



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-500025-DF

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<b>Development</b>	<b>Subdivision of site. Construction of dwelling with all associated site works</b>
<b>Location</b>	<b>Bushwell, Kinsealy Lane, Malahide, K36 KX61</b>
<b>Planning Authority</b>	<b>Fingal County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>F25A/0691E</b>
<b>Applicant(s)</b>	<b>Breda Corrigan</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Refuse Permission</b>
<b>Type of Appeal</b>	<b>First Party v. Refusal</b>
<b>Appellant(s)</b>	<b>Breda Corrigan</b>
<b>Observer(s)</b>	<b>None</b>
<b>Date of Site Inspection</b>	<b>13 January 2026</b>
<b>Inspector</b>	<b>Cáit Ryan</b>



## 1.0 Site Location and Description

- 1.1. The site is located within the grounds of an existing bungalow dwelling 'Bushwell', Kinsealy Lane, Malahide, Co. Dublin. The subject site is on the western side of Kinsealy Lane. It comprises two separate non-adjoining areas outlined in red within the overall house plot. The larger portion is to the north of the existing bungalow, and the lesser area is to the south along the site's roadside frontage. This stretch of Kinsealy Lane is characterised mostly by detached houses within their own sites, with some housing estates established along and accessed from Kinsealy Lane. A large agricultural/light industrial type unit is located a short distance to the north, on the opposite (eastern) side of the road.
- 1.2. The overall site area is 898sqm (0.089ha). The northern portion comprises 745sqm and the remaining southern portion comprises 153sqm. The overall Bushwell house site is bounded -
- to the north by a detached dormer bungalow 'Evergreen', the most southerly part of which is positioned approx. 20m from Bushell's northern boundary. The northern site boundary comprises a timber post and rail fence, backplanted by a mature hedge within Evergreen
  - to the west by an overgrown site, and whereby Bushwell's western site boundary comprises a timber panel fence
  - to the south and southwest by the access road to the Sleepy Hollow housing estate, located to north west of the adjoining overgrown site.
- 1.2.1. The subject site is relatively flat. There is an approx. 1.5m high stone-faced wall and gated access at the northern end of roadside frontage. There is a footpath along the overall Bushell site's roadside frontage. Hazelbrook Stream flows from a north west to south east direction along Bushwell's southern/south western site boundary, i.e., approximately along the access route to Sleepy Hollow. This stream is shown to be located within the landholding outlined in blue on the lodged drawings. On site visit, it was noted that the stream does not appear to be physically demarcated from the house plot, as viewed from the front of the overall site.

## 2.0 Proposed Development

- 2.1. Permission is sought for subdivision of the existing site at Bushwell with provision of
- (A) a new entrance to the existing house off Kinsealy Lane;
  - (B) 1 no. detached, 2-bedroom house to north of the site. New house to have single and two storey elements with roof lights to front and rear and PV panels to rear.

The works include:

- (1) Demolition of existing shed;
- (2) Adjustments to mains and local drainage;
- (3) Construction of new house;
- (4) New entrance off Kinsealy Lane and;
- (5) All associated landscaping and site works throughout.

Key details of the proposed development are as follows:

- The gross floor area of the proposed dwelling house is 146.5sqm. The shed proposed to be demolished comprises 30sqm.
- Proposed dwelling would be served by a new connections to public watermain and public sewer. Proposed surface water disposal is to soakpit.
- The existing Bushwell dwelling would be served by a new vehicular access from Kinsealy Lane, and 2no. parking spaces. The proposed dwelling would also be served by 2no. spaces.

Plans and particulars lodged with the application include an architect's cover letter.

## 3.0 Planning Authority Decision

- 3.1. Permission was refused by the planning authority for 1no. reason as follows:

The proposed development results in subdivision of the site which is considered to be piecemeal and ad-hoc in nature which creates a poor layout which is at variance with the prevailing pattern of development and would give rise to significant negative impact upon the visual amenities of the area. In its current form the proposed development represents overdevelopment of this restrictive site and would

contravene materially Objectives SPQHO42 and DMSO32 of the Fingal Development Plan 2023-2029 in respect of infill development, set an inappropriate precedent of other similar development and the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Basis for planning authority's decision:

Planner's Report (08 September 2025) states

- Proposal is considered to be ad-hoc in nature, 'shoehorned' within site confines and dwelling extends to all site boundaries.
- This section of Kinsealy Lane is characterised by semi-rural properties before transitioning to open Greenbelt lands to south. Proposal is contrary to identified form and character.
- Concerns regarding visual impact due to metal finish of roof and façade
- Proposal would comply with Development Plan Table 8.1 and Objectives DMSO19 and DAO11.

Recommendation for refusal of permission reflects Planner's Report. Report endorsed by Senior Executive Planner.

#### 3.2.2. Other Technical Reports

**Air & Noise Unit** (08 September 2025): Recommends condition requiring noise insulation measures.

**Transportation Planning** (05 September 2025): No objection subject to conditions.

**Water Services Department** (15 August 2025): No objection relating to flood risk. No objection subject to conditions relating to surface water drainage.

### 3.3. Prescribed Bodies

**Dublin Airport Authority (DAA)** letter dated 01 September 2025 states that the proposed development is located within Dublin Airport Noise Zone B. Development

Plan Objective DAO11 seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B, C. It is intended to effectively manage encroachment of noise sensitive development in the environs of Dublin Airport under the Balanced Approach. It seeks –

- alignment with noise management objectives be applied. It states the proposed development demonstrates that appropriate levels of indoor and outdoor residential amenity can be achieved; the need to limit encroachment into high aircraft noise areas in line with EU Regulation 2014/598; and achievement of Noise Abatement Objective (NAO)
- requests FI for noise impact assessment
- requests condition that applicant adequately advises proposed purchasers/occupiers of Dublin Airport noise zone
- requests condition that compliance report are submitted verifying implementation and effectiveness of noise mitigation measures

### 3.4. Observations to the Planning Authority

None

## 4.0 Planning History

### Subject site:

**P.A. Ref. F21A/0092 and ABP-310198-21:** Permission refused in 2021 for new dwelling house at Bushwell, and a new entrance to the existing house. This was a smaller 0.04ha site, to north of existing dwelling house.

Refusal reason was on grounds of inappropriate/backland development resulting in a substandard residential unit, would seriously injure amenities of properties in vicinity by reason of piecemeal development and inappropriate design, and contrary to Objective PM44 which requires infill proposals to respect character of the area.

### Adjoining sites:

**P.A. Ref. F16A/0153:** Permission granted in 2017 for 2no. detached 2-storey houses with access from existing vehicular entrance to Evergreen from Kinsealy Lane and

provision of a new vehicular entrance to Evergreen. Evergreen is to north of the subject dwelling house at Bushwell. This permission has been implemented.

**P.A. Ref. F08A/0059: and PL 06F.228570:** Permission consequent granted in 2008 outline permission (F04A/1631) for subdivision of Bushwell's curtilage and provision of 2no. dwellings. This site is located to west of the existing Bushwell site, i.e., along access route to Sleepy Hollow housing estate. This permission was not implemented.

## 5.0 Policy Context

### 5.1. Development Plan

#### Chapter 13: Land Use Zoning

The site is zoned RS – Residential, which is to provide for residential development and protect and improve residential amenity. The objective vision for this site is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Residential use is permitted in principle.

Lands to the south of the site are zone GB Green Belt.

#### Chapter 2: Planning for Growth, Core Strategy, Settlement Strategy

**Policy CSP12 – NPF and RSES** Promote compact growth in line with NPF and RSES through inclusion of policies and targeted implementation measures that encourage infill / brownfield development, focus growth on County's designated strategic development areas identified in Metropolitan Area Strategic Plan (MASP) and promote increased densities along public transport corridors.

#### Chapter 3: Sustainable Placemaking and Quality Homes

#### **Objective SPQHO37–Residential Consolidation and Sustainable Intensification**

Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal

**Objective SPQHO39 – New Infill Development:** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings  
(This objective is also reiterated at Objective DMSO31 – Infill Development)

**Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

**Objective SPQHO43 – Contemporary and Innovative Design Solutions** Promote contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.

#### Chapter 14 – Development Management Standards

**Section 14.10.1 Corner/Infill Development states** infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals are cognisant of prevailing pattern of development, character of the area and where all development standards are observed.

**Objective DMSO19 – New Residential Development** Require applications comply with all design and floor area requirements set out in Quality Housing for Sustainable Communities – Best Practice Guidelines 2007, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, the companion Urban Design Manual – A Best Practice Guide, DEHLG 2009, and Sustainable Urban Housing: Design Standards for New Apartments 2020.

**Objective DMSO26–Separation Distance between Side Walls of Units** Ensure at least 2.3m separation distance between side walls of detached, semi-detached and end of terrace units. (This may be reduced in relation to infill and brownfield development which provides for regeneration of under-utilised lands, and statement demonstrating design mitigation and maintenance arrangements shall be submitted)

**Objective DMSO32 – Infill Development on Corner/Side Garden Sites**  
Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area.
- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
- Provision of side/gable and rear access arrangements, including for maintenance
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for both existing and proposed dwellings.

**Objective DSMO23 – Separation Distance** includes min. 22 metres separation distance between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

**Objective DMSO27 – Minimum Private Open Space Provision** Ensure minimum 60sqm private open space provision (exclusive of car parking area) for 3-bed houses or less located behind front building line of house

**Objective DMSO105 – Development within Airport Noise Zones** Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 14.16 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the

adverse impact of noise on existing housing within the inner and outer noise zone

Development Plan Mapping:

- The site is located within Dublin Airport Noise Zone B.
- The southern/south western boundary of the overall Bushwell house site approximates to the Malahide development boundary.
- Landscape Character Type is Low Lying Agricultural
- The two distinct parts of site outlined in red are not within Flood Zones A or B, and as such are within Flood Zone C. The southern western site boundary of the overall Bushwell house site is marginally within Flood Zones A and B.

**5.2. Section 28 Guidelines**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

These Section 28 Guidelines set out policy and guidance in relation to planning and development of urban and rural settlements. They replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009.

It outlines (at Section 1.3.2) that in order to achieve compact growth, there is a need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.

SPPR 1 - Separation Distances includes that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.

SPPR 2 – Minimum Private Open Space Standards for Houses includes for new houses to meet the following minimum private open space standards:

1 bed house 20 sqm

2 bed house 30 sqm

3 bed house 40 sqm

4 bed + house 50 sqm

For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity.

### 5.3. Natural Heritage Designations

The site is not located within or adjacent to a European site. The nearest European sites are (approx.):

- Malahide Estuary SPA (004025): 2.3km to north
- North west Irish Sea SPA (004236): 3km to east
- Baldoyle Bay SPA (004016): 2.4km to south east
- Malahide Estuary SAC (000205): 2.3km to north
- Baldoyle Bay SAC (000199): 2.4km to south east

There are no Natural Heritage Areas (NHAs) in the vicinity of the site. The nearest proposed NHAs are (approx.):

- Sluice River Marsh pNHA (001736): 1.3km to south east
- Baldoyle Bay pNHA (000199): 2.4km to south east
- Malahide Estuary pNHA (000250): 2.3km to north
- Feltrim Hill pNHA (001208): 1.1km to west

### 5.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party's grounds of appeal may be summarised as follows:

#### Site location and context

- Historically Kinsealy Lane and surrounds were characterised by a rural pattern of development of detached houses and farmland.
- This character has been fundamentally altered in recent decades by large suburban residential schemes, and further lands identified for future development. These estates and incremental subdivision have redefined the area as part of suburban expansion of Malahide/Kinsealy. The site is immediately surrounded by established residential neighbourhoods
- Individual planning permissions consistently granted along Kinsealy Lane consolidate this suburban pattern, and confirm the principle of subdivision is long established. Proposal provides generous curtilage and amenity space compared to many of these examples.
- Kinsealy Lane's transition from a rural to suburban context confirm that the proposal aligns with SPQHO42 and DMSO31

#### Planning history and site regularisation

- In response to refusal (P.A. Ref. 21A/0092), the applicant acquired additional lands enlarging the site from 404sqm to 745sqm, a 185% increase. This removed a historic right of way, eliminated irregular boundaries and produced a regular, defensible plot.
- Permission granted in 2008 (P.A. Ref. F08/0059) for subdivision of Bushwell's curtilage and 2no. dwellings to rear, confirming principle of subdivision.
- Multiple permissions for subdivision and infill development in immediate vicinity include P.A. Ref. F16A/0154 and P.A. Ref. 00A/1054. Applicant's

enlarged site is consistent with pattern sanctioned along the lane.

- Rationalisation of site and alignment with nearby schemes satisfy Objective DMSO32.

#### Architectural form

- Design draws inspiration from agricultural and light industrial building forms in surroundings. Dwelling incorporates simple pitched-roof profile, restrained material palette and lean-to porch projection. Wall finishes and pared-back detailing echo utilitarian qualities of nearby industrial buildings. Design is contemporary interpretation of building types in local streetscapes
- Proposal complies with SPQHO39 and DMSO32

#### Description of proposed development

- Dwelling has GFA 146sqm, 2 double bedrooms, living spaces and ancillary accommodation. Internal layout meets all minimum standards in DMSO19.
- Ridge and eaves align with Bushwell. House is 23-26.5m from Kinsealy Lane, a deeper building line than Bushwell or Evergreen and reads as subordinate. The 745sqm site allows Bushwell retain substantial amenity space.
- Over 220sqm private open space provided. Side separation is more than 2.45sqm.
- Proposed vehicular entrance from Kinsealy Lane provides adequate sightlines
- Site is bounded by mature trees and hedgerows. Development will present as glimpsed views rather than prominent feature.

#### Absence of objections

- No third party submissions. No objections from internal or prescribed bodies

#### Assessment against refusal grounds

- Assertion the development is piecemeal is not supported. Since 2021 refusal, site was enlarged, right of way extinguished and coherent plot created
- Subdivision is consistent with Objective DMSO32 and in line with local policy
- Plot ratio is 0.20 and site coverage 20%, a low intensity form of development.

It is not credible to describe proposal as overdevelopment

- Development's siting is deliberately recessive. Design avoids pastiche
- Kinsealy Lane character is defined by large suburban schemes incl. Oakpark, Castleway, Hazelbrook, Sleepy Hollow, and incremental infill permissions

#### National and regional policy

- Proposal aligns with National Planning Framework (NPF), Eastern & Midland Regional Spatial and Economic Strategy (RSES), which emphasise compact growth, efficient use of serviced land and incremental consolidation
- NPF requires significant share of new housing within built-up footprint of towns and villages, and presumes in favour of infill/brownfield development. Proposal contributes to compact growth in a serviced suburban location
- RSES reinforces same policy direction. It discourages peripheral greenfield expansion. Scheme operationalises these objectives.
- Refusal would contravene national and regional policy

## **6.2. Planning Authority Response**

Planning authority's response to grounds of appeal may be summarised as follows:

- Considers refusal reasons on P.A. Ref. F21A/0092 have not been overcome.
- Proposal presents as piecemeal and ad-hoc and would not accord with Fingal Development Plan 2023-2029 policies and objectives which seek to ensure provision of quality residential amenity to existing and future occupants
- Circumstances regarding preservation of specific local characteristics in terms of design and layout remain in place in which it is considered proposal would fail to integrate within this section of Kinsealy Lane. Recommends refusal.
- Requests An Coimisiun Pleanala to uphold its decision
- In the event this appeal is successful, a financial contribution and/or any special development contributions in accordance with Council's Section 48 Development Contribution Scheme should be applied.

### 6.3. Observations

None

## 7.0 Assessment

7.1. Having 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 having visited the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development - Compliance with (i) Fingal Development Plan 2023-2029 and with (ii) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Impact on Visual Amenities
- Other Issues – Recommended Conditions
- Other Issue – Uisce Éireann
- Material Contravention

### 7.2. Principle of Development – Compliance with (i) Fingal Development Plan 2023-2029 and with (ii) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 7.2.1. The proposed development comprises subdivision of an existing house plot, the demolition of a detached shed, the construction of a new dwelling house and the provision of a new vehicular entrance and parking spaces to serve the existing Bushwell dwelling house. The front building line of the proposed dwelling house is 22.8m from edge of kerb on Kinsealy Lane. 2no. bedrooms are proposed in the new house. The ground floor plan includes separate lounge and play rooms. One of the first floor level bedrooms is accessed via the play room.
- 7.2.2. The larger, more northerly of the 2 portions of the site area outlined in red bounds the Evergreen house plot to the north. While of irregular shape, it is roughly rectangular and widens slightly to the rear (west). The proposed dwelling house

would be served by the existing vehicular entrance to Bushwell. The front building line at Evergreen to the north is shown, and the proposed development would be marginally set back from this building line. The proposed dwelling would face east, and the existing Bushwell dwelling faces slightly northeast. As such, while the front building line of the proposed development would not align with that of the existing Bushwell dwelling, it would have a similar alignment with Evergreen to the north.

7.2.3. Both the existing (Bushwell) and proposed structures are set back from their new internal shared boundary, and the overall separation distance between these structures is annotated as 2.45m, thereby exceeding the minimum 2.3m required by Development Plan **Objective DMSO26 – Separation Distance between Side Walls of Units.**

7.2.4. The site plan annotates the depth of the rear garden of the proposed dwelling house to range from 5.5m to 10.5m. The proposed ground floor plan indicates the rear garden depths to be very slightly longer, and the rear garden to comprise 185.8sqm. This quantum substantially exceeds the minimum 60sqm required for a 3-bedroom house or less by **Objective DMSO27 – Minimum Private Open Space Provision.** It also exceeds the min. 30sqm for a 2-bed house required by the Compact Settlement Guidelines **SPPR 2 – Minimum Private Open Space Standards for Houses** of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), hereafter referred to as the 'Compact Settlement Guidelines'. While reduced in extent, a generous amount of private open space would remain to serve the existing Bushwell dwelling.

7.2.5. As the site is bounded to the west by an overgrown site, there are no dwelling houses directly to rear of the proposed dwelling. Accordingly, while the site is minimum 5.5m from the rear (west) site boundary, given that there are no directly opposing first floor windows to the west, I do not consider that concerns arise in respect of a required min. 22 metres separation distance as set out by **Objective DSMO23 – Separation Distance.** Similarly, with regard to SPPR 1 - Separation Distances of the Compact Settlement Guidelines which includes that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level, I do not consider that the proposed development would be inconsistent with this SPPR.

- 7.2.6. The northern building line of the proposed dwelling facing Evergreen is staggered, and is approx. 1m from the northern site boundary at its nearest point. A window serving a play room is proposed at ground floor level on this elevation of the proposed dwelling. No windows are proposed at first floor level on either the north or south elevations. Contextual Elevations North (Drawing No. 1902-p-203) annotates a 6.02m ridge height.
- 7.2.7. Having regard to the overall site configuration, the design, scale and height of the proposed development and separation distances to northern and western site boundaries, and in noting also that the proposed front building line would be similar to that at Evergreen, I am satisfied that the proposed development would be in compliance with the Development Plan objectives cited, would not result in adverse impacts on the residential amenities of the area due to overshadowing, overlooking or have overbearing impacts on adjoining residential properties. In addition, having regard to the quantum of private open space to serve the proposed development and the generous amount that would be retained to serve the existing Bushwell dwelling, I am satisfied that the proposed development would be in compliance with **Objective DMSO32 – Infill Development on Corner/Side Garden Sites** criterion relating to private open space provision. I consider that criteria relating to safeguarding amenities of neighbouring residential units, side/gable and rear access arrangements, and provision of safe means of access are also adequately addressed. While secure bin storage areas are not shown on the lodged drawings, there is ample space within the proposed house plot to accommodate same.
- 7.2.8. Accordingly, I consider that the proposed development would not result in overdevelopment, and would not represent piecemeal or ad-hoc development. In this regard I consider that the character and environment of this existing residential area would be protected, and that the proposed development would be in compliance with **Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites.**
- 7.2.9. In addition, as outlined above, I consider that the proposed development would not be inconsistent with SPPR 1 or SPPR 2 of the Compact Settlement Guidelines as they relate to separation distances and to minimum private open space standards for houses respectively.

### 7.3. Impact on Visual Amenities

#### Proposed dwelling house and site context

- 7.3.1. The proposed dwelling house is largely of 2-storey scale, has a shallow pitch roof profile, and includes a single storey projection to front. Its overall height as viewed from the front elevation is 6.02m. External finishes on the front and rear elevation primarily comprise of rendered finish, and metal roofs. The side elevations (to north and south) comprise metal walls. I consider that the design of the proposed dwelling house can be described as contemporary.
- 7.3.2. The site is approx. 15m wide at the front of the proposed dwelling house. Due to the dwelling's set back from the public road, annotated as 22.8m from edge of kerb, and despite the relative proximity of the side elevations to adjoining site boundaries, while visible, I do not consider that these side elevations would not be unduly prominent in the streetscape.
- 7.3.3. Bushwell to the south of the proposed dwelling is single-storey, and Evergreen to the north is a dormer bungalow. The overall design of the proposed dwelling is markedly different from the existing single storey dwelling. In terms of detail, while the ridge line of the proposed dwelling aligns with Bushwell, its eaves level is much higher than that at Bushwell. In terms of the wider context of existing development along Kinsealy Lane, I note there is a wide variety of house types dating from different eras, and there is also a large agricultural/light industrial type unit on the eastern side. Many of the houses fronting Kinsealy Lane are detached houses on relatively generously-sized plots, while houses on smaller plots which form part of more recent housing estates are also evident, in addition to an older, short terrace of single storey cottages. I note also the broader context of Kinsealy Lane, whereby housing estates have been constructed on lands accessed off this road.
- 7.3.4. With regard to **Development Plan Objective DMSO32 Infill Development on Corner/Side Garden Sites**, which states that applications will be assessed against criteria including consistency with the character and form of development in the surrounding area, I consider that as the area is characterised by a variety of house types, of varying scale, external finishes and set back distances from the public road, the provision of a 2-storey detached dwelling house of contemporary design would be acceptable in principle in this context. I consider that the development as

proposed in this instance would be acceptable in terms of design, scale, bulk and materiality, and would not result in adverse impacts on the visual amenities of the area.

- 7.3.5. In terms of the site's context to the adjoining dwelling houses to the north and south, and to the Kinsealy Lane streetscape, I consider that the proposed development, while noting that it is of markedly different design to extant development in the vicinity, would integrate successfully in this streetscape. With regard to **Objective SPQHO39 – New Infill Development**, I consider that the proposed development, would respect the height and massing of existing residential units and would retain the physical character of the area including features such as boundary walls and gates.
- 7.3.6. In terms of detail, should the Commission be minded to grant, it is recommended that a condition is attached requiring colours and textures of the proposed external finishes to be confirmed by way of compliance submission.

#### Landscaping and boundary treatment

- 7.3.7. I note that the grounds of appeal include that the site is bounded by mature trees and hedgerows, and that the development will present as glimpsed views rather than as a prominent feature. I would agree that as the dwelling is well set back into the site, and as there is some existing mature planting on the Bushwell and Evergreen sites, in addition to the approx. 1.5m height of the existing roadside boundary wall, the combined effect would be to partially screen the proposed dwelling house from Kinsealy Lane. I note however that when trees//hedges within the Bushwell site are not in full leaf, any screen planting would be very limited.
- 7.3.8. However, regardless of existing planting on these separate sites and the extent of screening of the proposed development that would arise over the course of seasons, I consider that the proposed dwelling house by itself, while clearly visible, would not adversely impact on the visual amenities of Kinsealy Lane.
- 7.3.9. In terms of detail, the proposed site plan and proposed ground floor plan both show, very faintly, the trunk/canopy outline of trees on site, one of which is in close proximity to the proposed dwelling's front elevation. The proposed site plan does not indicate that these trees are proposed to be removed, nor are any boundary treatment details for an internal site boundary between the existing and proposed

house sites shown, if any. I consider that proposed landscaping and boundary treatment details could be addressed by way of condition. Should the Board be minded to grant permission, it is recommended that a condition is attached requiring these details to be submitted for the planning authority's agreement prior to commencement of development.

7.3.10. Having regard to all information on file, and having visited the site, I am satisfied that the proposed development would be in compliance with **Objective DMSO32 – Infill Development on Corner/Side Garden Sites**. Accordingly, it is recommended that permission with conditions is granted for the proposed development.

7.3.11. For clarity, the plans and particulars lodged with the appeal submission include a set of planning drawings. The grounds of appeal do not refer to any proposed amendments to the application as originally lodged to the planning authority. I note that the drawing schedule (Sheet\_List\_Overall) is indicated as Sheet Issue Date 28.07.2025. Accordingly, as no new or amended proposals are indicated in the grounds of appeal, should the Commission be minded to grant, it is recommended that Condition 1 requires the development to be carried out in accordance with the plans and particulars lodged with the application, and that reference to same lodged to the Commission on 02 October 2025 would not be required.

#### 7.4. Conclusion

7.4.1. As outlined above with regard to the principle of development and visual impact, I consider that the proposed subdivision of the overall Bushwell house plot is acceptable, and that the size and configuration of the more northerly portion of the subdivided site is sufficient to accommodate the proposed part single-, part two-storey dwelling house, including in terms of separation distances to site boundaries. In addition, I consider that the proposed dwelling house would be acceptable in terms of its visual impact on the amenities of the area. As outlined previously, permission with conditions is recommended.

7.4.2. With regard to the Board's refusal reason on **P.A. Ref. F21A/0092 and ABP-310198-21**, I note that that development differed from the current case in a number of respects. In particular, the 404sqm total site area proposed in that case is significantly less than the approx. 745sqm area at the location of the proposed dwelling house in the current appeal, was of more irregular configuration, and

comprised a very different proposed house type, in response to the restricted nature of the site in that instance. Accordingly, while noting this recent planning history which pertains to the subject site, I do not consider the **P.A. Ref. F21A/0092 and ABP-310198-21** case to be comparable to the subject appeal.

## 7.5. Other Issues – Recommended Conditions

### Surface Water

- 7.5.1. With regard to surface water management, the application form states that proposed surface water disposal is to soakpit. The proposed site plan does not show the location of a new soakpit. 'New storm and foul connections to existing manhole' are shown to south of the proposed dwelling. The proposed ground floor plan shows a detention system close to the south western corner of the proposed dwelling.
- 7.5.2. The Water Services Department report states no objection subject to conditions, and considers the rainwater harvesting system to be acceptable, and requires details of the overflow arrangement which ideally should discharge to another SUDS measure such as a soakaway. I consider that this matter could be adequately be addressed by way of condition. Should the Commission be minded to grant, it is recommended that a condition relating to surface water management be included.
- 7.5.3. Separately, I note the location of Hazelbrook Stream within the site outlined in blue, although it is not within the site outlined in red. However, having regard the stream's approx. 19m distance from the more southerly part of the subject site (new vehicular entrance/parking area) and 25m from the more northerly, larger portion of the site, in the event the Commission was minded to grant, I consider it appropriate in this instance that a Construction Environmental Management Plan (CEMP) be submitted for agreement prior to commencement. In particular, it is recommended that the CEMP requires the inclusion of measures to avoid surface water run-off to Hazelbrook Stream to south/south west of the existing overall Bushwell house site.

### Noise insulation

- 7.5.4. The Air & Noise Unit recommends a condition requiring appropriate noise insulation measures to achieve internal noise levels as per *BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings*.

- 7.5.5. Should the Commission be minded to grant, it is recommended that a similar condition relating to building noise insulation is attached, which I consider would adequately address this matter.
- 7.5.6. Separately, I note the content of the DAA submission received by the planning authority. Having regard to the nature and scale of the proposed development which comprises the provision of 1no. new dwelling house in the side garden of Bushwell, located within a built-up area, I consider that DAA's requested Further Information for a noise impact assessment demonstrating that appropriate levels of indoor and outdoor residential amenity can be achieved, would not be required. Accordingly, as outlined previously above, should the Commission be minded to grant, it is recommended that the matter of noise insulation is addressed by way of condition.

## 7.6. Other Issues – Uisce Éireann

- 7.6.1. There is no Uisce Éireann (UÉ) report on file. The Planner's report does not indicate that this subject application was referred to UÉ. The lodged application form states that the proposed dwelling would be served by a new connections to public watermain and public sewer.
- 7.6.2. I note also that Table 11.1: Uisce Éireann's Statement of Capacity (Uisce Éireann, February 2023) in the Development Plan outlines that wastewater treatment in Malahide can accommodate the level of growth, and with regard to the wastewater network, it includes that a project is planned to be completed within the lifetime of the Development Plan at Kinsealy Lane North, and that there are some network capacity issues in the main town area.
- 7.6.3. Separately, I note that UÉ's wastewater treatment capacity register for Fingal – August 2025 ([www.water.ie](http://www.water.ie), accessed on 15 January 2026) indicates that there is spare capacity in the Malahide wastewater treatment plant (WWTP), and also that there is a WWTP project planned/underway. With regard to the water supply capacity register, Malahide has potential capacity available, and level of service improvement required.
- 7.6.4. On the basis of the information set out in the current Development Plan with regard to wastewater management in Malahide including Kinsealy Lane North, and as set out above on the Uisce Éireann website with regard to available capacity in Malahide

WWTP and available capacity in water supply, I am satisfied that the proposed development can be adequately serviced. Should the Commission be minded to grant permission, it is recommended that a condition is attached requiring the developer to enter into Connection Agreement(s) with UÉ to provide for service connections to the public water supply and wastewater collection network.

## 7.7. Material contravention

7.7.1. I note that the planning authority's reason for refusal states that the proposed development would contravene materially Objectives SPQHO42 and DMSO32 of the Fingal Development Plan 2023-2029. These objectives are outlined in full in Section 5 of this report, and are summarised as follows -

**Objective SPQHO42 –Development of Underutilised Infill, Corner and Backland Sites** Promote development of underutilised infill, corner and backland sites in existing residential areas subject to character and environment being protected

### **Objective DMSO32 – Infill Development on Corner/Side Garden Sites**

Residential infill development applications will be assessed against following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing, including adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area.
- Satisfactory private open space for existing and proposed dwelling units
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain
- Provision of side/gable and rear access arrangements, including for maintenance
- Compatibility of boundary treatment, and retain/reinstate where possible
- Impact on street trees in roadside verges. Proposals to safeguard these features
- Safe access/egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for existing and proposed dwellings.

7.7.2. I have noted the content of these objectives in full in the assessment of this case as outlined above, and I consider that having regard to the nature, scale, bulk and materiality of the proposed dwelling, the approx. 745sqm size house plot on which it would be located, its set back from the public road and its site context including in particular the separation distances to existing dwelling houses to the south and

north, that the proposed dwelling would adequately integrate into this setting and that the proposed development would not adversely impact on the visual amenities of the area, and would not materially contravene the Development Plan. In my opinion the Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act, 2000, as amended, hereafter referred to as 'the Act'.

7.7.3. Notwithstanding the matters outlined above if however the Commission considers that a material contravention arises in this instance, and wishes to consider this under Section 37(2) of the Act, I highlight also to the Commission the matter of conflicting objectives in the development plan under Section 37(2)(b)(ii), which states (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Commission may only grant permission in accordance with paragraph (a) where it considers that— (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

7.7.4. In this regard I note that **Objective SPQHO37 – Residential Consolidation and Sustainable Intensification** seeks to 'promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal'. Accordingly, if the Commission considers that the matter of material contravention arises with reference to either of the 2 no. objectives stated in the planning authority's refusal reason, I would highlight that **Objective SPQHO37** may be considered a conflicting objective in this regard.

## 8.0 Appropriate Assessment Screening

8.1.1. I have carried out an Appropriate Assessment screening of the proposed development, which is set out at Appendix 2 of this report.

8.1.2. The AA screening concludes a finding of no likely significant effects as follows:

### **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 Baldoyle Bay SPA (004016) and Baldoyle Bay SAC (000199) in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and nature of the proposed development on serviced lands
- The distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **9.0 Water Framework Directive**

- 9.1.1. I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, transitional or 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.
- 9.1.2. Water Framework Directive screening is set at out at Appendix 3 of this report.

## **10.0 Recommendation**

- 10.1. Permission with conditions is recommended

## **11.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, located on lands zoned RS – Residential in Fingal Development Plan 2023-2029, which is to provide for residential development and protect and improve residential amenity, and

to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area nor adversely impact on the visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>(a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>(b) Prior to commencement of development, details of the overflow arrangement for the proposed rainwater harvesting system shall be submitted to and agreed in writing by the planning authority.</p> <p>Reason: In the interest of public health and surface water management.</p>
3.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
4.	<p>(a) Prior to commencement of development, the layout and details of the</p>

	<p>proposed vehicular entrance to serve the existing Bushwell dwelling house and crossing/dishing of the public footpath shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Council.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>Prior to commencement of development, a landscape scheme to include boundary treatment details for the proposed development shall be submitted to and agreed in writing by the planning authority. Details to be submitted shall include planting proposals within the new house site hereby permitted, and boundary treatment proposals between the existing dwelling house site at Bushwell and the new house site.</p> <p>Reason: In the interests of residential and visual amenities.</p>
7.	<p>Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone B.</p> <p>Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 of the Fingal Development Plan 2023-2029.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> <li>● collection and disposal of construction waste,</li> <li>● surface water run-off from the site, in particular measures to avoid surface water run-off to Hazelbrook Stream to south/south west of the existing overall Bushwell house site, and</li> <li>● environmental management measures during construction including dust and vibration control and monitoring of such measures.</li> </ul> <p>A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>Reason: In the interest of environmental protection</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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Cáit Ryan

Senior Planning Inspector

16 January 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

Case Reference	PL-500025-DF
<b>Proposed Development Summary</b>	The proposed development comprises subdivision of the existing Bushwell site, a new entrance to the existing house off Kinsealy Lane, construction of detached house, demotion of existing shed, adjustments to mains and local drainage; and associated landscaping and site works.
<b>Development Address</b>	Bushwell, Kinsealy Lane, Malahide, Co. Dublin. K36 KX61
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10(b)(i): Construction of more than 500 dwelling units.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500025-DF</b>
<b>Proposed Development Summary</b>	The proposed development comprises subdivision of the existing Bushwell site, a new entrance to the existing house off Kinsealy Lane, construction of detached house, demolition of existing shed, adjustments to mains and local drainage; and associated landscaping and site works.
<b>Development Address</b>	Bushwell, Kinsealy Lane, Malahide, Co. Dublin. K36 KX61
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposed development comprises the subdivision of an existing house plot, the construction of 1no. dwelling house, provision of new vehicular access to serve existing dwelling, boundary, landscaping and site works. The site area outlined in red comprises 2no. separate areas, which combined comprise 0.089ha. Demolition of an existing 30sqm garage is proposed. The proposed dwelling comprises 146.5sqm. The proposed dwelling would be served by new connections to public watermain and public sewer. A detention system is proposed. Proposed surface water disposal is to soakpit.</p> <p>The provision of the dwelling and associated site works do not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The proposed development, by reason of its type, does not pose a risk of major accident and/or disaster or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>  (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,	<p>Hazelbrook Stream is located approximately along the southern/south western boundary of the site. The proposed vehicular entrance and parking area are approx. 19m from the stream at the nearest point.</p> <p>The two distinct parts of the subject site outlined in red are not within Flood Zones A or B, and as such are within Flood Zone C. The southern western site boundary of the overall Bushwell house site is marginally within Flood Zones A and B.</p> <p>There are no protected structures nor recorded monuments on site. The site is not located within an Architectural Conservation Area nor within a</p>

<p>densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Highly Sensitive Landscape. The site is not located within or adjacent to a European site. The nearest European sites are (approx.):</p> <ul style="list-style-type: none"> <li>• Malahide Estuary SPA (004025):2.3km to north</li> <li>• North west Irish Sea SPA (004236):3km to east</li> <li>• Baldoyle Bay SPA (004016):2.4km to southeast</li> <li>• Malahide Estuary SAC (000205):2.3km to north</li> <li>• Baldoyle Bay SAC (000199): 2.4km to south east</li> </ul> <p>Having regard to the distance of the development site to the nearest European sites, the small scale and nature of the proposed development on serviced lands and the distance from and weak indirect connections, the proposed development would not have a significant impact on any European site.</p> <p>While noting the proximity of the site to Hazelbrook Stream, and that part of the overall Bushwell site is marginally within Flood Zones A and B, the subject site is not considered to an environmentally sensitive site.</p>
<p><b>Types and characteristics of potential impacts</b> (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>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2: Appropriate Assessment Screening

<b>Screening for Appropriate Assessment</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<p>The subject site is located within the house plot at Bushwell, Kinsealy Lane, Malahide, Co. Dublin. The subject site comprises two separate areas, consisting of the most northerly portion of the Bushwell house plot, and a separate, smaller area south of the existing dwelling. The site is located at Kinsealy Road, near the southern extent of Malahide development boundary.</p>	
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development comprises subdivision of the existing Bushwell site, a new entrance to the existing house off Kinsealy Lane, construction of detached house, demotion of existing shed, adjustments to mains and local drainage; and associated landscaping and site works.</p> <p>The proposed dwelling would be served by a new connections to public watermain and public sewer.</p> <p>Proposed surface water disposal is to soakpit. The proposed site plan does not show the location of a new soakpit. 'New storm and foul connections to existing manhole' are shown to south of the proposed dwelling.</p> <p>The proposed ground floor plan shows a detention system close to the south western corner of the proposed dwelling, i.e., in the rear garden. The submitted cover letter states surface water will be detained on site in a detention tank to be sized and specified by engineer, before greywater is re-used within the house.</p> <p>Site area of the 2no. areas outlined in red combined is 898sqm (0.089ha) of which the northern portion comprises 745sqm and the southern portion 153sqm. Hazelbrook Stream flows from north west to south east approximately along the southern/south western boundary of the overall Bushwell house site. This stream is</p> <ul style="list-style-type: none"> <li>• approx. 19m from the southerly part of the subject site ,i.e., the approx. location of the proposed vehicular entrance and parking area.</li> <li>• Approx. 25m to south of the larger portion of the subject site, i.e., that part of the subject site in which the dwelling is proposed to be located.</li> </ul> <p>The Bushwell site is bounded to the north by an existing dwelling house, to the west by an overgrown site which in turn is bounded by the Sleepy Hollow housing estate. The</p>

	<p>opposite (eastern) side of Kinsealy Lane have been developed into an established residential area. South of the Bushwell site, the access route to Sleepy Hollow approximately forms the Malahide development boundary. South of this boundary lands are zoned GB Green Belt.</p> <p>The site is not located within or adjacent to a European site. The nearest European sites are (approx):</p> <ul style="list-style-type: none"> <li>• Malahide Estuary SPA (004025): 2.3km to north</li> <li>• North west Irish Sea SPA (004236): 3km to east</li> <li>• Baldoyle Bay SPA (004016): 2.4km to south east</li> <li>• Malahide Estuary SAC (000205): 2.3km to north</li> <li>• Baldoyle Bay SAC (000199): 2.4km to south east</li> </ul> <p>As viewed on <a href="http://www.catchments.ie">www.catchments.ie</a> (accessed on 12 January 2026),</p> <ul style="list-style-type: none"> <li>• Hazelbrook Stream (EPA name: Hazelbrook Stream; River Waterbody Code: IE_EA_09S071100) is indicated as SLUICE_010, and discharges to Mayne Estuary, a transitional waterbody</li> <li>• Mayne Estuary in turn discharges to Irish Sea Dublin, a coastal waterbody.</li> </ul>			
<b>Screening report</b>	N			
<b>Natura Impact Statement</b>	N			
<b>Relevant submissions</b>	<p>None.</p> <p>1no. submission received from Dublin Airport Authority (DAA). This submission is not relevant to AA.</p>			
<ul style="list-style-type: none"> <li>• No nature conservation concerns were raised in the planning application or appeal.</li> <li>• The Planner's Report outlines that the planning authority considered that the proposed development is not connected with any European site and there is no realistic pathway to any European sites. It considered that the proposed project, individually or in combination with another plan or project will not have a significant effect on any European sites.</li> <li>• The Water Services Report states no objection with regard to surface water drainage. It considers the rainwater harvesting system to be acceptable, and requires details of the overflow arrangement which ideally should discharge to another SUDS measure such as a soakaway.</li> </ul>				
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km) (approx.)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>

<p>Malahide Estuary SPA (004025)</p>	<p><a href="#">ConservationObjectives.rdl</a></p>	<p>2.3km to north</p>	<p>Indirect. Project site is part of existing house plot in built-up area. Ex-situ impacts on QIs of this European site are unlikely. No hydrological connection.</p>	<p><b>N</b></p>
<p>North west Irish Sea SPA (004236)</p>	<p><a href="#">CO004236.pdf</a></p>	<p>3km to east</p>	<p>Indirect. Project site is part of existing house plot in built-up area. This SPA is contiguous to Baldoyle Bay SPA and partially overlaps with Baldoyle Bay SAC. Ex-situ impacts on QIs of this European site are unlikely. Having regard to the distance of the project site to North west Irish Sea SPA, the combined watercourses of min. 6.5km to this SPA including the estuarine waters (Malahide Estuary), any surface water emissions from the project site to Hazelbrook Stream would be subject to dilution and dispersal effects of the estuarine waters.</p>	<p><b>N</b></p>
<p>Baldoyle Bay SPA (004016)</p>	<p><a href="#">ConservationObjectives.rdl</a></p>	<p>2.4km to south east</p>	<p>Indirect hydrological connection. Hazelbrook Stream is a</p>	<p><b>Y</b></p>

			tributary of River Sluice which discharges to Mayne Estuary. Part of the Mayne Estuary is within Baldoyle Bay SPA	
Malahide Estuary SAC (000205)	<a href="#">ConservationObjectives.rdl</a>	2.3km to north	Indirect. Project site is part of existing house plot in built-up area. Impacts on QIs of this European site are unlikely. No hydrological connection.	<b>N</b>
Baldoyle Bay SAC (000199)	<a href="#">Site specific cons obj</a>	2.4km to south east	Indirect hydrological connection. Hazelbrook Stream is a tributary of River Sluice which discharges to Mayne Estuary. Part of the Mayne Estuary is within Baldoyle Bay SAC	<b>Y</b>

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

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b>  <b>Baldoyle Bay SPA (004016)</b>  Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Shelduck (Tadorna tadorna) [A048]	Indirect:  <u>Construction phase</u> Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.  <u>Operation phase</u> Effects are limited to emission of	Having regard to the existing nature of the subject site which forms part of the curtilage of an existing detached dwellinghouse, the small scale nature of the proposed development, particularly the minor nature of the works proposed at the more southerly part of the subject site, namely a new

<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds</p> <p>Member States are explicitly required under Art. 4 of Directive to pay attention to protection of wetlands. Wetland habitat contained within this Special Protection Area and waterbirds that utilise this resource are listed as a special conservation interest for this site.</p>	<p>surface water. Surface water will be detained in detention tank before greywater is re-used within the house.</p> <p>Permeable paving is proposed along new driveway.</p> <p>Proposed development will be serviced by connection to public sewer.</p>	<p>vehicular entrance and parking spaces, it is considered that no significant disturbance impacts (i.e., ex-situ impacts) to any QI wintering birds are likely at construction or operational phase.</p> <p>At operational phase, significant negative effects due to surface water run-off to Hazelbrook Stream, and indirectly to Baldoyle Bay SPA are considered unlikely. I consider that the recommended condition by PA's Water Services Dept. requiring details of the rainwater harvester's overflow arrangement (to ideally discharge to another SUDS measures such as soakaway), to be a standard design measure.</p> <p>Furthermore, in the event of surface water emissions from the subject site to Hazelbrook Stream, the watercourse of minimum 3km length (comprising part of Hazelbrook Stream and River Sluice) and estuarine influence would dilute any emissions.</p> <p>No mitigation measures are required to come to these conclusions. Should the Commission be minded to grant, I consider that the provision of an additional SUDS feature to be a standard measure to manage surface water drainage in the proposed development and is not a mitigation measure for the purpose of avoiding or preventing impacts on this</p>
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		European site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 2:</b></p> <p><b>Baldoyle Bay SAC (000199)</b></p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p> <p>Wetland and Waterbirds</p> <p>Member States are explicitly required under Art. 4 of Directive to pay attention to protection of wetlands. Wetland habitat contained within this Special Protection Area and waterbirds that utilise this resource are listed as a special conservation interest for this site.</p>	As above.	As above.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	

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

For completeness, I have noted in this assessment that the conservation objective which applies to all QIs of

- Baldoyle Bay SPA (004016)
- Baldoyle Bay SAC (000199)

is 'to maintain' the favourable conservation status, as distinct from 'to restore'.

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on Baldoyle Bay SPA (004016) and Baldoyle Bay SAC (000199). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

#### **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 Baldoyle Bay SPA (004016) and Baldoyle Bay SAC (000199) in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and nature of the proposed development on serviced lands
- The distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

### Appendix 3: Water Framework Directive Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Coimisiún Pleanála ref. no.</b>	PL-5000-25-DF	<b>Townland, address</b>	Bushwell, Kinsealy Lane, Malahide, K36 KX61
<b>Description of project</b>		The proposed development comprises subdivision of an existing house plot, the demolition of a detached shed, the construction of a new dwelling house and the provision of a new vehicular entrance and parking spaces to serve the existing Bushwell dwelling house, all within Bushwell's curtilage.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The subject site within the grounds of the existing house plot Bushwell is situated in a built-up area, within the Malahide development boundary. The site is bounded to the north by a detached dwelling house Evergreen, to the west by an overgrown site, and to the south/south west by the access road to Sleepy Hollow housing estate. The site is relatively flat. The 30sqm detached garage proposed to be demolished is located north west of the Bushwell dwelling.</p> <p>The overall site area is 898sqm (0.089ha). The site comprises 2no. separate areas outlined in red, whereby the northern portion comprises 745sqm and the southern portion comprises 153sqm. Hazelbrook Stream flows in north west to south east direction along Bushwell's southern/ south western site boundary, i.e., approximately along the access route to Sleepy Hollow. On site visit, it was noted that the stream does not appear to be physically demarcated from the house plot, as viewed from the front of the overall site.</p> <p>The more southerly part of the proposed development site outlined in red, namely the proposed vehicular entrance and parking area, are approx. 19m from the stream at the nearest point. The stream is approx. 25m from the larger portion of the subject site, i.e., that part of the subject site in which the dwelling is proposed to be located</p> <p>For clarity, the project site outlined in red (comprising 2no. separate areas) does not adjoin the stream.</p>	

<p><b>Proposed surface water details</b></p>	<p>The application form states that proposed surface water disposal is to soakpit. The proposed site plan does not show the location of a new soakpit. 'New storm and foul connections to existing manhole' are shown to south of the proposed dwelling. The proposed ground floor plan shows a detention system close to the south western corner of the proposed dwelling.</p> <p>The Water Services Department report states no objection subject to conditions, considers the rainwater harvesting system to be acceptable, and requires details of the overflow arrangement which ideally should discharge to another SUDS measure such as a soakaway.</p>
<p><b>Proposed water supply source &amp; available capacity</b></p>	<p>Proposed connection to public watermain. With regard to available capacity, see 'Other' below.</p>
<p><b>Proposed wastewater treatment system &amp; available capacity, other issues</b></p>	<p>Proposed connection to existing public sewer. With regard to available capacity, see 'Other' below.</p>
<p><b>Others</b></p>	<p><u>Water supply and wastewater:</u> No water deterioration concerns were raised in the planning appeal or by the planning authority at planning application stage. As outlined in the main report, there is no report from Uisce Éireann (UÉ) on file. The Planner's report does not indicate that this subject application was referred to UÉ. The lodged application form states that the proposed dwelling would be served by a new connections to public watermain and public sewer.</p> <p>I note also that Table 11.1: Uisce Éireann's Statement of Capacity (Uisce Éireann, February 2023) in the Development Plan outlines that wastewater treatment in Malahide can accommodate the level of growth, and with regard to the wastewater network, a project is planned to be completed within the lifetime of the Development Plan at Kinsealy Lane North.</p> <p>Separately, I note that UÉ's wastewater treatment capacity register for Fingal – August 2025 (<a href="http://www.water.ie">www.water.ie</a>, accessed on 15 January 2026) indicates that there is spare capacity in the Malahide wastewater treatment plant (WWTP), and also that there is a WWTP project planned/underway. With regard to the water supply capacity register, Malahide has potential capacity available, and level of service improvement required.</p>

	<p>On the basis of the information set out in the current Development Plan with regard to wastewater management in Malahide including Kinsealy Lane North, and as set out above on the UÉ website with regard to available capacity in Malahide WWTP and available capacity in water supply, I am satisfied that the proposed development can be adequately serviced.</p>
	<p><u>Other:</u> No Construction Environmental Management Plan (CEMP) has been submitted with this application.</p> <p>While noting the nature and relatively minor scale of the proposed development, and while noting that project site does not adjoin the stream, having regard to the site’s proximity to this watercourse it is recommended, should the Commission be minded to grant permission, to require the submission of a CEMP for written agreement prior to commencement. This is considered to be a standard construction phase measure and could be addressed by way of condition.</p>
	<p><u>Flood Risk</u> The two distinct parts of the subject site outlined in red are not within Flood Zones A or B, and as such are within Flood Zone C. The southern western site boundary of the overall Bushwell house site is marginally within Flood Zones A and B.</p> <p>The Water Services Department report (15 August 2025) states no objection relating to flood risk.</p>
	<p><u>WFD data</u> Information viewed on <a href="http://www.catchments.ie">www.catchments.ie</a> includes:</p> <ul style="list-style-type: none"> <li>• The site is within <ul style="list-style-type: none"> <li>- WFD Catchment 09; Liffey and Dublin Bay</li> <li>- WFD Subcatchment Mayne_SC_010</li> <li>- WFD River Sub Basin SLUICE_010 (IE_EA_09S071100)</li> </ul> </li> </ul> <p><u>Protected Areas for WFD</u> Distances from the project site to the following Protected Areas for WFD are estimates based on information viewed on <a href="http://www.catchments.ie">www.catchments.ie</a> (accessed 15 January 2026) as follows:</p> <ul style="list-style-type: none"> <li>• Natura 2000 sites: The project site is not located within or adjacent to a European site. The nearest European sites are: <ul style="list-style-type: none"> <li>- Malahide Estuary SPA (004025): 2.3km to north</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- North west Irish Sea SPA (004236): 3km to east</li> <li>- Baldoyle Bay SPA (004016): 2.4km to south east</li> <li>- Malahide Estuary SAC (000205): 2.3km to north</li> <li>- Baldoyle Bay SAC (000199): 2.4km to south east</li> </ul> <ul style="list-style-type: none"> <li>• Drinking Water (Protected Areas): Drinking Water – Groundwater IE_EA_G_008; Dublin; Article 7 Abstraction for Drinking Water</li> <li>• Shellfish Areas: Malahide; WB_CD: IE_EA_020_0000 is approx. 3.5km to east</li> <li>• Nutrient Sensitive Areas: None in the vicinity. The nearest is Liffey; EU_PA_Code: IERI_EA_2010_0007, approx. 14km to south west.</li> <li>• Bathing Waters: The nearest is Portmarnock, Velvet Strand Beach; BWID: IEEABWC070_0000_0200 approx. 3km to east.</li> <li>• GSI Public Supply Source Protection Areas: None in the vicinity or wider area.</li> <li>• NFGWS Group Scheme Source Protection Areas: None in the vicinity or wider area.</li> </ul>
	<p><u>Geological Survey of Ireland</u>  Information accessed on <a href="http://www.gsi.ie">www.gsi.ie</a> (on 15 January 2026) indicates the following for the project site:</p> <ul style="list-style-type: none"> <li>• Groundwater vulnerability is High</li> <li>• Bedrock Aquifer is PI, described as Poor Aquifer – Bedrock which is Generally Unproductive except for Local Zones</li> <li>• Quaternary Sediment Type: Till derived from limestones</li> <li>• Subsoil permeability is Low</li> </ul>

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)
River Waterbody	<p>Approx. 19m from more southerly part of the subject site (location of vehicular entrance and parking area)</p> <p>Approx. 25m from the larger portion of the subject site, i.e., that part of the subject site in which the dwelling is proposed to be located.</p>	<p>SLUICE_010 IE_EA_09S071100</p> <p>Hazelbrook Stream (EPA name)</p>	Poor	Review	None listed.	Indirect hydrological connection via surface water run-off.
River Waterbody	Minimum 3km from project site (approx. along river route).	Mayne Estuary IE_EA_080_0100	Moderate	Review	None listed.	Indirect hydrological connection via Sluice River.

		Sluice River discharges to Mayne Estuary.					
Groundwater waterbody	Underlying site	Dublin IE_EA_G_008	Good	Review	None listed.	Potential linkage to groundwater. As per <a href="http://www.catchments.ie">www.catchments.ie</a> : <ul style="list-style-type: none"> <li>Subsoil on site is 'Made', and described as man-made.</li> <li>Subsoils on adjoining lands to west are 'Alluvium'.</li> </ul>	
<b>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.</b>							
<b>CONSTRUCTION PHASE</b>							
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	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	SLUICE_010 IE_EA_09S071100	Surface water run-off from project site.	Siltation, pH (concrete),	Standard construction practices,	No	Screened out

		Hazelbrook Stream (EPA name)		hydrocarbon spillages	CEMP		
2.	Surface	Mayne Estuary IE_EA_080_0100	Surface water run-off from project site to Mayne Estuary (IE_EA_080_0100) via SLUICE_010 (IE_EA_09S071100) (EPA name: Hazelbrook Stream)	As above.	As above.  In addition, having regard to the distance of Mayne Estuary IE_EA_080_0100 waterbody from the subject site, in the event of surface water emissions from the subject site to SLUICE_010, the watercourse of minimum 3km length and estuarine influence at Mayne Estuary would dilute any emissions.	No	Screened out
3.	Ground	Dublin IE_EA_G_008	Pathway exists but poor drainage characteristics.  Subsoil permeability is Low (as per www.gsi.ie)	Hydrocarbon Spillages	Standard Construction Measures, CEMP.	No	Screened out

OPERATIONAL PHASE							
3.	Surface	SLUICE_010 IE_EA_09S071100  Hazelbrook Stream (EPA name)	Surface water run-off from project site.	Hydrocarbon spillages	Rainwater harvesting, SuDS features, soakaway, permeable paving.	No	Screened out
	Surface	Mayne Estuary IE_EA_080_0100	Surface water run-off from project site, via SLUICE_010 (IE_EA_09S071100) [Hazelbrook Stream (EPA name)]	As above.	As above.  In addition, having regard to the distance of Mayne Estuary IE_EA_080_0100 waterbody from the subject site, in the event of surface water emissions from the subject site to SLUICE_010, the watercourse of minimum 3km length and estuarine influence at Mayne Estuary would dilute any emissions.	No	Screened out.

4.	Ground	Dublin IE_EA_G_008	Pathway exists but poor drainage characteristics.  Subsoil permeability is Low, as per <a href="http://www.gsi.ie">www.gsi.ie</a>	As above	Implementation of standard, best practice SUDS measures.	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						