

An
Bord
Pleanála

Board Order ABP-313922-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

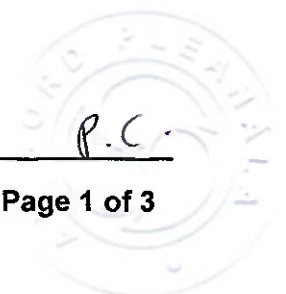
Planning Register Reference Number: F21A/0249

Appeal by Sherwood Investment Properties Limited care of Hendrik W van der Kamp of 1 Woodstown Court, Knocklyon, Dublin against the decision made on the 1st day of June, 2022 by Fingal County Council to refuse permission.

Proposed Development: Construction of 10 number detached, two-storey houses comprising one number four-bed type A (site 9), one number four-bed type A1 (site 10), one number four-bed type B (site 12), two number five-bed type C (sites 1 and 8), four number five-bed type D (site 3, 11, 13 and 14) and one number four-bed type E (site 6) on sites 1, 3, 6 and 8-14 inclusive of unfinished housing estate (planning register reference numbers F06A/0748 and F07A/0024), all at Sites 1, 3, 6 and 8-14 inclusive of unfinished housing estate, Oldtown Avenue, Fieldstown Road (R122), Oldtown, Fingal, County Dublin.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.



Reasons and Considerations

1. Having regard to the lack of capacity within the Oldtown Wastewater Treatment Plant to accommodate the additional loading generated by the proposed development, and notwithstanding the indication from the planning authority that a project to provide additional wastewater capacity in Oldtown is to be delivered as part of Uisce Éireann's Towns and Villages Growth Programme, it is considered that, pending clarity and certainty on the timelines to progress the necessary upgrade works through design, planning and all relevant consents, the proposed development would be premature by reason of the existing deficiency in sewerage facilities. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing deficiencies in the Oldtown Wastewater Treatment Plant, the lack of certainty in respect of future capacity improvements to the Oldtown Wastewater Treatment Plant, the appropriate assessment documentation, including the Natura Impact Statement submitted with the application, and the absence of any assessment of the potential for effects from the deficiencies in the existing sewerage infrastructure, the Board is not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European Site(s), including the Rogerstown Estuary Special Area of Conservation (Site Code: 000208), the Rogerstown Estuary Special Protection Area (Site Code: 004015), the Malahide Estuary Special Protection Area (Site Code: 004025) and the Malahide Estuary Special Area of Conservation (Site Code: 000205) in light of their Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

Patricia Calleary



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 23 day of November 2023.