



An
Bord
Pleanála

Inspector's Report PL06F.248542

Development	Construction of House and Effluent Disposal System
Location	Hedgestown, Jordanstown, Lusk, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0122
Applicant	Sinead McAuley
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant	Sinead McAuley
Observer(s)	None
Date of Site Inspection	26/07/2017
Inspector	L.W. Howard

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1.0 Site Location and Description

- 1.1. The application site, is located within the Rural Cluster of Hedgerow, approximately 4km northwest of Lusk. Itself, the site is one of 6no. granted 'outline planning permission' under **Reg.Ref.No.F08A/1212**, to the current applicants father M. McAuley.
- 1.2. Topographically the c.0.2165ha, generally rectangular shaped site, slopes from front / north (ie. contour line c.55m) to rear / south (ie. contour line c.48m). The site comprises rough pasture, with no evidence apparent of active farming.
- 1.3. The sites northern frontage boundary is defined by the currently incomplete access road permitted under **Reg.Ref.No.F08A/1212**. The sites rear, southern boundary is shared with the residential property to the south. At present, the sites lateral boundaries are not physically defined.

At present, road access is via the incomplete private gravel access road permitted under **Reg.Ref.No.F08A/1212** (Note – permission extended under **Reg.Ref.F08A/1212/E1**), which intersects with the L5170 local secondary road to the west.

- 1.4. There is a partially built dwellinghouse c.50m to the east. At the time of site visit, it was apparent that it had been some time since active site works / operations had been undertaken. This incomplete dwellinghouse is understood as that granted to the current applicants sister – C. McAuley under **Reg.Ref.No.F12A/0038**, and comprises one of the rural cluster of 6no. sites granted 'outline planning permission' under **Reg.Ref.No.F08A/1212**.

2.0 Proposed Development

- 2.1. Permission is being sought to erect a dwellinghouse on a c.0.21ha site, as follows :
 - a c.166m², 4-bedroom dormer style dwelling
 - with a rectangular floorplan, the house is c.13.45m wide, c.10.00m deep (including the porch), with roof ridge height c.6.75m.
 - the c.166m² total floor area comprises 101m² at ground floor and 65m² at first floor level.

- the vehicular entrance at the sites north-eastern corner, is off a private access road (**Reg.Ref.No.F08A/1212** and **Reg.Ref.F08A/1212/E1**).
- the wastewater treatment system and percolation area are to be located to the rear of the house.
- all associated site works.

2.2. Accompanying documents

- Supplementary application form for a rural house, together with Rural Housing Policy compliance supporting documentation.
- Letter of Consent from existing landowner – Mr. M. McAuley (28/02/2017).
- ‘Site Suitability Assessment and Site Characterisation Form’, and ‘Site Specific Report’.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse planning permission, for 1no. Refusal Reason relating to non-compliance with Rural Settlement Strategy, in particular Objective RF20.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows :

Principle of the Proposed Development

- Residential development is permitted in principle on RC zoned lands, subject to compliance with the Rural Settlement Strategy.

Compliance with the Rural Settlement Strategy

- The Fingal County Rural Settlement Strategy seeks to ensure the vitality and regeneration of rural communities by facilitating those with a genuine rural generated housing need, while directing urban generated housing need to towns and villages.

- Rural Clusters enable the spatial consolidation of rural housing as an alternative to dispersed one-off housing in the open countryside.
- Accordingly, Objectives RF19 to RF25 of the County Development Plan 2017-2023, are relevant considerations.
- With respect to the Rural Clusters, the rural settlement strategy defines rural generated housing need as either -
 - persons currently living, and who have lived continuously for the past ten years, or have previously lived for a minimum of ten continuous years, or
 - persons working continuously for the past 10 years, within areas of the County currently zoned rural. These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB) or High Amenity (HA).
- In demonstration of compliance, the applicant has provided the following documentation –
 - a birth certificate indicating the applicant as the daughter of the site’s landowner. The landowner has also submitted a letter of consent confirming this.
 - a map indicating proximity of the site to the applicant’s family home (c.2.1km north of the application site).
Note : the family home is located in the townland of Courtlough, and at present, is zoned GE – General Employment. Confirm the site was also zoned GE in the 2011 Development Plan; GI – General Industry in the 2005 Development Plan; and E – General Industrial in the 1999 Development Plan.
 - a sworn supplementary document confirming :
 - the applicant has lived at the family home for 29 years, and at Balrothery for the last 12 years, and
 - the applicant’s sister was granted planning permission under **Reg.Ref.No.F12A/0038** on a site to the immediate east of the current site. Note : the applicant’s sister indicated the same family home in her application.
 - letter from the applicant’s Secondary School confirming :
 - her address at Knock Cross, Balbriggan, and

- her attendance at the Secondary School between September 1987 and June 1993, and at the Junior School between September 1979 and June 1987 (ie. a total of 14-years).
- Conclude the applicant has not established a genuine rural-generated housing need in accordance with Objective RF20 of the Fingal Co. Development Plan 2017-2023, as the family home is not located on lands zoned rural – Zones RV, RC, RU, GB or HA.

External Appearance and Visual Impact

- Having regard to the architectural drawings and layout proposed, conclude no concerns regarding the proposed external appearance and associated visual impact of the dwellinghouse. As proposed, the house is considered acceptable.
- However, note that external material finishes are not specified on the drawings. If permission to be granted, a Condition to be attached specifying external finishes to comprise a smooth render, with dark coloured roof tiles.

Impact on Residential Amenities of the Area

- Having regard to the 0.21ha site area, and to the absence of immediately adjacent residential development, no negative residential amenity impact consequent of the proposed development, is foreseen.
- At present, amenity impact issues such as visual obtrusion, overshadowing and overlooking do not exist.
- However, in mitigation of threat to anticipated future residential amenity locally, consider appropriate that the proposed rear 1st floor balcony be omitted.

Water Services Infrastructure and Drainage

- No objection to proposed water supply, or foul and surface water drainage arrangements, subject to Conditions requiring the submission of a water supply layout drawing and an appropriate surface water drainage proposal.

Access Arrangements and Parking

- No objection, subject to the Conditions, as recommended by the Co. Transportation Planning Section.

Conclusion

- The applicant has not demonstrated compliance with the County Rural Settlement Strategy of the Fingal County Development Plan 2017-2023, in particular Objective RF20.

3.2.2. Other Technical Reports

Water Services Section No objection, subject to Conditions.

Transportation Planning Section No objection, subject to Conditions.

3.3. Prescribed Bodies

Irish Water No objection, subject to Conditions.

3.4. Third Party Observations

None

4.0 Planning History

F12A/0038 Permission granted, consequent of a grant of outline planning permission, for a new dormer style split-level dwellinghouse, detached garage and all associated site works, including previously approved wastewater treatment system.

This application was made by a sister (Ms McAuley) of the current applicant (Ms McAuley)

F08A/1212 Permission granted for access road and associated road site works to serve a rural cluster of 7no. sites and outline planning permission for 7no. dwellings with on-site wastewater treatment systems (1no. per site).

The permission to complete the above access road was subsequently extended until 25th February 2018 under **Reg.Ref.F08A/1212/E1**.

5.0 Policy Context

5.1. National

Sustainable Rural Housing Guidelines 2005

Both the National Spatial Strategy and the Sustainable Rural Housing Guidelines 2005 distinguish between rural generated housing and urban generated housing and seek to ensure that the needs of rural communities are identified in the development plan process. The guidelines make clear that in all cases, consideration of individual sites will be subject to satisfying normal planning considerations relating to siting and design, including vehicular access, drainage, integration with the physical surroundings and compliance with the objectives of the development plan in general.

EPA Code of Practice

The EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009 applies.

5.2. Development Plan

Fingal County Development Plan 2017-2023

Ch5 Rural Fingal

S5.2 Fingal's Rural Settlement Strategy

Settlement Strategy

Rural Clusters

Objective RF19 Encourage consolidation of rural housing within existing Rural Clusters which will cater for rural generated housing demand, as an alternative to housing in the open countryside.

Rural Cluster Settlement Strategy

- Settlement within the Rural Clusters will be open to members of the Fingal rural community who demonstrate a rural-generated housing need.

- For the purposes of the Settlement Strategy for Rural Clusters, rural-generated housing need is defined as either :
 - Persons currently living, and who have lived continuously for the past ten years, or have previously lived for a minimum of ten continuous years, or
 - Persons working continuously for the past ten years, within areas of the County currently zoned rural. These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB), or High Amenity (HA).

Objective RF20 Permit only persons with a rural-generated housing need, as defined within this section of the Plan, planning permission for a house within a Rural Cluster, where the site size is a minimum of 0.2ha for on-site treatment systems, and conforms to the drainage and design Standards required by the Council.

Layout and Design in Rural Clusters

Ensure layout and design contribute positively to the rural character of the area, and comply with the requirements set out in Ch.12 - Development Management Standards.

Objective RF22 Permit only development which has regard to the existing character and role of the cluster within the wider rural area ...

Objective RF23 Ensure proposals for new dwellings do not compromise the development potential of adjoining sites by means of on-site layout and house design and both vehicular and pedestrian access. All sites must provide sustainable drainage infrastructure.

Objective RF24 Minimise the number of new entrances to sites within a rural cluster with a preference for sharing accesses with existing dwellings or using existing entrances.

Rural Drainage

Objective RF66 Ensure compliance with the requirements for on-site treatment systems, and the EPA Code of Practice.

Objective RF67 Implement the recommendations of the Ground Water Protection Scheme

Ch 11 Land Use Zoning Objectives

S11.8 Zoning Objective “RC” Rural Cluster

Objective : Provide for small scale infill development serving local needs, while maintaining the rural nature of the cluster.

“Residential” land use permitted in principle, subject to compliance with the rural settlement strategy.

Zoning Objective “GE” General Employment

Objective : Provide opportunities for general enterprise and employment.

“Residential” land use is not permitted.

Ch 12 Development Management Standards

S12.6 Design Criteria for Housing in the Countryside

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Planning Authority’s decision to refuse planning permission, was based on the applicant’s family home being zoned GE.

6.1.2. However, the applicant points out that her sister was granted planning permission, having given the same family home address.

6.2. **Planning Authority Response**

6.2.1. Objective RF20 of the County Development Plan 2017-2023 provides that only persons with a rural-generated housing need, as defined, are eligible for planning permission within a Rural Cluster.

6.2.2. The County Development Plan 2017-2023 defines rural-generated housing need as either :

- persons currently living, and who have lived continuously for the past ten years, or have previously lived for a minimum of ten continuous years, or
 - persons working continuously for the past 10 years,
- within areas of the County currently zoned rural. These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB) or High Amenity (HA).

6.2.3. The applicant's family home is zoned "GE-General Employment", and therefore does not comply with the Development Plan definition of rural-generated housing need.

6.2.4. Request the Board uphold the decision of the Planning Authority.

6.2.5. Should the Board be mindful to grant planning permission, request the Board attach a Condition requiring a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.3. **Observations**

None

7.0 **Assessment**

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed Rural House Development
- Visual Amenity Impact
- Residential Amenity Impact
- Road Access and Traffic Safety
- Wastewater Treatment
- Appropriate Assessment.

7.2. Principle and Location of the proposed Rural House development

7.2.1. The application site is located in an under-serviced rural area within Fingal County, on the northern fringes of the Dublin Metro Area, that is designated as being under strong urban influence in the Sustainable Rural Housing Guidelines 2005 and the Fingal County Development Plan 2017. Accordingly, I consider there should be a presumption against development at the application site, save for in instances where it can be demonstrated that the applicant accords with the Planning Authority's Rural Settlement Strategy, as set out in the County Development Plan 2017-2023.

7.2.2. Section 5.2 'Fingal's Rural Settlement Strategy – Rural Clusters' of the County Development Plan 2017-2023 (copy attached), sets out the Rural Settlement Strategy for Rural Clusters within the County, and delineates two categories under the heading 'Rural Generated Housing Need'.

However, the Settlement Strategy specifies clearly that any potential applicants demonstrated qualifying continuous residency or employment, must be manifest within areas of the County zoned rural. These are restricted to the following land use zones – Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB) or High Amenity (HA).

Objective RF20 goes on to consolidate the settlement strategy for Rural Clusters such as at Hedgerow, by specifying that planning permission will only be granted to persons with a rural-generated housing need, "as defined within this Section of the Plan".

7.2.3. The determining qualifying criteria to be demonstrated by the applicant therefore, is whether or not, the family home at Knock Cross, Balbriggan is located within an area

currently zoned rural. Unfortunately for the applicant, the local area at Knock Cross within which the family home is located, is zoned “GE – General Employment”. This “GE” zoning is not one of the five zoning designations deemed as ‘Rural’ at Section 5.2 – “Rural Cluster Settlement Strategy” of the County Development Plan 2017-2023.

7.2.4. Accordingly in my view, this restrictive qualifying criteria requiring location of the applicants demonstrated rural-generated housing need, to be within a zoned rural area, precludes the Planning Authority from granting planning permission to the applicant. I share the view articulated by the Planning Authority in this instance.

7.2.5. In her appeal submission, the applicant argues that her sister was granted planning permission, having given the same family home address (ie. **Reg.Ref.No.F12A/0038**). Understandably, any applicant reasonably anticipates consistency in decision making, having regard to the relevant provisions of the statutory County Development Plan at that time.

I have had regard to the Planning Officers report dated 03/08/2012 (ie. **Reg.Ref.No.F12A/0038**), recommending a grant of planning permission to the applicant at that time – Ms. C. McAuley, as well as to the relevant provisions of the then County Development Plan 2011-2017.

Section 8.3 and Objectives RC02 and RC03 of the Development Plan 2011-2017 have been superseded by Section 5.2 and Objectives RF19 and RF20 of the current Development Plan 2017-2023. However, having had regard to the wording of the provisions at Section 8.3 – ‘Rural Clusters’ of the 2011-2017 Plan, I am satisfied that these are the same as now comprising Section 5.2 – ‘Rural Clusters’ of the current 2017-2023 Development Plan.

7.2.6. In each of the Development Plans, I distinguish that demonstrated compliance with either of the two criteria for demonstrated rural-generated housing need, must be located within a zoned designated rural area.

7.2.7. Further, in each of the two Developments Plans, the respective applicant’s family home located at Knock Cross, Balbriggan, was and is currently zoned “GE – General Employment”. Again, in both of the 2011-2017 and the 2017-2023 Development Plans, the “GE” zone does not comprise as one of the five specified zones deemed

as rural within County Fingal, for the purpose of deciding on applications for a house within a rural cluster.

7.2.8. Therefore, I am left to understand that having regard to the provisions of both Objective RC02 of the Development Plan 2011-2017 and Objective RF20 of the current Development Plan 2017-2023, the Planning Authority were then, and are now precluded from granting planning permission.

7.2.9. Having regard to the Planning Officers report dated 03/08/2012 under **Reg.Ref.No.F12A/0038**, and particularly the attention given to the applicants F.I. submission at that time (see page 6), I note that attention is not apparent with respect to the “GE” zoning objective of the lands at Knock Cross, Balbriggan, and consequently the restrictive implications for the applicant regarding the likelihood of positive consideration by the Planning Authority, of her application for residential development within the Hedgestown Rural Cluster .

I understand that compliance with the definition of a rural area as per any of the specified Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB) or High Amenity (HA) zoning objectives, was a key criteria for the Planning Authority at that time, to be able to grant planning permission. I note that the “GE” zoning of the applicants family home at Knock Cross does not appear to have been addressed at that time. Rather, the Planning Authority under previous **Reg.Reg.No.F12A/0038**, appear to note that location of “the family home at Knock Cross, in the rural area of Fingal”, and conclude that “the applicant has demonstrated compliance with the Fingal Settlement Strategy”. In the information available, I am inclined to the view that the decision to grant planning permission was not in accordance with the relevant provisions of Section 8.3 and Objective RC02 of the County Development Plan 2011-2017.

7.2.10. Further, I note that the applicants arguments are not assisted having regard to Condition No.5 attached to the Outline Planning Permission granted to her father – M. McAuley under **Reg.Ref.No.F08A/1212**. Condition No.5 requires the applicant to submit details demonstrating compliance with the Housing Policy for new dwellings in Designated Rural Clusters. Whilst the provisions set out Section 5.2 of the then County Development Plan 2005-2011 were relevant at that time, I believe that Section 5.2 of the current Development Plan 2017-2023 are now applicable. I am

satisfied that the tests currently comprising Section 5.2 of the 2017-2023 Plan were correctly applied by the Planning Authority, in substantiating their decision to refuse planning permission.

- 7.2.11. I have had regard to the applicant's 'Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area' together with the evidential documentation included with the application. I am satisfied that the applicant has demonstrated her link to the family home at Knock Cross, Balbriggan, Co. Dublin, for a period in excess of 10 years, in compliance with Section 5.2 of the 2017-2023 Development Plan.
- 7.2.12. In conclusion, I do not believe the applicant has satisfactorily demonstrated a local rural housing need, in compliance with the provisions of Section 5.2 of the Fingal County Development Plan 2017-2023, and Objective RF20 particularly. In my view, this primary non-compliance by the applicant is such as to override any satisfactory compliance achieved, with relevant Standards relating to siting, design, drainage and traffic.
- 7.2.13. Accordingly, I believe the refusal reason stated by the Planning Authority for its decision to refuse planning permission, should be sustained. The proposed development at Hedgestown – Rural Cluster, Co. Dublin, would therefore, be contrary to the proper planning and sustainable development of the area.

7.3. Visual Amenity Impact

- 7.3.1. Having regard to the potential for negative visual amenity impact on the rural character of the "RC" Zone at Hedgestown, I note that no designated Scenic Views or Viewing Points exist in the vicinity of the application site at Hedgestown.
- 7.3.2. The application site itself is well screened from view from the local road network, by mature, dense and full hedgerows and trees, together with single house development and the local Hedgestown school, with associated property boundary demarcation and landscaping. This is particularly so along the L5170 local secondary road to the south and west, and from the M1 motorway.

- 7.3.3. Set back c.35m from the L5170 and c.130m from the M1 motorway respectively, I believe the proposed new dwellinghouse would be satisfactorily screened in the local Hedgestown landscape, when viewed from the surrounding rural road network.
- 7.3.4. Accordingly, having regard to insitu mitigation of visual impact, I believe the scale, form and design of the proposed new dwellinghouse would not appear incongruous in the context of other development and land use in the vicinity. Further consolidation of mitigation of visual impact, must also be reasonable anticipated with completion of the 6no. dwellinghouse residential development around the cul-de-sac granted outline planning permission to the applicant's father under **Reg.Ref.No.F08A/1212**. If deemed necessary, further mitigation of visual impact could be achieved by supplementary landscaping and planting around and within the application site.
- 7.3.5. Accordingly, I believe no disproportional negative visual impact will result locally, consequent of the proposed development

7.4. Residential Amenity Impact

- 7.4.1. Having regard to all of the information available, and prioritising the low density and layout of residential development granted outline planning permission under **Reg.Ref.No.F08A/1212** (ie. the application site area – 0.21ha), the absence of immediately adjacent residential development, and to the large separation distances locally, to existing residential development at Hedgestown, I am of the view that the proposed new detached dwellinghouse will have no serious, or disproportionate negative impact on prevailing residential amenity. In this regard, I have given consideration to potential threats to residential amenity consequent of : visual obtrusion, loss of natural light or overshadowing, overlooking or freedom from observation, noise, onsite private amenity / leisure space, in situ views and outlooks, on-site car parking, and access and traffic safety.
- 7.4.2. Further, I am satisfied that the proposed dwellinghouse would provide for an acceptable level of residential amenity for anticipated occupants, having regard to floor area, room sizes, orientation, daylight, sunlight, storage, private amenity space, on-site car parking and safe road access.

- 7.4.3. However, in mitigation of threat to anticipated future residential amenity locally, I note the Planning Authority's opinion that the proposed rear 1st floor balcony be omitted. Whilst I share this view, rather than its complete omission as proposed, I am of the view that its replacement with a 'juliet' type balcony / balconette, would not negatively impact on anticipated future residential amenity. Revision to this design element could reasonably be achieved by way of Condition, should the Board be mindful to grant planning permission.
- 7.4.4. Albeit low levels and sparsely distributed existing residential development at Hedgestown, I do acknowledge the potential for negative impact of construction activity on contextual residential amenity, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this modest development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact necessary.

7.5. Road Access and Traffic Safety

- 7.5.1. To facilitate the proposed development, a new vehicular access onto the application site is proposed off the currently incomplete c.100m private gravel access road (**Reg.Ref.No.F08A/1212** and **Reg.Ref.No.F08A/1212/E1**), serving the single incomplete dwellinghouse (**Reg.Ref.No.F12A/0038**) to the east, and anticipated to enable the remaining small residential development granted outline planning permission under (**Reg.Ref.No.F12A/0038**), and which opens onto the L5170 local secondary road to the west.
- 7.5.2. The private access road is slightly curved, in the vicinity of the application site frontage. Having regard to the low speeds possible, the condition of the road and that only five other dwellinghouses when complete, will be served, and with satisfactory site frontage intervisibility, I believe the proposed new single domestic entrance to be satisfactory from a traffic safety perspective. I note also that the

proposed development would be provided with adequate on-site car parking. In this regard, I note that the County Transportation Planning Section expressed no objection regarding proposed road access and traffic safety.

- 7.5.3. I understand that the Planning Authority's conclusion of the proposed development's primary non-compliance with policy Objective RF20 of the County Development Plan 2017-2023, regarding demonstrated rural generated housing need, was such as to override any satisfactory compliance achievable with relevant Standards relating to siting and traffic safety.

7.6. **Wastewater Treatment**

- 7.6.1. The local Hedgestown area is unserved in terms of public waste water treatment, thus necessitating the use of an individual on-site effluent treatment system on the application site. I have had regard to the "Site Suitability Assessment Report", including the "Site Characterisation Form" on file, completed by 'PercolationTests.ie'. I have further had regard to my own observations made at the time of site visit, most notably the absence of any standing water collection (this after rains). Further, I have verified the shown classification of the site on the 'GSI Vulnerability Map' as High, and having a ground water protection response of R1, under the EPA Code of Practice. I understand single house effluent treatment systems are acceptable in such areas, subject to normal good practice.
- 7.6.2. I note that in the 1.5m deep Trial Hole, a water table was recorded at a depth of 1.20m from the ground surface. 'T' and 'P' test results of 54.64 and 44.81 respectively were recorded, and considered as falling within the allowable range set out by the EPA Guidelines for a secondary treatment system to EPA Code of Practice.
- 7.6.3. Specifically, the proposal is to install a packaged waste water treatment system and polishing filter, with discharge to ground water. Only grey and foul water from the dwellinghouse are to enter the waste water treatment system. I note that all storm water is to be diverted to separate soakpits.

7.6.4. I am satisfied as to the capacity of the site's ground and soils, to facilitate on-site effluent treatment and disposal without disproportionate threat to public and environmental health, subject to compliance with the recommendations contained within the site characterisation report. In this regard, I note that neither the County Water Services Section or Irish Water expressed any objection to the proposed waste water treatment system arrangements.

7.7. **Appropriate Assessment**

7.7.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a rural environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission should be Refused for the reasons set out below.

9.0 **Reasons and Considerations**

The application site is zoned 'RC – Rural Cluster' under the Fingal County Development Plan 2017-2023. This land use zoning objective seeks to "provide for small scale infill development serving local needs while maintaining the rural nature of the cluster". Residential development is permitted on suitable sites on RC zoned land where the applicant has established a genuine rural-generated housing need in accordance with Objective RF20 of the Fingal County Development Plan 2017-2023. As the applicant's family home is not located within an area of the County zoned rural, the proposed development would contravene materially Objective RF20 of the Fingal County Development Plan 2017-2023, and would contravene materially the RC land use zoning objective of the site and the rural settlement strategy. The

development, as proposed, would therefore be contrary to the proper planning and sustainable development of the area.

L.W. Howard
Planning Inspector

31st July 2017