

An
Bord
Pleanála

Board Order
ABP-311221-21

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0316.

Appeal by Jake Woods care of Jim Brogan of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 28th day of July, 2021 by Fingal County Council to refuse a permission for the proposed development.

Proposed Development: Development comprising the construction of a new single/two storey four bedroom house; the retention of, and the carrying out of alterations to an existing single storey building to be used as a garage; home office and W.C. and the construction of an open roofed area connecting the two buildings; the installation of a new wastewater treatment plant and soil polishing filter area to service the development and associated site development works, all at Moonlone Lane, Naul, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the location of the site within the Moonlone Lane rural cluster, the nature and scale of the proposed development and the policies and objectives of the Fingal County Development Plan 2017-2023 which encourage rural generated housing in designated clusters, it is considered the proposed development would not have a detrimental impact on the character of the rural area and would be acceptable within the context of the RC - Rural Cluster land use zoning. The location of the wastewater treatment system and surface water treatment on the RU - Rural land use zoning, would not result in a significant negative impact on the rural character of the area, and the design and location of the dwelling would not have a negative impact on the amenities of the adjoining properties. The proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2019-2023 and the proper planning and sustainable development of the area.

A handwritten signature in black ink is written over a circular official stamp. The stamp contains the text 'AN BORD PLEANÁLA' around the perimeter. The signature appears to be 'MF'.

Conditions

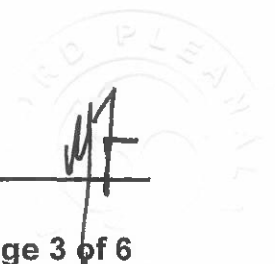
1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 24th day of August, 2021 except as may otherwise be required in order to comply with 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.

Reason: In the interest of clarity

2. Changes indicated in the application documentation which are outside of the redline boundary including those indicating adjustments to entrance gate to the south of the site are not permitted under this grant of permission.

Reason: In the interest of clarity.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.



- (b) Supervision of construction of the on-site waste water treatment system shall be carried out by a suitably qualified (Fetac/QQI), experienced and competent professional. Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.



4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Tree shelter belt(s) of at least two rows shall be planted along the north, east and south boundaries. The trees, and planting along the roadside boundary, shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, oak, hawthorn, holly, hazel, beech or alder and shall be protected from grazing animals by stock-proof fencing. Any trees which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

7. 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.

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.



Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this **25th** day of **February** 2022.

