



An
Bord
Pleanála

Inspector's Report

ABP-316035-23

Development	Construction of a two-storey extension to rear of guesthouse, revision of external car park to provide 14 additional spaces and all ancillary works.
Location	Hildan House, Lispopple, Swords, Co. Dublin, K67 Y392
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0685
Applicant(s)	Hazlewood Walk Holdings Ltd..
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Hazlewood Walk Holdings Ltd.
Observer(s)	None
Date of Site Inspection	24.06.2023
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1.1. The subject site with a stated area of 0.615 hectares, is located on the western side of the R125 between Swords and Rolestown with direct access onto the R125 road via an existing electronic vehicular access and a separate pedestrian gate. The access is located on a bend in the road.
- 1.1.2. Hildan House, a guesthouse, is located on the lands with ancillary car parking to the northwest, as well as a small stable building converted to offices. The site also comprises mature trees and hedgerows. The site is surrounded by agricultural lands and the Swords Open Golf Course to the east of the R125. A watercourse, a tributary to the Broadmeadow River forms the southern boundary of the site. The Portrane Reservoir is located to the west of the site.

2.0 Proposed Development

- 2.1.1. The proposed development would consist of the following:
- Construction of a two-storey extension to rear of existing guesthouse to accommodate 12 no. ensuite double-bedrooms and ancillary lift, stairwell and circulation space;
 - Revision of external car park to provide for 14 no. additional vehicular parking spaces;
 - All ancillary works, including SuDS drainage and landscaping, necessary to facilitate the development.

The proposed works will increase the number of bedrooms within the guesthouse from 18 no. to 30 no. and the number of vehicular parking spaces serving the guesthouse from 37 no. to 51 no.

3.0 Planning Authority Decision

3.1.1. Decision

The Planning Authority Refused the proposed development for 3 No. reasons, namely:

1. The proposed development would endanger public safety by reason of serious traffic hazard as the required sightlines cannot be achieved on both sides of the existing vehicular entrance onto the R125. It is therefore considered that the proposed development remains contrary to the requirements of Objective DMS129 of the Fingal Development Plan 2017-2023 and would not be consistent with the proper planning and sustainable development of the area.
2. The proposed scale of development within the subject site would have overbearing consequences on the subject 'RU' zoned lands, which have the 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' and, in its current form, would negatively impact on the landscape character type designation of the area. Would injure the quality of the green belt function of rural zoned lands creating a buffer from the urban fabric of Swords, and would be contrary to the proper planning and sustainable development of the area.
3. Notwithstanding the At Risk status of not achieving the objectives of the Water Framework Directive of the water course forming the southern boundary of the site, and the high risk classification of the groundwater body by the GSI. As a consequence of insufficient information submitted on both the existing levels and proposed levels of on site waste water treatment it cannot be concluded that the development, would not cause serious water pollution, and for that reason be a serious danger to human health and the environment. The absence of evidence that the proposal would not result in a significant impact on the conservation objectives of European sites, precludes the planning authority from permitting the proposal.

3.1.2. **Planning Authority Reports**

3.1.3. Planning Reports:

- 3.1.4. Having regard to the proposed development it is considered that the proposal for 12 no. guesthouse bedrooms would constitute overdevelopment of a poorly connected site. In addition, the Planning Authority have concerns over traffic hazard resulting

from substandard sightlines, concerns over the overbearing and potential impact of a poorly screened off development on a sensitive Landscape Character Type, as well as the lack of details with regards to foul disposal.

3.1.5. Other Technical Reports

- Transportation Section - Recommend refusal.
- Water Services - Additional information required.
- Parks and Green Infrastructure Division - Additional information required.
- Architects Department - No report received.
- Environmental Health Officer - No objection subject to conditions.

3.1.6. Prescribed Bodies

- Irish Water - No objection subject to conditions.
- Dublin Airport Authority (DAA) - No comment.
- Irish Aviation Authority (IAA) - No observation.
- Health & Safety Authority - No objection.

3.1.7. Third Party Observations

- None received.

4.0 Planning History

F06N0468 - Retention Permission GRANTED for the change of use of the stable building to a home based office use to facilitate the operation of the existing bed & breakfast business and the retention of the alterations to the front elevation.

F05N1603 - Retention Permission REFUSED for the change of use of stable building to meeting rooms associated with the approved bed & breakfast business.

F03N0864 - Permission REFUSED for the erection of two illuminated 750 x 750 mm signs at a height of 3000mm above ground level.

F02N1092 - Permission REFUSED by FCC and subsequently by ABP for a two storey house and associated drainage works.

5.0 Policy Context

5.1.1. Development Plan

The Fingal County Development Plan 2023 – 2029 is now the pertinent statutory CDP it came into effect on the 5th April 2023.

Under the Fingal County Development Plan 2023 – 2029 the subject site retains its 'RU' Zoning, as per the previous CDP 2017 – 2023, which was in place at the time of FCC decision and under which the subject application was assessed by the PA.

“RU” zoned lands have the 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.”

The zoning matrix within the Fingal County Development Plan contains a list of use classes which are deemed 'Permitted in Principle'. Guest House is a permitted in principle use within this matrix.

The following Objectives are of relevance to the subject application:

Objective EE041 Engage and collaborate with key stakeholders, relevant agencies, sectoral representatives and local communities to develop the tourism sector in Fingal and to ensure that the economic potential of the tourism sector is secured for the benefit of the local economy.

Objective ED58 Promote and facilitate tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, aparthotels, tourist hostels, cafes and restaurants, visitor attractions, including those for children.

Policy EEP22 Support development of tourism infrastructure, visitor attractions and supporting facilities at appropriate locations in the County in a manner that does not have an adverse impact on the receiving areas and the receiving environment.

Objective EEO44 Conservation and Protection

Ensure the economic benefits associated with promoting the County's natural, cultural and built heritage are balanced with due consideration for their conservation and protection.

Objective EEO46 Promote opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the resultant development will not have a negative impact on the receiving rural environment.

Objective EEO55 Support proposed extensions to existing dwellings, within areas which have zoning objectives, RU, GB, HA, RV, or RC, which provide for bed and breakfast or guest house accommodation where the size, design, surface water management and foul drainage arrangements for the proposed development does not erode the rural quality and character of the surrounding area.

Policy EEP26 Encourage and support local enterprise within Fingal's small towns, villages and rural business zones by facilitating the provision of space for small scale employment including office development.

Objective EEO49 Support sustainable tourism initiatives which develop the tourist potential of the rural area while recognising and enhancing the quality and values of the rural area.

Objective GINHO57 Protection of Views and Prospects Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

Objective VP01 'Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

5.1.2. Natural Heritage Designations

The subject site is located northwest of the Malahide Estuary Special Area of Conservation (000205) and the Broadmeadow Swords Estuary Special Protection Area (004025).

A tributary of the Broadmeadow River runs along the southern boundary of the subject site.

5.1.3. **EIA Screening**

5.1.4. The proposed development is not listed in Schedule 5 (Part 1 or Part 2) of the *Planning and Development Regulations 2001* as amended nor does the proposed development meet the requirements for sub-threshold EIA as outlined in *Section 103* of the *Planning and Development Regulations 2001* as amended. No Environmental Impact Assessment (EIA) is therefore required.

6.0 **The Appeal**

6.1.1. **Grounds of Appeal**

- The proposed development will not result in a serious traffic hazard as the proposal has had regard to the provision of sufficient sightlines, demonstrating compliance with Objective DMS129 of the Development Plan;
- The proposed development is consistent with the site 'RU' - Rural, zoned lands and zoning objective of both the Fingal County Development Plan 2017-2023 and 2023-2029;
- The proposed development allows for the expansion of a business, further developing the local economy providing for a high standard of accommodation for future tourists; and
- The proposed rear extension to existing guesthouse has been designed by C+W O'Brien Architects to balance the efficient development of the site with the need to respect the overall character of the area.
- The form, architecture and material of the proposed extension has been given maximum attention so that the development integrates successfully with the existing built form of adjacent properties. It is contended that the unique character of the scheme will enhance the character of the underutilised site and be a positive addition to the area, it is therefore strongly considered that the proposal is appropriate and will have no serious negative impacts on the visual amenity of the area.

- Although the property is set within a rural context, the area is easily accessible and served by a high standard public transport network. The property is located approximately 1km east of the Lispopple bus stop which is served by Dublin Bus Route No. 41b (Rowlestown to Abbey Street Lower) and Go-Ahead route No. 197 (Swords to Ashbourne). Due to the site's proximity to Swords and Rowlestown, the site is also provided with easy access to shops, services and other amenities.
- The proposal is consistent with Development Plan policy on tourism. The proposal will facilitate visitor stays within the County while utilising the rural tourism offering.
- **In response to the first refusal reason**, TENT Engineering have been appointed to prepare a note detailing the sightlines from the entrance of the subject site to the R125.
- The Sightline Study prepared by TENT Engineering fully addresses the concerns raised by the Planning Authority in relation to traffic hazards on both sides of the existing vehicular entrance onto the R125.
- The proposed sightlines from the entrance of the subject site to the R125 are considered appropriate and will not result in any serious traffic hazard.
- It is acknowledged that the proposed development may result in a minor increase in traffic volumes entering and leaving the site. However, it is noted that there have been no known reported incidents in the past regarding traffic issues.
- The operator of the guesthouse intends to provide a daily private bus service between the subject site and surrounding amenities, minimising the intensification of vehicular movement to the subject site.
- Alterations to improve the sightlines are proposed - increasing from 118 metres to 150 metres on the left-hand side and from 38 metres to 80 metres on the right-hand side. These alterations are considered to be minor in scale, however, significantly increase visibility from the entrance of the subject site to the R125.
- Sightlines to the right-hand side of the site entrance are below the 145- metre guidance. The Applicant is prepared to provide alterations to the site entrance to ensure that adequate sightlines are provided which can be addressed by way of condition following a grant of permission.

- **With respect to refusal reason no. 2.** It is considered that the proposed development does not constitute an overbearing presence of the site.
- The proposal seeks an extension of 367sq.m to an existing 836sq.m guest house. The additional extension is minimal in terms of the impact on surrounding amenities and sightlines.
- The proposal would have minimal impacts on the visual amenity of the surrounding area. It is considered that the design represents a proposal which is appropriate for the site and demonstrates consistency regarding guidance included in the Development Plan for development situated on rural lands.
- A landscaping plan has been prepared by The Big Space and is submitted with this appeal. These plans highlight the provision of additional tree planting throughout the site, ensuring the proposed development is screened.
- **In response to refusal reason no. 3,** TENT Engineering have prepared a document providing further details on the Wastewater Treatment Plan for the proposed development.
- The closest point of the percolation infiltration bed to the stream will be 12.3m. As outlined in the EPA code of Practice, the minimum separation distance from a stream should be 10m, so we have achieved sufficient separation. With the addition of the UV disinfection unit and tertiary treatment, the sewage treatment system should pose no risk to the stream.
- Additionally, the waste water treatment plan notes that an Appropriate Assessment Screening will be carried out prior to the installation of the water treatment plan. This will therefore ensure the proposed development will have no impacts regarding European sites and will align with the Water Framework Directive.
- The site layout plan prepared by TENT Engineering included with the first-party appeal highlights the waste water treatment location in relation to the subject proposal. It is considered that the plan and associated drawings provide sufficient details for the management of wastewater for the proposed development, appropriately addressing the third refusal reason of the Council.

- **Appeal accompanied with TENT Engineering's response.**

With Respect to Transportation Issues:

- Refer to drawing 22052-TNT-XX-XX-DR-S-00002 for further improvements. Confirm improvements have been made to achieve 150m (improved from 118m) on the left hand side and on the right hand side 80m (improved from 38m). The client is prepared to do what is required to overcome this situation. Any further augmentation required can be agreed prior to construction with Fingal Transportation team.

With response to Waste Water Issues:

- It is proposed to use the Sepcon BAF PE 75 sewage treatment system (or similar approved). This system is designed to treat the sewage to EN 12566-3 Standard (please see PIA test certificate attached). We are proposing to further treat the effluent through an Ultraviolet disinfection unit (please see attached specification and treatment standards). The effluent will then go through a Sand polishing filter for tertiary treatment and discharge to groundwater through an infiltration bed.
- The closest point of the percolation infiltration bed to the stream will be 12.3m.
- As outlined in the EPA code of Practice, the minimum separation distance from a stream should be 10m, so we have achieved sufficient separation. With the addition of the UV disinfection unit and tertiary treatment, the sewage treatment system should pose no risk to the stream.
- As part of a Section 4 discharge license which will be obtained, screening for an appropriate assessment will be carried out. This screening will be carried out prior to the installation of the treatment plant and approval gained from FCC prior to construction.
- Engagement has been made with Irish Water to explore if a connection is feasible approximately 250m East of the development site. We will explore this in parallel to the proposed wastewater treatment system and reach a consensus with FCC prior to contraction.

6.1.2. **Applicant Response**

- Not Relevant

6.1.3. **Planning Authority Response**

Response received dated 4th April 2023. It is summarised as follows:

- The Planning Authority considers that the subject site would not adequately support the proposed intensification on 'RU' Rural zoned lands.
- The proposed scale of development within the subject site would have overbearing consequences on the subject 'RU' Rural zoned lands.
- The existing substandard sightlines would be considered a traffic hazard and the lack of pedestrian and cycle connectivity would be contrary to the proper planning and sustainable development of the area;
- The absence of details with regards to the existing wastewater treatment system to be decommissioned and the absence of details regarding the new proposed on-site wastewater system would result in a disorderly form of development which would represent an unacceptable risk of water pollution.
- In addition, a Notice under Section 12 of the Local Government (Water Pollution) Acts 1977 to 2-007 has been issued to the Applicant for immediate ceasing of the discharge from the wastewater treatment plant serving the Hildan House complex and the requirements for the services of a Consulting Engineer to:
 - address issues of treatment and disposal of domestic sewage and for a proposal on the provision of a treatment system appropriate to the occupancy of Hildan House.
 - It is considered premature to grant any further development on the subject site which would constitute overdevelopment on a poorly serviced site and have the potential to increase a risk to water pollution.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority.

6.1.4. **Observations**

- None on File

6.1.5. **Further Responses**

- None on File

7.0 Assessment

7.1.1. Having inspected the site and examined the associated documentation, the following are relevant issues in this appeal:

- **Zoning and Principle of Development**
- **Transportation Considerations**
- **Visual Amenity, Landscaping & Tree Conservation**
- **Water & Drainage**
- **Appropriate Assessment (AA)**

7.1.2. **Zoning and Principle of Development.**

7.1.3. The applicant, planning authority and third parties assessed the proposed development against the provisions of the Fingal County Development Plan 2017 - 2023, which was the relevant statutory plan in place when the scheme was lodged. However, the new Fingal County Development Plan 2023 – 2029 was adopted on the 5th March 2023. My assessment is based on the policies and objectives of the current statutory plan, which is the Fingal County Development Plan 2023 – 2029.

7.1.4. The site of the proposed development “Hildan House”, a guesthouse, is located on the western side of the R125 between Swords and Rolestown in the rural countryside. It has ancillary car parking to the northwest, as well as a small stable building converted to offices. The proposed development comprises an extension of 367sq.m to an existing 836sq.m guesthouse on 'RU' zoned land. Guest House development is 'permitted in principle' on 'RU' zoned lands, 'Where the use is ancillary to the use of the dwelling as a main residence'.

7.1.5. The plans and drawings submitted indicate 'Landlord space' (comprising a 4-bedroom 98 sq. m single storey, ground floor unit to the front of the building). Therefore, it is considered that the existing guesthouse use may be considered ancillary to a main residence and therefore deemed acceptable on the subject lands, therefore the proposed development is acceptable in principle, subject to compliance with other development management considerations, such as, visual amenity, transportation, water and drainage and landscaping.

- 7.1.6. I note and agree with the concerns of the PA in their assessment of the principle of the proposal that; 'It is considered that the proposed development represents the limit of what could reasonably be considered to be 'ancillary to the use of the dwelling as a main residence'. In this regard it is considered that in the event that permission is granted that no further capacity will remain on site for similar future expansion'.
- 7.1.7. The proposal represents a significant increase in floor area which would give rise to over 90% of the floor area (1,105 sq. m) in use as Guest Accommodation and 98sq m as host accommodation. The matter of ancillary is questionable, in my opinion. The site is un-serviced and rural in nature, issues associated with transportation, connectivity, access and water and drainage are discussed in detail in the succeeding sections of this report. I note that at the time of my site visit there was no one available in the host accommodation or at reception in the guesthouse. The guest house accommodation appeared in use as accommodation for long term stay guests with children playing on the grounds and adults seated outdoors.
- 7.1.8. **Transportation Considerations**
- 7.1.9. The first reason for refusal, set out in detail in section 3.2 of this report above considers that the proposed development would endanger public safety by reason of serious traffic hazard as the required sightlines cannot be achieved on both sides of the existing vehicular entrance onto the R125.
- 7.1.10. The proposed two-storey extension to the rear of the existing guesthouse would accommodate 12 no. ensuite double-bedrooms and ancillary lift, stairwell and circulation space. It is proposed to revise the external car park to provide for 14 no. additional vehicular parking spaces. The proposed works would increase the number of bedrooms within the guesthouse from 18 no. to 30 no. and the number of vehicular parking spaces serving the guesthouse from 37 no. to 51 no.
- 7.1.11. The Transportation Planning Section do not support the proposed development due to the lack of connectivity to safe active travel modes and inadequate sightlines on both sides of the existing vehicular entrance and recommend refusal.
- 7.1.12. This site is located c. 4 Km distant from Swords and 1Km distant from the Lispopple bus stop. It is poorly served by public transport services and no footpath connectivity

is provided. Therefore, access to the site is entirely reliant on the private motor vehicle. I can confirm, from my site visit, that access onto the R125 is situated at a curve on the road and cars travelling along this section of the R125 are travelling at speed. The sightlines in place at present combined with high ditches, bushes and overgrowth hinder visibility from the access.

7.1.13. In response to the first refusal reason, the first party have engaged TENT Engineering. Their report submits that the proposed development 'may result in a minor increase in traffic volumes' entering and leaving the site. However, there have been no known reported incidents in the past regarding traffic issues. The operator of the guesthouse intends to provide a daily private bus service between the subject site and surrounding amenities, minimising the intensification of vehicular movement to the subject site. It is also proposed to improve the sightlines - increasing from 118 metres to 150 metres on the left-hand side (of the R125) and from 38 metres to 80 metres on the right-hand side (of the R125). Sightlines to the right-hand side of the site entrance are below the 145- metre guidance. It is submitted that the applicant is prepared to provide alterations to the site entrance to ensure that adequate sightlines are provided which can be addressed by way of condition following a grant of permission.

7.1.14. Clearly the applicant has not overcome the reason for refusal. The proposed development is, in my opinion, for a significant intensification of use of the site and sightlines of 145m in each direction from the entrance are required. The current access arrangement is ambiguous. I consider that an increase in car parking spaces to 51 and double rooms to 30 is significant at this location, given the site specific constraints.

7.1.15. I agree with the PA that the existing and proposed sightlines would be considered a traffic hazard and the lack of pedestrian and cycle connectivity would be contrary to the proper planning and sustainable development of the area. Given the lack of connectivity, intensification of the use, as proposed, is unacceptable.

7.1.16. **Visual Amenity, Landscaping & Tree Conservation**

7.1.17. The second reason for refusal, set out in full in section 3.1 of this report, above, considers that the proposed scale of development would have overbearing

consequences on the subject 'RU' zoned lands, would negatively impact on the landscape character type designation of the area and would therefore be unacceptable.

- 7.1.18. The first party appeal submits that the proposal would have minimal impacts on the visual amenity of the surrounding area. Due to the siting and scale of this proposed development, it is considered that the design represents a proposal which is appropriate for the site and demonstrates consistency regarding guidance included in the Development Plan for development situated on rural lands.
- 7.1.19. Cognisance being had to the Visual Impact Assessment (VIA) submitted with the application and to the landscaping plan prepared by The Big Space and submitted with the appeal. The landscape plan highlight the provision of additional tree planting throughout the site, ensuring the proposed development is screened.
- 7.1.20. I note the site area of some 0.615 ha. The proposal seeks an extension of 367sq.m to an existing 836sq.m guest house. The proposed development would be c. 21m in length and c. 11.2m in width. Both ground and first floor would comprise 6 no. guest bedrooms with en-suites accessed via stairs to the west and a lift to the east. The drawings indicate that each guest bedroom and en-suite would be 15 sqm. The extension would have a height of some 8.8m which would match the existing roof height of the existing building.
- 7.1.21. The additional extension is significant in terms of its visual impact in my opinion. Regard is had to its rural context and proximity to the R125. I highlight the objective indicated in the CDP 2023 -2029 to 'preserve views' along the R125 at this location. While the landscape plan would go some way to mitigating the scale and prominence of the structure it is clear from the VIA that it would negatively impact on the landscape character type 'RU' designation and the objective to 'preserve views'.
- 7.1.22. It is my opinion that the second reason for refusal has not been overcome.
- 7.1.23. **Water & Drainage**
- 7.1.24. The third reason for refusal, set out in full, in section 3.1 of this report above considers that Notwithstanding the At Risk status of not achieving the objectives of the Water Framework Directive of the water course forming the southern boundary of

the site, and the high risk classification of the groundwater body by the GSI. As a consequence of insufficient information submitted on both the existing levels and proposed levels of on site wastewater treatment, it cannot be concluded that the development, would not cause serious water pollution, and for that reason be a serious danger to human health and the environment.

7.1.25. In response to refusal reason no. 3, the first party engaged TENT Engineering to provide further details on the Wastewater Treatment Plan for the proposed development.

7.1.26. Having reviewed all of the information on file specifically:

- 'The Decision to Refuse Permission' (Reg. Ref. F22A/0685 - dated 14th February 2023),
 - Refusal Reason No. 3
- 'Notice Under Section 12 of the Local Government (Water Pollution) Acts 1977 to 2007' (dated 28th Feb 2023),
 - For immediate ceasing of the discharge from the wastewater treatment plant serving the Hildan House complex
 - All sewerage effluent generated at the Hildan House complex is to be tinkered off site for disposal by a registered waste disposal contractor and disposed of in accordance with current Waste Regulations
 - To retain the services of a Consulting Engineer to address issues of treatment and disposal of domestic sewage and for a proposal on the provision of a treatment system appropriate to the occupancy of Hildan House.
- The 'Response by TENT Engineering' on behalf of the applicant (dated 14th March 2023),
 - It is proposed to decommission the existing system. A detailed method statement for the safe decommissioning will be submitted for approval prior to any works taking place. Decommissioning will only take place after a successful solution is installed.

- Have engaged with IW to explore the feasibility of connecting to the public network located 250m east of the site boundary. Will explore this in parallel with the proposed wastewater treatment system and reach a consensus with FCC prior to construction.
- Failing this, it is proposed to install a Sepcon BAF PE 75 sewage treatment system (or similar approved). This system is designed to treat the sewage to the EN 12566-3 Standard. Proposing to further treat the effluent through a UV disinfection unit. The effluent will then go through a sand polishing filter for tertiary treatment and discharge to groundwater through an infiltration bed.
- The closest point of the percolation infiltration bed to the stream will be 12.3m.
- As outlined in the EPA Code of Practice, the minimum separation distance from a stream should be 10m, so have achieved sufficient separation. With the addition of the UV disinfection unit and tertiary treatment, the sewage treatment system should pose no risk to the stream.
- The system is sized to accommodate 80 persons. This is in excess of the current occupancy levels. It is noted that the existing occupancy is inflated to deal with Ukrainian refugees. The development will never exceed 80 persons.
- As part of a Section 4 discharge license, which will be obtained, screening for an appropriate assessment will be carried out. This screening will be carried out prior to the installation of the treatment plant and approval gained from FCC prior to construction.
- Have engaged consultants to support the application process. And clarification is sought on whether a discharge license for surface water or groundwater is required.

- The ‘Letter from Environment, Climate Action and Active Travel Department Fingal County Council’, (dated 30th March 2023)
 - More specific detail required for the proposed sewerage treatment unit, sand polishing filter and percolation test trail holes.
 - Concern regarding the nitrogen loading and phosphate loading of the ground water.
 - Further details required of the effluent quality discharging from the treatment plant.
 - Evidence required that discharge will not cause pollution of the ground water.
 - The Environment department has assessed the proposal to the section 12 notice based upon the property’s current circumstances. If there were a planning application for the site, it would be assessed on a wider basis.
 - The installation of this treatment facility may satisfy the requirements of the S12 if the discharge does not pollute the underlying water, or the adjacent waterbody.
 - A connection to the UE sewer network would be preferable for the discharge, given the loadings arising from Hildan House and its current occupancy.

7.1.27. The confirmation of feasibility (dated 14th March 2023) is noted whereby IW have indicated that wastewater connection is feasible, subject to upgrades. The applicant would be required to fund these local upgrades. A connection application must be submitted and signed for a connection agreement with IW.

7.1.28. I agree with the PA that considering ongoing engagement the Council and the applicant on the matter of wastewater, it would be premature to grant any further development on the subject site which would constitute overdevelopment on a poorly serviced site and have the potential to increase a risk to water pollution.

7.1.29. I consider it would be pertinent that AA screening would be carried out prior to the installation of the wastewater treatment plant in order to ensure no impacts regarding

European sites and that the development would align with the Water Framework Directive.

7.1.30. Overall, it is considered premature to grant any further development on the subject site which would constitute overdevelopment on a poorly serviced site and have the potential to increase a risk of water pollution.

7.1.31. It is considered that the proposal does not provide sufficient details for the management of wastewater for the proposed development, and therefore does not overcome the third refusal reason of the Council.

7.1.32. **Appropriate Assessment (AA)**

7.1.33. The subject site is located northwest of the Malahide Estuary Special Area of Conservation (000205) and the Broadmeadow Swords Estuary Special Protection Area (004025). A tributary of the Broadmeadow River runs along the southern boundary of the subject site and is currently classified as being at risk of not achieving the objectives of the Water Framework Directive, neither the current or future (onsite) waste water treatment facilities have been set out in sufficient capacity to determine that the proposal would not constitute a pathway between the Proposed Project site and these or any other European sites and would not lead to a significant impact on the conservation objectives of these Natura 2000 sites.

7.1.34. The absence of evidence that the proposal would not result in a significant impact on the conservation objectives of European sites, precludes the Board from permitting the proposal.

7.1.35. Having regard to the nature and scale of the proposed development, construction of a two storey extension to provide 12 additional guest bedrooms, increasing the number of guest bedroom to 30, the location of the site in an un-serviced rural area, the on-site waste water treatment currently insitu and the hydrological connection to the Broadmeadow Swords Estuary Special Protection Area (004025) the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Broadmeadow Swords Estuary Special Protection Area (004025) in view of the site's Conservation Objectives.

8.0 Recommendation

REFUSE permission for the proposed development, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of additional traffic turning movements the development would generate on the R125 road at a point where sightlines are restricted in a south easterly direction.
2. Having regard to (a) the characteristics of the tributary of the Broadmeadow River, which runs along the southern boundary of the site, including the baseline water quality information provided in the course of the planning application and appeal and (b) Article five of the European Communities Environmental Objectives (Surface Waters) Regulations 2009, which requires that a public body the performance of its functions shall not undertake those functions in a manner that knowing causes or allows deterioration in the chemical or ecological status of a body of surface water. The Board is not satisfied that the river has sufficient assimilated capacity to accept treated effluent from the on site waste water system currently in-situ or proposed development in conjunction with treated effluent from other existing and committed development, given the Broadmeadow river tributary's connection to the Broadmeadow Swords Estuary Special Protection Area (004025), the absence of evidence that the proposal would not result in a significant impact on the conservation objectives of European sites, precludes the Board from permitting the proposal. The proposed development would therefore pose an unacceptable risk of environmental pollution and be contrary to the proper planning and sustainable development of the area.

3. It is considered that by reason of its nature, height, bulk and scale the proposed development, would be visually obtrusive at this open rural area, on 'RU' zoned lands, which have the 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', and at a location on the R125 which has a specific objective to 'preserve views', the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair
Planning Inspector

25.06.2023