



An
Coimisiún
Pleanála

Inspector's Report

ACP-323655-25

Development

Permission for demolition existing prefabricated dwelling and conversion of 3 prefabricated dwellings to storage unit, office unit, and canteen unit respectively. Retention for wind turbine and solar panel array and associated site works.

Location

Ballaghstown, Lusk, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/0572E

Applicant(s)

Kazimierz Andrzej Onuch

Type of Application

Permission and Retention Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Kazimierz Andrzej Onuch

Observer(s)

none

Date of Site Inspection

13th November 2025

Inspector

Aisling MacNamara

1.0 Site Location and Description

1.1. The site is situated in a rural area, which is characterised with one off rural dwellings and farmsteads and which is serviced by a narrow meandering country road, in Ballaghstown, Lusk, Co. Dublin. The site contains a glasshouse and there are number of portacabins, structures, vehicles and other materials on the site. Access to the site is via an entrance to the public road across a right of way.

2.0 Proposed Development

2.1. Permission is sought for the:

- demolition of 1 no. prefabricated dwelling (unit 2, 17.56sqm),
- conversion of 3 no. prefabricated dwellings to storage unit (unit 1, 15sqm), office unit (unit 3, 27.6sqm containing WC/ office/canteen) and canteen unit (unit 4, 35.5sqm containing kitchen/ seedling room).

2.2. Permission is sought for the retention of a wind turbine, a solar panel array and associated site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 20th August 2025, the planning authority made the decision to refuse permission and refuse retention permission for the proposed development for three reasons as follows:

1. The subject site is within the 'RU' zoning objective under the Fingal Development Plan, 2023-2029 the objective of which is 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.' Having regard to the lack of detail provided with respect to the exact nature and proposed use of the site, it is considered that insufficient information has been provided to fully assess if the proposed development would be compatible with the overall policies and objectives for the site and its

location within the RU Zoning Objective. To consider the proposed development in the absence of such detail would set an undesirable precedent for similar development and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of a serious traffic hazard as the required sightlines in accordance with TII DN-GEO-03060 cannot be achieved and there is no provision for safe navigation within the site for future users of the proposed facilities. Accordingly, the development as proposed would be substandard in nature and would endanger public safety by reason of a traffic hazard. Furthermore, the proposed development would be contrary to the requirements of Objective DMSO118 – Road Safety Measures of the Fingal Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.
3. The applicant has failed to adequately address concerns previously raised by the Water Services Section in relation to the proposed wastewater treatment arrangements on site. The applicant has not adequately demonstrated to the satisfaction of the Planning Authority that the foul drainage and surface water drainage system details are adequate. The proposal in its current form is prejudicial to public health and would result in a substandard form of development which would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Case Planner (dated 20.08.2025) recommended refusal of permission.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- F24A/0580E, ABP 320813 – Refuse Jan 2025 – permission for (1) removal of portion of existing outhouses, (2) construction of single storey detached dwelling house to include connection to existing septic tank and percolation area and associated site works. Refused for two reasons: (1) Site located in 'RU Rural' area – absence of evidence to demonstrate rural generated housing need in compliance with Fingal Rural Settlement Strategy – contravenes Policy SPQHP46 and objective DMSO44 of CDP; (2) Absence of documentary evidence to show safe access and egress including sightlines – therefore endangers public safety by reason of traffic hazard on substandard road at point where sightlines are restricted in west direction.
- F23A/0605 – Refuse – permission for retention of 4 no. prefabricated dwellings and associated site works. Refused for 5 reasons relating to (1) Site located in 'RU Rural' area – absence of evidence to demonstrate rural generated housing need in compliance with Fingal Rural Settlement Strategy – contravenes Policy SPQHP46 of CDP, contrary to objective 19 of National Planning Framework, (2) seriously injures the visual amenity of the rural area – substandard design and undesirable precedent; (3) substandard accommodation including floorspace, lack of internal storage and absence of private open space – poor quality living environment for residents and consequently seriously injures the residential amenity of the area, contravenes DMSO19 of CDP; (4) endangers public safety by reason of serious traffic hazard as sightlines cannot be achieved – contrary to DMSO118 of CDP; (5) insufficient information relating to on site waste water treatment – cannot conclude that the development would not cause serious

water pollution – would be a serious danger to human health and the environment.

- The Case Planner's report indicates that there is ongoing enforcement at the subject site. The cover letter submitted by the applicant refers to an active court order for the removal of the living accommodation on the site.

5.0 Policy Context

5.1. National policy and guidance

- National Planning Framework First Revision 2025
- Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031
- EPA Code of Practice 2021 Code of Practice for Domestic Waste Water Treatment Systems
- TII Standards DN-GEO-03060 Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions)

5.2. Fingal Development Plan 2023-2029

The following provisions are of relevance:

The site is located on lands zoned 'RU: Rural'

Objective description: *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.*

Objective 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.*

Permitted in principle – agricultural buildings, office ancillary to permitted use, utility installations

Section 13.4 relates to Ancillary Uses *Planning permission sought for developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale, should be considered on their merits irrespective of what category the ancillary development is listed in the zoning objectives, vision and use classes section of this chapter.*

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

The site is located in the landscape character type 'High Lying Agricultural' type which is of high landscape value and high landscape sensitivity.

Chapter 5 Climate Action

CAP13 Energy from Renewable Sources

Actively support the production of energy from renewable sources and associated electricity grid infrastructure, such as from solar energy, hydro energy, wave/tidal energy, geothermal, wind energy, combined heat and power (CHP), heat energy distribution such as district heating/cooling systems, and any other renewable energy sources, subject to normal planning and environmental considerations.

CAP15 Micro-Renewable Energy Production

Support and encourage the development of small-scale wind renewable facilities / micro-renewable energy production.

Chapter 7 Employment and Economy

EEP23 Rural Economy

Support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry.

EEP24 Protecting the Rural Landscape And Natural Heritage

Balance protecting the landscape and natural heritage of rural Fingal with the need to harness and promote economic opportunities associated with rural life such as agricultural, horticultural, tourism and rural-related economic uses.

EEP26 Rural Enterprise

EEP28 Agriculture

EEP29 Regenerative Farming and Community Supported Agriculture

EEP30 Agri Food Industry

EEP31 Fingal Agri-Food Strategy 2019–2021

EEO63 –Sustainable Agricultural Practices

Encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

EEO64 – Sustainable Horticultural Practices

Support and facilitate the development of environmentally sustainable horticultural practices

EEO79 Support and Facilitate Horticultural Development

Support and facilitate horticultural development in Fingal encouraging the establishment/ expansion of new enterprises where appropriate.

EEO80 Support and Facilitate Agri-business Growth

Support and facilitate the growth of agribusiness in Fingal and encourage agribusiness and support services which are directly related to the local horticultural or agricultural sectors in RB and FP zoned areas.

EEO83 Develop and Promote the Agri-food Sector

EEO84 Balance Economic Benefits of Agri-food Sector with Protection of the Rural Environment

Chapter 9 Green Infrastructure and Natural Heritage

GINHO59 – Development and Sensitive Areas

Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it: “Causes unacceptable visual harm.” “Introduces incongruous landscape elements.” “Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

Chapter 14 Development Management Standards

14.15.5 Agricultural Development

DMSO100 Agricultural Buildings

In the construction and layout of agricultural buildings, the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used, blend the development into its surroundings. The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to their surroundings in scale, materials and finishes. Buildings should relate to the landscape and not the skyscape. Traditionally this was achieved by having the roof darker than the walls.

DMSO101 Design of Agricultural Buildings

14.17.6 Road Safety

DMSO118 Road Safety Measures

Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

14.18.1 Tree Policy

DMSO126 Protection of Trees and Hedgerows during Development

DMSO127 Use of Native Species in New Developments

DMSO128 Demarcation of Townland Boundaries

5.3. Natural Heritage Designations

There are no designated sites for natural heritage located within or adjoining the site.

The closest European Sites are:

- Rogerstown Estuary SAC c 3.3km from the site
- Rockabill to Dalkey Island SAC c 5km from the site
- Rogerstown Estuary SPA c 3.3km from the site
- North-west Irish Sea SPA c 4km from the site

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- The appeal addresses each refusal reason.
- Submit that the proposed development represents a modest, sustainable and policy aligned adaptation of the existing horticultural holding. It will not endanger public safety, will not harm the rural landscape and will deliver meaningful economic and environmental benefits.
- Location and setting – site is north of Lusk, access via narrow rural road and private laneway, area is agricultural in character with glasshouses, arable fields and detached dwellings. Site is 0.553ha containing four prefabricated units, existing glasshouses and established horticultural operations. Mature

hedgerows enclose the site on several boundaries screening it from wider views.

- Planning history outlined – F25A/0526E(invalid), F24A/0580E Refused, F23A/0605 Refused. It is critical to distinguish these earlier refusals from the current proposal. The present application concerns ancillary agricultural and horticultural use. This change in functional purpose significantly alters the planning assessment.
- Policy framework noted – Site is zoned RU Rural – the objective is to protect and promote agriculture, rural enterprise, biodiversity and rural landscape. Relevant policies include CAP15 - support micro renewables, EEP23-31 - promote rural enterprise, agri food, regenerative farming, rural employment, EEO61, 80, 83, 84 – support agri business growth balanced with environmental protection, DMSO100-101 - protection and management of hedgerows. The proposed development directly serves the objectives of supporting rural enterprise, improving sustainability and facilitating renewable energy.
- The National Planning Framework encourages diversification of rural economies, sustaining rural communities and developing rural energy resources. The proposal aligns with these principles by maintaining horticultural operations, diversifying activities and incorporating renewables.
- The Regional Spatial and Economic Strategy (Eastern & Midland 2019-2031) supports rural employment, farm diversification, agri food. The application represents a practical implementation of these objectives.
- EPA Code of Practice 2021 – the proposal complies through updated septic and percolation arrangements.
- TII Standards (DN GEO 03060) – compliance with sightline requirements is achievable through modest works.
- Refusal reason no. 1 Zoning and use compatibility. Clarification provided – Unit 1 15sqm for storage of horticultural equipment and materials, unit 3 27.6sqm for office and canteen for staff engaged in horticulture, unit 4 35.5sqm kitchen and seedling preparation room. All uses are ancillary to

horticultural operations. None constitute independent office use. RU zoning supports rural enterprise and agriculture related diversification. Ancillary facilities that enable agricultural operations to function are permitted in principle. Reference made to precedent cases F98a/0843 and F08A/0195, F07A/0929, FW12A/0069, F19a/0357, F22a/0001. Conclusion - The refusal mischaracterised the proposal, the development is directly in line with zoning objectives and established precedent.

- Refusal reason 2 Traffic hazard. The entrance is on a narrow public road where speed limits can never exceed 30kmph. Existing agricultural entrance has been established in excess of 60 years. Sightlines can be improved on condition by trimming hedgerows and setting back the entrance in accordance with TII standards. Traffic generated is negligible, no more than 3-4 vehicle trips daily associated with staff. On site turning space has been provided, ensuring safe ingress and egress. Conclusion – road safety concerns are resolvable by condition. Refusal is disproportionate to scale and impact.
- Refusal reason 3 Wastewater and drainage. The canteen and office produce very minor wastewater load, comparable to a single domestic PE. The existing septic tank and percolation systems are capable of accommodating this load. Surface water continues to be directed into the irrigation system for sustainable reuse. Conclusion – Wastewater arrangements are adequate and not prejudicial to public health.
- Environmental and amenity assessment. Visual impacts – minimal as the units are low rise screened by hedgerows and glasshouses and are unobtrusive. Renewable energy contribution – The small wind turbine and solar array reduce reliance on fossil fuels in line with FCC climate objectives. Biodiversity – no habitat loss or negative impact on hedgerows, hedgerows will be maintained. Appropriate Assessment – no likely significant effects on Rogerstown Estuary SAC / SPA or Rockabill to Dalkey islands SAC. EIA Screening – The development is below statutory thresholds.
- Precedent analysis - planning applications of relevance listed - F98a/0843, F08A/0195, F07A/0929, FW12A/0069, F19a/0357, F22a/0001.

- Economic, social and community benefits – Rural diversification – secures viability of horticultural business, employment – provides modern, safe facilities for staff, climate action – renewable generation aligns with FCC climate strategy, local food security – strengthens agri food production and local supply chains, community value – sustains rural economy and landscape character.
- Draft Conditions – The applicant is willing to accept conditions such as limiting uses strictly to ancillary horticultural functions, upgrading the site entrance to meet TII sightlines standards, certification wastewater system by qualified engineer, time limited retention of prefabricated units pending future permanent structures, compliance with noise and height limits for turbine.
- Rebuttal of refusal reasons

Reason 1 – clarification demonstrates compatibility with RU zoning policy and precedent is established to support approval of permission,

Reason 2 – evidence shows existing agricultural entranceway serving substantial greenhouse predates current legislation on a narrow country road with slow travel speeds.

Reason 3 – Septic tank effluent load minimal. Each refusal reason is shown to be either based on incomplete information or resolvable through standard conditions.

- The proposed development is modest, policy compliant and is sustainable. It enhances the viability of an existing horticultural enterprise, provides renewable energy and contributes to the local economy. Concerns regarding zoning, access and wastewater can be regulated by condition.
- Request that ACP overturn the decision and grant permission and retention subject to reasonable conditions.

7.2. Planning Authority Response

The planning authority responded to the grounds of appeal as follows:

- The planning authority has no further comment on the appeal. In the event that the appeal is successful, provision should be made in the determination for applying a financial contribution and / or any special development contributions required in accordance with Fingal County Council's section 48 Development Contribution Scheme.

7.3. **Observations**

None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Access
- Wastewater and drainage
- Other matters

8.2. **Principle of development**

8.2.1. This is an application for the proposed demolition of one prefabricated dwelling unit (unit 2) and for the conversion of three prefabricated dwelling units to storage use for horticultural equipment and materials (unit 1), office/WC/ canteen for staff (unit 3) and kitchen and seedling preparation room (unit 4), including the retention of a small wind turbine, solar panel and associated site works. All uses are stated to be ancillary to the existing horticulture operations on the site. I note that as per site visit, unit 2 has been removed and is no longer on the site.

8.2.2. The cover letter submitted with the application states that the applicant wishes to extinguish the residential use of the prefabricated buildings on the property so that he may continue to operate the horticulture business at the location and provide

facilities for the operation of the business to include canteen and toilet facilities and storage ancillary to the greenhouse operation.

- 8.2.3. The planning authority refused permission for reason number 1 which states that insufficient information has been provided on the nature and use of the site to show that the development would be compatible with the Rural zoning objective and to consider the development, would be contrary to the proper planning and sustainable development of the area.
- 8.2.4. The applicant's appeal submission contends that the development enhances the viability of the existing horticulture business and that it is in accordance with the objectives of the County Development Plan to support agriculture and rural enterprise, that it aligns with climate action strategy for renewable energy and that there is established precedent which supports the proposed development.
- 8.2.5. The site is located within the rural area where the zoning objective in the Fingal County Development Plan (CDP) is to 'protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape and the built and cultural heritage'. The CDP contains many objectives to support the development of agricultural uses and rural enterprise and to support and facilitate horticulture and agri businesses (e.g. EEP23, EE079, EE080). I note objective Z04 in relation to 'ancillary uses' which states that developments ancillary to a parent use of a site are to be considered on their merits.
- 8.2.6. The site has been occupied by glasshouses for many years (google map imagery shows a glasshouse on the site dating back to 1995). That said, there is limited information in relation to the background and planning status of the glasshouse. There is no information or documentary evidence on file to show that the glasshouse is being actively farmed for horticulture use including details of operations and processes on the site, staff numbers, hours of operation etc.
- 8.2.7. The proposal is for storage of horticultural equipment, office and canteen for staff engaged in horticulture and kitchen and seedling preparation room. Whilst I am satisfied that horticulture and associated ancillary facilities are in principle, uses that are in accordance with the RU zoning objective, there is no documentary evidence to show that there is an existing horticulture business operating on the site and therefore no evidence is submitted to show that the additional subject facilities are

needed for the business. In this regard I also note there are a large number of structures on the site and no details are provided regarding their existing uses and why the new facilities and structures are required.

8.2.8. Without this information, I agree with the planning authority that the applicant has not demonstrated that the proposal which would result in the retention and conversion of the prefabricated units is acceptable. In the absence of documentary evidence to support the proposal, I consider that the proposal results in haphazard unsustainable development of the site and refusal recommended.

8.3. **Access**

8.3.1. The planning authority refused permission for reason number 2 which states that the proposed development is substandard and would endanger public safety by reason of traffic hazard as sightlines are not in accordance with TII standards TII DN GEO - 03060 and there is no provision for safe navigation within the site for future users and that the proposal is contrary to DMSO118 of the CDP which is to promote road safety and avoid traffic hazard.

8.3.2. The entrance to the site is from an established existing entrance at a bend on Ballaghstown Lane (L5270 local secondary) and in close proximity to a second bend to the west of the entrance. The road is a lightly trafficked road where near the site, vehicles travel at low speeds due to the narrow width and bend.

8.3.3. I note that under ABP320813 permission was refused for a reason relating to traffic hazard due to additional traffic movements on a substandard road at a point with restricted sightlines in a west direction. As viewed on site visit, it appears that a section of hedgerow has been removed from the western side of the entrance and replaced with a metal mesh fence along the boundary.

8.3.4. It is proposed to provide additional staff facilities and buildings, which amounts to intensification of use and traffic movements. I note that the appeal submission states that additional traffic generated is negligible amounting to 3-4 trips daily associated with staff.

8.3.5. No detailed survey drawings are submitted to show the location of the existing entrance, roadside boundary and available sightlines from the entrance and forward stopping distance of vehicles turning into the entrance. The appeal submission

states that sightlines can be improved by works such as trimming of hedge and setting back of entrance however no drawings are provided of any proposed works. In this regard I also note that the entrance and roadside boundaries are not within the red or blue site boundary. There are no drawings to show that the condition of the access road from the entrance to the site is of acceptable standard and that provision has been made for on site parking for staff that are to be served by the proposed development.

- 8.3.6. I am satisfied that there is a lack of documentary evidence to show that the entrance and the associated access and parking arrangements for the site can accommodate the traffic movements associated with the proposed development and that sightlines at the entrance are in accordance with TII standards and are acceptable. In the absence of this information, the proposed development would result in traffic hazard and would be contrary to objective DMSO118 which is to avoid the creation of traffic hazard.
- 8.3.7. I am not satisfied that these matters can be appropriately addressed via condition.

8.4. Wastewater and drainage

- 8.4.1. The planning authority refused permission for reason number 3 which states that it is not demonstrated that the foul drainage and surface water drainage system details are adequate and the proposal is prejudicial to public health and would be substandard development.
- 8.4.2. The drawings show proposed unit 3 with proposed canteen and existing bathroom and proposed unit 4 with kitchen. The application form states that proposed wastewater management and treatment is via existing septic tank system. The appeal submission states that surface water is directed into the existing irrigation system. No drawings or engineering details are provided of the effluent disposal and surface water disposal measures.
- 8.4.3. The appellant states that the canteen and office produce a minor wastewater load comparable to a single domestic PE, that the existing septic tank system is capable of accommodating the load.
- 8.4.4. The proposal is for additional facilities to accommodate staff. No drawings or engineering details are provided in relation to the existing septic tank system. It is not

clear that the system is of adequate standard and with capacity for additional loading associated with the proposed intensification of use. It is not clear that effluent can be disposed of in accordance with Environmental Protection Agency's Code of Practice for domestic wastewater treatment systems.

- 8.4.5. In the absence of documentary evidence being provided to show that the proposed effluent disposal and surface water measures are acceptable, the proposal would be prejudicial to public health and would compromise environmental quality.
- 8.4.6. I am not satisfied that this matter can be appropriately addressed via condition.

8.5. **Other issues**

- 8.5.1. Precedent analysis
- 8.5.2. I note the precedent analysis submitted by the appellant showing similar case types in order to support the subject application. In this regard, I consider that each application and development proposal is considered on its merits having regard to proper planning and sustainable development including the particular site context of the application site and the relevant objectives and policies in place at the time of the application.
- 8.5.3. Wind turbine and solar panels
- 8.5.4. The proposal is to retain solar panels and a wind turbine. These installations are on site however the drawings and details provided in the application are vague and lack detail. I note the CDP contains objectives to support the production of energy from renewable sources (CAP13, CAP 15). There is no information provided to show that the installations are in working order and operate in an acceptable manner in conjunction with a permitted use. In the absence of this information being provided, the retention of these installations would result in ad hoc haphazard development.
- 8.5.5. Visual amenity (potential new issue)
- 8.5.6. The site is located within a rural area with landscape character 'High Lying Agricultural' type which is of high value and high sensitivity. I note objectives EEP24 for the protection of rural landscape and GINH059 to ensure that new development does not impinge on the character of highly sensitive areas. The structures on the site are not visible from the road and due to the modest scale of the development

and its location within an existing farm complex, it is not highly visible in the surrounding area.

- 8.5.7. The entrance at the road is constructed with high concrete block piers with ornamental feature and metal gate. The western boundary is finished in metal mesh fencing. I am not satisfied that the design, materials and finish of the entrance and the treatment of the boundary are sympathetic to this rural location. I consider that the entrance design and treatment is not in keeping with the rural character of the surrounding area, adversely impacts on the visual amenity of the area and is contrary to objective DMSO100 which requires agricultural works to be sympathetic to their surroundings.
- 8.5.8. I note that this entrance is not included in the red site boundary and was in place at the time of the decision under ABP320813. The design of the entrance and visual impact was not raised as a refusal reason and as such I have not included this matter as a recommended refusal reason.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within nor adjacent to any European site. The closest European site is Rogerstown Estuary SAC and Rogerstown Estuary SPA c 3.3km from the site. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:
 - the small scale and nature of the development,
 - the distance to the Natura 2000 site network,
 - the absence of any significant hydrological and ecological connections between the proposed development and the Natura 2000 site network.

I consider that the proposed development would not be likely to have a significant effect on a Natura 2000 site in combination with other plans or projects and appropriate assessment is therefore 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 (WFD) which seek to protect and where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.
- 10.2. The site is located within the Palmerstown_SC_010 WFD sub catchment. The site is c 240m from the nearest river – the Palmerstown_010. The site overlays the Lusk-Bog of the Ring groundwater body which is of good WFD status and ‘at risk’.
- 10.3. The proposed development provides facilities for staff of the horticultural business. There is insufficient information to show that effluent from the proposed development can be collected and discharged on site in accordance with EPA standards. In the absence of this being provided, the proposed development poses a risk to the ground water body ‘Lusk-Bog of the Ring’ and would jeopardise the WFD objective to prevent the deterioration of the status of the groundwater and to protect groundwater.

11.0 Recommendation

I recommend that permission be refused for the proposed development.

12.0 Reasons and Considerations

1. The site is located on lands designated ‘RU Rural’ in the Fingal County Development Plan 2023-2029 where the objective is 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’. Having regard to the inadequate information provided regarding the use of the lands for horticultural farming, it has not been demonstrated that the proposed development is necessary to support the use of the lands for agriculture and rural related enterprise consistent with the zoning objective for the site. It is considered that the proposed development would be contrary to the objectives of the Fingal County Development Plan and would result in the

haphazard development of the site. The proposed development would therefore be contrary to proper planning and sustainable development.

2. In the absence of documentary evidence to show that the entrance and the associated access and parking arrangements for the site can accommodate the traffic movements associated with the proposed development and that sightlines are achievable at the entrance at a point on a substandard road, it is considered that the proposed development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. In the absence of information regarding the existing on site septic tank system, there is insufficient evidence to show that this system is of adequate standard and that it can accommodate the loading from the proposed development and that effluent can be treated and disposed on site in an acceptable manner. Furthermore, there is insufficient evidence to show that surface water is collected and disposed of in an acceptable manner. The proposed development would therefore be prejudicial to public health. In the absence of the applicant demonstrating that effluent can be disposed of from the proposed development in an acceptable manner, the proposed development poses a risk to groundwater quality and would jeopardise the Water Framework Directive objective to protect groundwater.

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.

Aisling Mac Namara
Planning Inspector

19th December 2025

Form 1 - EIA Pre-Screening

| | |
|---|---|
| Case Reference | 323655 |
| Proposed Development Summary | Demolition of existing prefabricated dwelling Conversion of three prefabricated dwellings to storage unit, office units and canteen unit, Retention of wind turbine Retention of solar panel Site works |
| Development Address | Ballaghstown, Lusk, Co.Dublin |
| In all cases check box /or leave blank | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <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. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. | |

| | |
|--|--|
| EIA is Mandatory. No Screening Required | |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | 3(i) installation for harnessing of wind power |

| | |
|---|---|
| 4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)? | |
| Yes <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

| | |
|---|--|
| Case Reference | 323655 |
| Proposed Development Summary | Demolition of existing prefabricated dwelling Conversion of three prefabricated dwellings to storage unit, office units and canteen unit, Retention of wind turbine Retention of solar panel Site works |
| Development Address | Ballaghstown, Lusk, Co.Dublin |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | - proposed horticulture (agriculture) use and associated works is compatible with other uses in the area, - modest size and intensity of development, - no significant use of natural resources or production of waste, - no significant risk of pollution or nuisance, - no significant risk of accidents /disasters to human health. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | - rural site, - local ecology only on site, - no built heritage, - no designated sites at the site, - no water features on the site, - a high landscape value and sensitivity |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the following: - nature and scale of the development, - lack of significant environmental sensitivities on the site, - absence of any significant in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. x | EIA is not required. |

| | |
|--|--|
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Water Framework Directive Screening

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING | | | | | | | |
|--|---|-------------------------------|--------------------------------|---|---|--|--|
| Step 1: Nature of the Project, the Site and Locality | | | | | | | |
| An Bord Pleanála ref. no. | 323655 | Townland, address | Ballaghstown, Lusk, Co. Dublin | | | | |
| Description of project | Demolition prefabricated dwelling. Conversion of three prefabricated dwellings to storage unit, office unit, canteen unit. Retention of solar panel and wind turbine. | | | | | | |
| Brief site description, relevant to WFD Screening, | Site within rural area. | | | | | | |
| Proposed surface water details | No details | | | | | | |
| Proposed water supply source & available capacity | Public mains | | | | | | |
| Proposed wastewater treatment system & available capacity, other issues | Existing septic tank system | | | | | | |
| Step 2: Identification of relevant water bodies and Step 3: S-P-R connection | | | | | | | |
| Identified water body | Water body name(s) (code) | Distance to (m) | WFD Status | Risk of not achieving WFD Objective e.g. at risk, review, not at risk | Identified pressures on that water body | Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) | |
| River | Palmerstown_010 | 240m | Poor | Review | - | no | |
| Groundwater | Lusk-Bog of the Ring | underground | good | At risk | Agriculture, anthropogenic pressures | run off, drainage | |
| Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage. | | | | | | | |
| CONSTRUCTION PHASE | | | | | | | |
| No. | Component | Waterbody receptor (EPA Code) | Pathway (existing and new) | Potential for impact/ what is the possible impact | Screening Stage Mitigation Measure* | Residual Risk (yes/no) Detail | Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in |

| | | | | | | | | |
|------------------------------|--------|----------------------|----------------------|--|--|-----|-----------------|--|
| | | | | | | | | or 'uncertain' proceed to Stage 2. |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| OPERATIONAL PHASE | | | | | | | | |
| | ground | Lusk-Bog of the Ring | Storm water drainage | none - storm water is clean uncontaminated | On site irrigation | no | Screened out | |
| | ground | Lusk-Bog of the Ring | effluent | pollution | Insufficient information regarding effluent disposal | yes | There is a risk | |
| DECOMMISSIONING PHASE | | | | | | | | |
| | N/A | | | | | | | |