



An
Coimisiún
Pleanála

Inspector's Report

PL-500007-DF

Development

Construction of food hut with all associated site works

Location

The Strawberry Hall Car Park, Lower Road, Astagob, Strawberry Beds, Dublin 20

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW25A/0303E

Applicant(s)

Declan Cummins

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Declan Cummins

Observer(s)

None

Date of Site Inspection

2nd December 2025.

Inspector

Barry Diamond

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	7
5.0	Policy Context	8
6.0	EIA Screening	10
7.0	The Appeal	10
8.0	Material Contravention	13
9.0	Assessment	14
10.0	AA Screening	18
11.0	Water Framework Directive	19
12.0	Recommendation	20
13.0	Reasons and Considerations	20
 Appendix 1 –EIA Screening		 22
 Appendix 2 AA Screening Determination		 25

1.0 Site Location and Description

- 1.1. The application site is circa 0.302ha and comprises an existing car park which is opposite 'Strawberry Hall' a roadside public house along the Lower Road, Strawberry Beds. It is understood that the car park is a privately owned and is associated with the 'Strawberry Hall' public house. The car park is relatively flat and is partially finished in bitmac and partially by crushed stone.
- 1.2. The site contains a food truck known as 'Goats Gruff' and an associated pizza oven set within a timber enclosure. The food truck is located at a mid point within the car park along the southern boundary which is the same location within the site for the proposed food hut.
- 1.3. There are a number of detached roadside residential properties located along the Lower Road which overlook the site. The River Liffey lies approximately 6 metres beyond the site to the south and is separated by a raised embankment circa 0.5 metres in height and mature vegetation. In addition, there is an overpass for the M50 located to the east.

2.0 Proposed Development

- 2.1. The proposed development seeks the construction of a freestanding ancillary timber clad hut (including a pizza oven) measuring (20.5 sqm - GIA), ancillary to the existing public house (Strawberry Hall) and includes a:
 - Screened bin storage area;
 - Log storage area;
 - Landscaping; and
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 9th September 2025 the Planning Authority issued a decision to refuse planning permission subject to conditions.

1. The subject site within the 'HA' High Amenity zoning objective, is within the Liffey Valley Special Amenity Area Order (SAAO) and is within a Highly Sensitive Landscape, per the Fingal Development Plan 2023-2029. The proposed food stall/hut by virtue of its use, nature and location materially contravenes the "HA" High Amenity zoning objective of the Fingal Development Plan 2023-2029 and is a form of inappropriate development which fails to preserve the natural beauty of the highly sensitive landscape and the special amenity value protected under the Liffey Valley Special Amenity Area Order (SAAO). The proposed development also conflicts with Policies GINHP27 & GINHP28 and Objective GINHO67 and Objective DMS0154 of the Fingal Development Plan 2023-2029 and furthermore fails to comply with the Liffey Valley SAAO (Special Amenity Area Order)1987. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect a landscape conservation area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the decision to refuse planning permission. It includes the following points:

- The site is located within an area zoned as 'HA-High Amenity' which has an objective to protect highly sensitive and scenic locations from inappropriate development;
- A restaurant/café is only permissible in a High Amenity area when it is ancillary to tourism uses, the facility is located 250metres from the existing pub and given the lack of seating, the proposal is akin to a drive-thru or takeaway use which is not permitted in the area;
- Lower Road to the north of the car park is designated for the preservation of views;
- The proposed design is not reflective of local vernacular heritage or distinctiveness of place;

- Policy GINHP27 seeks to protect the special amenity of the Liffey Valley SAAO lands;
- As per Schedule 2 of the Liffey Valley SAAO 1987, it is an objective to restrict new commercial development in the SAAO lands;
- The proposal would result in a dangerous precedent for similar food kiosks and stalls to be located elsewhere in highly scenic locations;
- There are no objections to the means of access or parking arrangement;
- There are no objections on flooding or surface water grounds;
- The development is set within 7 metres of the riparian river corridor of the River Liffey and is contrary to Objective DMSO154 of the Development Plan which requires a 48 metre set back; and
- While the River Liffey represents a viable pathway to designated sites downstream, the development is not connected to the river and environmental effects upon designated sites is not likely.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.
- Transport Planning Section: no objection subject to conditions.
- Parks and Green Infrastructure: no objection subject to conditions.
- Environmental Department: No comment received.

3.3. Prescribed Bodies

Uisce Éireann – No response.

Inland Fisheries - No objection subject to conditions.

3.4. Third Party Observations

There were 83 third party representations received by the Planning Authority during the processing of the planning application which are attached to the file. The representations were all in support of the proposed development and in summary state;

- The proposal is a permanent structure which respects the area and replaces the food truck which has been in existence since 2019;
- Strawberry Hall brings footfall and visitors to the area and the proposal helps maintain the viability of the existing family run business which is a focal point in the community;
- The proposal aligns with the objectives of the Development Plan and under the High Amenity zoning, cafes and restaurants are actively encouraged;
- There is a strong demand in the area for this service which is demonstrated by the long queues; and
- The proposal represents a step towards a more connected welcoming and sustainable attraction for residents and visitors.

4.0 Planning History

Site

FW25A/0063E - Retention permission was refused for (i) the erection of a food truck known as 'Goats Gruff;' (ii) the pizza oven associated with the food truck, (iii.) and all associated works located at Goats Gruff, Lower Road, Astagob, Strawberry Beds, Dublin 20. The following refusal reason was included:

1. The subject site within the "HA" High Amenity zoning objective, is within the Liffey Valley Special Amenity Area Order (SAAO) and is within a Highly Sensitive Landscape, per the Fingal Development Plan 2023-2029. The food truck by virtue of its use, nature and operation, materially contravenes the "HA" High Amenity zoning objective of the Fingal Development Plan 2023-2029 and is a form of inappropriate development which fails to preserve the natural beauty of the highly sensitive landscape and the special amenity value protected under the Liffey Valley Special Amenity Area Order (SAAO). Therefore, the retention development conflicts with Policies GINHP27 & GINHP28 and Objective GINHO67 and objective DMSO154 of the Fingal Development Plan 2023-2029 fails to comply with the Liffey Valley SAAO (Special Amenity Area Order)1987 and is therefore contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The Fingal Development Plan 2023-2029 is the operational plan for the area. The appeal site is located within a 'HA-High Amenity' land use zoning which has a stated objective of being to 'Protect and enhance high amenity areas' and a vision to, 'Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.'

Section 9.6.16 Special Amenity Areas - the Liffey Valley and Howth are two of the great natural assets of the Greater Dublin Area having a rich natural, built and cultural heritage. These areas are to be protected and enhanced, and that enjoyment by the public is facilitated.

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

Policy GINHP26 Preservation of Views and Prospects - Preserve views and prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.

Policy GINHP27 Howth and Liffey Valley Amenity Orders – Seeks to protect and enhance the special amenity value of Howth and the Liffey Valley, including its landscape, visual, recreational, ecological, geological, and built heritage value, as a key element of the County's Green Infrastructure network and implement the provisions of the Howth and Liffey Valley Special Amenity Area Orders (SAAO).

Policy GINHP28 Protection of High Amenity Areas - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective GINHO57 – Development and Landscape

Objective GINHO60 – Protection of Views and Prospects

Objective 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.

Objective GINHO61 – Landscape/Visual Assessment

Objective GINHO67 Development and High Amenity Areas – Seeks to ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness.

Objective DMSO210 – Riparian Corridors

Objective IUO26 – Riparian Corridors

Section 14.20.5 - Riparian Corridors

Objective DMSO154 – Ecological Corridors - Protect and enhance the ecological corridors along the following rivers in the County by ensuring that no development takes place, outside, development boundaries within a minimum distance of 48m from each riverbank along the main channels of following rivers Liffey etc with 10 metres being applicable within development boundaries.

Objective DMSO156 – Development Along Watercourses

Objective DMSO158 – Protection of Rivers and Streams

Objective DMSO160 – Riparian Corridors

Section 13.4 Ancillary Uses & Objective ZO4 Ancillary Uses – relates to planning permission which is sought for developments which are ancillary to the parent use and are considered on their individual merits.

Policy GINHP9 – Landscape Character

Section 14.17.7 Car Parking –Table 14.18: Car Parking Zones which is supported by the criteria in Table 14.19: Car Parking Standards, Table 14.17 Bicycle Standards.

Objective DMSO202 – SuDS

Objective DMSO212 – OPW Flood Risk Management Guidelines

Objective DMSO213 – Implementation of the SFRA

Objective DMSO215 – Precautionary Principle and Flood Risk

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

The Planning System and Flood Risk Management Guidelines for Planning Authorities and Technical Appendices, 2009

5.3. **Natural Heritage Designations**

The appeal site is not located on or within any designated Natura 2000 sites, with the nearest proposed designated site being the Liffey Valley (pNHA: 000128) which is c. 6 metres to the south of the site. It is worth noting that given that the site is in close proximity to the River Liffey, that the river is hydrologically linked to North Dublin Bay SAC (SAC: 000206), North Bull Island SPA (SPA: 004006), South Dublin Bay and River Tolka Estuary SPA (SPA: 004024), South Dublin Bay SAC (SAC: 000210) and Rockabill to Dalkey Island SAC (SAC: 003000) which are 13.39km to the east. In addition, the proposed designated site Royal Canal (pNHA: 002103) is located c. 1.92 kilometres to the north of 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 appellants grounds of appeal were submitted by Armstrong Planning and can be summarised as follows:

- Strawberry Hall has been run by the applicants family for 99 years and is an important part of the local eco-tourism infrastructure;
- The proposed food hut is critical to the viability of Strawberry Hall public house and will improve the visitor experience at the local level;
- The proposed food hut is ancillary to the existing gastropub facility with food being consumed in the Strawberry Hall pub beer garden with food and drink for the food hut being provisioned from the pub stores.
- There would be no take-away element and the proposal should not be confused with the previous food truck on the site;
- The Planning Authority has erred by taking into account the previous food truck which did incorporate a takeaway element;
- Conditions can be attached restricting the use of the proposed food hut for the consumption of food on the premises and for the location of the hut to be positioned closer to the beer garden;
- The food hut is a contemporary design of high quality which would compliment the character of the area;
- Development is not forbidden in a High Amenity area and a café/restaurant is permitted in principle within the area;
- The proposed development will promote tourism and access to the area;
- The site is an existing car park and not a greenfield site;
- The Liffey Valley Special Amenity Area Order is not publicly available and it is not stated how it contravenes Schedule 2.
- The seating for the food hut is located in the existing beer garden for the Strawberry Hall public house;
- There was no objection on flooding or drainage grounds;
- The Planning Authority has selectively applied Objective DMS0154 and allowed development within 48 metres of the river corridor 470 metres to the east under application Ref's: FW23A/0093 & FW24A/0304E;

- The 48 metres no development zone prescribed by DMSO154 is arbitrarily stated in the Plan and has a draconian effect on the applicants property;
- Fingal County Council extended the existing car park as a favour to the applicant following the use of the car park for extended road works which was within 48 metres;
- A precedent would not be set by the proposed development given the combination of factors given that the food hut would be ancillary to the existing public house and beer garden;
- Although no permission exists for the beer garden, it has been in existence since the early 1990's and the Planning Authority have not served an enforcement notice on this element;
- The extension to the car park was carried out by Fingal County Council, however, the applicant has offered to submit an application for retention; and
- There is strong local support for the proposal.

7.2. Planning Authority Response

The Planning Authority in response states that:

- The café is located 250 metres from the existing public house and they consider that its location within the car park aligns more with a drive-thru facility catering for consumption of food off the premises;
- The development is located within a publicly accessible car park and does not increase public access. A restaurant/café use is only permitted under 'HA High Amenity' land use zoning when they are ancillary to tourism uses or conversion of protected or vernacular structures...' which is not the case for the subject development;
- This is a highly sensitive location and is described in the Development Plan as a 'Highly Sensitive Landscape: Blanchardstown South';
- The Liffey Valley SAAO lands were designated by a Special Amenity Order in 1990, details are publicly available. The proposed development does not protect or enhance these lands contrary to GINHP29 and CSP24 of the Development Plan;

- Permitting this development would set a dangerous precedent for similar conventional food trucks in highly scenic locations; and
- If permission is granted a condition requiring a Section 48 Development Contribution or Special Development Contribution is requested along with a tree bond are required.

7.3. **Observations**

None

8.0 **Material Contravention**

8.1 I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes the "HA" High Amenity zoning objective of the Fingal Development Plan 2023-2029 and is a form of inappropriate development which fails to preserve the natural beauty of the highly sensitive landscape and the special amenity value protected under the Liffey Valley Special Amenity Area Order (SAAO). The "HA" High Amenity zoning objective refers to 'inappropriate development' which in my view allows for a planning judgement to determine what would constitute an 'inappropriate form' of development and would not justify the use of the term "materially contravene" in terms of normal planning practice.

8.2 The SAAO was designated under S.I. No. 59/1990 - Dublin County Council (Lucan Bridge to Palmerston) Special Amenity Area Order (Confirmation) Order, 1990. The reason for refusal states that the proposal fails to comply with the Liffey Valley SAAO (Special Amenity Area Order)1987 and the case officer report states that Schedule 2 of the Order restricts new development of a commercial nature. The applicant submits that this document is not publicly available. Whereas I can access the Order I am not able to source Schedule 2 of the Order nor was it provided by the Planning Authority and therefore I am not able to reach a view on whether the Order is offended. I do accept that the SAAO lands are publicly available and form a zoning within the Plan (Sheet 13 Blanchardstown South 2023 refers) that the site lies within it. Policy GINHP27 of the Development Plan seeks to protect and enhance the special amenity value of Howth and the Liffey Valley, however, there is no embargo on new commercial development within the SAAO lands stipulated in the Development Plan. The terms 'protect and enhance' stipulated in the policy, in my

view allows for a planning judgement to determine and would not justify the use of the term “materially contravene” in terms of normal planning practice.

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

9.0 Assessment

9.1 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 policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Riparian Corridor
- Traffic & Parking
- Flooding & Drainage

9.2 Principle of Development

9.2.1 The site is located within a ‘HA-High Amenity’ land use zoning which has a stated objective of being to ‘Protect and enhance high amenity areas’ and a vision to ‘Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.’

9.2.2 Policy GINHP28 and Objective GINHO67 adds to the zoning by seeking to protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

9.2.3 The first key question is whether the development is an appropriate form of development in a HA-High Amenity area. It is noted that the Development Plan provides a list of permitted forms of development one of which includes a café/restaurant and non-permitted forms of development which includes a fast food outlet/takeaway. It is noted that a café/restaurant would be permitted provided it is

ancillary to tourism uses or the conversion of protected or vernacular structures where appropriate.

9.2.4 While there is an existing food truck on the application site at present, the application is not retrospective and seeks planning permission to construct a food hut which it is stated will operate as an ancillary element to the existing public house. No conversion of any vernacular building is proposed and therefore the application is only acceptable if the facility is ancillary to a tourism use.

9.2.5 I note that the Development Plan does not define what a tourism use entails. I consider that a public house complements the tourism offer, however, it is not a tourism use in its own right. Whereas the applicant states that the proposed development will promote tourism access to the area, I do not consider that positioning a food truck in an existing car park would facilitate enhanced tourism access to the Liffey Valley and therefore the proposal is not ancillary to a tourism use.

9.2.6 I do not accept that the type of food sold within the food hut, which includes pizza, artisan sandwiches, coffee etc., would designate the proposed development as a drive-thru facility as suggested by the Planning Authority. The type of food sold has no bearing on whether patrons are consuming food on or off the premises. The applicant has indicated that they would welcome a condition requiring that food is to be consumed on the premises. There is no dedicated seating area included within the application site. The adjoining beer garden does not have the benefit of planning permission and this area is not included in the current application. I am of the view that the seating area for a café/restaurant needs to be part and parcel of the one operation for the current proposal to be considered as a café/restaurant. I consider that the proposal cannot therefore be considered as a café/restaurant given the absence of a seating area and would be akin to a drive-thru/take-away use which is a non-permitted use in a High Amenity area.

9.2.7 The submitted plans indicate that the proposed food hut would be located 40 metres from the existing public house which differs significantly from the 250 metre separation distance which is relied upon by the Planning Authority. The separation distance of 40 metres when viewed on the ground does create a visual separation making it read as a separate commercial entity rather than an as ancillary feature to

the existing public house. The applicant has indicated that they are willing to have the proposed food hut relocated closer to the existing public house and there is scope within the application site to allow this to take place. However, given that there is no seating associated with the proposed food hut within the application site, the re-siting of the proposed food hut would not address the concerns referred to above.

9.2.8 In conclusion, I am of the view that the proposed development is akin to a drive-thru as food would have to be consumed off the premises given the lack of seating. In addition, the proposed development cannot be considered to be tourism use or the conversion of a vernacular building and therefore is an inappropriate form of development within a zoned 'HA High Amenity' area.

9.3 Design

9.3.1 The second key question is whether the development helps reinforce the character, distinctiveness or sense of place. The proposed food hut has relatively small dimensions of 8.5 metres by 3 metres and a limited height of 3 metres. It has a flat roof and is finished in timber cladding with two large horizontal window openings on the front façade.

9.3.2 The site is located within an area designated as a Special Amenity Area (SAAO), Policy GINHP27 of the Development Plan seeks to protect and enhance the special amenity value of Howth and the Liffey Valley. Policy GINHO57 refer to 'River Valleys' and seeks to reflect and reinforce the sense of place taking into account such matters such as scenic quality, land-use and vernacular architecture. Within High Amenity Areas Policy GINHP28 seeks to reinforce character, distinctiveness and sense of place. Objective GINHO67 also applies to High Amenity Areas and uses similar wording as Policy GINHO57. I also note that the Development Plan designates the Lower Road which runs to the north of the application site for the preservation of views. In such instances Policy GINHP26 and Objective GINHO60 apply.

9.3.3 The surrounding architecture is one of primarily vernacular architecture with walls finished in traditional render or stone work, with a heavy solid to void ratio and slated gabled roof's. I consider that the design of the proposed food hut with its horizontal timber clad finish, flat roof and its fenestration would contrast poorly with the design of the surrounding buildings and would read as a building of temporary construction

positioned in a car park which has open views from the Lower Road. In my view the design of the proposed building would fail to reinforce the character, distinctiveness and sense of place of this Special Amenity Area and High Amenity area and should be refused.

9.4 Riparian Corridor

- 9.4.1 The Planning Authority have included in the refusal reason that the proposed development would conflict with Objective DMSO154 which states that; 'No development will be permitted within 48 metres of the riverbank of the River Liffey...'. which is an ecological corridor. The applicant states that this is draconian, unjustified and raises legal and constitutional issues and quotes two case references as setting a precedent (Ref's: FW23A/0093 & FW24A/0304E). The Fingal Development Plan 2023-2029 is the adopted Development Plan for the area in which the site is located and it is not within the Commissions jurisdiction to comment on the lawfulness of the Plan or constitutional issues, such matters are for the Courts.
- 9.4.2 The set back of 48 metres from the riverbank would include the entire car park area included in the application site. In my view, the wording of the Plan is unambiguous and does not allow for development within the riparian corridor. I note the cases referred to as precedent by the applicant, FW23A/0093 refers to the creation of an access which was granted planning permission and the second FW24A/0304E was for a replacement dwelling which was refused permission although notably, Objective DMSO154 was not included in the reason for refusal.
- 9.4.3 I do not consider that either case provides a comparable precedent for the development of a food hut on the application site. I am of the view that the presence of the food hut would be development within 48 metres of the River Liffey, regardless of the siting within the application site and is therefore contrary to Objective DMSO154 of the Development Plan.

9.5 Traffic and Parking

- 9.5.1 The proposed food hut is sited within a substantial car park which also serves the existing public house. I note that there is an issue that planning permission has not been granted for an extension to the car park, however, I have not been provided with details of the extent of the car park which does not have permission. The Transport Section of the Planning Authority stated that the sightlines for the existing

car park entrance are adequate subject to the verge being maintained below 900mm. In addition, sufficient parking was available to serve the development although 4 No. cycle stands should be provided.

9.5.2 The issue of access and parking was not raised as a concern by the Planning Authority. I consider that the traffic generated by the proposed would be unlikely to give rise to any traffic or road safety concerns subject to the application of appropriately worded conditions.

9.6 Flooding and Drainage

9.6.1 The site is located within Flood Zone A & B and a Site Specific Flood Risk Assessment (SSFRA) was submitted to the Planning Authority during the processing of the application. The SSFRA notes that as the development is for food consumption on the applicants premises, it is a form of retailing and would be classified as a less vulnerable form of development. A justification for the development has been provided as per the Planning System and Flood Risk Management Guidelines for Planning Authorities and Technical Appendices, 2009. A flood evacuation plan has been proposed to increase public safety in a major flood event. This is a matter which could be conditioned.

9.6.2 The proposed food hut would be sited within an existing car park which is mostly covered in impermeable surface material and therefore the building would not add to surface water run-off. Mitigation measures, including a SUDS feature (planter box) is proposed. Foul water from the food truck is to be collected in a barrel system and then emptied into the foul sewer. It is stated that this is the most practical solution given the small amounts of foul water connected with the proposed development. No objections were raised by the District Engineer or the Planning Authority in relation to flooding, drainage, or foul water discharge subject to conditions and I consider that the proposed arrangements are acceptable.

10.0 AA Screening

10.1 See Appendix 2 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I

conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects North Dublin Bay SAC (SAC: 000206), North Bull Island SPA (SPA: 004006), South Dublin Bay and River Tolka Estuary SPA (SPA: 004024), South Dublin Bay SAC (SAC: 000210) and Rockabill to Dalkey Island SAC (SAC: 003000) which are in excess of 13.39km to the east in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. The reason for this conclusion is as follows:

10.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections.

10.4 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive

11.1 The subject site is located at The Strawberry Hall Car Park, Lower Road, Astagob, Strawberry Beds, Dublin 20, which is 6 metres north of the nearest water body.

11.2 The proposed development comprises the construction of a food hut with all associated site works. No water deterioration concerns were raised in the planning appeal.

11.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

11.4 The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development ; and
- Although the site is adjacent to a water body (River Liffey) it does not discharge into it, is not physically linked to it, has an embankment separating the site from the river, it does not draw water from it and is positioned on an existing car park.

11.5 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Recommendation

That planning permission be refused for the reasons and considerations set out below and subject to the conditions set out below.

13.0 Reasons and Considerations

The subject site within the ‘HA’ High Amenity zoning objective, is within the Liffey Valley Special Amenity Area Order (SAAO) and is within a Highly Sensitive Landscape, per the Fingal Development Plan 2023-2029. The proposed food hut by virtue of its use and nature is contrary to the “HA” High Amenity zoning objective of the Fingal Development Plan 2023-2029 and is a form of inappropriate development. The proposed development also conflicts with Policies GINHP26, GINHP27, GINHP28, GINHP57, Objectives GINHO60, GINHO67 and DMSO154 of the Fingal Development Plan 2023-2029. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect a landscape conservation area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Barry Diamond
Planning Inspector

16th December 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-500007-25
Proposed Development Summary	Construction of a food hut with all associated site works
Development Address	The Strawberry Hall Car Park, Lower Road, Astagob, Strawberry Beds, Dublin 20
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<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 <u>Part 2</u>, 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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended

<p>prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	<p>(or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input 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>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects								
Step 1: Description of the project and local site characteristics								
Case File: PL-500007-25								
Brief description of project	Construction of a food hut with all associated site works at The Strawberry Hall Car Park, Lower Road, Astagob, Strawberry Beds, Dublin 20							
Brief description of development site characteristics and potential impact mechanisms	Permission is sought for the construction of a freestanding ancillary timber clad hut (including a pizza oven) measuring (20.5 sqm - GIA), ancillary to the existing public house (Strawberry Hall) and includes a screened bin storage area, log storage area, landscaping; and all associated site works.							
Screening report	No							
Natura Impact Statement	No							
Relevant submissions	N/A							
The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. The Planning Authority have not provided a screening report, however, they have indicated that the development is unlikely to impact upon any designated site.								
Step 2. Identification of relevant European sites using the Source-pathway-receptor model								
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N				
Site 1: North Dublin Bay SAC (SAC: 000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]	13 km plus	None	No				

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i>.</p> <p>https://www.npws.ie/protected-sites/sac/000206</p>			
Site 2: North Bull Island SPA (SPA: 004006)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	13 km plus	None	No

	<p>Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004006</p>			
Site 3: South Dublin Bay and River Tolka Estuary SPA (SPA: 004024)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004024</p>	13 km plus	None	No
Site 4: South Dublin Bay SAC (SAC: 000210)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]</p>	13 km plus	None	No

	Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/protected-sites/sac/000210			
Site 5: and Rockabill to Dalkey Island SAC (SAC: 003000)	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] https://www.npws.ie/protected-sites/sac/003000	13 km plus	None	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: North Dublin Bay SAC (SAC: 000206)	Direct: None	The proposed development would not have direct impacts on any European site.
Site 2: North Bull Island SPA (SPA: 004006)		
Site 3: South Dublin Bay and River Tolka Estuary SPA (SPA: 004024)	Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Given the contained nature of the site which has an existing bund along its southern boundary with the River Liffey, no direct ecological connections or pathways) and distance from receiving features, make it highly unlikely that the proposed development could result in stormwater quantities that would generate impacts of a magnitude that could affect European Sites.
Site 4: South Dublin Bay SAC (SAC: 000210)		
Site 5: and Rockabill to Dalkey Island SAC (SAC: 003000)		
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	I conclude that the proposed development (alone) would not result in likely significant effects on North Dublin Bay SAC (SAC: 000206), North Bull Island SPA (SPA: 004006), South Dublin Bay and River Tolka Estuary SPA (SPA: 004024), South Dublin Bay SAC (SAC: 000210) and Rockabill to Dalkey Island SAC (SAC: 003000) which are 13.39km to the east. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on North Dublin Bay SAC (SAC: 000206), North Bull Island SPA (SPA: 004006), South Dublin Bay and River Tolka Estuary SPA (SPA: 004024), South Dublin Bay SAC (SAC: 000210) and Rockabill to Dalkey Island SAC (SAC: 003000) which are 13.39km to the east. in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Distance from nearest European site and lack of connections