing rural building and related works and for the changes to the existing boundary, vehicular access fronting the R-122 and related site works at Eden House, Cabragh, Oldtown, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- c. 8.5km from Rogerstown Estuary SAC (Site Code 000208)
- c. 9km from Rogerstown Estuary SPA (Site Code 004015)
- c. 9km from Malahide Estuary SAC (Site Code 000205)
- c. 9.5km to Malahide Estuary SPA (Site Code 004025)
- c. 14km to North-West Irish Sea SPA (Site Code 004236)

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale nature of works/ development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report/ determination by PA

I conclude, on the basis of objective information, that the proposed development and development to be retained would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The appeal site is located at Eden House, Cabragh, Oldtown, Co. Dublin.

The Ballyboghil River is located c. 50m to the north of the appeal site.

The proposal is to retain the change of use of an existing rural building and related works and for the changes to the existing boundary & vehicular access fronting the R-122 and related site works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission and retention (described above) on this brownfield site at Eden House, Cabragh, Oldtown, Co. Dublin and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies, intervening land use and/or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development and development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.