



An
Coimisiún
Pleanála

Inspector's Report

ACP-323670-25

Development

Dormer style dwelling, advanced waste water treatment system and percolation area, new entrance walls and piers, and all ancillary site development works.

Location

Wimbletown, Ballyboughal, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/0408E

Applicant(s)

Damian Murphy

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Damian Murphy

Observer(s)

None

Date of Site Inspection

10th December 2025

Inspector

Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination.

Appendix 2 – Screening for Water Framework Directive Assessment Determination.

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Wimbletown and in the rural cluster of Wimbletown South, Ballyboughal, Co. Dublin, c. 1.8km to the west of the M1 motorway. It is accessed on its west side from an unnamed local road (60km/hr speed limit) which connects the L-1080 Hollywood Road to the R-129 regional road. The wider area is rural in character, relatively flat and features a mix of agricultural farmland and one-off housing in a variety of sizes and designs. The town of Lusk is 4.5km to located the east.
- 1.2. The site is adjoined to the north by a 1.5-storey detached dormer dwelling, to the south by the large side garden of a detached dormer bungalow, and to the east by agricultural fields. There are 2 no. further dormer detached dwellings on the opposite side of the road.
- 1.3. The site has c. 35m of road frontage with this boundary being defined by wooden fencing and in part by an overgrown drainage ditch. The existing entrance to the site (via an agricultural gate) is located in a setback position on its north-west corner.
- 1.4. The rectangular site, which is stated to be 0.18ha in area, is enclosed by a mature hedgerow and trees on its south side. It is delineated by a low post and rail fence on all other sides. The site itself is partially gravelled with grass and low vegetation on the remainder and it features a mobile home.

2.0 Proposed Development

- 2.1. The development for which permission is sought comprises of:
 - (i) a 3-bed dormer style dwelling (c. 230sq.m) with pitched roof profile (max. height 6.9m).
 - (ii) advanced wastewater treatment system and percolation area (to east of house).
 - (iii) surface water soakaway (to west of house).
 - (iv) new entrance walls and piers on the north-west boundary of the site.
 - (v) all ancillary site development works, planting and landscaping.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 21/08/2025 for 1 no. reason:

1. The proposed development is located on 'RU- Rural' zoned lands. Proposals for new residential development on 'RU' zoned lands are subject to the Council's Rural Settlement Strategy, as set out in the Fingal Development Plan 2023-2029. The applicant has already received permission for a dwelling under the Rural Settlement Strategy at Kileek under planning reference number F95A/0879 and cannot receive more than one house under this provision. The applicant has failed to demonstrate compliance with Sections 3.5.15.3 and 3.5.15.5 of the Fingal Development Plan 2023-2029 for proposals for new residential dwellings on rural zoned land. Consequently, based on the information submitted, the Planning Authority are not satisfied the applicant has demonstrated fully comply with Objective SPQHO81; Table 3.5 or the Rural Settlement Strategy of the Fingal Development Plan 2023-2029. The proposed development therefore contravenes objectives of the Fingal Development Plan 2023-2029 and the Council's Rural Settlement Strategy and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

Planner's Report (26/06/2025) – Initial Application Stage

Key points of note raised in the report are as follows:

- *Principle of development* - proposal for a dwelling compliant with 'RC – Rural Cluster' designation.
- *Rural Settlement Strategy* – applicant has submitted sufficient information to demonstrate that they have lived in locality for a continuous period over 10 years.

- *Residential Standards* – is compliant with Section 14.8 (Housing Development Standards), Section 14.8.1/ Objective DMSO19 (Housing Quality Standards) and Objective DDMSO27 (Min. Private Open Space).
- *Visual Amenity* – design, scale and siting of proposal in-keeping with character of neighbouring properties in the rural cluster.
- *Residential Amenity* – proposal is adequately separated from neighbouring properties and will be visually screened from same by existing/ new boundaries.
- *Parking* – scope to provide for bike parking in-curtilage and proposal for 2 no. car parking spaces is acceptable on account of peripheral rural location.
- *Sightlines* – proposed 70m sightline to south of entrance is not in compliance with the requirements of TII DN-GEO-03060 and proposed 90m sightline to north is obstructed by a roadside verge (on the neighbouring property). **Further Information Requested.**
- *Vehicular Access* – proposed 3m width is substandard and 4m is required for optimum pedestrian/ vehicular visibility. **Further Information Requested.**
- *Water Services* – Site not at flood risk. PA satisfied with water supply (new - public mains) wastewater (new - advanced wastewater treatment system & percolation area) and surface water (soakpit) management proposals and recommend standard conditions.
- *Trees & Hedgerows* – the potential to retain on site trees and existing hedgerows along south, west and north boundaries should be explored in compliance with Table 14.9, and Objectives SPQHO90 and SPQHO91 and the proposed removal of part of western roadside boundary to facilitate the vehicular access should be compensated for by planting of new native hedgerow (secured by condition).

A request for Further Information (FI) issued on 26/06/2025 in relation to 1 no. item.

The applicant's response to the FI request was received on 25/07/2025 and consisted of a cover letter, a speed survey report and a revised site layout plan with contiguous elevations and entrance details. The response was not found to be significant.

Planner's Report (21/08/2025) – Further Information Stage

This report provided an assessment of the FI received as follows:

- *Item 1 (Sightlines and Vehicular Access Width)* – RFI response acceptable subject to conditions, on basis of 4m access width between piers and proposed 70m (south)/ 90m (north) sightlines on the basis of FI design speed survey undertaken which found that the ambient design speed of the section of road adjoining the appeal site is 48.2km/hr in both directions over a 7-day period. It is also noted that grass verge to north adjoins a property in ownership of Council and that they maintain the verge with no further requirement to setback/ cutback existing roadside hedging noted.
- *Other Matters* – a note in the PA's FI report states that it has come to the PA's attention (in the period since the FI request issued) that the applicant was previously granted planning permission for a rural dwelling at Killeek Lane, St. Margaret's under P.A. Ref. F95A/0879 (ABP Ref. 06F.099070) – notwithstanding that this information was not provided by the applicant as part of their submitted documentation. On this basis they fail to comply with Fingal Rural Settlement Strategy. **Permission refused on this basis.**

3.2.2. Other Technical Reports

Initial Application Stage

Water Services (12/06/2025) – proposals acceptable subject to conditions in respect to design of soakaway & to ensure onsite WWTS complies with EPA Code of Practice.

Transportation Planning (18/06/2025) – further information sought in respect to sightlines and their compliance with TII standards; works within visibility splays; and, increasing size of proposed vehicular access.

Parks & Green Infrastructure Division (09/06/2025) – proposals acceptable subject to conditions re: protection of retained boundaries during construction and timing of planting of replacement native hedgerows.

Further Information Stage

Transportation Planning (29/07/2025) – revised 4m entrance width and sightline proposals acceptable subject to standards conditions re: ongoing maintenance etc.

3.3. Prescribed Bodies

Dublin Airport Authority (12/06/2025) – residential development at this location may militate against the achievement of the airport's noise abatement objective (when noise mitigation measures are excluded), may require the applicant to undertake a noise impact assessment. The DAA also seek that the issue of noise and implementation of noise mitigation is addressed by condition.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. F06A/0778 (PL06F.219148) – application by Gabrielle Kennedy for a 3-bed detached dormer bungalow dwelling with biocycle sewage treatment works and a new vehicular entrance, refused permission on 28/02/2007 for 1 no. reason: non-compliance with rural settlement strategy.

P.A. Ref. F04A/0787 – application by Gabrielle Kennedy for a 4-bed detached dormer bungalow dwelling with biocycle sewage treatment works and a new vehicular entrance, refused permission on 28/02/2007 for 4 no. reasons: non-compliance with rural settlement strategy; scale & visual incongruity; traffic safety; and, pollution to groundwater arising from WWTS.

4.2. Neighbouring Site (to north)

P.A. Ref. F24A/0077 – application for construction of a 2-storey detached dwelling, detached garage, installation of a wastewater treatment system, proposed entrance off the public road and ancillary site works at Wimbletown, Ballyboughal, granted permission on 04/07/2024 subject to 16 no. conditions.

4.3. Applicant's Previous Dwelling

P.A. Ref. F95A/0879 (ABP Ref. 06F.099070) – application by D. Murphy for a dormer bungalow and small treatment plant at Killeek Lane, St. Margarets refused by PA and

granted on appeal on 03/10/1996 subject to conditions following a first party appeal by Damian Murphy.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (NPF) (2025): NPO 24: housing in rural areas under urban influence & 28: siting and design criteria for rural housing.

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas and protected species.

Our Rural Future Rural Development Policy 2021-2025.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) - sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007) – residential quality standards.

Sustainable Rural Housing Guidelines for Planning Authorities (2005) – Chapter 4 development management guidance.

5.2. **Other National Guidance**

EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021).

5.3. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – Rural Areas:

- RPO 4.80: provision of single houses in rural areas under strong urban influence based on consideration of demonstrable economic or social need.
- RPO 4.81: siting and design criteria for rural housing.

5.4. Development Plan

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

Zoning

The site zoning designation is 'RC - rural cluster' with the objective to 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'. The site is also located within a 'Highly Sensitive Landscape'.

Rural Settlement Strategy

Section 3.5.15 (Housing in Rural Fingal)

Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need) – states that residential development in areas zoned RU, HA, GB and RC which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource. The countryside for the purposes of this section of the Plan are those areas with the rural zoning objectives identified as Rural (RU), Greenbelt (GB) and High Amenity (HA). Rural-generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County.... No individual applicant will receive planning permission for more than one house. [cited in RR].

Section 3.5.15.5 (New Housing for the Rural Community other than those who are Actively Engaged in Farming): New dwellings will be considered in areas of Fingal which have a RU or GB zoning objective for members of the rural community who are not involved in farming. [cited in RR].

Objective SPQHO81 – RU and GB lands Permit new rural dwellings in areas which have zoning objectives RU or GB on suitable sites where the applicant meets the criteria set out in Table 3.5. [cited in RR].

Table 3.5. Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing [cited in RR].

Policies CSP46 and SPQHP46 – Rural Settlement Strategy: Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing

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

Rural Clusters

Policy SPQHP54 and Section 3.5.15.2 (Rural Clusters): Settlement within the Rural Clusters is open to members of Fingal rural community who demonstrate a rural-generated housing need.

Section 14.12.6 (Development in Rural Clusters): Applications for dwelling units within the County's Rural Clusters will be permitted to members of the Fingal Rural Community who can demonstrate a rural generated housing need defined as either:

- o Persons currently living and who have lived continuously for the past ten years or have previously lived for a minimum of ten continuous years, or
- o Persons working continuously for the past ten years, Within areas of the County currently zoned rural.

These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB), or High Amenity (HA).

Applications for development shall demonstrate compliance with the drainage and design standards required for on-site water-water treatment systems set out under Section 14.20.2 Rural Housing – Wastewater Treatment where a connection to public waste-water infrastructure is not available. Where a connection to public wastewater infrastructure is available, the overall site area shall not be less than 0.125 hectares.

Policy CSP47 – Rural Clusters: Promote appropriate sustainable growth of the Rural Clusters balanced with carefully controlled residential development in the countryside.

Objective CSO77 and Policies CSP46 & SPQHP46 – direct demand to rural clusters.

Objective SPQHO65 – consolidation of rural housing within existing rural clusters.

Objective SPQHO67 – have regard to existing character and role of the rural cluster.

Objective SPQHO68 – do not compromise development potential of adjoining sites.

Housing Design Guidance

Sections 14.12.1 (Design Criteria for Rural Villages and Rural Clusters).

Section 14.8 (Housing Development Standards), Objective DMSO19 (Housing Quality Standards) and Objective DDMSO27 (Min. Private Open Space).

Table 14.9 (Design Guidelines for Rural Dwellings).

SPQHO75 (Houses Granted Permission in RU, HA or GB Zoned Areas).

Other

Section 14.18 (Green Infrastructure and Natural Heritage).

Objectives SPQHO69 – Vehicular Entrances and SPQHO90 - Entrances and Front Boundary Treatment.

Objective CMO47 – Road Safety and Rural Roads: Prioritise safety on rural roads and junctions, while having regard to the protection of biodiversity, Green Infrastructure and rural character present in roadside trees, hedgerows and banks.

Objective SPQHO91 - Retention Hedgerows and Other Distinctive Boundary Treatments: Ensure the retention of hedgerows and other distinctive boundary treatments in rural areas. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary/provision of agreed species of similar length will be required within the site

Objectives DMSO125 – Management of Trees and Hedgerows, Objective DMSO126 – Protection of Trees and Hedgerows during Development and Objective DMSO140 – Protection of Existing Landscape.

Objective SPQHO66 and Section 14.20.2 (Rural Housing – Wastewater Treatment).

Section 11.9.2 (Noise), Table 8.1 and Objectives DAO11 – Requirement: Noise Insulation and DMSO105 – Development within Airport Noise Zones.

Table 14.19: Car Parking Standard – Zone 2: Max. 2 no. with 1 no. visitor space.

6.0 Natural Heritage Designations

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

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

- Rogerstown Estuary SAC (Site Code 000208) - approx. 5km
- Rogerstown Estuary SPA (Site Code 004015) - approx. 5km

- Malahide Estuary SAC (Site Code 000205) - approx. 8km
- Malahide Estuary SPA (Site Code 004025) - approx. 8km
- North-West Irish Sea SPA (Site Code 004236) – approx. 10km
- Skerries Islands SPA (Site Code 004122) – approx. 10km
- Rockabill to Dalkey Island SAC (Site Code 003000) - approx. 11km
- Rockabill SPA (Site Code 004014 – approx. 12km.

The site is also proximate to the following Natural Heritage Areas and proposed Natural Heritage Areas:

- NHA: 001218 - Skerries Islands
- pNHA: 000208 - Rogerstown Estuary
- pNHA: 002000 - Loughshinny Coast
- pNHA: 000205 - Malahide Estuary
- pNHA: 001203 - Knock Lake
- pNHA: 001204 - Bog Of The Ring

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and 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.

8.0 Water Framework Directive Screening

I have concluded, 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 (refer to form in Appendix 2 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (16/09/2025) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

Response to Refusal Reason

Procedural/ Assessment Issue

The PA assessed the proposal under the incorrect rural area policy (Sections 3.5.15.3 - Fingal Rural Settlement Strategy Rural Generated Housing Need and 3.5.15.5 - New Housing for the Rural Community other than those who are Actively Engaged in Farming). It should have been assessed under Section 3.5.15.2 – Rural Cluster (and related policy). In accordance with rural cluster policy, the appellant fully qualifies for a rural housing need on the basis that they have been resident in the locality for over 10 years/ the proposal is not a speculative development, and the PA were satisfied that the proposal satisfied all relevant rural cluster requirements re: location, siting, design, safe access and servicing etc.

Permission Granted to Applicant for Another Fingal House Previously

Had proposal been assessed under the correct policy provision, the fact that the applicant was granted planning permission for a previous house in Fingal would not have been an issue on basis that receiving planning for more than 1 no. house is not a criterion for disqualification.

Personal Circumstances

The GOA seek to draw the Commission's attention to the relationship status/ recently changed family circumstances of the applicant as a justification for their rural generated housing need and to the discriminatory nature of rural housing policy in this regard.

Other

The GOA draw attention to the general lack of housing/ affordable housing to purchase in the Fingal area.

9.2. Planning Authority Response

Response received 16/10/2025 states that the PA have no comments to make in respect of the appeal and seeks that the Commission uphold decision to refuse permission. In the event that their decision is overturned by the Commission, the PA seek that, where relevant, conditions relating to the payment of a financial contribution and/ or special development contribution under FCC's Section 48 Development Contribution Scheme be applied and that a tree bond also be sought where required.

9.3. Observations

Dublin Airport Authority (DAA) (13/10/2025) – seeks to draw the Commission's attention to its observation of 12/06/2025 made at planning application stage (as summarised in Section 3.3 of this report) which, in brief, sought that the issue of noise and implementation of noise mitigation is addressed by condition.

9.4. Further Responses

None received.

10.0 Assessment

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

- Principle of Development
- Other Matters

10.1. Principle of Development

10.1.1. The PA's refusal reasoning refers to the zoning of the appeal site being 'RU – Rural' and cites the appellant's failure to comply with Sections 3.5.15.3 and 3.5.15.5, Objective SPQHO81 and Table 3.5 of the FDP (which relate to proposals for housing on rural zoning objectives Rural (RU), Greenbelt (GB) (and High Amenity (HA)) only).

10.1.2. The GOA contend that the PA assessed the proposal under the incorrect rural settlement and housing policy and draw attention to the appellant's personal circumstances as a means to justify their rural housing need.

10.1.3. I note that the site is zoned 'RC – Rural Cluster' with the objective to 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'. The principle of developing a house on a site with the RC land use zoning is acceptable subject to the applicant satisfactorily demonstrating a rural generated housing need in compliance with Policy SPQHP54 and Section 3.5.15.2 (Rural Clusters) which provide that settlement within such clusters is open to members of Fingal rural community who demonstrate a rural-generated housing need, and with Section 14.12.6 (Development in Rural Clusters). For the purposes of this appeal, the latter policy need can be defined as "Persons currently living and who have lived continuously for the past ten years or have previously lived for a minimum of ten continuous years...within areas of the County currently zoned rural. These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB), or High Amenity (HA)".

10.1.4. The appellant has submitted a range of documentation to support their establishment of rural generated housing need. These documents include:

- a completed Fingal Local Need Form with details of the applicant's residency at a property known as 'Low Wood', Killeek Lane, St. Margaret's, Co. Dublin (which is located on lands zoned 'GB – Green Belt'), for a period of 29 no. years.
- a letter from a Solicitor (date 09/04/2025) and related legal/ conveyancing documentation stating that the appellant will not own any residential property following the completion of the sale of the aforementioned property which is in their part ownership (and another property at The Forge, Killeek Lane, St. Margaret's, Co. Dublin where they are a full owner).
- a copy of the appellant's birth certificate and passport.
- appellant's utility bill for Low Wood for the period January – March 2025.
- a Revenue statement of account for Low Wood for period 2014-2024 and property history summary for period 2012-2025.
- an insurance letter addressed to the applicant at Low Wood dated July 2023.

- various bank statement dated September 2023, June 2018, November 2016 and March 2015 all addressed to the applicant at Low Wood.

10.1.5. Having reviewed the information submitted, I am satisfied that sufficient evidence has been provided to show that the applicant is a person who has lived continuously for the past ten years/ for a minimum of ten continuous years within an area of the county currently zoned rural (and specifically 'GB – greenbelt') in compliance with Fingal's rural cluster policy on the demonstration of rural generated housing need.

10.1.6. In respect to the issue of whether or not the applicant previously received planning permission for another housing in the Fingal area (as cited in the PA's refusal reasoning), I note that the restriction "No individual applicant will receive planning permission for more than one house" only applies to proposals on Rural (RU), Greenbelt (GB) and High Amenity (HA) zoned lands (under Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need)). It does not apply to applications for housing on lands zoned 'RC - Rural Cluster' as per the policy guidance under Section 14.12.6 (Development in Rural Clusters). Having regard to Objective SPQHO75, I would also note that there is no requirement to apply a Section 47 occupancy requirement to a new house on RC zoned lands.

10.1.7. In light of the foregoing, I consider that the PA's refusal reasoning has been addressed and overcome.

10.1.8. The appellant raises an issue with what they perceive to be the discriminatory nature of Fingal's rural housing policy. I would note that concerns in respect to the qualification requirements for rural housing under the current FDP are a matter for the PA.

10.2. Other Matters

Siting and Design

10.2.1. The PA were satisfied that the siting of the proposed house respected the existing building line and did not give rise to ribbon development on account of its infill nature, and they were also satisfied as to its design and materiality. Having regard to the requirements of Table 14.9 (Design Guidelines for Rural Dwellings), to Sections 14.12.1 (Design Criteria for Rural Villages and Rural Clusters) and to rural cluster Objectives SPQHO65, SPQHO67 and SPQHO68, I am satisfied that the location of

the proposal gives rise to appropriate consolidation within the rural cluster of Wimbletown South and that the design, scale and siting of the proposed dwelling respects the established character of the area. I also consider that there is no potential for the proposal to give rise to negative impacts on neighbouring residential amenities on account of its orientation, 1.5 storey dormer height/form and c. 9.5m-c. 12.6m setback from party boundaries.

Access and Sightlines

- 10.2.2. I note that the substandard 3m width of the proposed vehicular access was addressed, to the satisfaction of the PA, as part of the appellant's RFI proposal which provided for a 4m wide ope in compliance with the requirements of Objectives SPQHO69 – Vehicular Entrances and SPQHO90 - Entrances and Front Boundary Treatment.
- 10.2.3. The issue of sightlines was also addressed to the satisfaction of the PA at FI stage whereby the proposed 70m sightline to the south (of the vehicular access) was justified with regard to a design speed survey undertaken which found that the section of road adjoining the appeal site had an ambient speed of 48.2km/hr in both directions over a 7-day period (i.e. below the 60km/hr design speed of the road which requires sightlines of 90m to the nearside edge of the road). Having reviewed the information on file in this regard, I am satisfied that the proposal for a 70m sightline on a road with an average speed of c. 50km per hour is compliant with the guidance set out in Table 5.5 of TII DN-GEO-03060.

Servicing

- 10.2.4. I note that the dwelling's proposed water supply, surface water and foul drainage arrangements and compliance with the EPA's Code of Practice (2021) for this infrastructure, were determined to be acceptable to the PA at initial application stage with no subsequent issues in relation to same being raised in the GOA or in the responses to same.

Parking

- 10.2.5. The applicant has proposed 2 no. car parking spaces which is fully compliant with FDP Table 14.19: Car Parking Standards which allows for a max. of 3 no. spaces in the case of 3-bed dwellings. Notwithstanding this compliance, I note that this is a rural dwelling.

Boundaries

10.2.6. The PA's Parks and Green Infrastructure Division sought that the potential to substantially retain the site's substantial existing south, west and north boundaries (comprising of trees and mature hedgerows) be explored by the applicant but were also amenable to the removal of part of western roadside boundary to facilitate the vehicular access.

10.2.7. I wish to draw the Commission's attention to the fact that I observed no hedgerows along the site's western or northern boundaries during my site inspection, with their removal having taken place at some stage in the intervening period between the making of the application and appeal.

10.2.8. I note the FDP policy support for the retention and protection of hedgerows under Objectives DMSO125, DMSO126 and DMSO140 and SPQHO91 and also Objectives CMO47 (Road Safety and Rural Roads) and SPQHO69 (Vehicular Entrances in Rural Clusters) which allow for the limited removal of hedgerows to facilitate sightlines where they are replaced with the same type of boundary. In light of the foregoing, and in the interests of biodiversity and rural visual amenity, I consider it appropriate that these boundaries be reinstated. On this basis, I recommend the attachment of a condition to require the reinstatement of hedgerows utilising only native plant species along the site's northern and western boundaries where the Commission are minded to grant permission.

Residential Standards

10.2.9. Having reviewed the information on file, I am satisfied that the proposal complies with the applicable standards and requirements in relation to floor areas, room sizing and dimensions, storage, private open space, design and siting etc. set out under the 2005 and 2007 Housing Guidelines and with FDP Objectives DMSO19 – New Residential Development and DDMSO27 (Min. Private Open Space – 60sq.m for a 3-bed house) and Section 14.8 (Housing Development Standards).

Noise

10.2.10. As detailed in Section 5.4, the site is located in Dublin Airport Noise Zone D with Objective DAO11 requiring the provision of noise insulation measures in this location where deemed necessary. The applicant did not provide any information in respect to

proposed noise mitigation measures and the DAA sought that this issue be addressed by condition. I am satisfied that this is a minor design detail which is capable of being addressed by condition where the Commission are minded to grant permission.

11.0 AA Screening Determination

- 11.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 11.1.2. The appeal site is located c. 5km from Rogerstown Estuary SAC (Site Code 000208) and Rogerstown Estuary SPA (Site Code 004015), there are no watercourses on or immediately adjoining the site, with the closest watercourses being tributaries of the Ballough Stream (EPA Code IE_EA_08B031600), which are located c. 200m to the north and c. 400m to the south of the appeal site (and separated from the appeal site by a bank of agricultural land and intervening rural housing) and which connect to the aforementioned SAC and SPA.
- 11.2. I am satisfied that, due the significant separation distance and hydrological buffer, these Natura 2000 sites would not be within the zone of influence of a development of this nature and scale.
- 11.1. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
 - The small scale and residential nature of the development,
 - The distance of the development from European Sites, the nature of intervening habitats, and the absence of significant ecological pathways to any European Site.
- 11.2. I conclude, on the basis of objective information, that the proposed development would not have likely significant effects on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

13.0 Reasons and Considerations

Having regard to the location of the site on lands zoned 'RC – Rural Cluster' with the objective to 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster' and to the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029, and specifically to Policy SPQHP54, Section 3.5.15.2 and Section 14.12.6, and to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 25th July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	(i) Prior to the commencement of development, continuous hedges of indigenous species (consisting of a mix of at least three of the following species – Hawthorn, Blackthorn, Hazel, Holly, and Guelder Rose) shall be planted along the site's western and northern boundaries. Details to be submitted for the written agreement of the planning authority, which shall

	<p>include details of the location, number and species to be planted, timescale for implementation and proposals for replacement planting where failures occur in the first planting season following substantial completion of the development.</p> <p>(ii) the hedging along the site's southern boundary (as indicated on the Site Layout Plan, (Drawing No. 1473-P-002)), shall be fully protected in accordance with BS 5837:2012 – Trees in Relation to Design, Demolition and Construction Recommendations.</p> <p>Reason: In the interest of biodiversity and the visual amenities of the area.</p>
3.	<p>(i) The proposed site entrance shall have a width of 4m between piers. The vehicular entry-splay (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a bound road material or other suitable material to a detail approved by the Council.</p> <p>(ii) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by TII DN GEO-03060 (Current Edition) and as per the submitted Site Plan) exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility splays.</p> <p>(iii) Any works to the public road carriageway to facilitate the development and any repairs to the public road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Councils' standards for taking-in-charge and to the satisfaction of the Council.</p> <p>(iv) The roadside verge and hedgerow shall be cut and maintained by the owner/occupier indefinitely ensuring necessary sightlines are maintained. The roadside verge bounding the site shall be maintained as a level grass verge.</p> <p>(v) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road surface.</p> <p>(vi) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the Developer's own expense and</p>

	<p>according to the requirements of the relevant utility service provider/service owner/statutory undertaker.</p> <p>Reason: To ensure adequate provision of water and wastewater facilities.</p>
4.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>(c) The percolation area serving the proposed development shall maintain a separation of at least 10m from the drainage ditch running along the western boundary of the site.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
5.	<p>(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report lodged with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>

<p>6.</p>	<p>Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone D.</p> <p>Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 and Objective DAO11 of the Fingal Development Plan 2023-2029.</p>
<p>7.</p>	<p>All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p>Reason: In the interest of amenity.</p>
<p>8.</p>	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
<p>9.</p>	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Gosnell
Planning Inspector
19th December 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323670-25
Proposed Development Summary	House and associated site works.
Development Address	Wimbletown, Ballyboughal, 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.	
<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	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit. Part 2, Class 1(a) - (rural restructuring/ hedgerow removal) – site boundaries.

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	ACP-323670-25
Proposed Development Summary	House and associated site works.
Development Address	Wimbletown, Ballyboughal, 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).	The development is for 1 no. rural dwelling house and related works and it comes forward as a standalone project, and it does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

<p>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).</p>	<p>The development is situated on a greenfield site adjoining another detached dwelling at Wimbletown, Ballyboughal, Co. Dublin.</p> <p>Tributaries of the Ballough Stream are located c. 200m to the north and c. 400m to the south of the appeal site. Rogerstown Estuary SAC (Site Code 000208) and Rogerstown Estuary SPA (Site Code 004015) are both located c. 5km away.</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan.</p>
<p>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).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction/ Site Clearance Works	Best Practice Construction/ Site Management.	Best Practice Construction/ Site Management.	N/A	N/A	Yes
Surface Water measures	Standard, best practice design, installation and maintenance.	Standard, best practice design, installation and maintenance.	N/A	N/A	Yes
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction/ Site Clearance Works	Best Practice Construction/ Site Management.	Best Practice Construction/ Site Management.	N/A	Yes
Surface Water (existing)	Standard, best practice design, installation and maintenance.	Standard, best practice design, installation and maintenance.	N/A	Yes
On-site wastewater treatment system that will discharge to groundwater	Attachment of condition to ensure that the design and installation of the proposed WWTS complies with EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021).	Attachment of condition to ensure that the design and installation of the proposed WWTS complies with EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021).	N/A	Yes

