

An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323592-25**

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### Development

Construction of a dormer dwelling, wastewater treatment system, percolation area, rainwater harvesting; new vehicular access to R127; landscaping and boundary treatment; and all associated site works.

### Location

Rallekaystown, Skerries Road, Lusk, Co. Dublin

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

F25A/0548E

### Applicant(s)

Martin Taylor

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Martin Taylor

### Observer(s)

None

### Date of Site Inspection

20 November 2025

### Inspector

Adam Smyth

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## **1.0 Site Location and Description**

- 1.1 Situated adjacent and north of The Commons Rural Cluster and 2 kilometres north of Lusk, the appeal site is located within an agricultural field to the east of the R127 Skerries Road. The R127, north from the frontage of the appeal site, is subject to an objective within the Fingal Development Plan 2023-2029 to preserve views and prospects.
- 1.2 The appeal site is situated at the southern end of a large field with land levels gradually falling from north to south. The appeal site appears to be fallow, comprised of rough grasses and demarked from the rest of the cultivated field by a post and wire fence along the north boundary of the site. A small watercourse defines the southern boundary, to either side of which are mixed species trees up to 8 metres in height. Mixed scrub vegetation is evident on the eastern boundary. The western boundary, parallel to the public road is defined by a hedgerow, approximately 1.8 to 2 metres in height. Access from the R127 is via an agricultural gate at the southwest corner of the field, adjacent to the northern limit of The Commons.
- 1.3 Beyond the host field, land levels rise sharply towards the north. The general locality, excluding the adjacent rural cluster, is typically rural and comprised of large agricultural fields with mature boundary hedging. Two dwellings, one with a large outbuilding occupy a roadside site on the opposite side of the R127, approximately 240 metres to the northwest, and one dwelling with large outbuilding is situated beyond the eastern boundary of the appeal site.

## **2.0 Proposed Development**

- 2.1 Detached 4 bed dormer dwelling with on-site wastewater treatment system, percolation area and rainwater harvesting system; new vehicular access to the R127 Skerries Road; landscaping and boundary treatment; and all associated site works necessary to facilitate the proposed development.

## 3.0 Planning Authority Decision

### 3.1 Decision

On the 11th August 2025 the decision of the planning authority was to refuse permission for the proposal for the following reasons.

*Objectives SPQHO89 and DMSO43 of the Fingal Development Plan 2023-2029 state that where it is clearly demonstrated land at the family home is not available for development of a new dwelling, a new dwelling may be permissible on an alternative site within 2km of the family home. The subject site is located in excess of 2km from the applicant's family home and the applicant has not submitted any details of 'HA' zoned lands in their ownership which would allow for the 3.5km extent to be applied to the proposed development. The applicant has also failed to provide any details which clearly demonstrate a new rural dwelling cannot be sited at a location in close proximity to the family home. Furthermore, the applicant has not demonstrated compliance with SQH081 and table 35 to the satisfaction of the Planning Authority. The proposed development would materially contravene Objectives SPQHO89 and DMSO43 of the Fingal Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*The proposed development, by reason of its scale, massing, design and material finishes, would constitute an unduly obtrusive and visually prominent feature at this rural site within a high-lying agricultural landscape character type area and, together with the extensive removal of hedgerow, would materially contravene an objective of the Fingal Development Plan 2023-2029 to preserve views along this stretch of the R127. The proposed development would also materially contravene the design guidance for new rural dwellings detailed in Table 14.9 and Objective DMSO41 of the Fingal Development Plan 2023 -2029. The proposed development would be seriously injurious to the visual and rural amenities of the area and, therefore, would be contrary to the proper planning and sustainable development of the area.*

*The applicant has failed to provide a sightline drawing which demonstrates the required sightlines can be achieved. In addition, inadequate details of the*



*proposed site entrance have been submitted and the proposed driveway width of 5.6m is excessive and would facilitate two-way traffic. The applicant has therefore failed to address a previous reason for refusal as, in the absence of details demonstrating the required sightlines can be achieved, the proposed development would be a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

3.2.1. The planning authority's report contains the following considerations in relation to the development.

- The appeal site is located within an RU zoning. Residential use is permitted in this zoning subject to compliance with the PA's Rural Settlement Strategy (RSS), Rural Generated Housing Need.
- The application has been made for a dwelling on the basis of 'close family ties' as set out in the Council's Rural Settlement Strategy; the applicant is not actively and directly engaged in the running of the family farm.
- The supporting information submitted with the application is not evidence of compliance with the settlement strategy's requirements.
- The proposed dwelling will have a negative impact on the visual and rural amenities of the area.
- The proposed dwelling has an excessive height, not in keeping with other dwellings fronting the R127.
- Considered against Table 14.9, Design Guidelines for Rural Dwellings is concluded that the height, scale, design and material finishes of the proposal are unduly obtrusive and visually prominent feature at this site within a high lying agricultural landscape character type area.
- The length of the driveway is considered excessive. The PA notes that Table 14.9 indicates that in cases where satisfactory access can only be achieved by removal of large sections of roadside hedgerow, an alternative site should be

sought. Given the access requirements to this appeal site, the PA considers the proposal is not sensitively sited or compliant with Objective DMS041 of the ADP.

### 3.2.2. Other Technical Reports

#### Fingal County Council Transportation Planning Section

- No objection to proposed bicycle and car parking
- The proposed driveway width of 5.6m is excessive and facilitates two-way traffic, an amended proposal is required providing a single lane width. Further detail of the proposed site entrance is required as vehicular entrance and entry splay widths appear excessive. The vehicular entrance should be recessed a min. 6m from the road edge with the entry slayed at 45 degrees constructed in a bound road material between the proposed entrance and road edge. The optimum width of entrances for pedestrian vehicular intervisibility is considered 4m. The proposed entrance should have a width of 4m between piers.
- For an 80km/hr speed limit, the sightlines required are 145m visibility to the nearside edge of the road both sides of the entrance, viewed from a 2m setback (relaxed for a single dwelling) from the edge of the road; as per the requirements of DN-GEO-03060 as published by Transport Infrastructure Ireland (TII).
- A considerable length of hedgerow is proposed to be removed to achieve sightlines. However, a sightline drawing has not been provided, and it is not evident the required sightlines can be achieved. A sightline drawing detailing the measures to be taken to achieve the required sightlines should be provided. The sightline drawing should inform the length of hedgerow requiring alteration. A replacement hedgerow further recessed from the road edge should be proposed where hedgerow is required to be removed.

#### Fingal County Council Water Services Department

- Foul Water: No Objection, subject to conditions.
- Surface Water: No Objection, subject to conditions.
- Flooding Risk: No Objection.

## Fingal County Council Parks and Green Infrastructure Division

- Approximately 160 linear metres of roadside hedgerow to be removed. All other trees on the site are to be retained and protected.
- An Arboricultural Impact Assessment classifies the hedgerow as Category C and the overall impact has been assessed as being of low magnitude.
- Arboricultural Impact Assessment & Method Statements, Tree Impact & Protection Plan and Site Layout Plan are acceptable in principle
- The Site Layout Plan lacks details regarding boundary treatments and new planting proposed by the arborist to mitigate for the significant hedgerow removal.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

None

## **4.0 Planning History**

- 4.1 Planning Authority Ref. **F21A/0235** construction of a new 4 bedroom single storey dwelling, new shared access and provision of sightlines along R127 and all associated ancillary works necessary to facilitate development, including wastewater treatment system, percolation area, rainwater harvesting system, site works, landscaping and boundary treatments. Rallekaystown, Skerries Road, Lusk, Co Dublin. **Refuse permission** 14 June 2021 as the applicant had not demonstrated their eligibility to be considered for a dwelling in the rural area of Fingal on the basis of 'close family ties'; the proximity of the proposed site to the family home, being in excess of 2 kilometres from it would contravene Objective RF61 of the Fingal Development Plan 2017-2023; and, in its present format the proposed development by reason of inadequate sightlines would endanger public

safety by reason of traffic hazard, contrary to the Fingal Development Plan 2017-2023 and contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1 Development Plan**

The statutory development plan is the Fingal Development Plan 2023-2029. The following policies and objectives are applicable.

#### Chapter 2 Planning For Growth Core Strategy Settlement Strategy

**Policy CSP45 – Rural Housing** seeks to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory Guidelines and plans, having regard to the viability of smaller towns and rural settlements.

**Policy CSP46 – Rural Settlement Strategy** responds 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 permits 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.

**Policy CSP47 – Rural Clusters** promotes their appropriate sustainable growth balanced with carefully controlled residential development in the countryside.

#### Chapter 3 Sustainable Placemaking and Quality Homes

**Objective SPQHO50 – Rural Community** 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.

**Objective SPQHO54 – Vehicular Entrances** presumes 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.



**Objective SPQHO55 – Preservation of roadside hedging and trees** 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.

**3.5.15.3 Fingal Rural Settlement Strategy Rural Generated Housing Need** are considered to be the 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.

**3.5.15.5 New Housing for the Rural Community other than those who are Actively Engaged in Farming**

**Objective SPQHO81 – RU and GB lands** permits 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.

**Table 3.5** provides the criteria for eligible applicants for a new rural dwelling from the Rural Community other than those who are actively engaged in farming. See also Chapter 14 Development Management Standards, Table 14.10.

**Policy SPQHP55 – Layout and Design of Rural Housing** 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.

**Objective 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.

**Objective SPQHO89 – Proximity to the Family Home** seeks to encourage new dwellings in the rural area to be sited at a location in close proximity to the family home where the drainage conditions can safely accommodate the cumulative

impact of such clustering and where such clustering will not have a negative impact on the amenities of the original house. Where this arrangement is clearly demonstrated not to be available, permit the new dwelling to be located on an alternative site which is within two kilometres from the family home, or, where the applicant has land zoned HA within 2km from the family home and this arrangement is demonstrated not to be available to build, and the applicant has land zoned RU on lands within 3.5km of the family home, permit the new dwelling to be located on the RU zoned site which is within 3.5km of the family home, or, in the case of applications made under Objective SPQHO83 within five kilometres outside Noise Zone A and subject to the East / West of the M1 stipulation.

#### Chapter 9 Green Infrastructure and Natural Heritage

**Policy GINHP21 – Protection of Trees and Hedgerows** protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/ or contribute to landscape character and/or contribute to landscape character and ensure that proper provision is made for their protection and management in line with the adopted Forest of Fingal-A Tree Strategy for Fingal.

**Policy GINHP25 – Preservation of Landscape Types** ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

**Objective GINHO60 – Protection of Views and Prospects** seeks to protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

#### Chapter 11 Infrastructure and Utilities

**Objective IUO25 – River Basin Management Plans** seek to maintain, improve and enhance the environmental and ecological quality of surface waters, groundwater and aquifers by implementing the EU Water Framework Directive through the relevant programme of measures set out in the River Basin Management Plans and to take into consideration the River Basin Management Plan and Programme of Measures when considering new development proposals.



**Objective IUO26** establishes riparian corridors free from new development along all significant watercourses and streams in the County. A minimum 48m wide riparian buffer strip is required in all other areas outside of development boundaries. Cognisance must be taken of Flood Zone A and B, as outlined in the SFRA.

#### Chapter 13 Land Use Zoning

The appeal site is within a **RU rural zoning**.

**Objective** – seeks to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

**Vision** – seeks to protect and promote the value of the rural area based on:

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

A Residential use is permitted in principle, subject to compliance with the Rural Settlement Strategy

#### Chapter 14 Development Management Standards

**Objective DMSO41 – New Dwellings in Rural Areas** seeks to ensure that 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. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

**Objective DMSO43 – Siting of New Dwellings in a Rural Area** seeks to encourage new dwellings in the rural area to be sited at a location in close proximity to the family home where the drainage conditions can safely accommodate the cumulative impact of such clustering and where such clustering will not have a negative impact on the amenities of the original house. Where this

arrangement is clearly demonstrated not to be available, permit the new dwelling to be located on an alternative site which is within two kilometres from the family home, or, where the applicant has land zoned HA within 2km from the family home and this arrangement is demonstrated not to be available to build, and the applicant has land zoned RU on lands within 3.5km of the family home, permit the new dwelling to be located on the RU zoned site which is within 3.5km of the family home, or, in the case of applications made under Objective SPQHO83 within five kilometres outside Noise Zone A and subject to the East / West of the M1 stipulation.

**Table 14.9: Design Guidelines for Rural Dwellings.** The Council will use the guidance set out in Table 14.9 in the assessment of planning applications for a rural dwelling, including criteria for Site Assessment Study, Siting and Design, Materials and Detailing, Boundary Treatments, Access and Sightlines, Surface and Wastewater Treatment and Landscaping.

**14.12.8 New Housing for the rural community other than those actively engaged in farming.** Applications must demonstrate full compliance with all relevant requirements set out under Chapter 3 and Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing.

**Table 14.10: Criteria for Eligible Applicants from the Rural Community for Planning permission for New Rural Housing** provides the criteria for eligible applicants for a new rural dwelling in an RU zoning.

#### **14.18.2 Natural Heritage**

**Objective DMSO140 – Protection of Existing Landscape** Protect existing landscape features such as scrub, woodland, large trees, hedgerows, meadows, ponds and wetlands which are of biodiversity or amenity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.

**Objective DMSO200 Domestic Wastewater Treatment Systems** outlines that domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the Environment Protection Agency's Code of



Practice for Domestic Wastewater Treatment Systems (Population Equivalent <10), 2021, or as amended. The area required to install a Domestic Wastewater Treatment Plant and percolation area is subject to the separation distance requirements of the EPA CoP being achieved and adequate space for SuDS being provided.

**Objective DMSO210** establishes riparian corridors free from new development along all significant watercourses and streams in the County. A minimum 48m wide riparian buffer strip is required in all other areas outside of development boundaries. Cognisance must be taken of Flood Zone A and B, as outlined in the SFRA.

#### **Section 14.20.3 Sustainable Urban Drainage Systems (SuDS).**

### **5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

#### The National Planning Framework – First Revision 2025

**National Policy Objective 23** Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape.

**National Policy Objective 24** Support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over development, while sustaining vibrant rural communities.

**National Policy Objective 28** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence 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.

**National Policy Objective 29** Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

## Sustainable Rural Housing Guidelines 2005

These Guidelines aim to ensure the needs of rural communities are identified in the development plan process and policies put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, sustain rural communities.

Areas under strong urban influence exhibit characteristics such as proximity, or close commuting catchment, to large cities and towns, rapidly rising population, and evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

### **5.3. Natural Heritage Designations**

None

## **6.0 EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The proposed development is compliant with Objective SPQHO89 – Proximity to the Family Home and Objective DMSO43 – Siting of New Dwellings in a Rural Area of the FDP 2023-2029. The appeal site is the closest, and only land owned by the family that is available to the applicant. Given the limited site area of the family home, it would not be feasible to locate the proposed development close to and cluster with that home.

- The applicant is compliant with Objective SPQHO81 and Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing. The applicant contends he is a member of a rural family with a need to reside close to their family home by reason of close family ties and that he has lived in the family home for at least fifteen years. The applicant has submitted documentary evidence to show his compliance with these criteria as set out in Table 3.5, including evidence of employment, although he does not seek permission on that employment status in respect of Table 3.5 (ii) of the FDP.
- Having regard to existing dwellings in close proximity to the appeal site, the scale and height of the proposed development is considered to be a standard in the area. The proposed development has been sited with the existing rural cluster, aiding consistency with Table 14.9 Design Guidelines for Rural Dwellings of the CDP.
- The design and material finishes to the proposed development are in keeping with the surrounding rural context, being of simple form and completed with a limited number of materials that include smooth render walls complemented by a natural stone finish to key elevations.
- The proposed dwelling has a significant separation distance from the main road which aids in protecting existing views of this rural area and ensuring no negative impact on existing residential amenity.
- Hedgerow removal to facilitate sightlines for the proposed development will be replaced with native species hedgerows in excess of what is to be removed to maintain biodiversity, landscape character and the preservation of views along this stretch of the R127.
- For consideration by the Commission, an updated site layout plan accompanies this appeal to demonstrate how the required sightlines from the proposed access point can provide safe access in accordance with the Design Manual for Urban Roads and Streets and the CDP.



## **7.2. Planning Authority Response**

In a letter dated 23<sup>rd</sup> September 2025, the Planning Authority advised that it has no further comment to make in respect of this appeal and that An Coimisiún Pleanála is requested to uphold the decision of the Planning Authority.

If the appeal is successful conditions should be included relating to development contributions and the requirement for a tree bond.

## **7.3. Observations**

None

## **8.0 Assessment**

8.1. Having examined the appeal details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to relevant national policy, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Rural Housing
- Proximity of the Appeal Site to the existing family holding
- Siting, Design and Integration
- Vehicle access
- Wastewater Management / Water Disposal
- Riparian Corridors – New Issue

## **8.2 Principle of Development**

8.2.1 The appeal site is located in a RU 'Rural' zone, the objective of which is *'protect and promote in a balanced way, the development of agriculture and rural related enterprises, biodiversity, the rural landscape, and the built and cultural heritage.'*

8.2.2 I consider the proposed development of a rural dwelling is acceptable in principle in the RU zoning, subject to compliance with other requirements for rural locations as set out in the following sections.



### 8.3 Rural Housing

8.3.1 **National Policy Objectives 24, 28 and 29** of the National Planning Framework (NPF), 1<sup>st</sup> Revision, set out the requirements for an area classified as being under strong urban influence, i.e. being within the commuter catchment of cities/large towns and centres of employment. Fingal County Council is one such area. As such NOPs 24, 28 and 29 require management of new single houses in rural areas to be based on the core consideration of demonstrable economic or social need, as set out in the core strategies of a county development plan.

8.3.2 The Fingal Development Plan (FDP) 2023-2029 reflects these national policy requirements. **Policy CSP45 – Rural Housing** permits housing development in the countryside in accordance with the criteria for Rural Generated Housing Need. **Section 3.5.15.3 Fingal Rural Settlement Strategy Rural Generated Housing Need and Objective SPQHO81** set out the Rural Settlement Strategy in regard to rural generated housing need and require applicants to comply with the criteria for eligibility for a rural dwelling, as contained within **Table 3.5**. The following four eligibility criteria are;

- I. A need to reside in a rural area due to close family ties.
- II. In full time employment related to the local rural community.
- III. Exceptional health reasons.
- IV. Operation of a 'Bona Fide' business.

8.3.3 The appellant's planning submission included the supplementary application form required for planning permission for a rural dwelling, declaring the basis for the application accorded with Table 3.5, Criteria I. that being the appellant was a member of a rural family with needs to reside close to the family home by reason of close family ties.

8.3.4 **Section 14.12.8 and Table 14.10, part i)**, as with Table 3.5, sets out the criteria for those applicants seeking a rural dwelling on the basis of close family ties. It requires 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.

8.3.5 Documentary evidence was submitted to identify the location of the family home, the appellant's relationship to the owners of the family home and the period of time the appellant had lived in, or within the locality of the family home. This evidence included the following:

Close member of the owners of the family home

- Birth and baptismal certificates that identify the address of the family home.

Location of the family home

- The address and aerial photograph of the family home, its land registry folio number is provided on the supplementary planning application form.
- The land registry folio number and farm business maps that identify lands within the ownership of the appellant's family.
- Details of the family farm business and agricultural basic payment scheme for the years 2022 to 2024.

The time the appellant has lived in, or within the locality of the family home.

- Letters confirming the appellant attended primary education between 1993 and 2001, and secondary education between 2001 and 2005. Both letters, signed by the school principals, confirm the address of the family home during those periods of attendance.
- Nine documents dated between 2018 and 2025, including financial, motor vehicle and invoices that identify the appellant's address as being at the family home. However, one document is addressed to the applicant at 'Chapel Farm' which appears to be in Lusk, very close to the family home.

8.3.6 From the submitted evidence I consider that the family home is located in a RU zoning, adjacent to the southern settlement limit of Lusk as identified on Map No. 6A of the FDP. I consider that sufficient evidence has been submitted to show that the appellant has resided at, or in the locality of the family home, for more than fifteen years. Overall, I consider that the appellant is a member of a rural family

living in an RU zoning and therefore sufficient evidence has been submitted to satisfy Objective SPQHO81 and criteria i) of Tables 3.5 and 14.10 of the FDP.

#### **8.4 Proximity of the Appeal Site to the existing family holding**

8.4.1 From the land registry information submitted I have determined that the appeal site and the family home occupy separate parcels of land. Objectives SPQHO89 and DMSO43 encourage new dwellings to be sited in close proximity to the family home, subject to there being no negative impact on the amenities of the original house.

8.4.2 The planning appeal statement advises that the family home is limited in area to 0.056 hectares and that it would not be possible to cluster the proposed development with the family home as this would result in a loss of private open space, a lack of separation and overdevelopment. From the submitted aerial photograph of the family home and my observations on the day I visited the appeal site, I agree with the appellant, that the family home could not accommodate an additional dwelling. The family home is a detached bungalow with modest grounds, set back from the R127, and shares a building line with an adjacent dwelling. Only the area between the family home and the R127 could accommodate any form of development, but this would not represent sustainable and proper planning of the locality, given the existing local context.

8.4.3 When clustering with the family home is demonstrated not to be available, Objectives SPQHO89 and DMSO43 may permit a new dwelling on an alternative site up to 2 kilometres away. By exception, an alternative site greater than 2 kilometres is permissible but only in cases where there are other family-owned lands within 2 kilometres of the family home, within a High Amenity zoned area and which are not available to develop.

8.4.4 The most direct route from the family home to the appeal site is 2.9 kilometres. The appeal site exceeds the maximum 2-kilometre distance for compliance with Objectives SPQHO89 or DMSO43.

8.4.5 The appellant contends the appeal site satisfies the exception test of Objective SPQHO89 and whilst acknowledging in their planning appeal statement they do not own any other lands, and there are no other lands within the RU zoning

available to purchase, they fail to explain how this appeal site satisfies the exception test criteria of SPQHO89 and DMSO43.

- 8.4.6 I am therefore of the opinion that the proposed development fails to meet the FDP requirements of siting the new dwelling in proximity to the family home.

## **8.5 Siting, Design and Integration**

- 8.5.1 Core strategies of the FDP include **Policy CSP45** that, in addressing the demand for rural housing requires regard to be had to the viability of rural settlements.

**Policy CSP46** directs rural housing demand in the first instance to rural villages and rural clusters, and **Policy CSP47** promotes the sustainable growth of rural clusters.

- 8.5.2 **Map 6A** of the FDP identifies the appeal site is located north and adjacent to the defined limit of The Commons Rural Cluster. Section **3.5.15.2** permits limited development within Rural Clusters that is incremental local growth appropriate to their size and character. Those who have previously lived for a minimum of ten continuous years in the rural community, which the appellant has demonstrated, are eligible to develop sites in a rural cluster.

- 8.5.3 I acknowledge this appeal seeks proposed development on family-owned rural zoned land, that the appellant has been unable to purchase other rural zoned land for his purposes and that he is not seeking to develop a site within a rural cluster. However, I consider The Commons Rural Cluster contains sites within it that remain undeveloped and that these should be the first options explored for sustainable development in accordance with Policy CSP47. Additionally, given those undeveloped sites, it is my opinion that siting the proposed development adjacent to this defined rural cluster does not represent its incremental growth in a sustainable manner, contrary to the requirements of Policy CSP47.

- 8.5.4 **Objective DMSO41** seeks to ensure new dwellings in the rural area are sensitively sited and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. DMSO41 requires that a full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape is required in support of applications for planning permission. No such analysis/feasibility study accompanies this planning appeal,



and any decision of the Commission can only rely on those plans and drawings that have been submitted.

- 8.5.5 The proposed development is setback approximately 52 metres from the public road, which would normally aid its integration. However, the derived benefit of this setback is significantly diminished, and the site opened up to public view, given that a new access is proposed 70 metres north of the existing field access and 172 metres of hedgerow removed to achieve visibility splays.
- 8.5.6 **Table 14.9** sets out design guidance for rural dwellings, requiring proposed development to be sensitive to its surroundings, consistent with the character and appearance of the land, ecology and natural features. Direction should be taken from the existing environment, taking advantage of natural features such as hedgerows and should seek to integrate as much as possible into the landscape and not be a prominent feature that visually dominates its rural surroundings.
- 8.5.7 I do not agree with the appellant's contention that, whilst hedgerow removal is necessary to achieve sightlines and to be replaced with new native species planting, views along the R127 will not be impeded by the proposed development.
- 8.5.8 In addition, **Objectives SPQHO54, SPQHO55, DMSO140 and Policy GINHP21** of the FDP place significant emphasis on the preservation and retention of hedging, including those along roadsides.
- 8.5.9 **Objective SPQHO54** operates a presumption 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 and **Objective SPQHO55** requires a design to avoid removal of long or significant stretches of roadside hedging. It clearly states where this is not possible, an alternative site or access should be identified. Without a feasibility study to accompanying the proposed development I must consider no regard has been given to an alternative site or an access on other lands in the control of the appellant.
- 8.5.10 **Policy GINHP21** requires protection of existing hedgerows of amenity or biodiversity value, and which contribute to landscape character. The arboriculture assessment that accompanied the proposed development indicates the roadside

hedgerow was assessed in accordance with BS5837 (Tree Surveys) and deemed the hedgerow was Category C, Low Magnitude of Arboriculture Impact. Appendix 1 of the arboriculture assessment defines Category C as '*trees of low quality and value currently in adequate condition and able to remain until new planting can be established with a minimum useful life expectancy of 10 years, and young trees with a stem diameter less than 150mm*'. Given this definition relates to a survivability assessment and having observed the condition of the roadside hedgerow during my site visit, I contend this does not have regard to the biodiversity and amenity value derived from it. It continues to contribute to landscape character of this locality, and it warrants protection under Policy GINHP21.

8.5.11 **Policy GINHP25** requires regard to be had to the character, value and sensitivity of a landscape when determining a planning application, ensuring the preservation of the uniqueness of a landscape character type. **Green Infrastructure Map No. 1** of the FDP identifies the landscape character in this locality to be low lying agricultural. Having observed the abundance of agricultural lands and associated robust roadside boundaries in the locality, particularly to the north of the appeal site, I consider that the proposed extent of roadside hedge removal would impact upon the landscape character of the area and its sensitivity to change as a result. Any replacement hedging would take a considerable amount of time to ameliorate for that loss and I therefore consider this aspect of the proposal is not sensitive to the existing character and value derived from the area and would be contrary to GINHP25 of the FDP.

8.5.12 The appeal site is situated at the southern end of the designated protection of views and prospects along the R127. **Objective GINHO60** seeks to protect views and prospects that contribute to the character of the landscape from inappropriate development. Further to my considerations in previous paragraphs, I consider the existing roadside hedgerow on this site, and within the wider locality, is a landscape character and that views and prospects would be diminished as a result of the proposed development. The proposed development fails to satisfy this aspect of the FDP.



8.5.13 The planning authority raised concern regarding the design of the proposed development, considering it was compatible to existing dwellings in its vicinity, specifically referring to its variance to bungalows to its west. I have already considered it has a sufficient setback position and, having observed the variance of house types, styles and sizes in the vicinity, I consider the proposed development would not be at odds to what is already established. In terms of materials and fenestrations proposed in its design, I do not have concerns that the proposed development is at odds with the design guidance contained in Table 14.9. Comparisons to existing developments, raised by the appellant in support of the proposed design, therefore need not be considered.

## **8.6 Vehicle Access**

8.6.1 **Table 14.9** requires demonstration of safe vehicular access to and from a site in terms of visibility from a proposed entrance. From my site visit it is apparent that the speed and volume of traffic necessitate a safe means of access that is not currently available at the existing field gate. Commenting on the proposed new entrance 70 metres north of this field gate, the council's transportation planning section sought an amended plan detailing the provision of 145m visibility to the nearside edge of the road to both sides of the proposed entrance, viewed from a 2m setback (relaxed for a single dwelling) from the edge of the road.

8.6.2 The transport planning section advises this visibility distance accords with the Transport Infrastructure Ireland (TII) publication DN-GEO-03060 however, I note that that publication, at its Table 5.5, requires visibility distances to be 160m to a road which has a design speed of 85kph, which equates to a 80kph (Table 1.2 of TII publication DN-GEO-03031-10).

8.6.2 A revised 1:500 site layout plan was submitted with this appeal for consideration by the Commission. Notwithstanding the discrepancy between visibility splays sought by the council and those required by DN-GEO-03060, the revised site layout plan proposes visibility splay provision to the right-hand side (emerging), including removal of 98.2 metres of hedge, that will achieve the required 160-metre sightline to the nearside edge of the public road. However, splay provision to the left-hand side (emerging), including removal of 74.1 metres of hedge, only

achieves a 145-metre sightline to the centre of the public road, not to its nearside edge.

8.6.3 From my site observations, to achieve the required 160 metre left-hand sightline tapered to the nearside road edge, would require lands beyond the application site, and further removal of vegetation beyond the control of the appellant. I therefore consider the revised site layout drawing fails to sufficiently demonstrate that visibility splays can be provided for a safe means of access to and from the appeal site and for uses of the public road.

8.6.4 The transportation planning section also made the following comments

- A proposed 5.6 metre driveway was considered excessive and would facilitate two-way traffic. This was requested to be reduced to a maximum of 4 metres.

I note the revised site layout plan has made no provision for the requested 4 metre width reduction in driveway width.

- Given the proposed amount of roadside hedging to be removed, the amended plan needs to detail the provision of a replacement hedgerow.

Notwithstanding my previous considerations on the matter of roadside hedgerow loss, I note there is no detail, annotated or drawn, on the revised site layout plan for replacement hedging to the rear of the required visibility splays. This is not a matter where reliance can be placed on imposing a planning condition and/or the arboriculture assessment which, at Section 5.11, simply states '*To mitigate the removal of the hedgerow, it is proposed to plant a new native mixed species hedgerow comprising hawthorn, blackthorn, hazel and holly, to be set back behind the sightlines*'.

8.6.5 I am therefore of the opinion that the revised site layout plan submitted with this appeal does not demonstrate a safe means of access as is required by Table 14.9 of the FDP, nor to the standards required by Transport Infrastructure Ireland.

## **8.7 Wastewater Management / Water Disposal**

8.7.1 I note from the site characterisation report that the site overlies a locally important aquifer of High Vulnerability, where ground water was encountered at 1.1m bgl. Satisfactory t and p values were recorded. The application therefore recommends



the installation of a raised soil polishing filters and secondary treatment plant. The council's Water Services Department consider the site is not vulnerable to flooding and they offer no objections to the proposed method of wastewater disposal, subject to conditions. On this basis, I consider the method of wastewater treatment and surface water drainage has been satisfactorily addressed to comply with **Table 14.9, Objective DMSO200** on domestic effluent treatment plants and **Section 14.20.3 SuDS**.

## **8.8 Riparian Corridors – New Issue**

- 8.8.1 The watercourse that defines the southern boundary of the appeal site is not identified in the council's Strategic Flood Risk Assessment as being vulnerable to flooding. It is identified on **Green Infrastructure Map 3** of the FDP as being of Moderate EPA River Water Quality Status, which means it has a reduced diversity of species with the presence of moderate pollution.
- 8.8.2 **Objective IUO25** – River Basin Management Plans seek to maintain, improve and enhance the environmental and ecological quality of surface waters, groundwater and aquifers, and to take into consideration the River Basin Management Plan and Programme of Measures when considering new development proposals.
- 8.8.3 **Objectives IUO26** and **DMSO210** establish riparian corridors free from new development along all significant watercourses and streams in the County. Outside of urban development limits a minimum 48m wide riparian buffer strip is required. Aside from the position of the proposed rainwater harvesting system near the watercourse, I note that the proposed dwelling is positioned approximately 12 metres from the watercourse.
- 8.8.4 This issue is not addressed in the appellant's planning appeal statement or the Site Characterization Report and no provision has been made for the establishment of the required riparian corridor buffer zone to ensure water quality of the adjacent watercourse is not diminished further by the development of and future occupation of this proposed development. The requirements for the riparian corridor buffer set out in the FDP seeks to protect the watercourse and prevent further deterioration in its water quality status, to accord with the requirements of the Water Framework Directive. I consider this aspect of the proposed development unacceptable.

8.7.5 This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out above, it may not be considered necessary to pursue the matter.

#### **8.9.1 Material Contravention**

8.9.1 I note that two of the planning authority's three reasons for refusal state that the proposed development materially contravenes the following aspects of the development plan.

8.9.2 Objectives SPQHO89 and DMSO43 refer to the siting of a new dwelling close to, and clustering with the family home and are not, in my view, sufficiently specific so as to justify the use of the term 'materially contravene' in terms of normal planning practice.

8.9.3 The planning authority, in its second refusal reason, does not make reference to a specific Objective of the development plan, vaguely referring to the proposed development being an unduly obtrusive and visually prominent feature at this rural site within a high-lying agricultural landscape character type area, together with the extensive removal of hedgerow. The planning authority report also does not elaborate on this matter in that it does not mention any objective of the development plan. In my view this refusal reason is not sufficiently specific so as to justify the use of the term 'materially contravene' in terms of normal planning practice.

8.9.4 Table 14.9 and Objective DMSO41 refer to a proposed development being 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. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission. In my view, Table 14.9 and Objective DMSO41 are not sufficiently specific so as to justify the use of the term 'materially contravene' in terms of normal planning practice.

8.9.5 The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

## **9.0 AA Screening**

- 9.1. I have considered the proposed construction of a dwelling, wastewater treatment system new vehicular access and all associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located approximately 4 kilometres northwest of the Rogerstown Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA).
- 9.3. The proposed development comprises the development of a dwelling with its own wastewater treatment system, percolation area, rainwater harvesting, new vehicular access and all associated site works.
- 9.4. No nature conservation concerns were raised in the planning appeal and the Fingal County Council Water Services Department have no objection to the methods of foul and surface water disposal.
- 9.5. 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 small-scale nature of the proposed works.
  - The location of this small watercourse with an absence of direct connection to, and its separation from, downstream European Sites.
  - The Appropriate Assessment contained within the authority's planning report.
- 9.6. 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.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.



## **10.0 Water Framework Directive**

- 10.1. The subject site is located at Rallekaystown, Lusk, approximately 4 kilometres north west of the Rogerstown Estuary.
- 10.2. The proposed development comprises construction of a dwelling, wastewater treatment system new vehicular access and all associated site works.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the 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. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.5. The reason for this conclusion is as follows:
  - The nature of works being small in scale.
  - The supporting reports, and council consideration of their conclusions that wastewater and surface water disposal will have no hydrological connections to the nearby watercourse.

### **Conclusion**

- 10.6. 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.



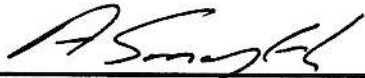
## **11.0 Recommendation**

**11.1.** I recommend that planning permission be refused.

## **12.0 Reasons and Considerations**

1. Having regard to the location of the site of the proposed development within an area designated 'RU – Rural' in the Fingal County Development Plan 2023-2029, it is considered that, based on the information submitted with the planning application and the appeal, the appellant has not demonstrated compliance with the locational requirements for a new rural dwelling, as set out in Objectives SPQHO89 and DMSO43 of the Fingal County Development Plan 2023–2029, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of its proposed new access and the extent of loss of existing roadside hedgerow, the proposed development would be contrary to Policy GINHP21 and Objectives SPQHO55, GINHO60, DMSO41, DMSO140 and Table 14.9 of the Fingal County Development Plan 2023–2029. The proposed development would be visually obtrusive, would set a precedent for further inappropriate development in the vicinity of the site, it would fail to protect views and prospects, and seriously injure the visual amenities of its locality, contrary to the proper planning and sustainable development of the area.
3. It is considered that the revised site layout plan, submitted with the planning appeal, is contrary to Objectives SPQHO54, SPQHO55 and Table 14.9 of the Fingal County Development Plan 2023–2029, and has failed to demonstrate that a safe access to and from the proposed site, and of road users in general, can be provided in accordance with DN-GEO-03060 Standards, published by Transport Infrastructure Ireland.
4. the appellant has failed to provide the appropriate riparian buffer strip to the adjacent watercourse, as in required for new development in a rural location, in accordance with Objectives IUO26 and DMSO210 of the Fingal County Development Plan 2023–2029, 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.



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Adam Smyth  
Planning Inspector

28 November 2025

## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP-323592-25
<b>Proposed Development Summary</b>	Construction of a dormer dwelling, wastewater treatment system, percolation area, rainwater harvesting; new vehicular access to R127; landscaping and boundary treatment; and all associated site works
<b>Development Address</b>	Rallekaystown, Skerries Road, Lusk, Co. Dublin
<b>IN ALL CASES CHECK BOX /OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input 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 <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>      
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of</b>	



<b>proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road 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>	<b>State the Class and state the relevant threshold</b>
<input 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>	<b>State the Class and state the relevant threshold</b>
<b>2. 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"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: 

Date: 28 November 2025