



An
Coimisiún
Pleanála

Inspector's Report

322789-25

Development	4 no. detached dwellings, alterations to existing boundary walls, landscaping, paving, walls and fences, solar panels, rainwater harvesting tanks with overflow to existing stream (SUDS), connection to existing pumping station and all associated site works.
Location	The Grange, Ballyboughal, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0651E
Applicant(s)	Naul Road Development Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Naul Road Development Ltd
Observer(s)	Andrew Carroll

Date of Site Inspection

08/08/2025

Inspector

Darragh Ryan

1.1. Site Location and Description

1.1.1. The appeal site is 0.16ha and comprises a parcel of undeveloped lands in an area known as 'The Grange' to the south of Ballyboughal, Co. Dublin. The site is accessible via an existing entrance on the western side of the R108. The subject site is served by a tarmacked roadway with a pedestrian footpath. The appeal site is rectangular in shape and the topography of is generally flat. The appeal site is bounded to the front (along the internal road) by a c. 2 metre high block wall. The northern (rear) boundary comprises a dense planted hedge. The eastern (side) is formed by a block wall and the western (side) boundary is currently undefined. There is an existing 1.5 storey dwelling sited to the east of the appeal site and at the end of the roadway to the west of the site there are shed/storages buildings. The surrounding locality is characterised by its edge of village location with a number one-off dwellings on individual plots in close proximity.

2.0 Proposed Development

2.1. The development subject to this appeal comprises:

- 4 no. detached two storey 3-bed dwellings
- Local alteration to existing boundary walls,
- Landscaping, paving, walls and fences, solar panels, rainwater harvesting tanks with overflow to existing stream (SUDS),
- Connection to existing pumping station
- All associated site works.

3.0 Planning Authority Decision

3.1 The planning authority issued Decision to refuse on the 23rd of May 2025 for the following reasons:

1. The development, as currently proposed, would result in an intensification of use on a shared access road between residential and commercial/agricultural use and would endanger public safety by reason of traffic hazard. Accordingly, the proposed

development would be contrary to the proper planning and sustainable development of the area.

2. Insufficient evidence is submitted to show that adequate sightlines can be achieved at proposed access roadway onto the site without impinging on the adjacent properties and it is not clear if the applicant has sufficient interest over necessary lands to over these lands to carry out necessary works in the addition these works are located outside the redline boundary of the subject site. To permit this development in the absence of this information could result in development that would endanger public safety and would be contrary to proper planning and sustainable development of the area.
3. Having regard to the existing pattern and density of development in the area, the edge of village location of the site, and backland nature of the site and lack of connectivity to the village, the proposed development comprising 4 no. suburban style dwellings would constitute undesirable backland and piecemeal development which would be out of character with the prevailing pattern of development for the village and would be contrary to Objective SPQH042 – Development of Underutilised Infill, Corner and Backland Sites and Objective SPQH056 – Rural Villages as set out in the Fingal Development Plan 2023- 2029. Furthermore, in the absence of pedestrian and cycle infrastructure from the subject lands linking to the village centre and given the poor availability of public transport at this location, the proposed development is largely car dependant and would promote unsustainable transport modes. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.
4. Having regard to the insufficient information submitted on the capacity and condition of the existing pumping station and rising mains and lack of evidence to show that the applicant has sufficient interest over necessary lands and pumping station to maintain to cater for the proposed development, it is considered that the proposed development could be prejudicial to public health and would therefore be contrary to proper planning and sustainable development

3.2 Planning Authority Reports

Planner's Report forms the basis for the decision to refuse planning permission.

- The report provides a description of the site, outlines the extensive planning history, identifies the 'RV' – Rural Village land use zoning designation and associated policy context from the Fingal Development Plan 2023-2029.
- The assessment notes that 'Residential' use class in 'Permitted in Principle' under the zoning the 'RV' – Rural Village zoning. The development would be permissible if the Planning Authority is satisfied the proposal is compatible with overall policies and objectives for the zone. However, the Planning Authority had concerns with respect to a number of elements of the proposal.
- With regard to the layout, design and visual impact, the Planning Authority note location of site in 'RV' – Rural zone but that the character is rural in nature.
- The Planning Authority note that the 4 no. dwellings comply with residential standards. The dwelling design is considered to be suburban in style and character and would not be reflective of rural dwellings on the edge of a rural village.
- As the site is located outside the village core, development is not considered to be proportionate to the pattern or grain of development on adjoining lands and would represent premature and piecemeal development of this edge of rural village site.
- The scheme would be car dependant and promotes unsustainable modes of transport. There is an absence of pedestrian and cycle infrastructure. The Planning Authority consider the additional 2 no. dwellings as a significant intensification on site and would have a significant negative impact on traffic movement or pedestrians.
- The Planning Authority note there is an existing gate located at the access would not comply with a Development Plan objective on Gated Communities.
- Transportation Planning Division require Additional Information. There are concerns regarding access and sightlines. The submitted drawings has demonstrated the closing up of an agricultural entrance as conditioned by An Bord Pleanála under a previous application. The entrance works to be carried out under a separate application are not included in the red line boundary of the current proposal.

- Landscaping proposals and boundary treatments are noted. Report received from Parks & Green Infrastructure Division indicates 'no objection' subject to conditions regarding public space provision, hedgerow works and implementation of a landscaping plan.
- In terms of impacts on residential amenity, it is not anticipated that the development will result in any undue level of overshadowing or loss of natural light on adjoining properties.
- Water Services indicate 'no objection' in respect of surface water drainage, subject to condition. Additional information is required to demonstrate capacity and condition of the pumping system. Details are also required in relation to the ownership and maintenance.
- Uisce Eireann raise no objection subject to condition regarding water services infrastructure.
- In respect of Part V, the applicant informed that they will enter into negotiation with the Planning Authority in terms of compliance with requirements. An Exemption Certificate should be submitted and could be requested as part of Additional Information request.
- No issues raised with respect to AA. Comments returned from Inland Fisheries Ireland (IFI) regarding location of site within Ballyboughal System and that adequate capacity of foul/surface water drainage is required.
- No issues raised with respect to EIA.

3.2.1 Other Technical Reports

- Parks & Green Infrastructure: No objection, subject to condition.
- Transportation Planning: no support for the development:

The sightlines of the access of the existing dwelling to the east of the proposed dwellings are substandard. Particularly the sightline left on exit from this dwelling. The Transportation Planning section do not support any further intensification of this lane without appropriately addressing sightlines for the entire site and providing a development which is DMURS compliant.

The proposed development would be largely car dependent as there is a lack of connectivity to Ballyboughal village. In the absence of pedestrian and cycle

infrastructure linking the site to Ballyboughal village centre the Transportation Planning section do not support the proposed development in its current format

- Water Services: Additional Information sought in relation to surface water management

3.3 Prescribed Bodies

- Uisce Éireann: No objection, subject to condition.
- Inland Fisheries Ireland: Report with comments on ensuring services/drainage do not impact on watercourses.
- Dublin Airport Authority – Noise mitigation measures to be implemented.

3.4 Third Party Observations

3.4.1 Two third party observations were received by the Planning Authority. The observations are broadly summarised as follows:

Development Type & Density

- Overdevelopment of the site.
- Development would be inconsistent with pattern of development in the area.
- 12 no. sites are identified for development under Ballyboughal Local Area Plan. The application site is not one of those sites.
- The development would 'leapfrog' other sites in the built-up area and this should be avoided.
- There is scope for additional application for at least 2 no. more houses.
- If additional dwellings are granted the density would be at or close to maximum permitted density for the Dublin Region.
- The development is incongruous with the existing dwellings in the immediate area.
- Proposed dwellings are reminiscent of suburban-style dwellings and do not promote or protect the character of the Rural Village.
- Scale should be proportionate to the surrounding area.

Previous Planning History & Piecemeal Development

- Number of previous applications on the site and there is continued effort to develop the lands.
- Design suggests that the applicant intends to submit further applications to build more houses on the site under separate applications.
- Piecemeal development can circumvent comprehensive planning scrutiny and result in inadequate infrastructure, environmental degradation, and a loss of community infrastructure.
- A pool/games room was built on site to the west (under F05B/0637) with condition to be used as ancillary domestic use. The structure was sold in 2023 as a commercial premises and is therefore a breach of planning permission.
- Applicant intends to enter into a Part V agreement with Planning Authority however the application for 4 no. dwellings is being done to facilitate additional applications for more dwellings.

Impacts on Residential and Visual Amenities

- The proposed dwellings are taller than previous dwellings approved on site.
- The development would bring at least 10 more vehicles in the area.
- The proposed 3-bed dwellings could be transformed into 4 or 5 bedroom dwellings if attic is converted.
- Provision of window openings will overlook the rear of the properties to the east and south of the site
- Dwellings will result in a loss of privacy.

Road /Traffic Safety

- Proposed development lacks pedestrian and cycle infrastructure for pedestrians accessing the site from the village which is at odds with proper planning and sustainable development.
- Shared use of private access road with HGVs accessing the commercial business at the end of the road.
- The new access arrangement was approved prior to commercial business operating.
- The private access road is narrow and not designed to accommodate additional traffic.

- Inadequate entrance layout and create a traffic hazard in and out of the site.

Environmental Concerns

- Increased run-off could exacerbate local flooding issues on the R108, further impacting the environmental and creating hazard for local road users.
- Increase in motor vehicle traffic.

Impact on property value

- The development would impact on property value due to increased traffic, noise and loss of privacy.
- The rural setting of the area is a significant factor in property value and a dense housing scheme would diminish property value.

4 Planning History

There is a considerable planning history associated with the subject site and immediate surrounding area. Applications deemed to be of relevance are detailed as follows:

Subject Site:

F24A/065 – Permission refused by Fingal County Council for the provision of 4 no detached, two storey 3 bed dwellings, local alteration to existing local alteration to existing boundary walls, landscaping, swale with overflow to existing stream (SUDS), connection to existing pumping station and all associated site and other works. Applicant: Naul Road Developments Ltd.

This application was appealed to An Coimisiun Pleanála under Ref. ABP-320990-24 and the decision to refuse was upheld subject to a single refusal reason as follows:

Having regard to the existing pattern and density of development in the area, the edge of village location of the site and lack of connectivity to the village, the proposed development comprising four suburban style dwellings would constitute and undesirable intensification of use and, in the absence of pedestrian and cycle infrastructure from the subject site linking to the village centre, the proposed development would be largely car dependent and would promote unsuitable transport modes. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission the Board considered that the proposed intensification of dwellings in the location would set an undesirable precedent and increase the potential for issues of pedestrian safety and would therefore be contrary to the proper planning and sustainable development of the area.

F23A/0374 Permission REFUSED by Fingal County Council for a new residential infill development at The Grange, Ballyboughal, Fingal, Co. Dublin, with the development to consist of the provision of 2 no. detached two storey 4-bed dwellings, local alteration to existing boundary walls, landscaping, swale with overflow to existing stream (SUDS), connection to existing pumping station and all associated site and other works. Applicant: Naul Road Developments Ltd.

This application was appealed to An Bord Pleanála under Ref. ABP-318005-23 and the decision to refuse was overturned and permission granted.

F22A/0403 Permission REFUSED by Fingal County Council for the provision of 1 no. detached two storey, 4-bed dwelling. local alteration to existing boundary walls, landscaping, swale with overflow to existing stream (SuDS), connecting pump station and all associated site and other works. Applicant: Naul Road Developments Ltd.

This application was appealed to An Bord Pleanála under Ref. ABP-314914-22 and the decision to refuse was overturned and permission granted.

F22A/0071 Permission REFUSED for a new residential infill development at The Grange, Ballyboughal, Fingal, Co. Dublin with development to consist of the provision of 3 no. detached two storey 4 bed dwellings, a bin store, the relocation of a ESB pole local alteration to existing footpaths, alterations to the existing site entrance and existing boundary walls, landscaping, soakaways, SUDS with overflow to existing stream, connection to existing pumping station and all associated site and other works. Applicant: Naul Road Development.

F17A/0156 Permission REFUSED for a dormer bungalow and ancillary works with the existing access road and entrance being utilised for site access on infill site. Applicant: P. Gough.

F08A/0035 Permission REFUSED by Fingal County Council for a dormer bungalow and associated site works with access from existing road on lands adjoining existing dwelling. Applicant: Julia C. O'Donovan.

This application was appealed to An Bord Pleanála under Ref. PL06F.228520 and the decision to refuse was upheld.

F06A/1902 Permission REFUSED by Fingal County Council for 3 no. dormer bungalows and associated site works on lands adjoining existing dwelling with access from existing road. Applicant: G. Donovan.

This application was appealed to An Bord Pleanála under Ref. PL06F.222348 and the decision to refuse was upheld.

F04A/0948 Permission REFUSED for the construction of 5 no. 2-storey, 4 bedroom residential units, including associated external works, landscaping and a new entrance. Applicant: Gerry Walsh.

F00A/0425 Permission REFUSED for three bungalows with biocycle units. Applicant: Ms. C Rooney.

F22A/0239 Permission GRANTED for alterations to the existing site entrance and piers to allow for increased sightlines, the relocation of a ESB pole, landscaping and all associated site and other works. Applicant: Naul Road Development Ltd.

5.0 Policy Context

5.1 Development Plan

The Fingal Development Plan 2023-2029 is the relevant Development Plan for the appeal site.

- 5.1.2. The appeal site is zoned 'RV' – Rural Village which has an objective to *'protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure'*.

5.1.3. The Vision for this zoning designation is as follows:

‘Protect and promote established villages within the rural landscape where people can settle and have access to community services, including remote work hubs. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment.

The villages will serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through approved land use plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting patterns’.

Chapter 3: Sustainable Placemaking and Quality Homes

5.1.4. Section 3.5.13 of the Development Plan relates to Compact Growth, Consolidation and Regeneration. The following objectives are considered to be relevant:

- **Objective SPQHO39 – New Infill Development:**

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

- **Objective SPQH042 - Development of Underutilised Infill, Corner and Backland Sites:**

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

5.1.5. Section 3.5.15.1 of the Development Plan relates to ‘Rural Villages’. The following policies and objectives are considered to be relevant:

- **Policy SPQHP51 – Protection of Rural Villages:**

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

- **Policy SPQHP52 – Growth of Rural Villages:**

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

- Policy SPQHP53 – Vitality of Town and Village Centres:

Encourage appropriate residential, social and community uses in town and village centres in order to enhance their vitality and viability while recognising diversity within communities and promoting balanced socially and economically sustainable communities

- Objective SPQHO56 – Rural Villages:

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

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

Chapter 14: Development Management Standards

5.1.6. This chapter sets out the development standards and criteria to ensure development occurs in an orderly and efficient manner. Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the Development Plan. In considering the subject proposal, I consider the following to be applicable:

- Section 14.5 – Consolidation of the Built Form: Design Parameters.
 - Table 14.4 – Infill Development
- Section 14.6 – Design Criteria for Residential Development in Fingal.
 - Objective DMSO1 – Screening for Appropriate Assessment
 - Objective DMSO2 – Screening for Environmental Impact Assessment
 - Objective DMSO19 – New Residential Development
 - Objective DMSO20 – Schedule of Accommodation
 - Objective DMSO21 – Floor Plans for Residential Development
- Section 14.6.5 – Open Space Serving Residential Development
- Section 14.6.6 – External Factors for Consideration
- Section 14.8 – Housing Development/Standards
- Section 14.8.3 – Private Open Space
- Section 14.10 – Additional Accommodation in Existing Built-Up Areas
 - Objective DMSO32 – Infill Development on Corner / Side Garden Sites
- Section 14.10 - Additional Accommodation in Existing Built-Up Areas
 - Objective DMSO196 – Public Foul Sewerage Network Connections.
 - Objective DMSO197 – Foul and Surface Water Drainage Systems
- Section 14.13.2 – Quantity
 - Objective DMSO52 – Public Open Space Provision
 - Objective DMSO53 – Financial Contribution in Lieu of Public Open Space
 - Objective DMSO54 – Financial Contribution in Lieu of Open Space Provision in Smaller Developments
- Section 14.20.3 - Sustainable Urban Drainage Systems (SuDS)
 - Objective DMSO202 – SuDS

5.2 National and Regional Plans

5.2.1. The following regional and national planning documents are relevant:

- Project Ireland 2040 - National Planning Framework (NPF), 2018-2040
- Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.

5.3 National Guidance

5.3.1. The following national planning guidance are relevant:

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Design Manual for Urban Roads and Streets (DMURS) (2019).*

5.4 Natural Heritage Designations

The appeal site is not located within any designated Natura 2000 sites. The nearest designated sites are the Rogerstown Estuary Special Area of Conservation (Site Code: 000208) which is located approximately 5.13km to the east and Rogerstown Estuary Special Protection Area (Site Code: 004015) which is located approximately 5.94km to the east of the site.

6.0 EIA Screening

See completed form 2 on file. 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). Having regard to the characteristics and location of the proposed development 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, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1.1 Grounds of Appeal

The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse permission. The grounds of appeal can be summarised as follows:

7.1.2 The proposal, site background, site context, Development Plan and legislative framework is set out. The appeal sets out that the planning authority has not had regard to the previous two planning Inspector reports on file from An Coimisiun Pleanala and the planning authority has cited the same refusal reason 3 times. An Coimisun Pleanala although refusing the previous application did not consider the issue of sightlines, access or issues relating to waste water. Nevertheless the applicant has addressed each issue in turn.

7.1.3 Refusal Reason No. 1

- The access is no longer used for agricultural purposes and has not been in use for agricultural purposes for an extended time period.
- A Right of Way exists but is not practical for everyday use for large agricultural machinery which is why an access to the north is used.
- These matters were accepted by An Coimisiun Pleanála under Ref. ABP-318005-24 (Pl. Ref. F23A/0374).

7.1.4 Refusal Reason No. 2

- A default speed limit of 50 kmph is applied to cities, towns and village as per DMURS.
- The Transportation Planning Division, under F22A/0239 quoted DMURS requiring sightlines of 45 metres either side of the entrance in 50 KPH zones.
- The reason for refusal cites inadequate sight lines but the board definitively determined this not to be an issue under the previous application.
- 70 metres sightlines have been provided as required by the Transportation Planning Division under previous application.

- An Coimisiun Pleanála previously assessed the issue on two separate occasions and considered that subject to compliance with F22A/0239, that the sightlines necessary to comply with DMURs could be satisfied.
- An Coimisiun Pleanála imposed a planning condition requiring compliance with Ref. Ref. F22A/0239 to address the matter of sightlines and the applicant is content to accept such a condition.
- The provision of 2 no. additional houses would not lead to any significant intensification to give rise to an undue traffic hazard.

7.1.5 Refusal Reason No. 3

- The refusal reason mirrors the Planning Authority's previous refusal reason. The applicant has previously demonstrated to the satisfaction of An Bord Pleanála that the development did not constitute piecemeal development or out of character with the pattern of development.
- The addition of 2 no. dwellings does not undermine the merit of An Coimisiun Pleanála's previous determinations for development on the site.
- The pattern and density of the immediate area is illustrated and the proposed development would be entirely in keeping with same.
- The location of the site at the edge of the village is of no import. The site is set back from the public road and represents the infilling of a vacant site surrounded by dwellings. The site is included within the development boundary of the village
- Previous masterplans for the village are not applicable as they have expired. The development is within the settlement boundary and there are no policies or objectives precluding against development of the lands.
- The refusal reason citing a lack of public transportation is not justified as all dwellings in rural villages are car dependent in the absence of public transport.
- There is no cycle infrastructure in Ballyboughal. An Coimisiun Pleanála has previously indicated that pedestrian/cycle connectivity is not required at this location.
- The applicant has undertaken to provide a pedestrian footpath to the village core from the public site. This should be seen as a planning gain for the village. A planning statement has been submitted outlining the process by which a new footpath is to be provided.

7.1.4 Refusal Reason No. 4

- The Water Services Department did not recommend outright refusal due to insufficient information and sought further information however the Planning Authority have deemed it necessary to include as a refusal reason.
- An Engineering Report has been submitted to clarify the capacity and condition of the existing pumping station.
- The original design for the pumping station allowed for a total of 14 no. housing units.
- A revised Site Layout Plan has been submitted amending the layout of the foul pipe away from an adjoining property and in the control of the applicant.
- The management and maintenance of the pumping stations is entirely the responsibility of the applicant and a management company has been set up to ensure the pumping station is maintained on a regular basis. A certificate of incorporation is appended.
- The site can be adequately serviced in terms of foul drainage so as not to be prejudicial to public health.

7.2 Planning Authority Response

The planning authority issued a response to the appeal received on the 14th of July 2025. There are no further observations to make. The planning authority seek that where the appeal to be successful, conditions be attached in relation to Development Contributions, an appropriate Bond and contribution for shortfall in play provision facilities.

7.3 Observations

There is a single planning observations on file from a residents of Ballyboughal. The observations can be summarised as follows:

- The latest application is essentially a resubmission of a previous application which was refused by An Coimisiun Peanala. The latest submission includes provision for a pedestrian access to the village of Ballyboughal from the site. The addition of a footpath at this location will result in a reduction in carriageway width along the R108 road which would be detrimental to road safety. The applicant does not appear to have control over all of the are necessary for its construction.

- The proposed development is objected to on the same grounds as outlined in the original submissions.
- The planning history of the site is cited as evidence of a sustained attempt at piecemeal development by the applicant.
- Concerns are raised that the proposal, together with additional dwellings on adjoining lands, would be contrary to the established settlement grain, would set a negative precedent, and would represent an undesirable intensification of development.
- It is argued that the scheme is not compliant with the provisions of the relevant local area development plan.
- The type and density of development are considered to adversely affect the privacy and residential amenity of neighbouring properties.
- It is submitted that the mix of commercial and residential traffic in the area, in combination with the local road layout and absence of pedestrian and cycling infrastructure, would create a traffic hazard.
- The history of refusals by Fingal County Council is referenced as indicative of the Authority's misgivings regarding the applicant's intentions and the potential impact on the local area.
- The pattern of successive and differing styles of development on the site and in the vicinity is said to demonstrate a lack of cohesive or strategic planning, with consequent detriment to neighbouring residential amenity.
- Reference is made to an adjacent site previously permitted for private use only, which was subsequently sold and operated as a commercial premises, raising concerns about the applicant's adherence to planning conditions.
- The Planning Authority's decision to refuse the current application is supported, particularly on the grounds of the site's unsuitability for the scale of development proposed, and in respect of public health and public safety concerns.

7.4 Further Responses

None

8.0 Assessment

Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Background/ Principle of Development
- Connectivity
- Access and Transportation
- Site Services
- Other Matters
- Appropriate Assessment

8.1 Background

8.1.1 The current proposal seeks permission for 4 no. detached dwellings. This is the fifth application on the site in recent years. Permission for 1 no. dwelling was granted under ABP-314914-22 (overturning Reg. Ref. F22A/0403), followed by permission for 2 no. dwellings under ABP-318005-23 (overturning Reg. Ref. F23A/0374). A subsequent application for 4 no. dwellings was refused under ABP-320990-24 on the grounds of inadequate pedestrian/cycle connectivity to the village centre. The applicant has now resubmitted the proposal with pedestrian connectivity measures. The First Party contends that the Planning Authority has repeated refusal reasons previously addressed by the Coimisiun, and that issues relating to access, sightlines and wastewater have already been considered acceptable at appeal stage.

8.1.2 The Planning Authority's third refusal reason again raises concerns that the proposal constitutes piecemeal, suburban-style backland development contrary to Objectives SPQH042 and SPQH056 of the Fingal Development Plan 2023–2029. However, in granting 2

no. dwellings under ABP-318005-23, the Coimisiun determined that development on this site did not represent piecemeal backland and was consistent with the evolving settlement pattern. The First Party submits, and I concur, that the addition of 2 no. further dwellings does not materially alter that assessment. Third party references to the Ballyboughal Local Area Plan are noted; however, this LAP expired in July 2022, and the Fingal Development Plan 2023–2029 now provides the relevant policy context.

8.1.3 Principle of Development

Under the Development Plan, the site is zoned 'RV – Rural Village', where residential use is 'permitted in principle'. Objective SPQH042 supports infill development on underutilised sites where the character of the area is respected. The village of Ballyboughal displays a varied form, including detached houses, clusters, and estates. In this context, 4 no. detached dwellings on the subject lands can possibly integrate satisfactorily. Objective SPQH056 requires that new development in Rural Villages be proportionate to the settlement pattern, occur within defined boundaries, promote compact growth, and enhance village character. The appeal site meets these criteria: the scale is modest, the location is within the zoned boundary, and the scheme contributes to compact growth without undermining the settlement's distinctiveness. The site is screened from the main village approach and would not detract from local character.

8.1.4 In conclusion, I am satisfied that the proposed development represents appropriate infill within the Rural Village zoning, consistent with Objectives SPQH042 and SPQH056. Having regard to the site's planning history and its context, I do not consider the proposal to constitute undesirable piecemeal or backland development. Rather, it would support compact growth on zoned lands, and I am satisfied that proposal may be acceptable in principle.

8.2 Connectivity

8.2.1 I note that under ABP Ref. 320990-24, An Coimisiún Pleanála refused permission on the basis of a single reason relating to the absence of safe pedestrian and cycle connectivity between the site and Ballyboughal village core. In response, the applicant has submitted a Planning Statement outlining how such connectivity might be achieved as part of the current application.

8.2.2 The nearest section of existing public footpath is located approximately 148 metres to the north of the site entrance on the R108, adjacent to the Doorage estate. The applicant has submitted a drawing demonstrating how a 1.8m-wide footpath could be provided along the western side of the public road in order to link the site to this existing infrastructure. The applicant has also indicated a willingness to accept either:

- a special development contribution under Section 48(2)(c) of the Planning and Development Act, to facilitate the construction of the footpath, or
- a standard condition requiring that the works be undertaken by the applicant, in agreement with the Roads Authority.

However, I note that no correspondence or submission has been provided from the Transportation Section of Fingal County Council confirming their consent to the proposed works.

8.2.3 The Fingal Development Plan 2023–2029 places a strong emphasis on walking and cycling infrastructure. Policy S052 seeks to ensure the provision of safe and convenient pedestrian, cycling and road systems. Chapter 6 of the Plan, which addresses “Connectivity and Movement”, explicitly prioritises the integration of walking and cycling within both new and existing developments. In addition, Policy CMP 057 (Connectivity, Movement and Place) seeks to secure a high-quality, connected and inclusive pedestrian and cycling network. These objectives are consistent with Regional and National Policy, which promotes sustainable mobility as a core principle of compact growth.

8.2.4 The existing entrance to the subject site is located within the 50 km/h speed limit zone of Ballyboughal village. While the setting is rural in character, the site is on zoned serviced lands. In this context, the provision of a pedestrian link from the site to the village core would represent a significant planning gain, directly addressing the previous reason for refusal. The delivery of such infrastructure would also benefit a number of existing dwellings (approximately five) fronting onto the R108, as well as a larger greenfield site to the north which is also zoned. The cumulative benefits of improved pedestrian and cycle connectivity in this location would therefore extend beyond the appeal site, contributing to wider settlement connectivity objectives.

8.2.5 Notwithstanding these potential benefits, I note that the application is lacking in detail regarding the feasibility and deliverability of the proposed footpath. No letter of consent or agreement from Fingal County Council has been provided to confirm that the works could be undertaken within the public road boundary. While the applicant asserts that the works would be confined to the public road, no technical assessment has been submitted regarding the implications for traffic safety, road width, or the impact on existing vehicular movements. In my view, these are critical matters given the rural road context, limited carriageway width and absence of existing pedestrian facilities.

8.2.6 Accordingly, while I accept that the provision of a footpath would represent a notable planning gain and is strongly supported in principle by Development Plan, Regional and National policy, I am not satisfied that adequate detail has been provided to confirm its feasibility or safety at this time. In particular, the absence of any formal agreement with the Roads Authority undermines the certainty of delivery. On balance, I consider that the proposal is premature in advance of more detailed analysis and agreement regarding the construction of the footpath.

8.3 Access and Transportation

8.3.1 The Planning Authority's first and second refusal reasons relate to access and transportation. Concerns were raised that the development would intensify use of the shared access road and endanger public safety by reason of traffic hazard, while insufficient evidence was provided to demonstrate that adequate sightlines could be achieved without encroaching on adjoining lands. The First Party contends that the existing access is no longer used for agricultural purposes, with alternative access now available. It is also stated that this issue has been dealt with by the Coimisiun in detail within previous applications.

8.3.2 In respect of sightlines, I note that permission was previously granted under Reg. Ref. F22A/0239 for alterations to the existing entrance to provide improved sightlines onto the R108. This matter has also been considered under ABP-314914-22, ABP-318005-23 and ABP-320990-24, where compliance with Reg. Ref. F22A/0239 was required as a condition of permission. While the permitted works have not yet been carried out, the permission remains live, and I am satisfied that subject to its full implementation, the proposal would

achieve sightlines in line with DMURS. This requirement can be addressed by condition in the event of a grant of permission.

- 8.3.3 Regarding intensification of use, I consider that the addition of two further dwellings over and above what was previously approved would be acceptable given the site's location within the Rural Village boundary and the modest scale of the development. The absence of pedestrian and cycle infrastructure is acknowledged and this has been dealt with under section 8.3 above. Overall, I am satisfied that the proposed access arrangements, subject to implementation of condition attached to Reg. Ref. F22A/0239, would not endanger public safety or promote unsustainable transport modes.

8.4 Site Services

- 8.4.1 The Planning Authority's fourth refusal reason relates to the absence of sufficient information on the capacity and condition of the existing pumping station and rising mains, together with concerns over the applicant's legal interest in the relevant lands and infrastructure. I note this issue was dealt with by the previous inspector under ABP 320990-24. I consider the previous assessment to have been sufficiently thorough with sufficient information provided on file to make an assessment.
- 8.4.2 The First Party has submitted an Engineering Report confirming that the pumping station was originally designed to accommodate 14 units and that only 9 units, including the proposed dwellings, would connect. Supporting calculations and photographs of the in-situ infrastructure have been provided, with assurances that the system has been maintained by Naul Road Development Ltd. and will be transferred to a management company in the event of a grant of permission. A layout plan shows the foul line within the applicant's control, avoiding third-party lands, and a connection to Uisce Éireann will be sought as standard. Having reviewed these details, I am satisfied that the capacity and control issues have been adequately addressed, and I consider that water and drainage arrangements can be secured by way of appropriate condition.

8.5 Other Matters

8.5.1 Design and Layout

The proposed development maintains the same design and layout as that considered under Reg. Ref. F24A/065 / ABP-320990-24. I note that neither the Planning Inspector nor An

Coimisiún raised objections in respect of design or layout in the previous assessment. While not cited as a refusal reason, Condition No. 3 of the Planning Authority's decision referred to the dwellings as constituting suburban-style, backland, and piecemeal development, at odds with the character of the village and contrary to Objectives SPQH042 (Development of Underutilised Infill, Corner and Backland Sites) and SPQH056 (Rural Villages) of the Fingal Development Plan 2023–2029.

In the previous appeal, the Inspector concluded that the scheme represented appropriate infill development within the settlement boundary of Ballyboughal, consistent with Objective DMS031 (Infill Development). The proposal was considered to respect the established scale, height, and massing of nearby dwellings and to contribute positively to the physical character of the area, defined by the existing road and footpath network. On this basis, the principle of design and layout was accepted.

- 8.5.2 Having regard to this assessment, I am satisfied that the proposed 4 no. detached dwellings on this underutilised infill site would be proportionate to the existing pattern of development within the Rural Village and would contribute to the compact growth strategy. The addition of two dwellings beyond what has previously been permitted would represent a reasonable intensification on zoned lands, consistent with national and local policy to maximise residential yield within settlement boundaries. Furthermore, the site benefits from established vegetation and surrounding development, which would serve to screen the scheme when viewed from the southern approach to Ballyboughal. I therefore consider the design and layout acceptable.

9.0 AA Screening

- 9.1 I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

- 9.2 The subject development is located in a rural area approximately 5.13km from the Rogerstown Estuary SAC (Site Code: 000208) and 5.94km Rogerstown Estuary SPA (Site Code: 004015) which are the nearest European Sites respectively. The subject development comprises the development of 4 no. houses on an infill plot.

9.3 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of direct connections; and,
- Taking into account the screening determination of the Planning Authority.

9.4 I conclude on the basis of objective information, that the proposed development 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

10.1 I have assessed the proposed development for the construction of 4 residential units and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & 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 a surface water

The reason for this conclusion is as follows:

- The best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.

I conclude that on the basis of objective information, that the proposed development 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.

11.0 Recommendation

I recommend that planning permission be refused for the following reason:

12.0 Reasons and Considerations

Having regard to the lack of information supplied within the application, the Coimisiun is not satisfied based on the information supplied that a pedestrian footpath can be provided connecting the proposed site to the village core of Ballyboughal at this time.

The applicant has not provided any details of consultations or consent for these works on the public road or potential for future agreements for the provision of a footpath at this location. Furthermore, in the absence of appropriate road safety statements the Coimisiun cannot be satisfied of the capacity of the road infrastructure to accommodate the addition of the proposed footpath infrastructure.

In the absence of the above pedestrian and cycle infrastructure from the subject site linking to the village centre, the proposed development would be largely car dependent and would promote unsuitable transport modes. The proposed development 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.

Darragh Ryan
Planning Inspector

25th of September 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320990-24		
Proposed Development Summary	4 no. detached dwellings, alterations to boundary walls, landscaping, SUDS, connection to existing pumping station and associated site works.		
Development Address	The Grange, Ballyboughal, 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		Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of 4 no. dwellings.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320990-24
Proposed Development Summary	4 no. detached dwellings, alterations to boundary walls, landscaping, SUDS, connection to existing pumping station and associated site works.
Development Address	The Grange, Ballyboughal, 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 proposal comprises the development of 4 no. house in a Rural Village. Size of the development would not be described as exceptional in the context of the existing environment. The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
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 proposed development is situated in a Rural Village. There are no significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).

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 limited nature and scale of the proposed development (i.e. 4 no. dwellings on zoned lands), 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.	Yes

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)