



An
Bord
Pleanála

Inspector's Report 06D.247918

Development	Five houses and associated site works
Location	Old Rathmichael, Shankhill, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0793
Applicant(s)	Shane and Gregory McCambridge
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Shane and Gregory McCambridge
Observer(s)	A. and S. O'Sullivan and others
Date of Site Inspection	20 th April 2017
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site of the development is located in Old Rathmichael to the west of Shankhill, Co. Dublin and has a stated area of 1.12ha. The land to the back of the proposed site rises to the west and south towards the hill of Carrickgollogan in the foothills of the Dublin Mountains.
- 1.2. The site is overgrown in areas and the level from the road to the southern boundary rises significantly from 77.000 datum level to 90.000 datum level giving a 13m rise towards the south boundary. From the eastern to the western boundary, there is a rise of between 7-9m.
- 1.3. The cul de sac serving Old Rathmichael is a mature residential area where the pattern of development is generally characterised by large detached residences on substantial sites.

2.0 Proposed Development

- 2.1. Outline permission sought for the construction of 5 No. houses consisting of 2 No. detached four bedroom houses and 3 No. detached five bedroom houses all with individual waste water treatment plants, vehicular and pedestrian entrance off the Old Rathmichael Road together with all associated site works, boundary treatments, landscaping and signage. An architects design statement, together with an environmental report have been submitted with the application. Site characterisation tests have not been carried out.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for 3 No. reasons relating to piecemeal development, proposals for waste water treatment systems on all sites contrary to objectives of the Development Plan and contrary to policy ST2 of the Development Plan.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

3.2.2. Planner's report expressed concerns which are reflected in the reasons for refusal.

3.2.3. **Other Technical Reports**

3.2.4. **Transport Planning Section** recommends refusal.

3.2.5. **Surface Water Drainage Section** recommends refusal.

3.2.6. **Parks and Landscaping Services** - No objection.

3.2.7. **Irish Water Report** - No objection.

3.2.8. **EHO Report** requires site characterisation forms for each site.

3.3. **Prescribed Bodies**

There are no submissions from prescribed bodies.

3.4. **Third Party Observations**

There are two third party submissions on file - a joint submission from 8 No. parties- A. and S. O' Sullivan and others, and a second submission from Dan and Rose Mary McLaughlin.

4.0 Relevant Planning History

PA Reg. Ref. D15A/0779/ PL06S.246253

Permission refused by Planning Authority and by the Board on appeal for a development consisting of 11 No. units on this site.

Certificate of exemption granted under **V/098/16**.

PA Reg. Ref. D15A/0809/ PL065D.246294

Permission refused by Planning Authority and by the Board on appeal for a development consisting of 50 No. units on a site on Ferndale Road, Rathmichael.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'A' 'To protect and/or improve Residential Amenity.' It is directly adjacent to lands zoned as 'G' High Amenity.

Specific Local Objective (SLO) No. 126 is 'To refuse planning permission for any new developments which include on-site wastewater treatment facilities within this catchment, until the groundwater issues in the area are resolved or ameliorated.'

Objective ST2 is to actively support integration of land use and transportation policies. Fundamental to the future land use planning in the county will be the consolidation of development into the appropriate areas that can be well served by sustainable modes of travel.

Objective EI123 is to refuse planning permission for any new developments which include an on-site waste water treatment facility within the Rathmichael area until the groundwater issues in the area are resolved or ameliorated (See SLO 126 Maps 10, and 14). This policy will be implemented through the Development Management process through the refusal of planning permission for any new developments- which include an on-site wastewater treatment facility- within the Rathmichael area (See SLO126 Maps 10, and 14 for the boundary of this area. This policy is necessitated

due to the potential impact of un-sewered developments on groundwater and surface water quality and also on the ability of the Council to meet its obligations under the Water Framework Directive.

5.2. **Natural Heritage Designations**

I note that Ballyman Glen SAC, Knocksink Wood SAC, Bray Head SAC and Wicklow Mountains SPA are in close proximity to the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the First Party appeal may be summarised as follows;

- A treatment system is proposed for each house which has been designed in accordance with EPA Code of Practice 2009.
- It is considered that permission for 5 No. houses would not have a major impact on the network.
- The appeal is accompanied by a letter from an engineer together with a report from O' Reilly Oakstown in relation to the treatment systems. It is noted that no site characterisation reports have been submitted.

6.2. **Planning Authority Response**

The Planning Authority Response can be summarised as follows:

- The Board is referred to the section titled Density/ Core Strategy/ Sustainable Development.
- The Surface Water Section have reviewed the appeal and the proposal for individual wastewater treatment systems is contrary to Policy EI23 and SL0126 of the County Development Plan.

- It is noted that a Site Suitability Report for each house in accordance with EPA 2009 has not been submitted.

6.3. **Observations**

An observation has been submitted on behalf of A. and S. O' Sullivan and others which can be summarised as follows:

- The inadequate foul drainage proposals would be prejudicial to public health, which SLO126 aims to avoid and protect.
- No objection to appropriately designed scheme for up to 3 detached dwellings however the construction of 5 No. dwellings would be overdevelopment.
- There is currently an insufficient water supply in the area which has previously resulted in water shortages and low water pressure. The provision of an additional 5 No. units without any increase in the capacity of the existing water supply could exacerbate this difficulty.

6.4. **Further Responses**

There are no further comments on file.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Principle of Proposed Development
- Impact on Public Health
- Appropriate Assessment

7.2. **Principle of Proposed Development**

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with

the relevant policies, standards and requirements set out in the plan. The proposed development reduces the number of dwellings proposed from 11 in the previous application to 5 however I am of the view this reduction does not address the fundamental problem raised in the previous application and in the planner's report on the current file in that the site is located in a semi-suburban/ semi-rural area which has been constrained by an absence of foul drainage, constraints with water supply and transport infrastructure. The site is located in the Rathmichael/ Ferndale area which is shown as unserviced lands on Figure 1.3 and Table 1.2 of the current Development Plan and that these lands require water, drainage and roads infrastructure to facilitate their densification. The Core Strategy of the Plan indicates that significant residential development within the Rathmichael area is premature. It is a core objective of the current Development Plan, in line with national policies that land use and transport integration achieves a situation whereby the use of sustainable modes of transport can be realised. There is no high quality public transport facilities available within easy walking distance and the proposed development would be contrary to Objective ST2 of the Plan to actively support integration of land use and transportation policies.

7.3. Impact on Public Health

- 7.4. The previous application was considered to be premature due to deficiencies in the provision of sewerage facilities and the period within which the constraints involved may reasonably be expected to cease. I note that it is now proposed to provide on site treatment systems for each of the five dwellings. No site characterisation reports in accordance with EPA 2009 Code of Practice have been submitted with the report from the treatment supplier.
- 7.5. It is Council Policy under EI23 to refuse planning permission for any new developments which include an on-site waste water treatment system in the Rathmichael area. According to the Planning Authority response to the appeal, this policy was introduced following growing concerns about groundwater and surface water quality in the Rathmichael area and the potential further deterioration of groundwater and surface water quality from additional on-site waste water treatment systems.

- 7.6. The Special Local Objective (SLO) 126 of the County Development Plan states ‘It is an objective of the Council: 126 – ‘To refuse planning permission for any new developments which include on-site wastewater treatment facilities within this catchment, until the groundwater issues in the area are resolved or ameliorated.’
- 7.7. The proposed development is contrary to council policy in relation to the provision of wastewater treatment systems in this area and would be contrary to public health and the proper planning and sustainable development of the area.

7.8. **Appropriate Assessment**

Having regard to the concerns stated in policy EI23 which is necessitated due to the potential impact of unsewered developments in the Rathmichael area on groundwater and surface water quality and also on the ability of the Council to meet its obligations under the Water Framework Directive, the absence of site characterisation tests and the proximity to a number of European sites, the Board cannot be satisfied that no appropriate assessment issues arise. The Board may wish to address this either:

- (i) by way of a request for a Stage 1 (and, if necessary, as Stage 2) report prepared by an ecological consultant to assist the Board in its deliberations on this matter,
- (ii) in its Direction on the case in the event that permission is refused.

8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations below:

9.0 **Reasons and Considerations**

1. It is the policy of the Planning Authority as expressed under ST2 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 to actively support sustainable modes of transport and ensure that land use and zoning are fully integrated with the provision and development of high quality public

transportation systems. Having regard to the distance to social and community facilities to support this residential development, to the nature of the local public road network and the distance to high quality public transport routes, it is considered that future occupants of the proposed development would be primarily reliant on private car as a mode of transport. The proposed development would, therefore, contravene policy ST2, which is a core objective of the current development plan and is thus contrary to the proper planning and sustainable development of the area.

2. The majority of the subject site is located within Specific Local Objective 126 on Map 14 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 where it is an objective to refuse permission for new developments which included on-site wastewater treatments facilities within this catchment until the groundwater issues in the area are resolved or ameliorated. The proposed development is un-sewered and reliant on treatment systems. This is contrary to Specific Local Objective 126 and EI23 of the current plan. The proposed development would therefore be contrary to public health and the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector
3rd May 2017