



An
Coimisiún
Pleanála

Inspector's Report PL-500197-DF

Development	Demolition of dwelling, construction of dwelling and all associated site works.
Location	Newlawn House, Newlawns, Ballyboughal, Co. Dublin, A41 PX34
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0736E
Applicant(s)	Eric and Grace McCarthy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Eric and Grace McCarthy
Observer(s)	None
Date of Site Inspection	16 th February 2026
Inspector	Emma Gosnell

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

Appendix 2 – AA Screening Determination

Appendix 3 – Screening for Water Framework Directive Assessment Determination

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 2.382ha, is located c. 1.5km to the east of Ballyboughal village which, in turn, is located c. 6.5km to the north-west of Swords in Fingal, Co. Dublin.
- 1.2. The site is accessed on its south-west side via a splayed vehicular entrance off the R129 (which has an 80km/hr speed limit) which runs in an east-west direction to the south of the site. There is also a secondary agricultural access to the site on its east side. The site is adjoined by storage/ agricultural buildings to its north-east, by the Mainscourt 38KV substation and a solar farm to its north (which share the same access to the east), and by undeveloped agricultural lands generally to its west and east. There are 2 no. detached rural dwellings located to its south on the opposite side of the R129. The wider area is rural and agricultural in character.
- 1.3. The north side of the site currently accommodates a large L-shaped 2-storey pitched roof dwelling (c. 340sq.m) with a series of agricultural sheds, barns and garage type structures (c. 342sq.m) arranged in a rectangular courtyard to its rear. There are significant stands of mature trees located on the north-west side of the site with further trees and mature hedgerows along its roadside boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises of: the demolition of 2-storey detached dwelling (340sq.m), demolition of ancillary garages and sheds (342sq.m), construction of replacement (part single-storey and part two-storey) detached dwelling (485sq.m), change of use of agricultural building to home gym and studio (140sq.m), replacement of existing septic tank with new wastewater treatment system, SuDS compliant surface water drainage, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 07/10/2025 for 2 no. reasons:

“1. Section 14.12.4 ‘Replacement Dwellings – Rural’ of the Fingal Development Plan 2023-2029 requires strong justification to be provided for demolition and replacement of rural dwellings as opposed to adaptation, re-use and retrofitting. As no justification has been included within the application submission, the proposed development is considered to be contrary to Section 14.12.4, Section 14.19.1.2 and Objective DMSO256 – ‘Retrofitting and Re-Use of Existing Buildings’ of the Fingal Development Plan, and therefore contrary to the proper and sustainable development of the area.

2. The subject site is within the ‘RU’ Rural zoning objective under the Fingal Development Plan 2023 – 2029. The objective of which is to ‘protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’. Having regard to the rural character and appearance of the area, it is considered that the proposal by virtue of its design, excessive height and scale would seriously injure the visual amenity, character and appearance of the area. The proposed development would be contrary to Table 14.9: Design Guidelines for Rural Dwellings and Objective DMSO41 – ‘New Dwellings in Rural Areas’ of the Fingal Development Plan, and therefore contrary to the proper and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 03/10/2025) formed the basis of the planning authority’s (PA) assessment. Key points raised are:

- *Principle of Development* – residential development permitted in principle under ‘RU – Rural’ zoning objective.
- *Replacement Dwelling* – proposal not compliant with Section 14.12.4 on basis that inadequate demolition and replacement justification or related evidence provided. **Refusal Recommended.**
- *Visual Amenity* – proposed materiality is acceptable but scale and extent of glazing is too contemporary in design for rural vernacular character of area. Height, scale mass and siting of proposed dwelling on raised area of site will exacerbate its visibility, visual dominance and visual impact. **Refusal Recommended.**

- *Access* – proposal to cease use of secondary agricultural entrance to east side of site is acceptable. Concerns raised regarding potential of existing gate piers, wing walls and neighbouring hedgerows to obstruct driver visibility at existing south-west vehicular access. The applicant is required to demonstrate that 145m sightlines are achieved in both directions. The access may need to be relocated eastwards in order to achieve same. Proposed upgrade to access driveway acceptable.

Further Information Required.

- *Parking* – cycle parking can be facilitated in curtilage in the rear garden.
- *Flooding* – PA satisfied that the proposal is not at risk of flooding.
- *Drainage* – PA require additional information regarding applicant’s wastewater and surface water management proposals. **Further Information Required.**
- *Landscaping* – the submitted plans do not reflect the extent of mature trees on site, and it is unclear whether the applicant proposes to remove trees. **Further Information Required.**
- *AA Screening* – site proximity to Skerries Islands SPA (004122) noted but considered that no realistic pathways exist between appeal site & European sites and therefore no potential for likely significant effects on same.
- *EIA Screening* – proposal is subthreshold. No EIA required.

The report concluded by recommending permission be refused as per Section 3.1.

3.2.2. Other Technical Reports

Water Services (17/09/2025) – further information requested in respect to design of wastewater system and its compliance with the EPA CoP (2021) and in relation to the hydraulic capacity and rainfall data which informed the design of the proposal surface water management system.

Parks and Green Infrastructure Division (23/09/2025) – no objection subject to conditions requiring implementation of submitted landscape plan and tree and hedge protection measures during construction.

Transportation Planning Section (24/09/2025) – further information requested in respect to site access arrangements and related sightline improvement works.

3.3. **Prescribed Bodies**

No submissions received.

3.4. **Third Party Observations**

No submissions received.

4.0 **Planning History**

4.1. **Appeal Site**

No planning history.

4.2. **Neighbouring Sites**

Site to North

P.A. Ref. F17A/0340 & ABP Ref. PL06F.249174 – application by Gaelectric Renewable Energy Developments Ltd. for 10 year planning permission for the development of a solar photovoltaic (PV) energy development on a site of c. 155 acres, granted permission on appeal on 20/03/2018 subject to conditions.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (2025) – NPO28: siting and design criteria for rural housing.

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

Our Rural Future: Rural Development Policy 2021-2025.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoH LGH, 2007)

Sustainable Rural Housing Guidelines for Planning Authorities (DoH LGH, 2005).

5.2. Technical Standards

TII DN-GEO-03060 (Geometric Design of Junctions) (2023).

EPA Code of Practice: Domestic Wastewater Treatment Systems (2021).

5.3. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – Rural Areas: RPO 4.81 siting and design criteria for rural housing.

5.4. Development Plan

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

Zoning

The site is zoned 'Objective RU – Rural Areas' 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 vision for 'RU' zoned lands is to 'Protect and promote the value of the rural area of the County'.

Residential development is 'Permitted in Principle' on RU zoned lands subject to compliance with the Rural Settlement Strategy.

The site also comes within a designated 'Parks Biodiversity Nature Development Area' and is characterised as being in a 'Low-Lying Agricultural' landscape character area.

Replacement Dwellings/ Vernacular Buildings

Section 14.12.4 Replacement Dwellings – Rural: The Council promotes the sympathetic maintenance, adaptation, and re-use of vernacular buildings where they contribute to the character of the rural area and will support the appropriate revitalisation, re-use and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless strong justification is provided by the applicant in such instances.

Where replacement is accepted, the applicant shall clearly demonstrate as part of an application for demolition and replacement:

- The impact of the replacement structure on surrounding landscape and/or properties in the vicinity of the site, resulting from the design, location, layout, and size of the proposed dwelling.
- The appropriateness of demolition of the existing structure having regard to its existing setting, age, design, and overall contribution to the area.

Section 3.5.15.13 (Vernacular Buildings), Policy SPQHP59 – Vernacular Buildings: Promote the sensitive restoration and re-use of historic vernacular dwellings and outbuildings within Fingal.

Section 14.19.1.2 (Existing Buildings/Structures): Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers).

Sections 14.19.5 (Vernacular Heritage and Other Built Heritage Assets) and 10.5.2.5 (Vernacular Heritage and Other Built Heritage Assets).

Section 14.21.1 (Reuse of Existing Buildings) and Objective DMSO256 – Retrofitting and Re-Use of Existing Buildings: Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

Housing Design Guidance

Sections 14.12.2 (Design Criteria for Housing in the Countryside) and Table 14.9/ 14.12.3 (Design Guidelines for Rural Dwellings) - Site Assessment Study, Siting and Design, Materials and Detailing, Boundary Treatments, Access & Sightlines, Surface and Wastewater Treatment and Landscaping.

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

SPQHO75 (Houses Granted Permission in RU, HA or GB Zoned Areas).

Objective DMSO41 – New Dwellings in Rural Areas: Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

Other

Section 14.18 (Green Infrastructure and Natural Heritage). Objectives SPQHO91 - Retention Hedgerows, DMSO125 – Management of Trees and Hedgerows, DMSO126 – Protection of Trees and Hedgerows during Development and Objective DMSO140 – Protection of Existing Landscape.

Sections 9.6.7 and 14.18.2.3 (Nature Development Areas) and Objectives GINHO37 – Nature Development Areas: Maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps and Objective DMSO152 – Planning Guidelines for Nature Development Areas.

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

Objective CMO47 – Road Safety and Rural Roads: Prioritise safety on rural roads and junctions, while having regard to the protection of biodiversity, Green Infrastructure and rural character present in roadside trees, hedgerows and banks.

Objectives SPQHO66, DMSO200 and Section 14.20.2 (Rural Housing – Wastewater Treatment).

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

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

- Rogerstown Estuary SAC (Site Code 000208) - approx. 3.5km to south-east.
- Rogerstown Estuary SPA (Site Code 004015) - approx. 4km to south-east.
- Malahide Estuary SAC (Site Code 000025) - approx. 5.5km to south-east.
- Malahide Estuary SPA (Site Code 004205) – approx. 6km to south-east.

- North-West Irish Sea SPA (Site Code 004236) – approx. 10km to east.
- Skerries Islands SPA (Site Code 004122) – approx. 11.5km to north-east.
- Rockabill SPA (Site Code SPA 004014) - approx. 13km to north-east.
- Lambay Island SPA (Site Code 004069) – approx. 14km to the east.
- Rockabill to Dalkey Island SAC (Site Code 003000) - approx. 11km to east.
- Lambay Island SAC (Site Code 000204) - approx. 14km to east.

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

- Rogerstown Estuary pNHA (Site Code 000208) – approx. 3.5km to south-east.

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 (03/11/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal (GOA) can be summarised as follows:

Rebuttal of Refusal Reason No. 1 – Principle of Replacement

- Decision does not take account of condition and form of existing pre-63 dwelling.
- Demolition and replacement are allowed under Section 14.21.1 (Reuse of Existing Buildings), Section 14.19.1.2 (Existing Buildings/Structures) and under Section 14.12.4 and Objective SPQHO44 (Replacement Dwellings – Rural) and where justification is provided & where a structure's physical condition make retention impractical/ unsustainable.
- Demolition Justification Report prepared by a Chartered Structural Engineer is submitted with GOA. Inspection and photographic record confirm that dwelling is structurally unsound/ compromised by building & fabric failures.
- Retrofit and reuse of main dwelling/ its upgrade to meet current Building Regulations and energy performance standards is technically and economically unfeasible.
- GOA demonstrate that demolition and replacement of existing dwelling is fully justified on technical and policy grounds.
- Proposal to retain and adapt existing traditional stone agricultural building for use as home gym/ studio is consistent with Objective DMSO256 (Retrofitting and Reuse of Existing Buildings) and Section 14.19.1.2 (Existing Buildings/ Structures).

Rebuttal of Refusal Reason No. 2 – Design and Siting

- Design and scale of proposal are more modest relative to that of existing dwelling.
- Proposal has lower ridge height and is smaller in scale/ built footprint than existing dwelling.

- Form & materiality of proposal reflect material palette of local vernacular buildings.
- Appeal site is flat and visually enclosed, being screened by mature vegetation, existing farm buildings and utility infrastructure, with no potential to detract from the rural landscape or to injure visual amenity.
- Proposal will enhance the visual and environmental quality of the site.
- Proposal is fully compliant with Table 14.9 (Design Guidelines for Rural Dwellings) and Objective DMSO41 – New Dwellings in Rural Areas.
- Site context already accommodates large-scale energy and utility infrastructure which were considered acceptable on ‘RU – Rural’ zoned lands without giving rise to visual harm – these also diminish landscape sensitivity.

Other General Points

- Proposal will consolidate and rationalise built form on the site.
- Proposal will upgrade existing on-site infrastructure.
- Proposed foul and surface water systems are meet EPA (2021) standards.
- Proposed comprehensive landscape plan will retain and reinforce existing trees and hedgerows where feasible (only removing diseased/ poor quality trees).
- New EPA COP compliant WWTS & polishing filter and SuDS compliant surface water management system are to be installed on the site.
- Minor adjustments are proposed to existing vehicular entrance and site landscaping in order to achieve required sightlines.
- Recently permitted developments (P.A. Ref. F20A/0046 & ABP-307886-20 and P.A. Ref. F18A/0145) elsewhere in Fingal are cited as planning precedents for the current proposal.

The following documentation was enclosed with the grounds of appeal:

- Appendix A: Copy of PA Decision Notification.
- Appendix B: Demolition Justification Report (Tent Engineering Consultants).
- Appendix C: Updated Drawings (Terrence Woods Architects).

- Appendix D: Cover Letter and Engineering Reports (Stingray Environmental Engineering Ltd.).
- Appendix E: Letter of Consent from Neighbouring Landowner.
- Appendix F: Updated Landscape Plan (Jane McCorkell Design).

9.2. **Planning Authority Response**

Response (received 27/11/2025) 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 relating to the payment of a financial contribution and/ or special development contribution under FCC's Section 48 Development Contribution Scheme be applied and that a tree bond also provided for where required.

9.3. **Observations**

None received.

9.4. **Further Responses**

None received.

10.0 **Assessment**

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

- Principle of Development
- Design and Siting
- Access
- Other Matters

10.1. **Principle of Development**

Zoning

- 10.1.1. Permission is sought for the demolition of an existing dwelling, the construction of a replacement dwelling and related site works. Residential development is permitted in principle under the site's 'RU – Rural Areas' zoning objective 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' subject to the proposal's compliance with the Rural Settlement Strategy.
- 10.1.2. Given that this appeal concerns a replacement dwelling, and not a new rural dwelling which would be subject to compliance with the Rural Settlement Strategy, I consider the proposal to be acceptable in principle subject to its compliance with of Section 14.12.4 (Replacement Dwellings – Rural) of the FDP.

Replacement Dwelling Policy

- 10.1.3. Section 14.12.4 (Replacement Dwellings – Rural) states that "*The Council promotes the sympathetic maintenance, adaptation, and re-use of vernacular buildings where they contribute to the character of the rural area and will support the appropriate revitalisation, re-use and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless strong justification is provided by the applicant in such instances. Where replacement is accepted, the applicant shall clearly demonstrate as part of an application for demolition and replacement: - The impact of the replacement structure on surrounding landscape and/or properties in the vicinity of the site, resulting from the design, location, layout, and size of the proposed dwelling. - The appropriateness of demolition of the existing structure having regard to its existing setting, age, design, and overall contribution to the area*".
- 10.1.4. The PA were not satisfied as to the proposal's compliance with Section 14.12.4 and refused permission on this basis (refusal reason no. 1). In this regard, I note that no evidence of the deterioration of the existing dwelling was submitted as a justification in support of the application. The appellant has now sought to address this omission as part of their GOA and have provided the Commission with a site-specific Demolition Justification Report prepared by Tent Engineering Consultants which they argue provides strong justification for the proposed demolition and replacement of the existing dwelling on the basis of its poor, sub-standard condition.

- 10.1.5. Section 14.12.4 of the plan allows for the replacement of rural dwellings which are uninhabitable/ structurally unsound/ not in good condition where a strong justification is provided by the applicant. I note that the plan provides no further policy guidance in respect to what constitutes a 'strong justification' or what form such a justification should take. In the case of the current proposal before the Commission, the appellant has provided a Demolition Justification Report which is based on a non-intrusive visual inspection and acts as a contemporary photographic record of the condition of the buildings on the site. The report concludes that the existing dwelling and outbuildings are beyond reliable, economical and safe repair on account of their age/ design life, envelope failure, structural defects, water ingress, severe timber/ floor decay and underlying substructure and drainage concerns.
- 10.1.6. I noted during my site inspection that the built fabric of the main c. 1960s dwelling is in a notably poor condition with evidence of mould, damp ingress, condensation/ poor ventilation and structural deterioration being visible both internally and externally. Parts of the dwelling were observed to be in an uninhabitable and severely dilapidated condition. The rear curtilage of the property also showed evidence of service deterioration with, what appeared to be, foul water emissions outfalling directly into the yard behind the house. I observed the majority of the sheds/ outbuildings to the rear of the house to be roofless and generally in an overgrown and severely dilapidated condition.
- 10.1.7. I am satisfied that the appellant's Demolition Justification Report accurately reflects and documents the conditions that I observed on site and I am of the view that the existing dwelling provides for a very poor, sub-standard of accommodation in the main with parts of the dwelling being indeed uninhabitable on account of their structurally compromised and severely dilapidated condition. I am also satisfied that the report provides sufficient justification, through first hand evidence of its structural condition and level of deterioration, that its restoration and/ or retrofitting is not a realistic or reasonable option. In light of the foregoing considerations, I am satisfied that the principle of a replacement dwelling on the subject site is acceptable and compliant with Section 14.12.4.
- 10.1.8. In such circumstances where replacement is accepted, Section 14.12.4 requires consideration to be given to the comparative impact/ contribution of the design and siting of the existing and replacement dwellings on the surrounding landscape, setting

and properties in the vicinity. I consider these matters further in Section 10.2 of this report.

Reuse of Existing Structures

- 10.1.9. On the basis of its compliance with Section 14.12.4, the proposal to demolish and replace the existing dwelling is also determined to be, by implication, compliant with Objective DMSO256 (Retrofitting and Reuse of Existing Buildings) – which supports the retrofitting and reuse of existing buildings only where possible i.e. where their demolition and reconstruction are avoidable.
- 10.1.10. I am satisfied that the proposal to retain the existing rear shed (which the Demolition Justification Report concludes is in relatively good structural condition) and to convert it for use as a studio/ gym is fully compliant with both Section 14.21.1 (Reuse of Existing Buildings) and Objective DMSO256.
- 10.1.11. The PA's refusal reason No. 1 also cited non-compliance with Section 14.19.1.2 (Existing Buildings/ Structures) which states that, where structures exist on site, their adaptive reuse/ embodied carbon and, where relevant, their architectural or vernacular quality, should form part of any redevelopment proposals.
- 10.1.12. I have dealt with the matter of adaptive reuse in the preceding paragraph and, as I will elaborate on in Section 10.2, I do not consider that the existing structure is of architectural quality that would merit its retention. I am also satisfied that it does not constitute a vernacular structure or dwelling as per the FDP definitions provided under Sections 3.5.15.13, 10.5.2.5 and 14.19.5.
- 10.1.13. In respect to environmental efficiency, the Demolition Justification Report states that *“a newly constructed dwelling has strong potential to achieve significantly lower environmental impact over its lifetime compared with retaining and retrofitting the existing inefficient structure. Reconstruction also enables incorporation of modern low-carbon materials, improved insulation standards and renewable energy systems, ensuring compliance with national climate and energy performance targets”*. Whilst I acknowledge that the appellant has not directly addressed the matter of embodied carbon, having regard to the entirety of the information on file and to the non-prescriptive nature of the policy guidance provided for under Section 14.19.1.2 of the plan, the general requirements of the plan with regard to emissions reduction and climate action can be regarded as being satisfied.

10.2. Design & Siting

- 10.2.1. Refusal reason No. 2 refers to the potential of the form and design of the proposed dwelling to give rise to serious injury to visual amenity and to the rural character of the area. Specific reference is made to the proposal's contravention of the policy guidance outlined in Table 14.9 (Design Guidelines for Rural Dwellings) and Objective DMSO41 – New Dwellings in Rural Areas.
- 10.2.2. As detailed in Section 2.1 of this report, permission is sought for a part 1-storey, part 2-storey detached dwelling (c. 485sq.m) of contemporary design in place of the existing 2-storey c. 340sq.m L-shaped c. 1960s dwelling of poor architectural quality and in a very poor state of repair which currently occupies the site. It is my view that the design, condition and materiality of the existing dwelling are such that they do not make a positive contribution to the rural character of the area.
- 10.2.3. The built form of the proposed dwelling is visually and volumetrically different from the existing dwelling and comprises of 3 no. gabled roof structures of stone and render which are linked together by glazed elements. Whilst the PA were generally satisfied with the proposals to use nature stone materials and white render, they did raise concerns regarding the extent and design of the glazing proposed for the south elevation – particularly the first floor master bedroom, link corridor and ground floor living area. Having considered the design and materiality of the southern elevation in the context of the site, which provides for significant natural screening of views from the adjoining public road, I am satisfied that its contemporary design is acceptable in this context and will assist in maximising the structure's solar gain.
- 10.2.4. Having considered the information on file, including the proposed plans, elevations and photomontages, I am satisfied that the proposed dwelling represents a considered and high quality contemporary rural dwelling which draws its architectural reference from rural buildings and farmstead typologies. Having regard to its height, siting, modulated scale and massing and proposed high quality materiality, I am further satisfied that it would integrate appropriately into the rural landscape at this location and would not give rise to visual injury, particularly on account of the site's visual containment and enclosure by mature trees and vegetation to its south, east and west and by farm buildings and utility infrastructure to its north. I also do not agree with the PA's view that the dwelling would be located on a comparatively raised area of the

site, which would exacerbate its visual prominence, on the basis of the site topography I observed during my inspection.

10.2.5. Therefore, having inspected the site and its surrounds and having considered the proposal against Table 14.9 (Design Guidelines for Rural Dwellings – specifically the policy guidance relating to Site Assessment, Siting and Design and Materials and Detailing) and Objective DMSO41 (New Dwellings in Rural Areas – sensitive siting, use of natural landscaping and environmentally sustainable and efficient design) of the FDP, I am satisfied that the proposed dwelling represents a well-considered and high quality contemporary rural dwelling which draws references from rural farmstead typologies and from the forms and materials of local vernacular buildings and I am further satisfied that it is appropriately sited with its scale, height and finishes likely to integrate appropriately into the rural landscape at this location.

10.3. Access

10.3.1. The PA's Transportation Department raised concerns regarding the design of the property's existing access and the potential for the siting of its gate piers, wing walls and neighbouring boundary hedging to obstruct the required 145m bi-directional sightlines and give rise to unacceptable traffic hazard. I observed no such material obstruction when exiting the site following my site inspection.

10.3.2. The GOA state that the appellant has sought to address these concerns and has secured consent from the adjoining landowner (undated letter on file – Appendix E of GOA) to cut back the existing hedgerow which is partially in the visibility splay of the sightline to the immediate west of the access. I note that the applicant has also committed to offset the aforementioned vegetation removal by providing for new native planting inside the sightlines. This is acceptable in this specific instance having regard to the fact that this is an existing, operational residential entrance on the basis that the achievement of the required sightline will only require very limited hedgerow removal (with hedgerow supplementation elsewhere within the site) and will ensure the proposal's compliance with FDP Objectives SPQHO91 - Retention Hedgerows, DMSO126 – Protection of Trees and Hedgerows during Development, DMSO140 – Protection of Existing Landscape and CMO47 – Road Safety and Rural Roads.

10.3.3. In respect to the structural impediments to driver visibility at the access, the appellant has stated that they are willing to agree any required amendments to the design of

their splayed entrance (i.e. recessing the gate piers by 2m etc.) with the PA by condition.

10.3.4. On the basis of the foregoing considerations, I am satisfied that adequate sightlines which comply with TII DN-GEO-030060 are capable of being achieved at the existing entrance, I recommend to the Commission that this matter is addressed by condition where they are minded to grant permission.

10.4. **Other Matters**

Planning Precedents

10.4.1. Both proposals cited in the GOA as planning precedents were assessed under an earlier development plan and not against the policy and objectives in force under the current Fingal Development Plan 2023-2029. They also relate to sites in Howth which are majority zoned 'RS – Residential' and which, as such, have a materially different planning and development context to the subject proposal. Notwithstanding this point, all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

Water Supply

10.4.2. The property has an existing connection to public water supply mains which is to continue to be used to serve the new dwelling. Whilst I note that there is no correspondence on file from Uisce Eireann (UE), I am satisfied that there is no evidence to suggest that the local water supply distribution network or foul drainage network are over capacity and I am satisfied that the replacement dwelling will not give rise to significant additional demand.

Wastewater

10.4.3. The appellant proposes to replace their existing septic tank with a new on-site new package wastewater treatment system with sub-surface soil polishing filter (pumped discharge). However, the PA determined that inadequate information had been provided in respect to the design of this proposed system.

10.4.4. An Engineering Cover Letter, Infiltration Test Report, Site Suitability Assessment and Site Characterisation Form are provided with the GOA. These documents confirm that, on the basis of the site's groundwater level and infiltration characteristics

(silt/clay/sand with moderate permeability), it is suitable for a 7 P.E. package wastewater treatment system with sub-surface soil polishing filter (pumped discharge) with subsurface percolation demonstrating adequate capacity for the disposal of wastewater.

- 10.4.5. In considering the proposal, Section 14.20.2 (Rural Housing – Wastewater Treatment) and Objective DMSO200 (EPA’s Code of Practice for Domestic Wastewater Treatment Systems) are relevant as they seek that that private wastewater treatment systems for individual rural houses comply with the EPA’s Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021).
- 10.4.6. I have reviewed the submitted Site Suitability Assessment Report, which indicates the aquifer category as being Locally Important (LI) and having a ‘Low’ groundwater vulnerability classification. The Groundwater Protection Response Category is identified as ‘R1’ which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems (CoP) as being ‘acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)’.
- 10.4.7. I acknowledge the issues raised by the PA in respect to the minimum depth between the base of the distribution gravel and the bedrock/ the water table as per EPA requirement and the rationale for the designed soil thickness of 300mm (and whether this design depth is in accordance with the EPA 2021 COP). The GOA confirm that the proposed minimum depth of unsaturated soil is 1.2m which I note accords with the minimum depth required when the Ground Water Protection Response is R1 as per the COPs Tables 6.3 and 8.1 and Figure 7.3.
- 10.4.8. In light of the foregoing, I am of the view that there is adequate information before me to demonstrate the proposal’s design compliance with the EPA Code of Practice: Domestic Wastewater Treatment Systems (2021) and I am satisfied that the proposed WWTS is suitable for this site and would not give rise to a public health risk. I am satisfied that the delivery of the proposed infrastructure to the required standard can be ensured by condition where the Commission are minded to grant permission.

Surface Water

- 10.4.9. The appellant proposes to dispose of their surface water run-off via a cultech (or similar) stormwater management system. However, the PA determined that

inadequate information had been provided in respect to the proposal's surface water drainage design (i.e. hydraulic design, rainfall data and allowance for climate change).

- 10.4.10. Technical drawings and a report submitted with the GOA confirm that a SuDS surface water drainage system is proposed for the site which will provide for on-site attenuation and soil infiltration in accordance with BRE365 methodology. I note that the information provided also specifically addresses the queries raised by the PA's Water Services Department regarding the hydraulic capacity calculations and rainfall data which informed the design of the proposal surface water management system which is designed for a 100 year storm, a 20% increase in rainfall depth (for climate change).
- 10.4.11. The response provided with the GOA states that, due to the relatively slow infiltration rates observed on the site, a traditional soakaway system is not considered to be an appropriate means of stormwater management. As such, the aforementioned SuDS system is proposed in line with the design requirements of the GSDSDS.
- 10.4.12. In light of the foregoing, I am of the view that there is adequate information before me to demonstrate the proposal's design compliance with BRE Digest 365 and with FCC drainage policy. I consider the applicant's proposals to manage on-site surface water run-off via to be acceptable on this basis and I am satisfied that the delivery of the proposed infrastructure to the required standard can be ensured by condition where the Commission are minded to grant permission.

Landscaping/ Tree Protection

- 10.4.13. The PA were not satisfied that the submitted landscape proposals reflected the nature and extent of mature trees and vegetation on site with this being a concern given its location within a designated 'Parks Biodiversity Nature Development Area' and the policy requirement to maintain and/ or enhance the biodiversity of these areas.
- 10.4.14. A revised, updated Landscape Plan prepared by a registered Landscape Architect has been submitted with the GOA. This identifies all existing trees on site, including 12 no. trees to the south-west of the existing house and 2 no. to the rear of the house which are proposed to be removed to facilitate the proposal. The trees proposed for removal are stated to be primarily semi-mature and are described as not being of significant arboricultural or ecological importance. However, I note that there is no further evidence on file (such as an arboricultural or ecological survey) to support this assertion and that the appellant's acknowledge this and are willing to accept a

condition requiring the undertaking of a Tree Survey and formulation of a Tree Protection Plan to be agreed with the PA prior to the commencement of development.

- 10.4.15. Having regard to my site inspection, I note that the trees proposed for removal are generally not of the same quality as those which line the site's road frontage or those which enclose its access driveway (for example) and give rise to its sylvan character which is visible from the public road. Therefore, whilst I note that the appeal site forms part of a designated 'Parks Biodiversity Nature Development Area', I don't consider that the proposed tree removal would undermine the site's landscape character or give rise to a material loss of biodiversity on the site and, on this basis, I am of the view that the undertaking of a further Tree Survey and the preparation of a Tree Protection Plan is not required in this instance.
- 10.4.16. A comprehensive replacement planting strategy is also proposed to offset the proposed tree loss by a 2:1 ratio. The replacement trees are to be of native and naturalised species such as beech, holly, hawthorn, hornbeam and field maple. The level of maturity of the replacement trees is not stated. The GOA also state that the site's existing hedgerow structure is proposed to be retained (where feasible) and supplemented with native understorey planting.
- 10.4.17. Therefore, whilst I note that there are some lacunae in the site landscaping proposals, I consider that the detail of same can be addressed by condition where the Commission are minded to grant permission.

Occupancy Condition

- 10.4.18. Objective SPQHO75 of the FDP requires that, any house which is granted planning permission in areas with the zoning objective, RU, HA, or GB, be subject to an occupancy requirement whereby the house must be first occupied as a place of permanent residence by the applicant and/or members of his/ her immediate family for a minimum period of seven years.
- 10.4.19. Whilst it has been demonstrated that the proposal subject of this appeal, which is located on 'RU' zoned lands, constitutes the reuse of a structure that was previously in use as a dwelling, I note that Objective SPQHO75 does not differentiate between existing/ replacement and new dwellings and therefore applies to each.

10.4.20. Therefore, I recommend to the Commission that where they are minded to grant permission an occupancy condition be attached.

11.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the nature of the proposed development seeking a replacement dwelling and related works and noting the content of the appellant's Demolition Justification Report which records the condition of the existing house on site and demonstrates that the dwelling is in a sub-standard to severely dilapidated condition, it is considered that a strong justification for the demolition of the existing structure has been demonstrated, and that the principle of a replacement dwelling on the subject site is acceptable by reference to the Sections 14.21.1 (Reuse of Existing Buildings), 14.12.4 (Replacement Dwellings – Rural) and 14.19.1.2 (Existing Buildings/Structures) and to Objective DMSO256 (Retrofitting and Re-Use of Existing Buildings) of the Fingal Development Plan 2023-2029. It is also considered that the proposed replacement dwelling represents a well-considered and high quality contemporary rural dwelling whose scale and design would appropriately integrate into the landscape at this location, with the overall proposal being in compliance with the requirements of Table 14.9 (Design Guidelines for Rural Dwellings) and Objective DMSO41 – New Dwellings in Rural Areas of the Fingal Development Plan 2023-2029. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received as part of the grounds of appeal on the 3 rd November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with
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	<p>the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: in the interest of visual amenity.</p>
3.	<p>(a) Prior to the commencement of development, details of the proposed revisions to the existing wing walls and gate piers which define the site's existing south-western access from the R129 regional road shall be submitted for agreement in writing to the planning authority.</p> <p>(b) Site access arrangements, and the provision and maintenance of visibility splays, shall comply with TII DN-GEO-030060 and the requirements of the planning authority for such works.</p> <p>Reason: In the interests of road safety.</p>
4.	<p>(i) Prior to the commencement of development, details of the proposed landscaping arrangements (including replacement hedging along the south boundary) shall be agreed in writing with the planning authority.</p> <p>(ii) the trees and hedging on the site as indicated on the submitted landscape Plans shall be fully protected in accordance with BS 5837:2012 – Trees in Relation to Design, Demolition and Construction Recommendations.</p> <p>Reason: In the interest of biodiversity and the visual amenities of the area.</p>
5.	<p>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>Reason: In the interest of public health and surface water management.</p>
6.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the grounds of appeal on 03/11/2025 and shall be in accordance with the standards set out in the document entitled</p>

	<p>“Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground and outside of tree protection zones. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and [residential] amenity.</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 and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
9.	<p>Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a Demolition and Construction Management Plan, which shall be adhered to during the demolition and construction phases. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of demolition and construction waste.</p>

	Reason: In the interest of public and environmental safety.
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 matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
11.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p>

<p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</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.

Emma Gosnell
Planning Inspector
19th February 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	PL-500197-DF
Proposed Development Summary	Demolition of dwelling, construction of replacement dwelling and all associated site works.
Development Address	Newlawn House, Newlawns, Ballyboughal, 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 1 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	PL-500197-DF
Proposed Development Summary	Demolition of dwelling, construction of replacement dwelling and all associated site works.
Development Address	Newlawn House, Newlawns, Ballyboughal, Co. Dublin.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>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).</p>	<p>The proposal is for demolition of an existing dwelling and ancillary structures, construction of a replacement dwelling and associated site works on a site of c. 2.382ha. Demolition works are proposed. The development is significantly below the class threshold of 500 dwellings.</p> <p>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> <p>Drainage, demolition and access proposals need further consideration – see Section 10 of Inspector's Report.</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>
<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>	<p>The site is located in a rural area to the east of Ballyboughal village. There is a concentration of similar low-density rural housing in the wider area.</p> <p>The nearest Natura 2000 sites are the Rogerstown Estuary SAC (Site Code 000208) c. 3.5km to south-east, Rogerstown Estuary SPA (Site Code 004015) c. 4km to south-east, Malahide Estuary SAC (Site Code 000025) c. 5.5km to south-east and Malahide Estuary SPA (Site Code 004205) c. 6km to south-east.</p> <p>The site comes within a designated 'Parks Biodiversity Nature Development Area' and is characterised as being 'Low-Lying Agricultural' in character. There is no other nationally designated site on or in the immediate vicinity.</p> <p>The site is not within a designated ACA and there are no Protected Structures or other Cultural Heritage sites on or immediately adjoining the site.</p> <p>Having regard to the above and the 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	Due to the relatively small scale of the development, the construction and demolition stages will not be significant in terms of duration or complexity.

(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>The main operational impacts would be limited to traffic safety, visual amenity, surface water and the wastewater arising from the site. These elements would be subject to standard assessment/ design and while I have outlined concerns with regard to same, 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>
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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: PL-500197-DF	
Brief description of project	Normal planning appeal. Demolition of dwelling, construction of replacement dwelling and all associated site works at Newlawn House, Newlawns, Ballyboughal, Co. Dublin – see Section 2.0 of Inspector’s Report for further details.
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site comprises on an existing rural one-off house located on landscaped grounds. It is located in the rural townland of Newlawns, Ballyboughal where there is a concentration of similar low-density housing set within a wider rural hinterland. Demolition or site clearance/ enabling works are required. The development involves 1 no. replacement house together with its ancillary infrastructure – parking, servicing etc., the demolition of a series of rear outbuildings and the conversion of an existing outbuilding to ancillary residential use. Proposed water supply is via existing connection to public water supply mains which is to continue to be used to serve the new dwelling. The appellant proposes to dispose of their surface water run-off via a SuDS system that will discharge to groundwater. Foul drainage will be dealt with via a new package wastewater treatment system with sub-surface soil polishing filter (pumped discharge) which will replace the existing on-site waste water treatment system – full details in Section 10 of Inspector’s Report.</p> <p>There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. Tributaries of the Ballyboghill ‘Barnanstown’ River (EPA Code: IE_EA_08B012200, Poor WFD Status and At Risk)) are located c. 200m to the north-east and c. 300m to the south of the appeal site respectively. This river travels onwards through agricultural lands before entering the Rogerstown Estuary (and by implication the Rogerstown Estuary SAC (Site Code 000208) and Rogerstown Estuary SPA (Site Code 004015)) c. 6km to the south-east near the M1 motorway and thereby providing a potential indirect link between the appeal site and these 2 no. European sites. The site is underlain by the Swords groundwater body (EPA Code IE_EA_G_011), Good WFD Status and Not At Risk). The on-site WWTS and SuDS measures, which discharge to groundwater, also provides a potential indirect link to these 2 no. European sites.</p> <p>There is considered to be no pathway to QI’s of Malahide Estuary SPA (Site Code 004205), Malahide Estuary SAC (Site Code 000025), North-West Irish Sea SPA (Site Code 004236), Skerries Islands SPA (Site Code 004122), Rockabill SPA (Site Code SPA 004014), Lambay Island SPA (Site Code 004069), Rockabill to Dalkey Island SAC (Site Code 003000) and Lambay Island SAC (Site Code 000204) due to the nature and</p>

	relatively small scale of the development, the location of these European sites relative to the appeal site, the c. 5.5km – c. 14km separation distances involved and the significant intervening dilution effects arising.
Screening report	No.
Natura Impact Statement	No
Relevant Submissions	The PA referred to the application to the relevant prescribed Bodies. No responses were received. The Planning Authority undertook an Appropriate Assessment Screening (I refer to the Commission to their report of 03/10/2025) which identified Skerries Islands Special Protection Area (004122) as the closest European Site. The report states that the site is not connected to/ has no realistic pathways to any European site, with no likelihood of significant effects on any European site either alone or in-combination with other plans or projects during its construction or operation on account of nature, scale, size and location.

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 2 no. European sites which have the potential to be affected by the proposal. I have excluded all other European sites on the basis of their substantial physical separation from the appeal site and due to the absence of realistic pathways connecting the appeal site to same.

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological Connections²	Consider further in screening³
Rogerstown Estuary SAC (Site Code 000208)	Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330], Mediterranean salt meadows (Juncetalia maritimi) [1410], Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]. NPWS website accessed 12/02/2026.	c. 3.5km	Yes Potential indirect hydrological connections via surface water and foul water to groundwater	Yes
Rogerstown Estuary SPA (Site Code)	https://www.npws.ie/protected-sites/spa/004015 (2013) Greylag Goose (Anser anser) [A043], Light-bellied Brent Goose	c. 4km	Yes Potential indirect hydrological connections	Yes

004015)	(Branta bernicla hrota) [A046], Shelduck (Tadorna tadorna) [A048], Oystercatcher (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]. NPWS website accessed 12/02/2026.		via surface water and foul water to groundwater	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Having regard to the comparable impacts and effects arising, I deal with the SPA and SAC together below.

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Rogerstown Estuary SPA (Site Code 004015) Rogerstown Estuary SAC (Site Code 000208)	Direct: none Indirect: Potential indirect hydrological connections via surface water and foul water to groundwater	<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 SPA and SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA and SAC for the SCIs and QIs listed in the table above at either construction or operation stage.</p> <p>In terms of emissions to water, the nearest watercourse is the Ballyboghill River (EPA Code: IE_EA_08B012200)) which is located c. 200m away at its nearest point. The site is also underlain by the Swords groundwater body (EPA Code: IE_EA_G_011). The Ballyboghill ‘Barnanstown’ River travels through agricultural lands before entering the Rogerstown Estuary c. 6km to the south-east near the M1 motorway. With such distance, it is considered that there is no physical or functional connection between the appeal site and this watercourse and therefore no potential for this watercourse to act as a hydrological pathway to the aforementioned European sites.</p> <p>With such a distances, any silts or other potential pollutants entering groundwater via unattenuated run-off at construction stage or via the proposed surface water</p>

		<p>system or the proposed WWTS during the operational stage, 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 surface water drainage or foul water from the proposed development site, could have any significant effect on the interests of the marine waters at this location.</p> <p>The decommissioning of the existing on-site septic tank and its replacement with an EPA CoP compliant WWTS would remove a potential hydrological pathway to European site(s).</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	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p> <p>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.</p>		
<p>Screening Determination Finding of no likely significant effects</p> <p>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 Rogerstown Estuary SAC (Site Code 000208) and Rogerstown Estuary SPA (Site Code 004015) in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • The nature and relatively minor scale of the development. • Distance from and weak indirect connections/ ecological pathways to the European sites. • Taking into account screening report/ determination by PA. 		

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Coimisiún Pleanála ref. no.	PL-500197-DF	Townland, address	Newlawn House, Newlawns, Ballyboughal, Co. Dublin.
Description of project		Demolition of dwelling, construction of replacement dwelling and 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 c. 1.5km to the east of Ballyboughal village which, in turn, is located c. 6.5km to the north-west of Swords in Fingal, Co. Dublin.</p> <p>The site itself (2.382ha) is relatively flat and features a large dwelling set within landscaped grounds with storage/ agricultural buildings in a u-shaped arrangement to the rear. There are no existing watercourses on or immediately adjoining the site. There is an existing watercourse (the Ballyboghil River (IE_EA_08B012200)) c. 200m to the north-east and c. 300m to the south on the far side of the R129 regional route. The site is underlain by the Swords groundwater body (EPA Code IE_EA_G_011).</p>	
Proposed surface water details		The proposed surface water outfall is to groundwater via a SuDS measures – see Section 10 of this report for further details.	
Proposed water supply source & available capacity		The proposed water supply is via existing connection to the existing public mains – see Section 10 of this report for further details.	

Proposed wastewater treatment system & available capacity, other issues	The proposed foul water drainage is via a new on-site new package wastewater treatment system with sub-surface soil polishing filter (pumped discharge). This will replace the existing on-site septic tank – see Section 10 of this report for further details.
Others?	According to OPW mapping (www.floodinfo.ie accessed on 12/02/2026), there are no past or predicted flooding events associated with the site. The site is not located within Fluvial Flood Zone A or Flood Zone B according to Map 8 of the SFRA completed for the LCDP. The closest Natura 2000 site are as detailed above in Appendices 1 and 2.

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)
The Ballyboghill River (transitional)	c. 200m+	The Ballyboghill River (EPA Code: IE_EA_08B01 2200))	Poor	At Risk	Domestic Wastewater, Agriculture, etc.	Wastewater & Surface water run-off, groundwater.
Swords groundwater body (groundwater)	Below site	Swords groundwater body (EPA Code: IE_EA_G_011)	Good	Not At Risk	Domestic Wastewater, 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	The Ballyboghill River (EPA Code: IE_EA_08B0122 00))	None.	None.	n/a	No.	Screened Out.
2.	Ground	Swords groundwater body (EPA Code: IE_EA_G_011).	Surface water run-off. On-site foul infrastructure.	Water quality degradation.	Best practice construction management measures.	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	The Ballyboghill River (EPA Code: IE_EA_08B012200))	None.	None.	n/a	No.	Screened Out.
2.	Ground	Swords groundwater body (EPA Code: IE_EA_G_011).	Surface water run-off from the site. Foul water.	Water quality degradation.	Surface water collection, treatment and disposal via SuDS. Foul water treatment and disposal via on-site WWTS which is compliant with 2021 EPA CoP. Decommissioning of existing septic tank and replacement with EPA CoP compliant WWTS.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	Screened Out.
DECOMMISSIONING PHASE							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A