



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-322800-25

<b>Development</b>	Construction of dwelling with waste water treatment and all associated site works
<b>Location</b>	Causestown, Quickpenny Road, Lusk, Co. Dublin, K45 KV10
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/0287E
<b>Applicant(s)</b>	Sophie McGarry-Hand.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sophie McGarry-Hand.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> September 2025
<b>Inspector</b>	Lucy Roche

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Fingal Development Plan 2023-2029 (FDP 2023) .....	6
5.4. Natural Heritage Designations .....	13
6.0 The Appeal .....	13
6.1. Grounds of Appeal .....	13
6.2. Planning Authority Response .....	14
6.3. Observations .....	14
7.0 Assessment .....	14
8.0 AA Screening.....	22
9.0 EIA Screening:.....	22
10.0 Water Framework Directive - Screening .....	23
11.0 Recommendation .....	23
12.0 Reasons and Considerations.....	23
Appendix 1 – Form 1 EIA Pre-Screening and Form 2 - EIA Preliminary Examination	

## 1.0 Site Location and Description

- 1.1. The proposed development site is in the rural townland of Causestown in north County Dublin, c430m northwest of the settlement boundary of Lusk and c2km east of the M1 motorway. The site is served by a local county road, Quickpenny Road.
- 1.2. The site has a stated area of 0.41ha and comprises part of a larger agricultural field. It is bounded by a grassed mound and hedging along its southwestern (roadside) boundary. The north and west boundaries are open having regard to the site forming part of a larger agricultural field. There is an existing residential dwelling to the east, which is identified on the plans submitted as the applicant's family home. The topography of the area is relatively flat, and the site is open to and visible from the public road. The agricultural field in which the application site is situated is accessed via an existing agricultural entrance, 85m to the northwest along Quickpenny Road.

## 2.0 Proposed Development

- 2.1. Permission is sought for a storey and a half dwelling with an on-site wastewater treatment system and private well. The proposed dwelling is to be served by a new entrance off the public road (Quickpenny Road).
- 2.2. The following details are noted:

Site Area	0.41ha	
Dwelling	Type / Design	4-bed, 1 ½ -storey with single storey addition to side and projecting gable to front.
	GFA	240 sq. m (as stated)
	Height	7.649 meters (as stated)
	Finish	Mix of nap plaster and natural stone to external walls. Blue/black slate roof.
Access	New entrance off Quickpenny Road.	
Services	Foul:	6PE O'Reilly Oakstown BAF System with 180m2 raised bed soil polishing filter

	Water supply	New connection - Private Well
	Surface Water	Soakpit

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Fingal County Council decided on the 22<sup>nd</sup> of May 2025 to refuse permission for the proposed development, for the following reason:

1. The proposed development is contrary to Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing. Specifically, part (i) states that one member of a rural family may be granted permission for a new rural dwelling if they have a demonstrable need to reside close to their family home due to close family ties, provided no other family member has been granted permission for such a dwelling since 19th October 1999. In this case, a close family member was granted planning permission for a rural dwelling under Reg. Ref. F04A/0495 on 11th October 2004 by reason of close family ties. As only one dwelling is permitted per family under this criterion, the applicant does not meet the eligibility requirements.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The report of FCC's Planning Officer forms the basis for the decision. The report has regard to the locational context and planning history of the site; to relevant local and national planning policy and to the interdepartmental reports received. The assessment can be summarised as follows:

- The principle of development is acceptable subject to compliance with Fingal's Rural Housing Policy.

- Planning Officer concludes that the applicant does not meet with Fingal's Rural Housing Policy, in particular the criterion outlined in Table 3.5 of the County Development Plan, as planning permission was previously granted for a house on the landholding for reasons of close family ties.
- The design and height of the dwelling is in keeping with the existing dwelling to the east (the applicants parents dwelling). The proposal would retain the rural character of housing in this locality and would not have a negative impact on the visual amenity of the area.
- The report raises no significant issues relating to access, parking, traffic, water services, drainage, landscaping or tree protection, subject to condition (in line with those recommended in the technical reports received)
- Appropriate Assessment screening concludes that the proposed development would not have a significant effect on any European Site. The need for subthreshold EIA is also ruled out.
- The report concludes with a recommendation to refuse permission as per FCC decision.

#### 3.2.2. Other Technical Reports

- Water Services Department: - No objection subject to condition (foul and surface water drainage)
- Transport: - No objection subject to condition.
- Parks and Green Infrastructure: - No objection subject to condition.

#### 3.3. Prescribed Bodies

Uisce Eireann: - No objection. The report notes that the applicant intends to connect into a private well for potable water and use an OSWWTS for wastewater purposes and that no connections required from Uisce Eireann.

#### 3.4. Third Party Observations

None

## 4.0 Planning History

### 4.1. Application site:

- **FCC Ref: F24A/0914E:** The applicant was refused permission in December 2024 for the construction of a dwelling etc. The reason for refusal is similar to the that cited under this application.

### 4.2. Adjacent Site (applicants family home)

- **FCC Ref: F04A/0495:** Permission consequent of Outline Permission FCC Ref: F99A/1103, granted October 2004.
- **ABP Ref: 06F.121852 (FCC Ref: F00A/0861):** - Permission refused (March 2001) for house with biocycle unit. The two reasons for refusal related to issues of design and visual impact.
- **FCC Ref: F99A/1103:** Outline permission granted (May 2000) for a new dwelling etc

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2023-2029 (FDP 2023)

#### 5.1.1. **Zoning:** RU Rural

**Objective:** 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

**Vision:** Protect and promote the value of the rural area of the County. This rural value is based on:

- Agricultural and rural economic resources,
- Visual remoteness from significant and distinctive urban influences,
- A high level of natural features.

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

Use Classes: Residential is permitted in principle subject to compliance with the Rural Settlement Strategy.

5.1.2. ***Landscape Character***: - The subject site is located within the low-lying agriculture landscape designation, which has a modest landscape value and a low sensitivity.

### 5.1.3. ***Chapter 2 - Planning for Growth***

#### Rural Clusters and Rural Area

Noting that rural areas within Fingal are categorised as being under strong urban influence, a key challenge is to ensure a balance between facilitating those with a genuine need to reside in rural Fingal while managing urban generated demand. Fingal's Rural Housing Policy is based on requirements for a demonstrable economic or social need to live in a rural area and ensure that siting and design adhere to statutory guidelines and design criteria. This approach follows on from the Rural Housing Guidelines 2005.

Relevant Policy:

**CSP45:** *Rural Housing*

In line with RPO 4.80, manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory Guidelines and plans, having regard to the viability of smaller towns and rural settlements.

**CSP46:** *Rural Settlement Strategy*

Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural

Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.

Relevant Objective

CSO81: *Rural Settlement Strategy*

Implement the Rural Settlement Strategy contained in Chapter 3 Sustainable Placemaking and Quality Homes and associated Development Management Standards set out in Chapter 14

**5.1.4. Chapter 3 Sustainable Placemaking and Quality Homes:**

Section 3.5.15 Housing in Rural Fingal

Fingal County Council is awaiting the publication of updated Guidelines before carrying out a full review of its rural housing policy. Accordingly, in order to protect the finite rural resources of Fingal and to ensure the sustainable growth and vitality of existing towns, Rural Villages and Rural Clusters, the Plan promotes policies necessary to restrict urban-generated 'one-off' housing and only facilitate genuine and bona fide cases for new residential development within the County's rural areas. Rural development in the first instance will be directed to Fingal's towns, Rural Villages and Rural Clusters.

Relevant Policy:

SPQHP45: Rural Housing:

*Provide viable options for the rural community through the promotion of appropriate sustainable growth of the rural villages and clusters, balanced by carefully controlled residential development in the countryside.*

SPQHP46: Rural Settlement Strategy



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

SPQHP50: Safeguarding Agricultural Identity

*Ensure that the agricultural identity of North Fingal is safeguarded, promoting the rural character of the County and supporting the agricultural and horticultural production sectors.*

#### Relevant Objectives

SPQHO50: Rural Community:

*Ensure the vitality and regeneration of rural communities by facilitating those with a genuine rural generated housing need to live within their rural community.*

SPQHO51: Promote agriculture and landscape value of the rural area:

*Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the open countryside.*

SPQHO54: Vehicular entrances

*Presume against the opening up of a new additional vehicular entrance into the site of any proposed house, unless necessary in the interest of safety or because no viable alternative exists*

SPQHO55: Preservation of roadside hedging and trees

*Require that the provision of safe access to a new house be designed so that it avoids the need to remove long or significant stretches of roadside hedging and trees. Where this is not possible, an alternative site or access should be identified.*

### Section 3.5.15.3 Fingal Rural Settlement Strategy Rural Generated Housing Need

The Fingal Rural Settlement Strategy serves to meet settlement needs which are the result of a genuine rural-generated housing requirement. Residential development in areas zoned RU, HA, GB and RC which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource. The countryside for the purposes of this section of the Plan are those areas with the rural zoning objectives identified as Rural (RU), Greenbelt (GB) and High Amenity (HA). Rural-generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County and include (inter alia) Persons who have close family ties to the Fingal rural community as defined in Table 3.5 paragraph (i).

Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing

- i. One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of 'close family ties' since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:
  - o S/he is a close member of the family of the owners of the family home.
  - o S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.

### **5.1.5. Section 3.5.15.7 Layout and Design for Housing in Rural Fingal**

#### Policy

SPQHP55 Layout and Design of Rural Housing

*Require that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character*

*Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design.*

## Objectives

SPQHO84: Compliance with Development Management Standards in Rural Areas:

*Applications for dwellings in rural areas of Fingal will be required to demonstrate compliance with layout and design criteria set out in Chapter 14 Development Management Standards including the carrying out of an analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape in support of applications for planning permission.*

SPQHO89: Proximity to the Family Home

*Encourage new dwellings in the rural area to be sited at a location in close proximity to the family home where the drainage conditions can safely accommodate the cumulative impact of such clustering and where such clustering will not have a negative impact on the amenities of the original house....*

### 5.1.6. **Chapter 14 – Development Management Standards**

Sections 14.12.2 Design Criteria for Housing in the Countryside and 14.12.3 Design Guidelines for Rural Dwellings are relevant.

## 5.2. **National Policy**

### 5.2.1. Project Ireland 2040: The National Planning Framework (NPF), First revision (April 2025).

National Policy Objective 28 of the NPF – first Revision is of most relevance to the proposed development. Objective 28, requires that, in providing for the development of rural housing, a distinction is made between areas under urban influence, i.e.

within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements

5.2.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.3. **Other Relevant Documents:**

- Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.

#### 5.4. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation purposes. The closest designated site, the Rogerstown Estuary SAC is located c3km to the south.

### 6.0 **The Appeal**

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

This is a first-party appeal lodged on behalf of the applicant, Sophie McGarr- Hand, against the decision of Fingal County Council to refuse permission for a new dwelling in the rural area of Causestown in Lusk, Co. Dublin. The grounds of appeal can be summarised as follows:

- The applicant is making this application based on ‘Close family ties’ and complies with the criteria set out in the Fingal Development Plan.
- The application was refused solely on the grounds of the previous permission granted to a family member viz the applicant’s mother who received outline planning permission for a dwelling on lands adjacent to the application site on the 11<sup>th</sup> of May 2000. Permission consequent to outline permission granted in October 2004.
- The planning authority’s contention that the permission granted in 2000/2004 exhausted the one family home policy in the current FDP is refuted on two grounds.
  1. The Planning Officer in their assessment of the current application indicates that planning permission was granted for the applicant family home on the grounds of agricultural employment needs, which is its own separate and distinct category and does not exclude permission based on to local need / close family ties.
  2. When permission consequent on the 2000 outline permission was granted to the applicant’s mother in 2004, the family home was in Lusk Village, an

urban area. There was no dwelling on the farm landholding. The permitted dwelling was not located close to a rural located family home and the applicant, M Hand, was not a member of a rural family who was considered to have a need to reside close to their family home by reason of close family ties. They were moving further away from the family home in Lusk.

- No other issues were raised in the assessment.
- The appeal is supported by a letter from the applicants' parents in which they outline the applicants need for a dwelling at this location, i.e. to be close to her family home for support, in line with local and national planning policy. They contend that the applicant meets local needs criteria, as she has strong family ties to the area and cannot reasonably secure alternative accommodation due to financial constraints. The proposal would be in keeping with the character of the area and would not lead to ribbon development or place undue pressure on local infrastructure.

## **6.2. Planning Authority Response**

- The planning authority has no further comment to make in respect of the appeal. They request that the Commission uphold the decision to refuse permission. In the event that the appeal is successful, they request that provision be made in the determination to the attachment of conditions in respect of financial contributions and security / bond.

## **6.3. Observations**

None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are:

- Principle of Development

- Compliance with Rural Housing Policy
- Siting, Layout and Design
- Access and Drainage
- Other

## 7.2. Principle of Development

- 7.2.1. The appeal site is located within an area zoned 'RU' (Rural) in the Fingal Development Plan 2023-2029 (FDP 2023). Areas with the 'RU' zoning objective, together with areas zoned 'GB' (Greenbelt) and 'HA' (High Amenity), make up Fingal's rural countryside. 'Residential' use, as proposed, is permitted in principle within the 'RU' zone, subject to compliance with Fingal's Rural Settlement Strategy. In this regard, I note that the planning authority in their assessment of the application and decision to refuse permission concluded that the applicant did not meet the housing need criteria set out in the Fingal Development Plan 2023-2029. They concluded that the proposed development would be contrary to Table 3.5: *Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing* as planning permission had already been granted to a family member (the applicant's mother) by reason of close family ties. This issue is considered in more detail below.

## 7.3. Compliance with Rural Housing Need Policy

- 7.3.1. Fingal's Rural Housing Strategy is set out in Chapter 3 of the FDP 2023-2029. The FDP notes that all rural areas within Fingal are categorised as being under strong urban influence. The plan seeks, under *Policy CSP45*, to *manage urban generated growth in 'Rural Areas Under Strong Urban Influence' by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements*. This approach accords with national policy and guidance, including the National Planning Framework, First Revision.

7.3.2. Accordingly, it is the policy of the FDP 2023-2029 (Policy SPQHP46) to direct rural housing demand, where possible, to rural villages, rural clusters and to permit the development of rural housing in the countryside, only for those people who have a genuine rural generated housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible. This policy is reflected in the stated objectives of the plan, including Objective SPQHO50, which seeks to *ensure the vitality and regeneration of rural communities by facilitating those with a genuine rural generated housing need to live within their rural community* and Objective SPQHO51 which seeks to *'Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the open countryside.*

7.3.3. The current FDP defines 'rural-generated housing needs' as the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County. The FDP places a distinction between new housing for farming families and new housing for the rural community (other than those who are actively engaged in farming) and sets out separate needs criteria for both categories.

7.3.4. In accordance with the details provided in the applicants 'Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area', submitted with the application, the applicant is seeking permission for a rural dwelling based on 'Close Family Ties'. Close family ties are defined in Table 3.5 of the FCP 2023-2029, as follows: -

*One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:*

- S/he is a close member of the family of the owners of the family home.*
- S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.*



7.3.5. The documentary evidence submitted in support of this application includes (inter alia):

- A map showing the location of the applicant's family home (adjacent to the site).
- Letters from schools attended (Lusk Senior National School, Skerries Community College and Loreto College, Swords)
- Letter from Lusk GAA Club
- Bank Statements from 2018, 2021, 2023 and 2024, addressed to the applicant at various addresses in Lusk. The addresses cited on the documents correspond with the contact information provided in the Supplementary Application Form for Planning permission for a Dwelling in a Rural Area.

7.3.6. It would appear from the information / documentation submitted with the application and appeal, that the applicant is a close family member (daughter) of the owner of the home adjacent to the site, and that she has resided in locality of the family home since birth (c25 years). I am satisfied that the applicant has demonstrated 'close family ties' to this rural area and I note that the planning authority reached a similar conclusion in their assessment of the application. Notwithstanding, planning permission for the proposed development was refused by Fingal County Council on the grounds that a rural dwelling had already been granted to a family member (the applicant's mother, M. Hand) by reason of 'close family ties' since 19th October 1999, contrary to the criteria set out in Table 3.5. In this regard I refer the Commission to FDP Objective SPQHO81 which seeks to permit new rural dwellings in areas which have zoning objectives RU or GB on suitable sites where the applicant meets the criteria set out in Table 3.5.

7.3.7. The dwelling in question is the applicant's family home, which was granted outline permission in May 2000 (FCC Ref; F99A/1103) and permission consequent of outline permission in October 2004 (FCC Ref: F04A/0495).

7.3.8. The basis for the planning authority's decision to refuse permission is refuted in the grounds of appeal, which contend that the dwelling in question was not granted by

reason of 'close family ties' and that as such the dwelling currently proposed would meet the criteria set out in Table 3.5. The case is made on two grounds.

- 7.3.9. Firstly, the grounds of appeal refer to the report of the local authority case planner under the current application which states, in respect of the grant of permission under FCC Ref: F99A/1103 that:

*As per the planner's report dated 9<sup>th</sup> May 2000 following a request for further information, it was recommended that planning permission be granted as the applicant conformed to the relevant housing policy detailing a need for housing on the grounds of agricultural employment needs.*

It is contended that qualification under the 'agriculture category' does not exclude an application based on local need which is a separate distinct category with its own criteria and that on this basis the applicant is not excluded by the earlier permission.

- 7.3.10. Secondly, the grounds of appeal appear to suggest that Ms Hand could not have been deemed to qualify for a house in the rural area by reason of 'close family ties' as at the time of the permission consequent of outline permission (2004), her family home was in the urban area of Lusk and therefore she was not a member of a 'rural family'. The appeal document includes an extract from the land use zoning map under the 2005 FDP which indicates the location of M. Hands original family home within the settlement boundary of Lusk. I note the location of the dwelling off Quickpenny Road and its proximity to the family land holding, as it is shown on the Site Location Map submitted with the application.

- 7.3.11. Having considered Fingal Rural Housing Policy under the FDP 2023-2029 and the information available, I am satisfied that the issue in this case is whether the applicant's mother, M. Hand, was granted permission for the existing dwelling (granted under FCC Ref: F99A/1103 and FCC Ref: F04A/0495) on the basis of 'close family ties'. In my opinion, it has not been clearly stated or demonstrated in the grounds of appeal under what specific grounds M. Hand was deemed to qualify for a rural dwelling in Fingal when assessed under FCC Ref: F99A/1103. The Commission will note that at the time of the grant of permission under FCC Ref:

F99A/1103 and FCC Ref: F04A/0495, the Fingal Development Plan 1999 would have been in force. Instead, the grounds of appeal rely on an extract from the report of the local authority planning officer, which I have cited above. The Commission will note that the Local Authority Case Planner in the same report goes on to state that *'As this house was granted for reasons of close family ties the applicant does not meet the criterion outlined in Table 3.5'*. The application was ultimately refused on this basis. Given the level of uncertainty that remains I am not in a position, on the basis of the information available, to reach a conclusion on this matter. Furthermore, while I note the stated need for the applicant to reside close to her family home for support, given the proximity of the site to the development boundary of Lusk, and the applicants ties to the settlement of Lusk, in which she currently resides, I am not satisfied that the applicants housing need could not be met with the settlement.

- 7.3.12. In light of the above and having regard to FDP Policy CSP45 which seeks to ensure that the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, I recommend that the decision of Fingal County Council to refuse permission be upheld.

#### **7.4. Siting, Layout and Design (NEW ISSUE)**

- 7.4.1. In terms of siting, layout and design, regard is had to FDP policy SPQHP55, which requires that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. Regard is also had to Objective SPQHO89 which seeks to *encourage new dwellings in the rural area to be sited at a location in close proximity to the family home and to Objective SPQH084, which requires compliance with layout and design criteria set out in Chapter 14 Development Management Standards including the carrying out of an analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape in support of applications for planning permission*. An analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape was not included with the application.

The site lies adjacent to the site of the applicant's family home, meeting the requirements of Objective SPQHO89.

7.4.2. The proposed development site forms part of a large agricultural field that is open to and visible from Quickpenny road and the surrounding rural area. The site is characteristic of the areas low-lying landscape character type which is described in the FDP as having an open character with large field patterns, few tree belts and low roadside hedges.

7.4.3. The proposed dwelling is centrally located within the site; it has a stated area of 240 sq. m and a ground to ridge height of c. 7.65m. as detailed on the contiguous elevation submitted with the application, the dwelling reaches a ridge level of 40.649m, c0.73m higher than the neighbouring dwelling to the east. The dwelling is described in the public notices as 1 ½ storey; however, I would agree with the opinion of the local authority case planner, that it would be more appropriately described as two-storey. The design of the dwelling incorporates a two-storey, gable fronted and stone clad projection to the front and single storey flat roof additions to the front and side. In my opinion, the proposed dwelling due to its bulk, form and design, including the proposed use of material finishes, is sub-urban in nature and does not adequately reflect its rural location or landscape character. I consider that the proposed dwelling would be highly visible and incongruous at this location, and I am not satisfied that it would accord with the design guidelines for rural houses set out in Table 14.9 of the FDP. I recommend that permission be refused on this basis. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

## **7.5. Access and Site Services:**

7.5.1. The proposed development site is currently served by an existing agricultural entrance c85m to northwest of the site along Quickpenny Road. Access to the dwelling is proposed via a new entrance off Quickpenny Road, I consider this to be acceptable given the distance to the existing entrance. The site is in the 60km/hr

speed limit zone where the required sightlines are 90m to the nearside edge of the road both sides of the entrance, viewed from a 2m setback (single dwelling) from the edge of the road; as per the requirements of DN-GEO-03060 as published by Transport Infrastructure Ireland (TII). The submitted site layout shows sightlines measuring 90m in each direction from a 2.4m setback, which is acceptable. Having inspected the site I am satisfied that the sightlines indicated can be achieved. The proposed works will require the removal of some roadside hedging. The report of the Parks and Green Infrastructure Department includes recommended conditions to compensate for the loss of this hedgerow. I would recommend that these or similar conditions be included in the event of a grant of permission.

- 7.5.2. The proposal includes for a private well and onsite wastewater treatment system and polishing filter. The application is accompanied by a site characterisation form, and the Water Services Department did not raise any issues with the proposed treatment of the site. The site characterisation form records the underlying aquifer as locally important, with the groundwater having low vulnerability. The ground protection response for the area has been identified as R1 which allows for acceptable drainage subject to normal good practice. The site characterisation form indicates that a trial hole with a depth of 2m was dug. Neither bedrock nor water table were encountered and no mottling referenced. The site characterisation form records a subsurface Percolation value of 52.00 and a surface Percolation value of 41.00 which indicates that the site is suitable for an on-site wastewater treatment system with discharge to ground, as per EPA Code of Practice (2021). During site inspection, I observed no above-ground signs of poor drainage i.e. rushes, ponding etc. The ground was firm and dry under foot. This indicates that the test results are consistent with the ground conditions observed onsite. Overall, I am satisfied that the site is suitable for the on-site disposal of wastewater as proposed, subject to all separation distances being achieved. In this regard I note that the site layout plan submitted with the application does not show the location of the proposed well or of any existing wastewater treatment systems or wells in the vicinity of the site. In the interests of public health, separation distances should accord with those specified in the EPA Code of Practice 2021. Therefore, in the event of a grant of permission I would recommend that the Commission include a condition that requires the location

of the proposed well and wastewater treatment system to be agreed in writing with the planning authority, prior to the commencement of development.

- 7.5.3. Surface/storm water is proposed to discharge to a proposed soakaway to BRE 365 standard which is acceptable.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The appeal site is not designated for any nature conservation purposes. The closest designated site, the Rogerstown Estuary SAC is located c3km to the south.

- 8.2. 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 European Site. The reason for this conclusion is as follows:

- The nature and limited scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and lack of pathways to European sites
- Taking into account the screening determination of Fingal County Council

I conclude that 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 Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 EIA Screening:**

- 9.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). 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.

## **10.0 Water Framework Directive - Screening**

- 10.1. I have assessed the proposed development 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.
- 10.2. I conclude that on the basis of objective information, 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.
- 10.3. The reason for this conclusion is as follows:
- The nature and scale of the development proposed which includes for the installation of an on-site wastewater treatment system to current EPA standards.
  - Distance from the nearest relevant water bodies

## **11.0 Recommendation**

I recommend that permission be refused for reasons outlined below.

## **12.0 Reasons and Considerations**

- 1 Having regard to the location of the proposed development within an area designated 'RU – Rural' in the Fingal County Development Plan 2023-2029 and in the absence of sufficient evidence to demonstrate compliance with the Fingal Rural Settlement Strategy – Rural Generated Housing Need, it is considered that, based on the information submitted with the planning application and the appeal, that the applicant has not sufficiently demonstrated compliance with the

new rural housing criteria as outlined in Section 3.5.15.3 and Table 3.5 of the Fingal County Development Plan 2023 - 2029. The proposed development would therefore contravene Policy SPQHP46 of the Fingal County Development Plan 2023 – 2029 and would, thereby, be contrary to the proper planning and sustainable development of the area.

- 2 The site is in a rural area, designated as a low-lying character type in the Fingal Development Plan 2023-2029. It is a policy of the Fingal Development Plan 2023-2029 to require that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. The proposed dwelling, due to its bulk, form and design (which incorporates a number of suburban features and elements alien to the Irish rural landscape) and its location on an open and exposed site would be out of character and incongruous in this rural landscape and would therefore be contrary to the design guidelines and objectives of the Fingal Development Plan and would be contrary to proper planning and sustainable development.

*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.*

---

Lucy Roche  
Planning Inspector

22<sup>nd</sup> September 2025



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322800-25
<b>Proposed Development Summary</b>	Construction of dwelling with wastewater treatment and all associated site works
<b>Development Address</b>	Causestown, Quickpenny Road, Lusk, Co. Dublin, K45 KV10
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> 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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10 (b) (i) Part 2, Schedule 5.  Construction of more than 500 dwelling units

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322800-25
<b>Proposed Development Summary</b>	Construction of dwelling with wastewater treatment and all associated site works
<b>Development Address</b>	Causestown, Quickpenny Road, Lusk, Co. Dublin, K45 KV10
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  Construction of a dwelling with on-site wastewater treatment / disposal and private well. The site is a greenfield (agricultural) site in the rural area.
<b>Location of development</b>  (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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is in the rural area. surrounding land use is predominantly agricultural. There are some one-off houses in the vicinity of the site.  Not environmentally sensitive, removed from pNHAs and European sites. Area not designated for the protection natural heritage. No built heritage/archaeological features.  The development would not result in the production of any significant waste, emissions or pollutants.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  The site is located within a rural environment. There is no other construction presently in the vicinity of the site. There is no concern in relations to a cumulative or

cumulative effects and opportunities for mitigation).	transboundary effect owing to nature and size of the proposed development which is located on a limited site.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)