



An
Coimisiún
Pleanála

Inspector's Report

ACP-323687-25

Development

Construction of 3 dwellings with all associated site works

Location

Baldungan Close, Loughshinny, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/0579E

Applicant(s)

Gary Ryan

Type of Application

Outline Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Gary Ryan

Observer(s)

Judit Balog

Date of Site Inspection

10th December 2025

Inspector

Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination.

Appendix 2 – Appropriate Assessment Screening.

Appendix 3 – WFD Screening Determination.

1.0 Site Location and Description

- 1.1. The appeal site is located to the rear (north) of Baldungan Close, an existing cul-de-sac estate of 8 no. 1-1.5 storey detached and semi-detached houses, located off the L-1285 local road (Featherbed Lane) in the rural cluster of Ballykea, Loughshinny. The site is also located c. 2km to the north-west of Rush, Co. Dublin.
- 1.2. The immediate area is low density residential in character (mainly one-off housing in a variety of sizes and designs) with some institutional and commercial uses (i.e. a public house and a nursing home). The wider area is agricultural in character.
- 1.3. The site is adjoined to the north by an unnamed development of 4 no. detached 1-storey and 2-storey houses, with no's 7 and 8 Baldungan Close being located to its south. The site is adjoined to the west by an access road leading to the properties to its rear and to the east by a large agricultural field.
- 1.4. The appeal site has a stated area 0.324ha. Its main rectangular portion, which is relatively flat and covered with gravel, is delineated to the south-east and south-west by c. 1.6m high blockwork boundary walls, with a wooden fence and agricultural-type gate forming the boundary to the cul-de-sac to its south. A drainage ditch and post and wire fence form the boundary to the field to the east, with berms and hedgerows defining its northern and western boundaries. Electricity/ telephone wires traverse the west side of this portion of the site. The appeal site also incorporates a narrow section of the field to the east and extends to its vehicular access from the L-1285 which is located c. 125m to the south-east between 2 no. detached residential properties ('Ard Na Mara' and 'Majorca').

2.0 Proposed Development

- 2.1. The development for which outline permission is sought comprises of:
 - (i) Construction of 3 no. detached 3-bed dormer dwellings.
 - (ii) New vehicular access from Feather Bed Lane, provision of new access driveways and within curtilage parking.
 - (iii) Installation of 3 no. pumping stations.
 - (iv) All associated ancillary works necessary to facilitate the development including, SUDS surface water drainage, site works, boundary treatment and landscaping.

2.2. The grounds of appeal are accompanied by alternative design options comprising of revised proposals for the scheme's foul drainage infrastructure design and omission of the proposed vehicular turning area. Full details of same are provided in Section 9 of this report.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 22/08/2025 for 2 no. reasons:

“1. The proposed vehicular access from Featherbed Lane (the L1285) and proposed vehicle turning area would result in undue negative impacts on the rural amenities of the ‘RU’ zoned lands and would contravene the ‘RU’ zoning objective of the Fingal Development Plan 2023-2029 which seeks 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 proposed development would contravene the ‘RU’ zoning objective on part of the site and, therefore, would be contrary to the proper planning and sustainable development of the area.

2. The proposed pumping stations fail to provide for an adequate buffer zone in accordance with Objectives DMSO199 & IUO7 of the Fingal Development Plan 2023-2029 and would result in undue negative impacts on both the existing residential amenities of the area and on the standard of amenity provided for future occupants. The proposed development would contravene objectives of the Fingal Development Plan 2023-2029 and, therefore, would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 22/08/2025) formed the basis of the planning authority's (PA) assessment. Key points raised are:

- *Principle of Development* – proposal for 3 no. houses on ‘RC – Rural Cluster’ zoning is acceptable. Proposal to locate vehicle turning area and secondary

vehicular access on 'RU – Rural' zoned lands where no information submitted re: compliance with Rural Settlement Strategy also acceptable on basis that outline permission sought (not acceptable to PA where full permission is applied for).

- *Siting and Design* – height (max. 7m) and siting accord with building line and roof heights of adjoining houses in Baldungan Close.
- *Housing Quality* – houses comply with 2007 Housing and 2024 Compact Settlement Guidelines re: floor areas, private open space, bike and car parking as required under DMSO19 (to be reassessed by PA where full permission sought) and with Objective DMSO26 regarding side-to-side separation distances.
- *Residential Amenity* – first floor level side landing widow needs to be obscured where full permission sought in order to mitigate overlooking of neighbours. Proposed separation distances comply with SPPR1 of 2024 Compact Settlement Guidelines. Proposal does not give rise to overlooking, overbearance or overshadowing of neighbours on account of layout and separation from same.
- *Access/ Vehicular Turning* – PA raise concerns about the applicant's proposal for a 2nd access road (c. 120m long) off the L-1285 (re: traffic intensification and sightlines) and about the location of the proposed turning area; the negative impact of these on the amenity of RU zoned lands; and, related overdevelopment of the RC zoned part of the site – and consider matters cumulatively gives rise to a material contravention of the RU zoning. Size of proposed individual vehicular access opes also considered to be excessive (4m is optimum for pedestrian and vehicular intervisibility) with specific issue raised in relation to Dwelling No. 10's front boundary height. **Refusal recommended on this basis.**
- *Traffic* – PA noted full permission application would be required to be accompanied by a Stage 1 Road Safety Audit and taking in charge and street lighting proposals.
- *Foul Drainage* – Appellant submitted a Confirmation of Feasibility (CoF) from Uisce Eireann (UE) which confirms that the proposal is feasible subject to upgrades. Notwithstanding, proposal to provide 3 no. pumping stations c. 1-1.5m from each dwelling (and c. 10m from no's 7 & 8 Baldungan Close) is excessive and not acceptable re: impact on residential amenity or compliant with FDP objectives

DMSO199 & IUO7 (require proportional buffer zones). **Refusal recommended on this basis.**

- *Surface Water* – proposal (to discharge to adjoining watercourse (drainage ditch)) acceptable subject to conditions. PA noted that where full permission sought, full SuDS design details and calculations would be required.
- *Landscaping/ Open Space* – contribution in lieu required re: non-provision public open space in compliance with Objective DMSO54. Proposal to remove eastern hedgerow to be mitigated with compensatory planting of new native hedgerow. Further detail required on boundary treatments within the site – by condition.
- *Appropriate Assessment* - proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.
- *Environmental Impact Assessment* - proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations 2001-2025 nor is it considered a sub-threshold development for the purposes of Schedule 7 Planning & Development Regulations 2001-2025 and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.

Report concluded by recommending refusal of permission as detailed Section 3.1.

3.2.2. Other Technical Reports

- *Parks and Green Infrastructure Division (29/07/2025)* – seeks conditions attached to require submission of detailed landscape plan; tree protection; tree bond; and contribution in lieu of public open space.
- *Transportation (01/08/2025)* – seeks conditions attached to revise width of vehicular accesses to houses to max. 4m and ensure gates open inwards only; sightlines in compliance with DMURS; works to public realm at developer's expense and no surface water discharge to same; and, submission of Stage 1 RSA and taking in charge and public street lighting proposal with any forthcoming application for full permission (on foot of outline).

- *Water Services (28/07/2025)* - seeks conditions attached to manage surface water on site and seeks FI in respect to foul drainage proposal (re: non-compliance with objective DMSO199 – Buffer Zones around pumping stations) but does not provide advice on what scale of buffer would be acceptable to the PA. [FI not pursued on account of PA decision to refuse permission].

3.3. **Prescribed Bodies**

No submissions on file.

3.4. **Third Party Observations**

1 no. submission received from neighbouring property owner Judit Balog (the appeal observer), raised the following issues:

- Overdevelopment.
- Non-compliance with RU zoning and ecological impact on local biodiversity.
- Infrastructural deficiencies – foul, potable, open space and footpaths.
- Negative impact on residential and visual amenity.
- Impact of cumulative development in locality – traffic, noise, air quality etc.

4.0 **Planning History**

4.1. **Appeal Site**

P.A. Ref. F18A/0589 – application for (A) Outline Planning Permission for 4 no. part single storey/part two storey (dormer style) dwellings & (B) Full Planning Permission to provide fully serviced dwelling sites together with all associated site works to include new vehicular entrances, new entrance piers/gates and driveways, landscaping, boundary treatments, with new foul & surface water connections to the public sewers, refused on 11/12/2018 for 1 no. reason: non-compliance with Objective RF20 which requires minimum site area of 0.125 hectares per dwelling where connecting to a public sewer within a Rural Cluster.

P.A. Ref. F13A/0023 – application for 3 no. 1 & 2-storey bungalows with associated ancillary works and landscaping, to include: new vehicular entrances to each house off the existing development road, and new separate treatment systems and

percolation areas for each house, refused on 13/03/2013 for 3 no. reasons relating to existing lack of wastewater capacity, insufficient detail provided in respect to surface water management, and compliance with national housing development guidance.

P.A. Ref. 92A/0074 - application for 4 no. semi-detached dormer bungalows, refused by PA and decision upheld on appeal.

4.2. **Neighbouring Sites**

No. 7 Baldungan Close

P.A. Ref F24A/0609 – application for subdivision of existing 2-storey semi-detached dormer bungalow into two separate bungalows, widening of existing dished footpath to accommodate off-street parking for both, and all associated site works, granted on 19/02/2025 subject to 13 no. conditions.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (NPF) (2025): NPO 24: housing in rural areas under urban influence; NPO 25: reverse rural declines; NPO 26: proportionate rural growth; NPO 27: infrastructure led development; NPO 28: siting and design criteria for rural housing; NPO 45: increase density in settlements.

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas and protected species.

Our Rural Future Rural Development Policy 2021-2025.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) - set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

Development Management Guidelines for Planning Authorities (2013).

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007).

Sustainable Rural Housing Guidelines for Planning Authorities (2005) – Chapter 4 Development Management.

5.2. **Other Relevant National Technical Guidance**

Design Manual for Urban Roads and Streets (DMURS) (2019).

Water Services Guidelines for Planning Authorities (Draft), Department of Housing, Planning and Local Government, January 2018.

Uisce Eireann Code of Practice for Wastewater Design [cited in GOA].

Building Regulations Technical Guidance Document H - Section 1.3.5 (Lifting Installations) [cited in GOA].

5.3. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – Rural Areas:

- RPO 4.78: support development of New Homes in Small Towns/ Villages.
- RPO 4.80: provision of single houses in rural areas under strong urban influence based on consideration of demonstrable economic or social need.
- RPO 4.81: siting and design criteria for rural housing.
- RPO 4.83: support consolidation of the town and village network.

5.4. **Development Plan**

The Fingal Development Plan (FDP) 2023 – 2029 applies.

Zoning

Section 13.5 (Zoning Objectives, Vision and Use Classes): The (main) western portion of the site is zoned 'RC - Rural Cluster' with the objective to 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'. The eastern portion of the site (in adjoining field/ lane) is zoned 'RU – Rural' with 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 site is also located within a 'Highly Sensitive (Coastal) Landscape'.

Rural Settlement Strategy

Section 3.5.15 (Housing in Rural Fingal). Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need) – states that residential development in areas zoned RU, HA, GB and RC which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource.

Policies CSP46 and SPQHP46 – Rural Settlement Strategy: Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.

Rural Clusters

Policy SPQHP54 and Section 3.5.15.2 (Rural Clusters): Settlement within the Rural Clusters is open to members of Fingal rural community who demonstrate a rural-generated housing need.

Section 14.12.6 (Development in Rural Clusters): Applications for dwelling units within the County's Rural Clusters will be permitted to members of the Fingal Rural Community who can demonstrate a rural generated housing need 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).

Applications for development shall demonstrate compliance with the drainage and design standards required for on-site water-water treatment systems set out under Section 14.20.2 Rural Housing – Wastewater Treatment where a connection to public waste-water infrastructure is not available. Where a connection to public wastewater infrastructure is available, the overall site area shall not be less than 0.125 hectares.

Policy CSP47 – Rural Clusters: Promote appropriate sustainable growth of the Rural Clusters balanced with carefully controlled residential development in the countryside.

Objective CSO77 and Policies CSP46 & SPQHP46 – direct demand to rural clusters.

Objective SPQHO65 – consolidation of rural housing within existing rural clusters.

Objective SPQHO67 – have regard to existing character and role of the rural cluster.

Objective SPQHO68 – do not compromise development potential of adjoining sites.

Housing Design Guidance

Sections 14.12.1 (Design Criteria for Rural Villages and Rural Clusters) and 14.12.2 (Design Criteria for Housing in the Countryside) – limiting visual impact and entrances onto public roads etc.

Section 14.8 (Housing Development Standards), Objective DMSO19 (Housing Quality Standards), Objective DDMSO27 (Min. Private Open Space) and Objective DMSO26 (separation distances).

Table 14.9 (Design Guidelines for Rural Dwellings).

Section 14.6.3 (Residential Density).

Other

Objectives DMSO199 & DMSIUO7 – Buffer Zones around Pumping Station: Establish an appropriate buffer zone around all pumping stations suitable to the size and operation of each station. The buffer zone should be a minimum 35 metres – 50 metres from the noise/odour producing part of the pumping station to avoid nuisance from odour and noise. For small scale developments (less than 15 houses) a smaller buffer zone may be agreed with the Planning Authority.

Section 14.20.2 Rural Housing – Wastewater Treatment: Domestic wastewater treatment systems will only be considered where it is not feasible to connect to the public foul sewerage system and will be subject to full compliance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2021, as may be amended or updated. Wastewater treatment systems shall be located entirely within the site boundary and Objective DMSO200 – EPA's Code of Practice for Domestic Wastewater Treatment Systems.

Section 14.6.5 (Open Space Serving Residential Development) and Objective DMSO52 states that public open space shall be provided in accordance with Table 14.12 (Recommended Quantitative Standards). Table 14.6 (Open Space Categories).

Objective DMSO53 – Financial Contribution in Lieu of Public Open Space.

Objectives SPQHO69 – Vehicular Entrances, SPQHO90 - Entrances and Front Boundary Treatment.

Objectives SPQHO91 - Retention Hedgerows and Other Distinctive Boundary Treatments. DMSO125 – Management of Trees and Hedgerows and Objective DMSO126 – Protection of Trees and Hedgerows during Development.

Objective SPQHO66 and Section 14.20.2 (Rural Housing – Wastewater Treatment).

Table 14.19: Car Parking Standard – Zone 2: Max. 2 no. with 1 no. visitor space.

6.0 **Natural Heritage Designations**

The appeal site is not located within or adjoining any European sites.

The nearest European sites to the appeal site are as follows:

- North-West Irish Sea SPA (Site Code 004236) – approx. 1.6km
- Rockabill to Dalkey Island SAC (Site Code 003000) - approx. 2.5km
- Skerries Islands SPA (Site Code 004122) – approx. 2.6km
- Rogerstown Estuary SAC (Site Code 000208) - approx. 3.5km
- Rogerstown Estuary SPA (Site Code 004015) - approx. 3.5km
- Rockabill SPA (Site Code 004014 – approx. 3.6km.

The site is also proximate to the following Natural Heritage Areas and proposed Natural Heritage Areas:

- pNHA: 000208 - Rogerstown Estuary – approx. 3.4km
- pNHA: 002000 - Loughshinny Coast – approx. 1.8km

7.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (18/09/2025) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

Response to Refusal Reason No. 1

- No proposal for a new site entrance from Featherbed Lane. Will use existing.
- The red line extension reflects route of foul pipe to public wastewater network.
- Appellant amenable to turning area being removed by condition.
- Annotated extract from site location map also provided.

Response to Refusal Reason No. 2

- Objectives DMSO199 and DMSIUO7 distinguish between large scale municipal infrastructure and smaller residential schemes (less than 15 no. houses) – with scope to agree a reduced buffer zone with the PA in respect of the latter.
- PA's concerns re: noise and odour relate to larger pump stations and are not relevant to the proposal for modest/ small scale domestic pump stations which will not give rise to unacceptable impacts on existing or future residential amenity.
- Reduced buffer/ separation distances proposed (i.e. c. 1-1.5m from proposed dwellings and c. 10m from existing dwellings at Baldungan Close) are reasonable and consistent with the development plan.

The GOA are accompanied by an engineering report (dated September 2025) and appendices (A: Uisce Eireann PCE and CoF and B: Drawing No. P201 of alternative foul drainage proposals) which provide a technical response to RR No. 2 as follows:

- Required buffer of 35-50m cited in Objectives DMSO199 and DMSIUO7 relates to large scale municipal pumping stations, with the FDP objectives allowing for a reduced buffer in the case of smaller scale housing developments.
- Sections 5.1 (Pumping Stations Provision) and 5.5 (Location of Pumping Station) of Part 5 (Pump Stations) of the Uisce Eireann Code of Practice for Wastewater Design provides that a small scale (Type 1 – serves max. 5 dwellings) pumping station shall be located no closer than 15m to the nearest property in order to minimise the risk of odour, noise and vibration nuisance – with this distance subject to change depending on local circumstances and discussion with UE and PA.
- UE have confirmed in their pre-connection inquiry CoF that a connection to the public foul drainage network is feasible subject to upgrades – specifically the 200m extension of the foul water network to the site (from the public drain on Featherbed Lane) and the provision of on-site, suitably sized foul pumping station on basis that a gravity connection is not feasible.
- Gravity drainage is not feasible and, as such, 1 no. private (in-curtilage) pump station per dwelling is proposed in compliance with Section 1.3.5 (Lifting Installations) of Building Regulations Technical Guidance Document H.
- The PA's Water Services Dept. have no objections to the proposed development subject to conditions incl. a standard UE connection agreement condition.
- Matter of required changes to the siting of foul drainage infrastructure is capable of being addressed by pre-commencement condition (requiring a connection agreement to be signed between the appellant and UE) where full permission is granted consequent on a grant of outline permission.

Alternative Proposals

- GOA put forward 2 no. alternative drainage proposals, with revised engineering drawings provided in respect of same, as follows:
 - Option A: relocation of the 3 no. proposed individual package pumping stations from the dwellings' rear gardens (c. 1-1.5m from the properties) to their front gardens (c. 8m from their properties).
 - Option B: amalgamate into a shared package pump station which would be located in the field to the east (c. 35m from the nearest dwelling).

The appeal scheme provides for revisions to the nature and siting of the scheme's proposed foul drainage infrastructure and for the omission of its vehicular turning area in response to the PA's refusal reasons, which specifically cite issues with the turning area and the scheme's foul drainage infrastructure. I consider the proposed revisions to be material on the basis that they are major changes to site infrastructure. Therefore, where the Commission wish to further consider this appeal scheme, I advise that revised public notices would be required.

9.2. Planning Authority Response

Response received 16/10/2025 states that the PA have no comments to make in respect of the appeal and seeks that the Commission uphold decision to refuse permission. In the event that their decision is overturned by the Commission, the PA seek that, where relevant, conditions be applied relating to the payment of a financial contribution; the payment of a special development contribution (in respect of a shortfall in the provision of public open space and play provision facilities) under FCC's Section 48 Development Contribution Scheme (where relevant); a tree bond; and, a cash security bond.

9.3. Observations

1 no. observation received from Judit Balog (neighbouring property owner) on 09/10/2025 raises the following issues:

Material Contravention of Zoning/ Impact on Rural Amenity

- Secondary entrance from Featherbed Lane is an access/ involves access & servicing works on RU zoned lands which are not compliant with zoning objective.
- Appellant's GOA redesign to remove turning area is evidence of flawed design and should be readvertised. Commission should base assessment on original scheme.

Pumping Station Buffer/ Residential Amenity Impact

- GOA have not satisfactorily addressed compliance with pump station policy.
- Proximity of pump stations to dwellings is inappropriate.
- Noted PA have chosen not to apply policy flexibility around 'smaller buffer zone'.
- Alternative GOA drainage proposals are material and require readvertising.

Planning History

- Site history of refusals and withdrawn applications, for what the observer considers to be substandard development, is a relevant consideration.

Procedural Issues

- Commission should only consider scheme as originally lodged.
- Revised proposals submitted with GOA should be readvertised/ need a full technical assessment.

10.0 Assessment

As part of the GOA, the appellant has submitted revised plans and particulars in an attempt to address the PA's reasons for refusing planning permission. The amendments put forward under the GOA are detailed in Section 9.1 of this report and, in short, involve changes to the nature and siting of the scheme's proposed foul drainage infrastructure and the omission of its vehicular turning area.

I consider the proposed revisions to be cumulatively material on the basis that they are major changes to the nature and location of site infrastructure. Therefore, where the Commission wish to further consider this appeal scheme, I advise that revised public notices would be required. Notwithstanding, I consider the application scheme as originally lodged in the first instance and assess the amended proposals put forward under the GOA only where I identify an issue in respect to the scheme as originally lodged.

I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and I have inspected the site and had regard to relevant local/ regional/ national policies and guidance. I consider that the substantive issues to be considered in this appeal are as follows:

- Principle of Development
- Foul Drainage
- Other Matters

10.1. Principle of Development

10.1.1. The appeal site is subject of 2 no. different land use zoning objectives (RC and RU) as outlined in Section 5.4 of this report.

RC - Rural Cluster Zoning

10.1.2. The main body of the appeal site (west portion) is located in the designated rural cluster of Ballykea as per the FDP, the zoning objective for which is 'to provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'. I consider that the proposed development, involving a small-scale housing development within the cluster, would be consistent in principle with this objective.

10.1.3. FDP Policies CSP46, SPQHP46 and SPQHP54 and Section 3.5.15.2 (Rural Clusters) provide that settlement within rural clusters is open to members of the Fingal rural community who demonstrate a rural-generated housing need in compliance with Section 14.12.6 (Development in Rural Clusters). This defines same as 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.

10.1.4. In this regard, I note that the applicant has not demonstrated their rural generated housing need in compliance with the aforementioned policy and that the PA did not raise an issue in respect to this omission. Notwithstanding, I consider that, as all permitted houses will be subject to a further 'permission consequent' application where the Commission are minded to grant outline permission, the particular housing needs of the applicants regarding compliance with FDP rural housing policy on demonstrating genuine rural housing need can be addressed at that point in the future, with an appropriate occupancy condition being applied in the event of a grant of permission.

10.1.5. Having regard to the foregoing, I am satisfied that the principle of the development on the RC zoned portion of the site is consistent with the CDP and relevant policies and objectives in the NPF and RSES detailed in Sections 5.1 and 5.3 of this report.

RU – Rural Zoning

10.1.6. The eastern portion of appeal site (agricultural field and its access) comprise of lands subject to the RU zoning objective.

10.1.7. Refusal reason (RR) no. 1 stated that the proposed development (proposed vehicular access from Featherbed Lane (the L1285) and proposed vehicle turning area) would

result in undue negative impacts on the rural amenities of the 'RU' zoned lands and would therefore contravene their zoning objective.

- 10.1.8. The observer also raised concerns that servicing works on RU zoned lands would not be compliant with the aforementioned zoning objective and would give rise to an ecological impact on local biodiversity. However, I note that no further details were provided by them to substantiate this latter concern.
- 10.1.9. The GOA clarify that there is no proposal for a secondary vehicular access to the site from the south-east and having consulted the information on file, such as the overall site plan and proposed drainage layout, I am satisfied that this is the case. The proposed vehicular turning area and part of the foul drainage infrastructure serving the development are to be located within the adjoining agricultural field to the immediate east, which is zoned 'RU – Rural' with 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 GOA state that the appellant is amenable to omitting the turning area by condition where required (I consider the technical matter of the turning area further under Section 10.3 of this report) and they put forward alternative foul drainage proposals (which are discussed in detail in Section 10.2 of this report).
- 10.1.10. Having reviewed Section 13.5 of the FDP, I note that 'residential', and by implication ancillary uses such as site infrastructure, is permitted in principle on RU zoned lands subject to compliance with the Rural Settlement Strategy. As per my considerations already outlined in paragraph 10.1.4 of this report, I am of the view that compliance with FDP rural housing policy on demonstrating genuine rural housing need can be addressed as part of a future 'permission consequent' application. I also do not have an issue in principle with underground foul drainage infrastructure being routed through the RU zoned lands to the east on the basis of the relatively small scale of the piped infrastructure proposed would be unlikely to affect the functionality of the much larger agricultural field (also in the ownership of the applicant) in the medium to long term (i.e. once the infrastructure was laid). It is proposed that the vehicular turning area be located on the RU zoned portion of the lands outside the main RC zoned body of the appeal site which cannot accommodate same on the basis of the proposal being for 3 no. houses on a site with an area of 0.324ha. I have concerns that this arrangement, in combination with the proposal to lay foul infrastructure pipes across

the land (which would give rise to a zone of sterilisation directly above and around same), cumulatively would permanently negatively affect the functionality of the adjoining agricultural lands which would not be in compliance with Objective SPQHO68, which seeks to ensure that development on RC zoned lands do not compromise development potential of adjoining sites by means of their on-site layout, drainage and access arrangements. For the aforementioned reasons, I agree with the PA's view that this proposal signifies an inefficient layout and the overdevelopment of the RC zoned portion of the site. Overall, in respect to both the turning area and foul drainage proposals, I would have concerns about these proposals' cumulative impact on the RU zoned portion of the site and compliance with FDP Objective SPQHO68, and I recommend to the Commission that permission be refused on this basis.

10.2. Foul Drainage

- 10.2.1. The development subject of this appeal proposes 3 no. individual in-curtilage pump stations (one for each house) on the basis that foul gravity discharge is not topographically feasible.
- 10.2.2. Refusal reason no. 2 refers to contravention of (identical) Objectives DMSO199 and DMSIUO7 of the FDP which require that buffer zones of 35-50m are provided around all pump stations unless a smaller buffer zone (in respect to schemes of 15 or less houses) is agreed with the PA. I note that this policy requirement arises from foul drainage related odour, noise and disturbance issues which could negatively impact on residential amenity (this matter was raised by the Observer).
- 10.2.3. The appellant argues that the aforementioned objectives are flexibly worded so as to distinguish between large scale municipal infrastructure and smaller residential schemes and allow for a reduced buffer zone in respect of the latter (increased from 1-1.5m as originally proposed to c. 8m under the GOA). They are also of the view that the concerns raised re: noise and odour bear no relevance to their modest proposal, and they cite the Building Regulations Technical Guidance Document H and UE Code of Practice for Wastewater Design and to support their case. Notwithstanding the foregoing, they are willing to change the nature/ siting of the scheme's foul drainage infrastructure by pre-commencement condition where necessary.
- 10.2.4. I note that the CoF on file from UE confirms that the appellant's foul drainage proposal is feasible in principle subject to infrastructure upgrades and I also note the appellant's

arguments around the flexible wording of objectives DMSO199 and DMSIUO7. However, I am not satisfied that the on-site foul drainage infrastructure that has been proposed (at either application stage or as part of the GOA (Option A as detailed in Section 9.1 of this report)) complies with objectives DMSO199 and DMSIUO7 on the basis that there is nothing on file to confirm that the PA has agreed a reduced buffer zone with the appellant – with this being a clearly stated policy requirement. On this basis, I am not satisfied that the PA's RR No. 2 has been overcome by the GOA, and I recommend to the Commission that permission is refused on the basis of the proposal's non-compliance with FDP objectives DMSO199 and DMSIUO7.

10.2.5. I also draw the Commission's attention to the fact that there is no information on file in respect to what UE Wastewater Treatment Plant (WWTP) the proposal will discharge to via the public mains. In this respect, I note that it is located proximate to both Portrane/Donabate WWTP and Barnageeragh WWTP which both have available capacity according to the UE Wastewater Treatment Capacity Register (accessed 19/12/2025). However, having regard to the inadequate level of detail on file, I consider that this matter could not be addressed by condition and recommend to the Commission that this matter is clarified if they are minded to grant permission.

10.2.6. The appellant has put forward an alternative foul drainage proposal as part of their GOA (Option B as detailed in Section 9.1 of this report) which would see a shared package foul pump station (serving the 3 no. houses) located in the agricultural field to the east (c. 35m from the nearest dwelling). However, I do not consider this proposal to be a viable alternative on the basis of the materiality and concerns I have highlighted in Sections 9.1 and 10.1 of this report which relate to fact of major changes to the nature and location of site infrastructure which I consider warrant the proposal's readvertising.

10.3. Other Matters

Siting, Design and Layout

10.3.1. The PA were satisfied that the siting and design of the proposed houses respected the existing building line, proportions and roof heights of Baldungan Close.

10.3.2. Having regard to the requirements of Table 14.9 (Design Guidelines for Rural Dwellings) and Sections 14.12.1 (Design Criteria for Rural Villages and Rural Clusters) and 14.12.2 (Design Criteria for Housing in the Countryside), and to rural cluster

Objectives SPQHO65, SPQHO67 and SPQHO68, I am satisfied that the location of the proposal gives rise to appropriate consolidation within the rural cluster of Ballykea and that the design, scale and siting of the proposed dwelling respects the established character of the area (i.e. detached and semi-detached dormer bungalows some with dormers/ rooflights/front extensions). I also consider that there is no potential for the proposal to give rise to negative impacts on visual amenity or on neighbouring residential amenities, in terms of overlooking, overbearance or overshadowing, on account of the siting (due north and setback c. 8m), height (1.5 storey), aspect (east/west) and orientation (continue established building line) of the houses relative to that of adjoining properties.

- 10.3.3. I am also satisfied that detailed design measures to safeguard residential privacy such as obscuring of side windows etc. (raised by the PA) are minor matters that can be addressed by condition as part of a future 'permission consequent' application.
- 10.3.4. Having regard to the foregoing, I am satisfied that the proposed siting and design is acceptable subject to conditions and further assessment of detailed design at 'permission consequent' stage.

Residential Standards

- 10.3.5. The PA were satisfied that the proposal generally complies with the 2007 Quality Housing and 2024 Compact Settlement Guidelines re: floor areas, private open space, bike and car parking as required under FDP Objective DMSO19 – New Residential Development), Section 14.8 (Housing Development Standards), Objective DDMSO27 (Min. Private Open Space – 60sq.m for a 3-bed house) and with Objective DMSO26 regarding side-to-side separation distances. Having reviewed the information on file I am also satisfied as to the proposal's compliance in this regard. Notwithstanding, given that this is an application for outline permission, I consider that the design of the individual houses can be more fully assessed at the 'permission consequent' stage.

Potable and Surface Water

- 10.3.6. The proposed surface water outfall is to the existing drainage ditch running along the site's eastern boundary. The PA's Drainage Dept. considered this proposal to be acceptable. With regard to compliance with sustainable drainage policy, the PA noted the applicant's proposals for swales and rain gardens but advised that, where full permission is sought in the future, full SuDS design details and calculations would be

required. Having regard to the outline nature of the proposal, I consider this approach to be reasonable.

10.3.7. The proposed water supply is via a connection to the existing public mains at Baldungan Close (which is taken in charge). In this regard I note the COF from UE on file which states that this connection is feasible without requiring infrastructure upgrades. I consider the appellant's potable water proposals to be acceptable for this reason.

Traffic

10.3.8. I note the observer's issues in respect to cumulative traffic impact and the fact that the PA raised no concerns in this regard - beside noting that any future full permission application would be required to be accompanied by a Stage 1 Road Safety Audit. Having regard to the relatively small scale of the proposal (3 no. units and 6 no. car parking spaces), I do not consider that it has the potential to give rise to a material impact on local traffic conditions or on the carrying capacity of the local rural road network.

Access and Sightlines

10.3.9. It is proposed that the scheme be accessed via Baldungan Close to the south (which is c. 80m in length and currently a cul-de-sac) which provides for adequate sightlines onto the L-1285 in both directions in accordance with DMURS standards (45m SSD for 50km/ph roads). It is also proposed to provide a new footpath network internal to the site that will connect with the existing footpaths to the south in Baldungan Close.

10.3.10. The PA's Transportation Dept. sought the provision of sightlines in compliance with DMURS (this related to secondary access off L-1285 only which I have discounted in Section 10.1 of this report), the attachment of a condition to revise and lower the height of dwelling no. 1's boundary wall and the width of the proposed units' vehicular accesses to 4m with inward opening gates only. I note that this latter recommendation is based on the rationale that 4m is the optimum vehicular access width to allow for pedestrian and vehicular intervisibility and a safe public realm and I consider the PA's request to be reasonable on this basis. As such, I recommend the attachment of conditions to address these matters where the Commission are minded to grant permission.

Turning Area

10.3.11. The GOA propose the removal of the vehicular turning area to the north-east of the site by condition in order to address the proposal's conflict with the RU zoning objective and the PA's overdevelopment concerns (as set out in RR No. 1). No proposals are put forward for the relocation of this turning bay elsewhere within the appeal site and I note that this would likely necessitate a redesign of the proposed site layout. I wish to draw the Commission's attention to the inadequate information on file in this respect, particularly having regard to the refuse vehicle swept path analysis drawing submitted with the application which clearly illustrates that large vehicles would be reliant on the turning bay to safely manoeuvre within the site and to avoid giving rise to a hazard to pedestrians. Whilst I have concerns in this regard, I do not consider a refusal of permission to be warranted on the basis of this issue alone and I refer the Commission to my refusal recommendations in Section 10.1 and 10.2 of this report.

Boundaries

10.3.12. The PA noted the applicant's proposal to remove eastern hedgerow and considered that this should be mitigated with compensatory planting of new native hedgerow, with further detail on boundary treatments to be provided by condition. I observed no hedgerow along the east boundary of the site during my site inspection. However, I did note the existence of mature hedgerows along the (RC zoned portion) site's western and northern boundaries (which the site plan states are proposed to be retained). Notwithstanding, in light of the FDP policy support for the retention and protection of hedgerows under Objectives DMSO125, DMSO126 and DMSO140 and SPQHO91, I consider that these boundaries would require protection during site development works and I recommend that this matter is addressed as part of any future 'permission consequent' application.

10.3.13. The report of the PA's Parks and Green Infrastructure Division refers to the existence of trees on site and recommends the conditioning of tree protection and a tree bound. I did not observe any trees on site during my site inspection and do not consider such conditions are required on this basis.

Contribution in Lieu

Public Open Space

10.3.14. The issue of the non-provision of public open space on the site was raised by the PA's Parks and Green Infrastructure Division who sought that the applicant provides a financial contribution in lieu of what they estimate to be a 263sq.m shortfall in same. This requirement is reiterated by the PA in their response to the appeal.

10.3.15. Section 14.6.5 (Open Space Serving Residential Development) provides that appropriate provision must be made for public open space within all new multi-unit residential developments i.e. including those on RC zoned lands. Objective DMSO52 states that public open space shall be provided in accordance with Table 14.12 (Recommended Quantitative Standards) which in turn requires a minimum of 12% of greenfield residential development sites to be given over to this use with Objective DMSO53 in the same policy section allowing for circumstances where a financial contribution in lieu of open space can be accepted by the PA.

10.3.16. Whilst I consider that the non-provision of public open space on the appeal site materially contravenes Section 14.6.5 and Objective DMSO52, I note the provisions of Objective DMSO53 which allow the PA discretion to accept a financial contributions in lieu of open space. In these circumstances, I consider that it is open to the Commission to grant permission for the proposal under Section 37(2)(a) of the Planning and Development Act (2000) as amended on the basis of the small scale and location of the appeal site (at the far end of an existing residential cul-de-sac), together with its proximity to local amenity space such as that around Loughshinny Residential Nursing Home (on the opposite side of the L-1285) or at Loughshinny Beach c. 1.4km to the east.

Play Facilities

10.3.17. The PA, in their response, sought the payment of contribution in lieu of play facilities be applied where a shortfall in same is identified. FDP Section 14.13.3.2 (Playground Facilities) requires provision of same in all residential schemes (incl. those on RC zoned lands) in excess of 50 no. units only and, as such, does not apply in this instance given the proposal is for 3 no. units.

Planning History

10.3.18. The observer highlights the appeal site's history of planning application refusals and withdrawals. I have had regard to the planning history of the site as detailed in Section 4.1 in undertaking my assessment of the proposal before the Commission.

Procedural Issues

10.3.19. The observer draws the Commission's attention to the appellant's alternative GOA proposals for their vehicular turning area and foul drainage infrastructure and contends that these require readvertisement. As detailed in Section 9.1 of this report and at the start of my assessment, I consider the changes proposed to be material in nature and, where the Commission wish to further consider the alternative proposals put forward under the GOA, I advise that revised public notices would be required.

11.0 AA Screening Determination

11.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely the North-West Irish Sea SPA (Site Code 004236), Rockabill to Dalkey Island SAC (Site Code 003000), Skerries Islands SPA (Site Code 004122), Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015) or Rockabill SPA (Site Code 004014) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

11.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

11.2.1. I refer the Commission to Appendix 2 - Appropriate Assessment Screening.

12.0 Recommendation

I recommend that permission should be REFUSED for the reasons and considerations outlined below.

13.0 Reasons and Considerations

1. Having regard to the location of the proposed vehicular turning area and foul drainage network infrastructure on agricultural lands to the east of the lands that would accommodate the 3 no. housing units, it is considered that the proposed layout is representative of the cumulative overdevelopment of the overall site which would give rise to a negative impact on the 'RU – Rural' zoned portion of the site in addition to compromising the development potential of adjoining lands which would not be in compliance with Objective SPQHO68. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposal for the disposal of foul drainage via 3 no. individual pump stations and to the fact that no buffer zone in respect to same has been agreed with the planning authority, it is considered that the proposed development has failed to demonstrate compliance with objectives DMSO199 and DMSIUO7 of the Fingal Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emma Gosnell
Planning Inspector
8th January 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-323687-25
Proposed Development Summary	Construction of 3 dwellings with all associated site works.
Development Address	Baldungan Close, Loughshinny, Co. Dublin.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 3 no. dwelling units and is therefore sub-threshold.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323687-25
Proposed Development Summary	Construction of 3 dwellings with all associated site works.
Development Address	Baldungan Close, Loughshinny, Co. Dublin.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal is for just 3 dwellings and associated site works on a site of c. 0.324ha. No demolition works are proposed. The development is significantly below the class threshold of 500 dwellings. The project due to its size and nature would not give rise to significant use of resources or production of waste during both the construction and operation phases.

	<p>Proposals for on-site wastewater disposal need to be considered in terms of pollution, flooding, and risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is located in the designated rural node of Ballykea. There is a concentration of similar low-density housing in the area.</p> <p>The nearest Natura 2000 site is the North-West Irish Sea SPA (Site Code 004236) – approx. 1.6km to the east of the appeal site.</p> <p>The site is not within a designated ACA and there are no Protected Structures on or immediately adjoining the site.</p> <p>The FDP classifies the local landscape character as a 'Highly Sensitive (Coastal) Landscape'</p> <p>Having regard to the above and the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Due to the small scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>The main operational impacts would be limited to traffic, residential amenity, and the wastewater (and surface water) emissions arising from the site. These elements would be subject to standard assessment/design. And, while I have outlined concerns about wastewater, I am satisfied that this can be assessed without potential for significant environmental effects that would require EIA.</p> <p>There would be no significant cumulative impacts with other projects.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required.)

Appendix 2 - Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file: ACP-323687-25	
Brief description of project	Normal planning appeal. Construction of 3 no. dwellings and all associated site works at Baldungan Close, Loughshinny, Co. Dublin – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	The appeal site is greenfield and is located in the designated rural node of Ballykea where there is a concentration of similar low-density housing set within a predominantly rural hinterland. No demolition or substantial site clearance/ enabling works are required as the site is cleared. The development involves 3 no. houses together with their ancillary infrastructure – parking, servicing etc. Proposed water supply is via a connection to the existing public mains at Baldungan Close (which is taken in charge). The proposed surface water outfall is to an existing drainage ditch running along the site's eastern boundary. Foul drainage is to be drained to the existing public sewer however as detailed in paragraph 10.2.5 no details are available in respect to what UE Wastewater Treatment Plant (WWTP) the proposal will discharge to via the public mains – full details in Section 10 of Inspector's Report. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The nearest watercourse is the Mill Stream Skerries which is located c. 300m to the north of the site. This stream travels through agricultural lands before entering the sea c. 1.75km to the north-east of the site at Holmpatrick between Skerries and Loughshinny.
Screening report	No
Natura Impact Statement	No
Relevant Submissions	The PA referred to the application to the relevant prescribed Bodies. No reports were received. The Planning Authority undertook an Appropriate Assessment Screening (I refer to the Commission to their report of 22/08/2025) which identified the North-West Irish Sea SPA (Site Code 004236), Skerries Islands SPA (Site Code 004122), Rogerstown Estuary SAC (Site Code 000208) to south and Rogerstown Estuary SPA (Site Code 004015) as the closest European Sites. The report states it is reasonable to conclude on the basis of the information available that the development on its own or in combination with other plans or projects would not be likely to result in any potential significant effects on the European Site on the basis that the proposed project is not connected to/ has realistic pathways to any European site given the distances involved and lack of connectivity.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

Having regard to the source-pathway receptor-model, I consider that there are 6 no. European sites which have the potential to be affected by the proposal.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological Connections ²	Consider further in screening ³
North-West Irish Sea SPA (Site Code 004236)	<p>North-west Irish Sea SPA <u>National Parks & Wildlife Service (2023)</u></p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001], Great Northern Diver (<i>Gavia immer</i>) [A003], Fulmar (<i>Fulmarus glacialis</i>) [A009], Manx Shearwater (<i>Puffinus puffinus</i>) [A013], Cormorant (<i>Phalacrocorax carbo</i>) [A017], Shag (<i>Phalacrocorax aristotelis</i>) [A018], Common Scoter (<i>Melanitta nigra</i>) [A065], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182], Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183], Herring Gull (<i>Larus argentatus</i>) [A184], Great Black-backed Gull (<i>Larus marinus</i>) [A187], Kittiwake (<i>Rissa tridactyla</i>) [A188], Roseate Tern (<i>Sterna dougallii</i>) [A192], Common Tern (<i>Sterna hirundo</i>) [A193], Arctic Tern (<i>Sterna paradisaea</i>) [A194], Guillemot (<i>Uria aalge</i>) [A199], Razorbill (<i>Alca torda</i>) [A200], Puffin (<i>Fratercula arctica</i>) [A204], Little Gull (<i>Hydrocoloeus minutus</i>) [A862], Little Tern (<i>Sternula albifrons</i>) [A885].</p>	c. 1.6km	<p>Yes Indirect hydrological connection via surface/groundwater/foul.</p>	Yes
Rockabill to Dalkey	<p>Rockabill to Dalkey Island SAC National Parks & Wildlife Service (2013)</p>	c. 2.5km	<p>Yes Indirect hydrological connection</p>	Yes

Island SAC (Site Code 003000)	Reefs [1170], <i>Phocoena phocoena</i> (Harbour Porpoise) [1351].		via surface/groundwater/foul.	
Skerries Islands SPA (Site Code 004122)	<u>Skerries Islands SPA National Parks & Wildlife Service (2024)</u> Cormorant (<i>Phalacrocorax carbo</i>) [A017], Shag (<i>Phalacrocorax aristotelis</i>) [A018], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Purple Sandpiper (<i>Calidris maritima</i>) [A148], Turnstone (<i>Arenaria interpres</i>) [A169], Herring Gull (<i>Larus argentatus</i>) [A184].	c. 2.6km	Yes Indirect hydrological connection via surface/groundwater/foul.	Yes
Rogerstown Estuary SAC (Site Code 000208)	<u>https://www.npws.ie/protected-sites/sac/000208</u> (2013) Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130].	c. 3.5km	Yes Indirect hydrological connection via surface/groundwater/foul.	Yes
Rogerstown Estuary SPA (Site Code 004015)	<u>https://www.npws.ie/protected-sites/spa/004015</u> (2013) Greylag Goose (<i>Anser anser</i>) [A043], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Shelduck (<i>Tadorna tadorna</i>) [A048], Oystercatcher	c. 3.5km	Yes Indirect hydrological connection via surface/groundwater/foul.	Yes

	(Haematopus ostralegus) [A130], Ringed Plover (Charadrius hiaticula) [A137], Grey Plover (Pluvialis squatarola) [A141], Knot (Calidris canutus) [A143], Dunlin (Calidris alpina) [A149], Black-tailed Godwit (Limosa limosa) [A156], Redshank (Tringa totanus) [A162], Shoveler (Spatula clypeata) [A857], Wetland and Waterbirds [A999].			
Rockabill SPA (Site Code 004014)	https://www.npws.ie/protected-sites/spa/004014 (2013) Purple Sandpiper (Calidris maritima) [A148], Roseate Tern (Sternia dougallii) [A192], Common Tern (Sternia hirundo) [A193], Arctic Tern (Sternia paradisaea) [A194].	c. 3.6km	Yes Indirect hydrological connection via surface/groundwater/foul.	Yes

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
North-West Irish Sea SPA (Site Code 004236)	Direct: none	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPAs make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPAs for the SCIs listed in the table above at either construction or operation stage.
Skerries Islands SPA (Site Code 004122)	Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction and foul and surface water during operation.	The development is for a relatively small scale residential scheme and given the nature of the works within the applicant's existing site and outside the European sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban-type development in this location would mean that any limited periods of disturbance caused by the construction works would not add to any disturbance or displacement effects that would result in lessening of species density.
Rogerstown Estuary SPA (Site Code 004015)		
Rockabill SPA (Site Code 004014)		

		<p>Having regard to the separation distance between the site and nearest European site, it can be concluded that there could be no direct impacts, such as loss or reduction in habitat or significant physical disturbance of habitats or species (for example that may occasionally use the agricultural grassland area adjacent to the proposed development site), by the proposed development on any European site. There will be no direct or ex-situ effects from disturbance during construction or operation phases of the proposed development.</p> <p>In terms of emissions to water, the nearest watercourse is the Mill Stream Skerries (EPA Code IE_EA_08M030500) which is located c. 300m to the north of the site. The site is also underlain by the Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G_014). The Mill Stream travels through agricultural lands before entering the sea c. 1.75km to the north-east at Holmpatrick between Skerries and Loughshinny. With such a distances, any silts or other potential pollutants entering the municipal drainage network or the drainage ditch at the proposed development site at construction and operation stages, even in the most extreme scenarios, would be completely attenuated by the dilution, dispersal and settlement that would occur within first the river system and then the marine environment. There is therefore no prospect that materials carried in drainage water from the proposed development site, could have any measurable effect on the interests of the marine waters at this location.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Rockabill to Dalkey Island SAC (Site Code 003000) Rogerstown Estuary SAC (Site Code 000208)	As above	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SACs make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SACs for the QIs listed in the table above at either construction or operation stage.</p> <p>The development is for a relatively small scale residential scheme and given the nature of the works within the applicant's existing site and outside the European sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban-type development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.</p>

	<p>Having regard to the separation distance between the site and nearest European site, it can be concluded that there could be no direct impacts, such as loss or reduction in habitat or significant physical disturbance of habitats or species (for example that may occasionally use the agricultural grassland area adjacent to the proposed development site), by the proposed development on any European site. There will be no direct or ex-situ effects from disturbance during construction or operation of the proposed development.</p> <p>In terms of emissions to water, the nearest watercourse is the Mill Stream Skerries (EPA Code IE_EA_08M030500) which is located c. 300m to the north of the site. The site is also underlain by the Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G_014). The Mill Stream travels through agricultural lands before entering the sea c. 1.75km to the north-east at Holmpatrick between Skerries and Loughshinny. With such a distances, any silts or other potential pollutants entering the municipal drainage network or the drainage ditch at the proposed development site at construction or operational stages, even in the most extreme scenarios, would be completely attenuated by the dilution, dispersal and settlement that would occur within first the river system and then the marine environment. There is therefore no prospect that materials carried in drainage water from the proposed development site, could have any measurable effect on the interests of the marine waters at this location.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No measures specifically intended to avoid or reduce harmful impacts of the proposed development on European sites were taken into account in reaching this conclusion.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely the North-West Irish Sea SPA (Site Code 004236), Rockabill to Dalkey Island SAC (Site Code 003000), Skerries Islands SPA (Site Code 004122), Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015) or Rockabill SPA (Site Code 004014) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-323687-25	Townland, address	Baldungan Close, Loughshinny, Co. Dublin
Description of project		The proposal comprises of the Construction of 3 dwellings with all associated site works – see Section 2.0 of Inspector's Report for further details.	
Brief site description, relevant to WFD Screening,		<p>The site is located within the small rural settlement node of Ballkea, approximately 2km to the north-west of Rush in Co. Dublin. The site itself (area of 0.324ha) is undeveloped and is largely located to the immediate north of an existing residential cul-de-sac (Baldungan Close). The site is relatively flat.</p> <p>There are no existing watercourses on the site. There is an existing drainage ditch along the -eastern site boundary. The nearest watercourse is the Mill Stream Skerries (EPA Code IE_EA_08M030500) which is located c. 300m to the north of the site. The site is underlain by the Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G_014).</p>	
Proposed surface water details		The proposed surface water outfall is to the existing drainage ditch running along the site's eastern boundary – see Section 10.3 of this report for further details.	
Proposed water supply source & available capacity		The proposed water supply is via a connection to the existing public mains at Baldungan Close – see Section 10.3 of this report for further details.	

Proposed wastewater treatment system & available capacity, other issues	Each unit would be served by an individual pumping stations - see Section 10.2 of this report for further details.					
Others?	According to OPW mapping (www.floodinfo.ie accessed on 16/12/2025), there are no past of predicted flooding events associated with the site. The closest Natura 2000 site is the North-West Irish Sea SPA (Site Code 004236) – approx. 1.6km to the east of the appeal site.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Mill Stream Skerries (transitional)	c. 300m to north	Mill Stream Skerries EPA Code IE_EA_08M03 0500)	Poor	At Risk	Domestic Wastewater, Agriculture, etc.	Wastewater & Surface water run-off, groundwater.
Lusk-Bog of the Ring groundwater body (groundwater)	Below site	Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G_014)	Good	At Risk	Agriculture, etc.	Wastewater & Surface water via the overlying soil.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Mill Stream Skerries EPA Code IE_EA_08M030 500)	Surface / ground water run-off from the site via overland flows and existing drainage ditch to east.	Siltation, pH (Concrete), hydrocarbon spillages.	None.	No. Having regard to the limited scale of the works, the application of standard construction practice, and the separation distance from the river, I am satisfied that there would be no significant risk.	Screened Out.
2.	Ground	Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G_014)	Via the overlying soil.	As above.	None.	No. Having regard to the limited scale of the works and the application of standard construction practice, I am satisfied that there would be no significant risk.	Screened Out.

OPERATIONAL PHASE							
1.	Surface	Mill Stream Skerries EPA Code IE_EA_08M030 500)	Surface water run-off from the site. Existing drainage ditch to east of site. Wastewater emissions via groundwater (pump station overflows).	Hydrocarbon spillage / pollution, siltation, wastewater pollution.	Surface water collection, treatment and disposal via SuDs. On-site wastewater disposal via pump stations.	No. As outlined in Sections 10.2 of this report, whilst I am not satisfied with the surface water and wastewater proposals for residential amenity/ zoning reasons, I do not consider there would be a residual risk in terms of the quantity and quality of discharges from site, which could be linked to this waterbody.	Screened Out.
2.	Ground	Lusk-Bog of the Ring groundwater body (EPA Code IE_EA_G	Surface water run-off and wastewater emissions.	As above.	As above.	As above.	Screened Out.
DECOMMISSIONING PHASE							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A