



An
Bord
Pleanála

Inspector's Report

ABP-311221-21

Development	Construction of 2 storey house, the retention of, and the carrying out of alterations to an existing single storey building
Location	Moonlone Lane, Naul, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0316
Applicant(s)	Jake Woods.
Type of Application	Permission and Retention.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Jake Woods
Observer(s)	None.
Date of Site Inspection	07 th of January 2021.
Inspector	Karen Hamilton

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1.0 Site Location and Description

1.1. The site contains a rural dwelling and is located on the edge of a rural cluster, Moonlone Lane, Naul, C. Dublin. The dwelling is a small bungalow with large front and rear gardens. Vehicular access is from the laneway along the front of the site which provides access to several other rural dwellings. There are a large number of large, detached dwellings to the north of the site, associated with the Moonlone lane rural cluster. The site is surrounded by mature trees and hedging, and the rear garden extends both to the rear and side (south) of the site. An old derelict rural shed is located on the site to the south of the dwelling and has a separate access.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- the construction of a new single storey/ two storey four-bedroom house (251m²),
- 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.
- the construction of an open plan connection between the two buildings,
- all other associated works including a new wastewater treatment system and soil polishing filter.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following two reasons:

1. The application site is subject to two separate zonings. The front/ south-western half of the site is located within the “RC” Rural Cluster zoning objective in the Fingal Development Plan 2017-2023, which is to “Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster”. The remainder of the site is located within the “RU” Rural zoning objective which is “to protect and promote in a balanced way, the

development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”. Rural Clusters provide a mechanism for spatially consolidating housing as an alternative to dispersed one-off development in the open countryside and the applicant has demonstrated compliance with the rural settlement strategy of the Fingal Development Plan 2017-2023 as it relates to Rural Clusters. Part of the proposal, specifically the on-site wastewater system, and polishing filter and the soakaway encroach onto adjoining lands zoned as “RU” Rural. As such the proposal would materially contravene the “RC” Zoning objective and its associated vision. The proposal would, therefore, be contrary to the proposer planning and sustainable development of the area.

2. In the absence of adequate sightlines from the existing entrance to be used to access the subject site, the proposal would endanger public safety by reason of traffic hazard. The proposal would therefore be contrary to Objective DMS129 of the Fingal County Development Plan 2017-2023 and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area reflects the decision to refuse permission. The area planner also refers to the following:

Compliance with Zoning Objective/ Development Plan objectives

- The planner noted the two different zonings on the site, namely “RC” Rural Cluster and “RU” Rural.
- The policies and objectives of the development plan, in relation to these zonings are noted.
- It is considered that the supplementary information submitted with the application is acceptable to comply with the objectives of the zoning objective RC, whereas the applicant has demonstrated association with the area for the required 10-year period.

Impact on the visual and residential amenities of the area.

- The design is linked to a contemporary rural vernacular house.
- The design of the house and garage are considered acceptable.
- There is potential for overlooking onto the private amenity space of the associated dwelling to the north-west from two of the first-floor bedroom windows.
- If recommendation to grant, a comprehensive and detailed Landscape Plan could be sought.

Transportation Considerations

- The subject site is in an 80km/hr zone and requires sightlines of 145m in both directions with a 2.4m setback.
- As the existing access is along a narrow lightly trafficked rural road, c.3m in width the transport section believes the road lends itself to lower ambient speeds with a speed limit more in the line of 30km/phr.
- Following a sight inspection, it was noted that the sightlines to the north were impeded by a high hedgerow which runs along the front boundary of the site. The removal of the hedgerow and setback would allow the sightlines although would have implications for landscape character and biodiversity.
- The present format for the entrance is a traffic hazard.

Conclusion

- Part of the proposal encroaches onto lands zoned “RU” Rural which is considered to materially contravene its zoning and associated vision.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions

Transportation Planning Section: Additional information requested for the submission of revised sightlines illustrating 30m, to the north and an extension of the existing c. 1.5m footpath from the north.

3.3. Prescribed Bodies

Irish Water: No objection subject to condition

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

None of relevance.

5.0 **Policy Context**

5.1. **Project Ireland 2040, National Planning Framework (NPF)**

NPO19 seeks to

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’

5.2. **Section 28 Guidelines**

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- A distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need.
- Section 3.2: A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within proximity to the immediate environs or close commuting catchment of large cities and towns.
- Section 4.3: Accessing Housing Circumstances

Appendix 3 sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.

- 5.2.2. EPA Code of Practice for Domestic Wastewater Treatment Systems 2009 & 2021 Planning System and Flood Risk Management -Guidelines for Planning Authorities (Nov 2009).

5.3. **Fingal County Development Plan 2017-2023**

The site is located in an area classified as being under “Strong Urban Influence”.

The site is partially located on lands zoned and RC- Rural Cluster (along the front of the site) and the remainder RU- Rural (at the rear of the site).

- RC objective *“to provide for small scale infill development serving local need while maintaining the rural nature of the cluster”*
- RU objective *“to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*.

Rural Clusters

Rural Clusters serve as areas where members of the rural community can live as an alternative to housing in the open countryside.

Objective SS07: Direct rural generated housing demand to villages and rural clusters in the first instance and to ensure that individual houses in the open countryside are only permitted where the applicant can demonstrate compliance with the criteria for rural housing set down by this Development Plan

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, and encourage the reuse of existing buildings within the cluster over any new development

Qualification Criteria for houses in the Rural Cluster

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,

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 0.2 hectares for on-site treatment systems, and conforms to the drainage and design standards required by the Council, and 0.125 hectares were connecting to a public sewer.

Layout and Design in Rural Clusters

Objective RF22: Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster within the wider rural area, with particular care being taken that clusters do not compete with villages in the services they provide or the role and function they play within their rural area.

Objective RF23: Ensure that 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. New entrances will only be considered where the potential for sharing is not possible. Any removal of hedgerows, trees and walls or other distinctive boundary treatment required to accommodate sight lines must be limited in extent and must be replaced with the same type of boundary. The use of native species for replacement planting shall be used where appropriate.

Objective RF25: Allow for small scale home-based economic activity and local services at a level commensurate with the size, scale and character of the Rural Cluster.

Green Infrastructure Map 1

- The site is in an area designated as a Highly Sensitive Landscape
- Objective NH39- Visual Impact Assessments should be prepared for developments in highly sensitive locations.

5.4. **Natural Heritage Designations**

The site is located c. 1.9k to the west of a proposed NHA, Bog of the Ring (site code 001204).

5.5. **EIA Screening**

Having regard to the limited nature and scale of the proposed development, which includes the reuse of an existing dwelling and upgrade of a wastewater treatment system, and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal area submitted from the applicant's agent in relation to the refusal of permission from the PA. The submission is summarised as follows:

Background

- The applicant is an established resident of the Moonlone area (excess of 20 years) and currently resides with his parents.
- Documentation submitted with the application confirms the continued residency (list provided).
- The site was owned by a family friend, was passed down to the applicant's father who now gives permission for the applicant to make the proposed development.
- The gable pitch building to the south east corner was in residential use (unauthorised) until 1970.
- The applicant can comply with the requirement for houses in the rural cluster where he has lived in his parent's house for over 20 years.
- The applicant can also comply with the requirements to live in rural areas on lands zoned as RU and GB as he has lived continuously for 10 years or more.

- No members of the Woods family have been granted permission for any rural houses since 1999.
- The first option to upgrade the unoccupied house (adjoining derelict building) would have been expensive.
- The inclusion of the current house in the RU rural cluster zone was considered reasonable.
- Since the construction of the house in 1986, no enforcement action has been taken against it by the Council.
- The septic tank is located to the rear of the site within the RU land use zoning and is also unauthorised (installed over 35 years ago).
- It is considered the septic tank should have include along with the house in the rural cluster zoned lands.
- There was no response received from FCC planning department on a preapplication enquiry (se Appendix 3 summary below).

The proposed development

- The proposed house is closely linked to the existing house.
- The existing access into the site will be used.
- It is proposed to install a wastewater treatment plant and soil polishing filter to the rear within the RU zoned lands

The first reason for refusal

- The Council have acknowledged that the applicant can fulfil the criteria to live at this location although the wastewater, soakaway and surface water drainage system are located on lands zoned as RU.
- The development of the house is within the rural cluster which is compatible with the zoning.
- The first reason for refusal is not sustainable.
- The applicant is a resident of the existing rural cluster, has a rural generated housing need, wishes to live within the community and has demonstrate a genuine housing need.

- Both the house and septic tank have the benefit from immunity from enforcement action as they are both past the “seven-year rule”.
- The proposal will represent a significant improvement to the existing situation.
- The minimum area need for a rural house is 0.2ha, the site is only 0.1ha and it appears that it has been included in the rural cluster, but the council did not include the wastewater treatment system.
- The applicant fulfils the reasons to comply with the development objective for living.

The second reason for refusal

- Related to the inadequacy of the sightlines.
- The transport section requested additional information requesting a revised sightline which would involve the removal/ relocation of the front boundary treatment.
- The applicant has submitted a revised sightline showing a resited boundary, the provision of a 30m sightlines in both directions and the provision of an extension of the 1.5m footpath to the north-west of the site along the boundary.
- It is considered the revised site layout addresses the Transport Section objection and contains planning gain in the form of a footpath.

Other Issues

- The overlay of the site zonings was clearly demonstrated on the proposed site plan.
- In relation to the likely impact of the proposed house on the residential amenity and any overlooking, it is noted that the proposal is bungalow. There is one window serving a toilet is obscure.
- A revised elevation has been submitted to illustrate high level windows serving a corridor beside the bedrooms on the first floor and these can be obscure should the Board consider necessary.

Appendix 3 - (email correspondence between FCC and the appellants agent)

- Correspondence requesting comments on a S247 query and the principle of development between January and February 2021
- Appellant notes no response provided up to the submission of the application in June 2021.

Design Concept Statement

- Background and supporting statement for the location and design of the dwelling.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

A response from the PA references the original planner's report and considers the full extent of the proposed development should be contained within the existing defined "RC" Rural Cluster boundary and should not encroach onto the adjoining "RU" Rural zoned lands.

The PA note the revised layout drawings submitted within the application demonstrates 30m sightlines in both directions.

It is requested that the decision to refuse is upheld.

6.4. **Observations**

None received.

7.0 **Assessment**

- 7.1. The applicant has submitted additional information with the grounds of appeal to include revised access arrangements, sightlines and inclusion of a footpath along the main road. This issue is further discussed below in relation to the assessment on sightline. In addition, revised floor plans and fenestration details for the first floor

have been included in the new plans, to reduce any potential impact on the adjoining residential amenity, also further discussed below.

7.2. The main issues of the appeal can be dealt with under the following headings:

- Principle of Rural Housing
- Design of the Dwelling and Impact on Residential Amenity
- Access and Sightlines
- Appropriate Assessment.

Principle of Rural Housing

Background

7.3. The existing site consists of a modest detached rural bungalow, accessed from a rural lane. The site forms part of a small rural cluster of rural-generated houses. Part of the site, along the front, which contains the dwelling, is located on lands zoned as RC, Rural Cluster, in the Fingal County Development Plan 2017-2023 (CDP) whilst the remaining lands, at the rear of the site, are located on lands zoned as RU, Rural.

7.4. The proposed development includes a replacement dwelling, new access and septic tank. The location of the new dwelling to the front of the site, is broadly in line with the location of the existing dwelling, and is located on lands zoned RC, Rural Cluster. The septic tank associated with the dwelling will be in the rear garden, on lands zoned as RU, Rural.

7.5. The proposed development was refused for two reasons, the first related to the encroachment of the proposed development on the RU, Rural lands. In this regard the PA considered the location of the wastewater system, polishing filter and soakaway represented a material contravention of the RC, Rural Cluster zoning and the associated vision.

Rural generated housing need

7.6. The Moonlone Lane rural cluster includes c. 21 dwellings within the overall defined cluster. The existing dwelling is within this cluster. The policies and objectives of the CDP encourage the consolidation of rural housing within these defined clusters. Objective RF 20 of the CDP allows persons with rural generated housing need planning permission for a house within the rural cluster where the site is a minimum

of 0.2 ha for on-site treatment. 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.

7.7. The applicant has submitted documentation with the planning application to indicate compliance with the rural generated housing need. In this regard, it is noted that the applicant's family home is one of the existing large, detached properties with the Moonlone rural cluster. Details of school attendance, bank statements linking the applicant to the family home and other details such as folios of ownership are included within the planning application. The report of the PA notes the applicant has demonstrated compliance with the Rural Cluster Settlement Strategy in respect of the required 10-year period.

7.8. The grounds of appeal reiterate the information submitted with the application, in relation to the applicant rural generated housing need. In this regard, they note that the applicant's compliance with the rural housing policy and this would also be in compliance with the residency requirement for housing within the areas in Fingal with zoning objectives "RU" or "GB" (period of 15 years in the family home).

7.9. I note the documentation submitted with the application and the grounds of appeal and I consider the applicant has clearly indicated links to the immediate rural area for a 10-year continuous period. I note the vision and objective for development within these defined rural clusters is to serve local needs. I consider development within these rural clusters can help to alleviate unnecessary pressures on the countryside by retaining the wider countryside as a natural resource. In this regard, I consider the principle of the applicant reusing and extending a dwelling within the rural cluster is acceptable in principle.

7.10. In relation to the applicant's contention that they also comply to live in the RU zoned lands, I note that criteria for rural generated housing need is much more stringent than the criteria for dwellings on lands zoned for RC, Rural Cluster. Chapter 5 of the CDP includes the eligibility for persons to live on lands zoned as RU. Objectives RF 29, RF30 and RF 33 allow up to 2 houses in areas with the RU zoning objectives, on a family farm based on their involvement in running the family farm. As noted above,

the applicant confirmed the family home is currently within the rural cluster (Moonlone Lane), therefore I do not consider any the links to a family farm have been provided. These links are necessary for compliance with the local needs criteria in the RU, Rural zoned lands. Therefore, I do not consider the applicant has submitted sufficient information necessary to conclude that they are eligible to comply with the rural generated housing need for sites with the RU, Rural zoned lands.

Land Use Zoning and Material Contravention

- 7.11. The first reason for refusal by the PA highlighted the encroachment of the on-site wastewater treatment system on the RU, Rural zoned lands which the PA considered would materially contravene the RC, Zoning objective and its associated vision. As stated above the policies and objectives of the CDP encourage the consolidation of rural housing within these clusters by allowing small scale infill development to serve the local needs.
- 7.12. The proposed site plan illustrates the location of the RC, Rural Cluster zoning along the rear building line of the dwelling. The septic tank, polishing filter and soakaway are located in the rear garden. The grounds of appeal note the existing dwelling and septic tank are unauthorised (i.e., built in 1986 within the benefit of planning permission). Although the PA report does not include any reference to the unauthorised dwelling, the grounds of appeal considers that the rear garden (and existing septic tank) may have been excluded from the rural cluster boundaries as there was no planning history available.
- 7.13. I note the formal garden area associated with the existing dwelling is located to the north west, side, of the house. Those lands to the rear are not currently used as amenity area although there is no formal or nature boundary treatment physically separating the lands from the existing holding on which the dwelling is located. Having regard to the nature of the site and location of the rear of the site with the dwelling, I consider it reasonable that both the RU and RC zoned lands and residential use on both can be regarded as one land holding.
- 7.14. In the absence of any response from the PA, I can not assume that the rear area of the site RU, rural was excluded from the Moonlone Lane rural cluster only because the site was unauthorised. The Board will note Objective RF20 allows permission for

a house where the site size is a minimum of 0.2ha and conforms to the drainage and design standards required by the Council. In this regard, I consider the exclusion of the rear garden of this site from the defined rural cluster boundary prevents any redevelopment or replacement of the existing dwelling (less than the required 0.2ha), which I consider is unreasonable. As stated above, the applicant complies with the criteria of the CDP to live within the rural cluster zoning and would therefore would not require an existing dwelling to apply for a replacement. This aside, having regard to the CDP requirements to develop a site within the rural cluster (0.2ha) and those EPA Guidelines (further detailed below) it is my opinion that it is reasonable that the rear garden (i.e., RU, Rural zoned land holding) would be included in any proposal for a replacement dwelling at this location.

- 7.15. In relation to the PA reason for a material contravention of the RC, Rural Cluster zoning, I note the policies and objectives support rural generated housing for persons such as the applicant. It is my opinion that the proposal provides a sustainable option to address the applicant's housing situation by reusing an existing site which is located within an existing rural cluster. It is my opinion that the land use objective to "*Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster*" will not be contravened by the proposed development. In coming to this conclusion, I have considered the location of the septic tank and soakaway within the RU, Rural zoned land.

Unauthorised Dwelling

- 7.16. As noted above, the grounds of appeal have referenced the existing dwelling and septic tank as unauthorised developments. The PA have not raised any objection in relation to the retention of the existing dwelling on site. I note the existing dwelling is contiguous to the rural cluster, is of a modest scale and is surrounded by mature trees and hedging. I do not consider the retention of this site has any adverse impact on the rural cluster or the surrounding rural area. Therefore, having regard to the location of the dwelling within the defined rural cluster I have no objection to the retention of the dwelling for the purposes of supporting the rural housing need.

Conclusion

- 7.17. Having regard to the location of the existing dwelling within the Moonlone Lane rural cluster and the policies and objectives of the Fingal County Development Plan 2017-

2023 which support infill development and the applicant's circumstances, I consider the principle of the proposed dwelling at this location acceptable and not in material contravention of the RC, Rural Cluster land use zoning. In addition, having regard to the size of the site and requirements of the development plan for a site of 0.2ha, and the need to adequately service the site, I consider it reasonable that the lands zoned as RU, Rural may be used to accommodate the wastewater and surface water. I do not consider this servicing would contravene either the RC, rural cluster zoning or the RU, Rural zoning.

Design of the Dwelling and Impact on Residential Amenity

- 7.18. The proposed dwelling includes the reuse of part of the existing dwelling, an additional two storey part both interconnected. The PA report noted the use of traditional vernacular design in conjunction with contemporary elements. While the PA considered the overall design of the dwelling acceptable, the potential for the windows from the first floor of the new two storey element were considered to have a potential for overlooking onto the adjoining private amenity space.
- 7.19. The applicant submitted a revised design, with the grounds of appeal, reconfiguring the first floor to include a corridor along the west, removing the first-floor side windows and replacing with high level windows. The PA did not comment on this redesign. I note the location of the new side extension c.8m to the east of the rear garden of the adjoining property. I consider the inclusion of the high-level windows acceptable and does not compromise the original design of the dwelling, which I consider reasonable within a rural setting.

Access and Sightlines.

- 7.20. The second reason for refusal relates to the inadequate sightlines into the site as detailed below:

“In the absence of adequate sightlines from the existing entrance to be used to access the subject site, the proposal would endanger public safety by reason of traffic hazard. The proposal would therefore be contrary to Objective DMS129 of the Fingal County Development Plan 2017-2023 and contrary to the proper planning and sustainable development of the area.”

- 7.21. The reason for refusal was included following a report from the Transport Section highlighting concerns that the proposed access would lead to a traffic hazard, having regard to the absence of 30m sightlines to the north (right on exit) as taken from a 2m setback from the centreline of the road. The Transport Section report also highlighted the absence of a footpath along the front of the site, extending from the existing path in the Moonlone Lane rural cluster.
- 7.22. The grounds of appeal include a revised site layout plan with an amended sightline. The amended proposal includes the removal of part of the existing hedgerow, set back and new small trees planted. In addition, a 1.5m footpath is illustrated on the proposed site plan, along the front of the site.
- 7.23. The report of the PA, in response to the grounds of appeal, notes this additional information submitted by the applicant. The PA note that the application demonstrates the provision of 30m sightlines in both directions.
- 7.24. I note the site is located along a small rural lane which provides access to c. 2-3 rural dwellings and associated farms. The lane does not allow any through access. The report of the Transport Section considers that a road design speed of 30km/hr is appropriate for this road. Having regard to the nature of the access and cul-de-sac at the end of the road, I consider this road design speed appropriate. Given the nature of the road and the design speeds, the Transport Section consider sightlines of 30m (setback from 2m from the centreline of the road) for each direction necessary to prevent any traffic hazard.
- 7.25. As stated above, the applicant has provided an amended site layout illustrating the appropriate sightlines, as previously requested by the Transport Section. Having regard to the provision of these sightlines, I do not consider the proposed development would cause a traffic hazard. In this regard I do not consider the proposal is contrary to Objective DMS 129 of the Fingal County Development Plan 2017-2023 which states the following "Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards".

Appropriate Assessment

- 7.26. The site is not located within or directly or indirectly connected to any European Sites. The proposed development includes the reuse and extension of an existing dwelling and wastewater treatment system within a rural cluster. Having regard to

the nature and scale of the proposed development, the information on the file and the nature of the receiving environment, no appropriate assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European Site.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

The site is located in the Moolone Lane rural cluster, a small cluster of dwellings located to the east of Naul Village. The proposed development comprises of the retention of an existing bungalow and extension along with the replacement of an unauthorised septic tank and surface water treatment to the rear of the site. Having regard to the location of the site within the Moolone Lane rural cluster, the circumstances of the applicant and the policies and objectives of the Fingal County Development Plan 2017-2023 which encourage rural generated housing in these 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, does not result in a significant negative impact on the rural character of the area or would the design or location to the dwelling have a negative impact on the amenities of the adjoining properties. The proposed development would be in accordance 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.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanala on the 22 nd of
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	<p>September 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>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.</p> <p>(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.</p> <p>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.</p> <p>(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 dwelling-house 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.</p>

	<p>(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.</p> <p>(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.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>Prior to the commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>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,</p>

	<p>shall be replaced within the next planting season with others of similar species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
6.	<p>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.</p> <p>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.</p>

Karen Hamilton
Senior Planning Inspector

31st of January 2022