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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0262**

**APPEAL** by Darren Hennessy care of Paul Sheedy of 4 Maywood Crescent, Raheny, Dublin against the decision made on the 12<sup>th</sup> day of July, 2018 by Fingal County Council to refuse permission.

**Proposed Development:** Construction of new detached dormer style dwelling, with a proprietary waste water treatment system and percolation area, a new vehicular access onto the roadway, SUDs drainage and all associated site works at Ring Commons, Naul, County Dublin.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. Having regard to: -

- the poorly-drained ground conditions due to the low permeability subsoils on the subject site,
- the number of existing premises in the vicinity served by individual waste water systems/septic tanks,
- the designation of this area as being ‘at serious risk’ under the Environmental Protection Agency domestic waste water risk classification,
- the location of the subject site within the Inner Protection Area of the Bog of the Ring Groundwater Protection Zone and,
- the proximity of the subject site to one of the source wells serving this public water supply,

and notwithstanding the documentation submitted in support of the application and appeal, the Board is not satisfied that the proposed development, in conjunction with other individual waste water treatment systems in the vicinity, would not pose an unacceptable risk to groundwater resources in the area. The proposed development would, therefore, constitute an unacceptable risk of contamination of this groundwater, which serves as a source of public water supply, would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing

Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...having regard to the viability of smaller towns and rural settlements”, it is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines and that he has not demonstrated an economic or social need to live in this rural area in accordance with national policy, notwithstanding the provisions of the Fingal County Development Plan 2017 – 2023. Furthermore, the Board is not satisfied that the applicant/appellant’s housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable based need for a house in this rural area, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the Ministerial Guidelines, and would be contrary to national policy and to the proper planning and sustainable development of the area.

In not accepting the recommendation of the Inspector to grant permission, the Board was not satisfied that the risk of contamination of groundwater that serves as a public water supply could be discounted, notwithstanding the submissions made in the application and appeal, and in particular noted the

concerns expressed by Irish Water in this regard. Furthermore, the Board noted that the Inspector's assessment of housing need related solely to the provisions of the Fingal County Development Plan, and considered that national policy and National Guidelines should apply, notwithstanding the provisions of the development plan in relation to rural housing need criteria.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**