

D C W N E Y

29 Merrion Square, D02RW64

PLANNING STATEMENT & STATEMENT OF CONSISTENCY

Proposed Modifications to Permitted LRD

Reg. Ref. LRD0043/S3E

**Lands at Back Road & Kinsealy Lane,
Kinsaley, Broomfield, Malahide, Co. Dublin**

Applicant: Birchwell Developments Limited.

March 2026

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INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64, have prepared this Planning Statement and Statement of Consistency with Planning Policy on behalf of our client and the applicant, Birchwell Developments Ltd., to accompany proposed modifications to the Large-scale Residential Development (LRD) permitted under **Reg. Ref. LRD0043/S3E** on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin.

The proposed development, as per the description contained within the statutory planning notices, provides for:

“We, Birchwell Developments Ltd., intend to apply for permission for development on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The development will consist of proposed modifications to the previously permitted Large-scale Residential Development (LRD) (permitted under planning permission Reg. Ref. LRD0043/S3E) to include modifications to the previously permitted 1 no. single to two storey detached commercial building, containing 1 no. café/restaurant unit with associated outdoor seating area, 1 no. retail unit, and 1 no. yoga studio, to now provide 2 no. two storey detached commercial buildings at this location, with Building A containing 1 no. café/restaurant unit with associated outdoor seating area at ground floor level and 1 no. yoga studio at first floor level, and Building B containing 1 no. pharmacy at ground floor level and 1 no. GP surgery at first floor level, and all associated site works necessary to facilitate the development).”

This development is subject to Section 247(7) (a) and (b) of the Planning and Development Act, 2000 (as amended) which given the minor nature of these modifications determines that no further pre-planning consultation is required under Section 247 of the Planning and Development Act 2000 (as amended). In short, they state *‘that the proposed development is substantially the same as the permitted development, and the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated’*, therefore, please refer to the separately enclosed confirmation of the above from Fingal County Council.

The LRD application was lodged on 21st November 2024, and the Council assessed and granted the LRD application. The application was then appealed to An Coimisiún Pleanála but later withdrawn by the Ashwood Hall Residents Association as notified by the Coimisiún, under Section 140 (1) (b) of the Planning and Development Act 2000, as amended. The Final Grant was issued by Fingal County Council on 3rd June 2025 subject to 33 no. conditions.

This Planning Statement outlines the context of the subject site and the background and rationale of the proposed development along with a statement of compliance with all relevant national, regional, and local planning policies. This document will be separated into two different sections: Part A will include a Planning Statement for the proposed development, with Part B outlining the Statement of Consistency with Planning Policy. It is noted this report should be read in conjunction with the accompanying detailed documentation prepared by the design, landscape, and engineering teams, all of which are submitted under separate covers.

PART A – PLANNING REPORT

1.0 SITE LOCATION & DESCRIPTION

The subject lands are located off the Back Road and Kinsealy Lane, Malahide, in the northern periphery of Dublin and within 12km distance from Dublin City Centre. The subject site is located within the administrative boundary of Fingal County Council.

The subject site lies within the overall Large-scale Residential Development permitted under Reg. Ref. LRD0043/S3E with construction soon intended to commence by the applicant (Birchwell Development Limited).

The overall landholding currently comprises the residential developments of Brookfield, Ashwood Hall, and Yourell's Meadows (which is under construction). It will be further expanded through the implementation of the previously permitted LRD Reg. Ref. LRD0043/S3E, primarily involving the delivery of residential dwellings and community facilities to serve the residential population. These schemes form part of the wider development of the Broomfield lands, which were guided by the objectives of the now-expired Broomfield Local Area Plan (LAP) 2010 and the current Fingal County Development Plan.

The proposed development constitutes minor modifications to the commercial element located within the north-western portion of the permitted scheme. The subject site lies within Phase 1 of the permitted development lands. This phase will deliver a mix of residential dwellings and commercial development and in the context of the present proposal, the amendments are primarily focused on optimising the commercial operations of the uses in order to better serve the needs of future residents and to strengthen the overall functionality of the development.

Access to the site is currently via an entrance off the Back Road, 0.55km east of the junction between Back Road and Kinsealy Lane. The land uses surrounding the site are generally residential. Malahide Castle and Demesne is located 800m to the north of the subject site and can be accessed via Back Road. To the northeast of the site there is Malahide DART Station at 1.3km and Malahide Beach at 1.8km. Malahide Golf Club is located c. 1.5 km to the south of the lands. Malahide village centre is located to the north-east of the subject lands and provides a wide array of shops and services. The site enjoys excellent connectivity to Dublin City Centre via Dublin Bus services that run along Malahide Road, as well as commuter services from Malahide DART Station. Please refer to the following *Figures* below for a detailed account of the subject site and its surroundings.

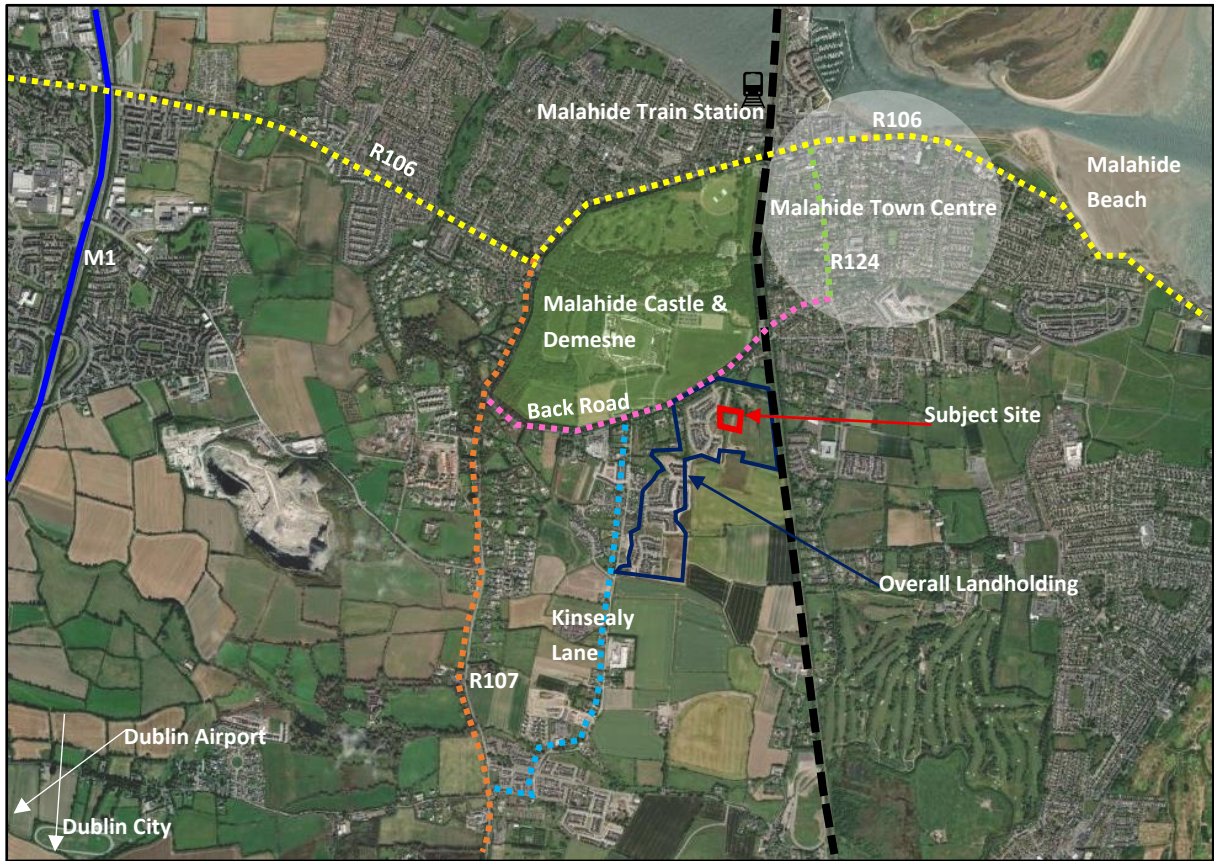


Figure 1. Aerial View of subject site and its wider context (outlined in red)



Figure 2. Aerial View of subject site (outlined in red) and overall landholding (outlined in blue)

2.0 PLANNING HISTORY

DOWNEY have carried out a comprehensive examination of the planning history pertaining to the subject site and its adjoining area, which determined that there have been several planning applications made on these lands. An overview of the most relevant planning history pertaining to the subject site and its wider context is provided below.

2.1 Subject Site

A review of Fingal County Council's online planning records confirms that there are **3 no. recorded granted planning applications associated within the subject site itself.**

Please refer to the *Figure* below for clarification related to the following relevant granted planning application within the subject site.

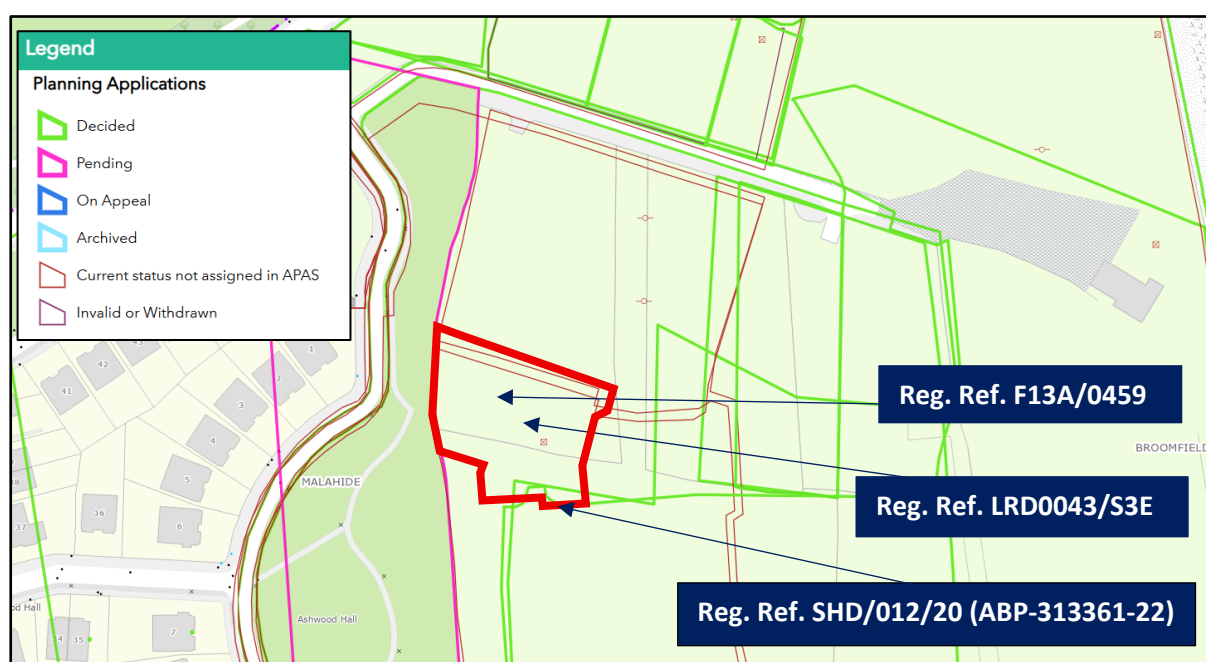


Figure 3: Map of the Granted Planning Applications within the Subject Site (approximate boundaries of the subject site outlined in red)

2.1.1 FCC Reg. Ref. SHD/012/20 (ABP-313361-22)

Firstly, related to the SHD proposed in April 2022, the statutory planning notices provides for:

“We, Birchwell Developments Ltd., intend to apply to An Bord Pleanála for permission for a strategic housing development on lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are generally bound by Hazelbrook to the west and Brookfield to the north.

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3-bed units, 48 no. 4-bed units, 12 no. 5-bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height;
- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1-bed units, 39 no. 2-bed units, and 1 no. 3-bed units, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1-bed units, 40 no. 2-bed units, and 2 no. 3-bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;
- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1-bed units, 14 no. 2-bed units and 2 no. 3-bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;
- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2-bed units and 6 no. 3-bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;
- Duplex Block E containing a total of 12 no. units comprising of 6 no. 2-bed units and 6 no. 3-bed units, with all units provided with private balconies/terraces, in a three-storey building; with a communal bin store and bike store, and on-street car parking;
- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1-bed units and 4 no. 2-bed units, with all units provided with private balconies/terraces; in a three-storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes, and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgrade under Planning Permission Reg. Ref. F21A/0451."

Although an initial decision was anticipated by August 5, 2022, delays occurred due to significant staffing shortages at An Bord Pleanála. Consequently, the client opted to move forward with the LRD planning application on the northern lands and a s.34 application on the southern lands. On July 4,

2024, a decision was issued regarding the SHD application, resulting in a split decision. The proposal for the northern portion of the overall landholding at Back Road, Broomfield, which is the site for this LRD application, was refused.

The reasons for refusal are as follows:

“Having regard to the layout of the proposed development in the northern section of the site, where the apartments and duplex units, which are reliant on a reduced car parking provision, are located distant from these services, it is considered that the layout of the proposed development fails to respond to the characteristics of the site.

Furthermore, the location of the proposed creche would not encourage active travel and would invite unnecessary vehicular trips. The proposed development would constitute disorderly development, would not mitigate for reduced private vehicular travel and would therefore, be contrary to the proper planning and sustainable development of the area.”



Figure 4. Refused Layout for Northern Portion of the Lands at Back Road, Broomfield under ABP-313361-22



Figure 5. Proposed Layout for the LRD Application

2.1.2 FCC Reg. Ref. LRD0043/S3E (ACP-323546-25)

The recently permitted LRD application, Reg. Ref. LRD0043/S3E was granted planning permission on 3rd June 2025, and the statutory planning notices provides for:

“We, Birchwell Developments Ltd., intend to apply for permission for a Large-scale Residential Development on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 297 no. residential units (211 no. houses, 40 no. apartments, and 46 no. duplex units); with 1 no. childcare facility, 1 no. café/restaurant, 1 no. retail unit and 1 no. yoga studio, to be provided as follows:

- 211 no. residential houses (14 no. 2 bed units, 156 no. 3 bed units, 39 no. 4 bed units, and 2 no. 5 bed units) in semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height, all with associated car parking and private gardens;

- Apartment Block A & Duplex Block B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a communal landscaped podium garden at first floor level, and contain a total of 58 no. units in 2 no. buildings ranging from one to four storeys in height, with Apartment Block A containing a total of 40 no. units comprising of 23 no. 1 bed units, 14 no. 2 bed units, and 3 no. 3 bed units, and Duplex Block B containing a total of 18 no. units comprising of 9 no. 1 bed units and 9 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores, bulk stores and plant rooms at ground floor level; and on-street car parking and bicycle parking;

- Duplex Block C containing a total of 8 no. units comprising of 4 no. 2 bed units and 4 no. 3 bed units, with all units provided with private balconies/terraces, in a building three storeys in height; with on-street car parking; communal open space and access to an external bin store and bike store;
- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, in a building three storeys in height; with on-street car parking; communal open space access and to an external bin store and bike store;
- Duplex Block E containing a total of 4 no. units comprising of 2 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces; in a building one to three storeys in height; with on-street car parking; communal open space and access to an external bin and bike store;
- Duplex Block F containing a total of 4 no. units comprising of 2 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces; in a building one to three storeys in height; with on-street car parking; communal open space and access to an external bin and bike store;
- 1 no. two storey detached childcare facility building, with associated external play area; on-street drop-off car parking, and staff car parking, with access to a shared, external bin and bike store and short stay bicycle and motorcycle parking;
- 1 no. single to two storey detached commercial building, containing 1 no. café/restaurant unit with associated outdoor seating area, 1 no. retail unit, and 1 no. yoga studio; on-street loading bays, with access to a shared, external bin and bike store and short stay bicycle and motorcycle parking.

The development will also provide for a total of 426 no. car parking spaces, 7 no. motorcycle spaces, and a total of 1,218 no. bicycle spaces within the scheme; bin and bike stores; ESB sub-stations; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, public lighting; and all associated engineering and site works necessary to facilitate the development.”

2.1.3 FCC Reg. Ref. F13A/0459

Reg. Ref. F13A/0459 / PL06F.243863 (Ashwood Hall) – By Order dated 26th August 2014, Fingal County Council granted planning permission to Birchwell Developments Ltd. for 56 no. two storey dwellings with associated on-curtilage parking, neighbourhood centre containing three retail units, with associated parking and a reserved site for a disability care facility unit and a house unit adapted for special needs (subject to a future planning application). The development will be served via a new vehicular and pedestrian access (replacing existing road junction) from Back Road. The main spine road through this development will link to and serve the Southern Development Area Broomfield LAP lands. The development also includes for pedestrian and cyclists’ linkages, landscaping, boundary treatments, ESB sub-station, foul sewer works connecting to Kinsealy Lane, SUDS surface water drainage works together with all other associated site development works necessary to facilitate the development. The works also propose the demolition of three dwellings (one of which is a derelict dwelling). Subsequently, an appeal was lodged on 16th September 2014 and a decision to Grant Permission was made by An Bord Pleanála on 10th March 2015.

2.2 Adjoining Lands within the Landholding of the Applicant

Reg. Ref. F24A/1059E – By Order dated 8th August 2025, Fingal County Council granted planning permission for the proposed development of a retail supermarket. This decision was subsequently appealed, and the application currently remains a live case before An Coimisiún Pleanála. The proposed development *consists of a retail supermarket of 1,397 sq. m net retail floor area (1,693 sq. m gross floor area) (including ancillary off-licence) and associated delivery bay, store and staff service area, plant rooms, ESB substation/switch room, elevational signage, external bin store, trolley bay, associated car parking including EV parking and accessible parking, motorcycle parking, bicycle parking, landscaping, boundary treatments and all associated engineering and site works necessary to facilitate the development.*

Reg. Ref. F24A/0842E – By Order dated 12th November 2024, Fingal County Council granted planning for development of a proposed temporary construction road off Kinsealy Lane to facilitate the implementation of the approved development under ABP-313361-22 on the southern portion of the lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin.

Reg. Ref. F23A/0586 – By Order dated 18th July 2024, Fingal County Council granted planning permission to Birchwell Developments Ltd. for construction of 71 no. residential units on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. This planning application had arisen following the delayed decision on the SHD application under ABP-313361-22. However, the applicant is implementing the SHD permission on the southern lands for 87 no. units and not the application granted under Reg. Ref. F23A/0586.

Reg. Ref. F13A/0459/E1 – By Order dated 9th March 2020, Fingal County Council granted permission for the extension of duration of the permission up to and including 10th March 2025.

Reg. Ref. F13A/0460 / PLO6F.243821 (Brookfield Development) – By Order dated 10th March 2015, An Bord Pleanála upheld the decision of Fingal County Council and granted planning permission to Birchwell Developments Ltd. for *80 no. dwellings and associated car parking of which 1 no. dwelling will be utilised as a creche. The development also includes landscaping, boundary treatments, ESB substation, foul sewer works connecting to Kinsealy Lane, SuDS surface water drainage works, and all other associated site works necessary to facilitate the development.* A large number of applications have since been lodged seeking for alterations to the parent permission, mainly to house types and extensions, etc.

Reg. Ref. F13A/0460/E1 – By Order dated 6th February 2020, Fingal County Council granted permission for the extension of duration of the permission up to and including 10th March 2025.

Furthermore, it is submitted that there is one application regarding infrastructure provision in the area as follows:

Reg. Ref. F21A/0451 – By Order dated 12th February 2021, Fingal County Council granted planning permission for proposed upgrades of the existing foul water storage tank to provide for a pumping station with increased storage capacity, new sewer and rising main along Kinsealy Lane with associated interceptions and manholes, boundary treatments, and all associated engineering and site works necessary to facilitate the development.

3.0 PRE-APPLICATION CONSULTATION

3.1 Section 247 (7) (a) and (b)

This amendment application relates to the previously permitted planning application LRD Reg. Ref. LRD0043/S3E which underwent Pre-Planning Consultations with Fingal County Council during the period of 2023 to 2024. The parent permission, under Section 247 (Pre-Planning Consultation) of the Planning and Development Act 2000 as amended, discussed with the Council with draft stage mixed use development scheme at Stage 1 on 11th December 2023 and the Design Team were advised to engage in additional discussions with the Council before advancing to a Section 32(C) LRD Meeting.

The second Pre-Application Consultation with the Planning Authority required under the Section 247 of the Planning and Development Act, 2000 (as amended), took place on the 29th of February 2024. This was to discuss the revised draft mixed-use scheme of 305 no. residential units, 581sqm commercial/retail units (a café & pharmacy/yoga studio) and a childcare facility (600sqm) on lands at Back Road & Kinsealy Lane, Broomfield, Malahide, Co. Dublin.

The formal Stage 2 LRD Pre-Planning consultation with Fingal County Council took place on 25th April 2024 and this consultation meeting was to further discuss the revised proposal following Stage 1 Pre-Planning feedback. Both Stage 1 and Stage 2 consultations helped to inform the design of the now permitted LRD application. This thorough and coordinated approach underscores the importance of collaboration and continuous engagement with key stakeholders in delivering a well-considered and contextually appropriate development.

However, the proposed development as outlined in Section 4.0 (Description of Development) represents minor modifications to this permitted development under the LRD Reg. Ref. **LRD0043/S3E**. The applicant engaged with Fingal County Council to request a Section 247 (7) (a) and (b) of the Planning and Development Act, 2000 (as amended) which given the minor nature of these modifications determines that no further pre-planning consultation is required under Section 247 of the Planning and Development Act 2000 (as amended). The determination was issued, with a letter from Fingal County Council dated 16th January 2026. In short, the Council state;

“I have reviewed the permitted and proposed development and confirm, in accordance with the provisions of S.247(7) (a) and (b) of the Act that the proposed development is substantially the same as the permitted development, and the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated. The Planning Authority has determined that no pre-planning consultation is required under this section regarding the proposed development.”

Consequently, please refer to the separately enclosed confirmation of the above from Fingal County Council.

4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development, as per the description contained within the statutory planning notices, provides for:

“We, Birchwell Developments Ltd., intend to apply for permission for development on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The development will consist of proposed modifications to the previously permitted Large-scale Residential Development (LRD) (permitted under planning permission Reg. Ref. LRD0043/S3E) to include modifications to the previously permitted 1 no. single to two storey detached commercial building, containing 1 no. café/restaurant unit with associated outdoor seating area, 1 no. retail unit, and 1 no. yoga studio, to now provide 2 no. two storey detached commercial buildings at this location, with Building A containing 1 no. café/restaurant unit with associated outdoor seating area at ground floor level and 1 no. yoga studio at first floor level, and Building B containing 1 no. pharmacy at ground floor level and 1 no. GP surgery at first floor level, and all associated site works necessary to facilitate the development).”

For further details in this regard, the Planning Authority are invited to refer to the architectural drawings and reports prepared by MCORM Architects, enclosed with this application.

The key characteristics of the proposed development are set out below for the convenience of the Council:

Gross Site Area	0.158 Ha
Retail/Commercial Provision	(Café – c.121.9 sq m) (Yoga Studio – c.152.1 sq m) (Pharmacy – c.155.8 sq m) (GP Surgery/Doctors – c. 175.8 sq m)

Table 1. Key Characteristics of the Proposed Development

Proposed Site Layout Building A		
Café	Ground Floor Level	121.9 sq m
Yoga Studio	First Floor Level	152.1 sq m
Proposed Site Layout Building B		
Pharmacy	Ground Floor Level	155.8 sq m
GP Surgery	First Floor Level	175.8 sq m
Total sq m		

Table 2. Schedule of Accommodation for the Proposed Development

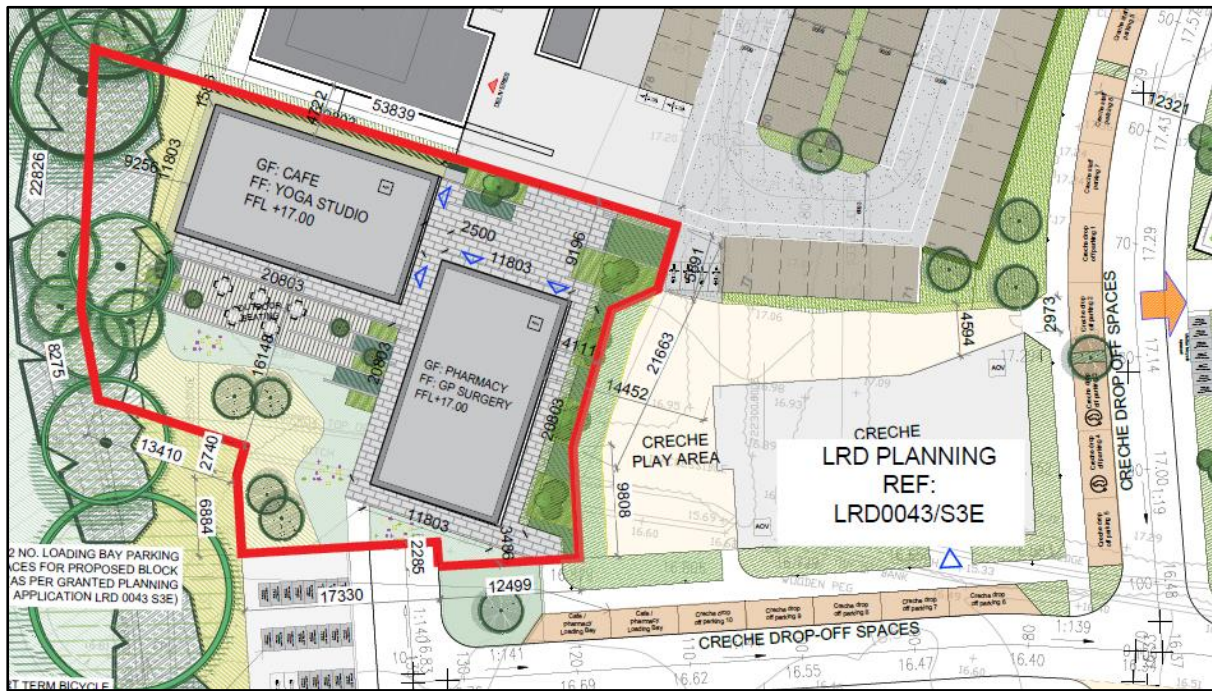


Figure 6. Proposed Site Layout Plan (outlined in red)



Figure 7. CGIs of Proposed Development

Justification for Car Parking

The proposed development will avail of the permitted car parking as part of the LRD permission. The level of provision is considered appropriate and compliant with the principles of the Fingal County Development Plan 2023–2029, which sets out maximum car parking standards for medical and clinical uses. The Plan encourages a reduced reliance on private car travel, particularly in accessible locations, and promotes sustainable modes of transport.

In addition, the operational characteristics of a GP surgery naturally stagger arrival and departure times, as consultations are appointment-based rather than simultaneous. This results in a lower peak parking demand compared to retail or other high-turnover uses. Staff numbers will also be limited, further reducing daily parking requirements.

Given the site's location within Zone 1, which is identified as a highly accessible area, a reduced level of dedicated on-site parking is considered appropriate. The proposed GP surgery is to be delivered concurrently with the adjoining crèche facility as part of Phase 1, and the development incorporates a shared car-parking arrangement between the uses. This approach is supported by the rationale established under the permitted LRD, which promotes parking sharing as an effective means of reducing overall car dependency, optimising land use efficiency, and encouraging sustainable transport modes.

5.0 PLANNING CONTEXT

The proposed development is consistent with all relevant national, regional, and local planning policies as they pertain to these lands. In this regard, Part B of this report contains a Statement of Consistency with Planning Policy. In order to avoid undue repetition, Fingal County Council are invited to refer to Part B of this report to confirm how the proposal is consistent with the relevant national, regional, and local planning policy.

Notwithstanding that, it is important to confirm the fundamental planning policies as they relate to the site, particularly land use zoning. Under the Fingal Development Plan 2023-2029, the majority of the subject site is zoned "**LC – Local Centre**" with an objective to: "*Protect, provide for and/or improve local centre facilities.*"

The vision for this objective seeks to:

"Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/ dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy."

It is noted that a portion of the lands are zoned "**RA - Residential Area**" and therefore aims to: "*Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.*"

The vision for this objective seeks to:

"ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities".

Under the LC zoning, the following uses are permitted in principle:

Uses Permitted in Principle under the LC Land Use Zoning

Betting Office, Childcare Facilities, Community Facility, Cultural Facility Education Fast Food Outlet/Take-Away, Funeral Home/Mortuary, Guest House, **Health Centre, Health Practitioner**, Home-Based Economic Activity, Office Ancillary to Permitted Use, Office ≤ 100 sqm, Office > 100 sqm and $< 1,000$ sqm¹⁰, Open Space, Place of Worship, Public House, Public Transport Station, Recreational/Sports Facility, Remote Work Hub, Residential, Residential Care Home/Retirement Home, Residential Institution, **Restaurant/Café, Retail - Local < 150 sqm nfa**, Retail - Convenience ≤ 500 sqm nfa, Retail - Supermarket $\leq 2,500$ sqm nfa²⁶, Sheltered Accommodation Taxi Office, Telecommunications Structures, Traveller Community Accommodation, Utility Installations Veterinary Clinic.

¹⁰ Of a scale appropriate to a local centre

²⁶ Proposals for this use class are only permitted in principle for LC zonings listed in Level 4 of the Fingal Retail Hierarchy, included in Chapter 7.

Table 2. Permitted Uses under the LC Land Use Zoning

Under the RA zoning, the following uses are permitted in principle:

Uses Permitted in Principle under the RA Land Use Zoning

Bed and Breakfast, Childcare Facilities, Community Facility, Education, Funeral Home/Mortuary, Guest House, **Health Centre, Health Practitioner**, Hospital, Office Ancillary to Permitted Use, Office ≤ 100 sqm, Office > 100 sqm and $< 1,000$ sqm, Open Space, Place of Worship, Public House, Public Transport Station, Recreational/Sports Facility, Residential, Residential Care Home/ Retirement Home, **Restaurant/Café, Retail – Local < 150 sqm nfa**, Retail – Convenience ≤ 500 sqm nfa, Retail – Comparison ≤ 500 sqm nfa, Retail – Supermarket $\leq 2,500$ sqm nfa, Retirement Village, Sheltered Accommodation, Sustainable Energy Installation, Taxi Office, Traveller Community Accommodation, Utility Installations, Veterinary Clinic.

Table 4. Permitted Uses under the RA Land Use Zoning

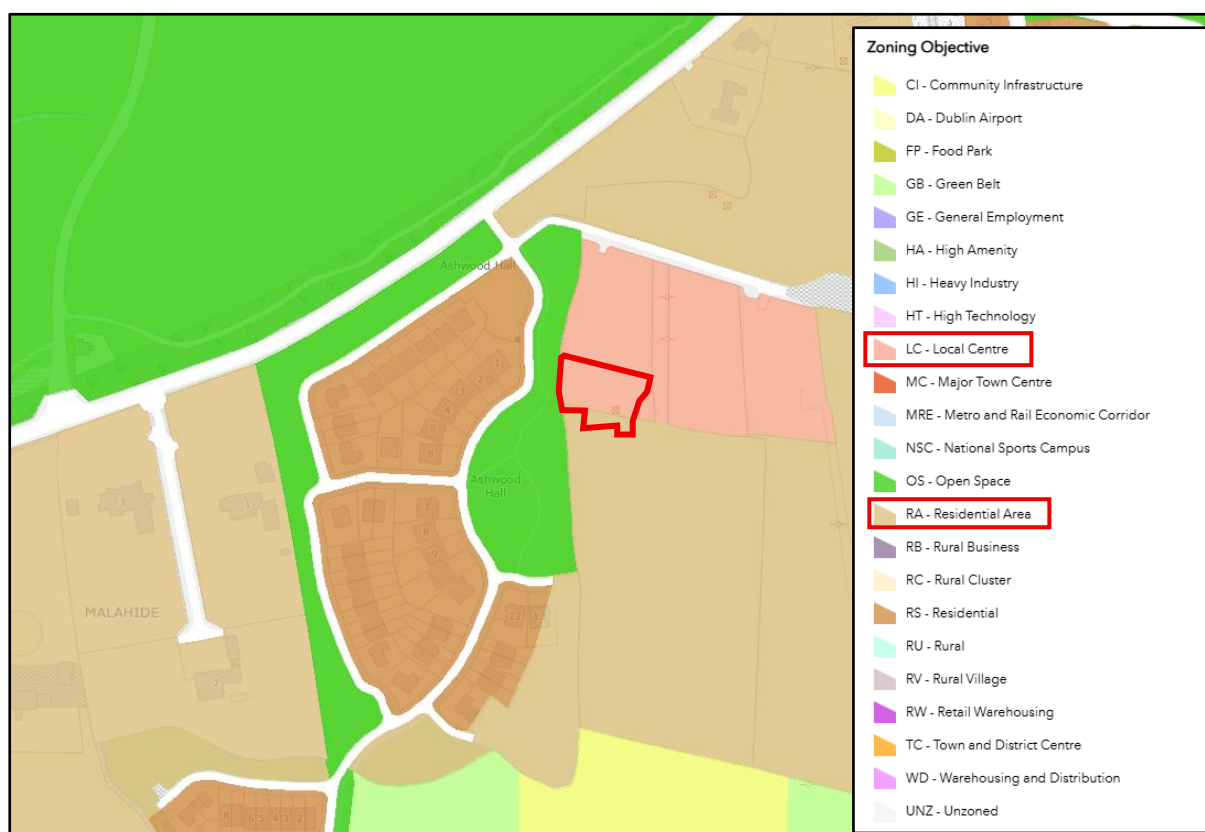


Figure 8. Zoning Objective of the Subject Lands extracted from Fingal Development Plan 2023-2029 (approximate boundaries of the subject site in red).

As outlined above, the proposed development is permitted in principle under the zoning objectives pertaining to the subject lands.

6.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this Planning Statement on behalf of our client and the applicant, Birchwell Developments Ltd., to accompany proposed amendments to the Large-scale Residential Development (LRD) permitted under Reg. Ref. LRD0043/S3E (the demolition of the former rugby clubhouse structure on site and the construction of a total of 297 no. residential units (211 no. houses, 40 no. apartments, and 46 no. duplex units); with 1 no. childcare facility, 1 no. café/restaurant, 1 no. retail unit and 1 no. yoga studio) on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin.

These proposed modifications relate to the previously permitted Large-scale Residential Development (LRD) (permitted under planning permission Reg. Ref. LRD0043/S3E) to include modifications to the previously permitted 1 no. single to two storey detached commercial building, containing 1 no. café/restaurant unit with associated outdoor seating area, 1 no. retail unit, and 1 no. yoga studio, to now provide 2 no. two storey detached commercial buildings at this location, with Building A containing 1 no. café/restaurant unit with associated outdoor seating area at ground floor level and 1 no. yoga studio at first floor level, and Building B containing 1 no. pharmacy at ground floor level and 1 no. GP surgery at first floor level, and all associated site works necessary to facilitate the development.

The design of the proposed scheme has been carefully developed to respect the permitted built environment of the commercial area and its surrounding landscape. It is considered that the proposal represents a high-quality design while making appropriate and efficient use of the site. The proposed development falls under Section 247(7)(a) and (b) of the Planning and Development Act 2000 (as amended), given the minor nature of the modifications.

The proposal represents a high-quality amendment to the previously permitted Large-scale Residential Development at Broomfield, for which planning permission has already been granted by Fingal County Council. In light of the above, it is respectfully submitted that the proposed development accords with the principles of proper planning and sustainable development of the area, as set out in national, regional, and local planning policy.

PART B – STATEMENT OF CONSISTENCY WITH PLANNING POLICY

The following demonstrates that the proposed development is consistent with the relevant national, regional, and local planning policy. This should be read in conjunction with the accompanying detailed documentation prepared by the Design Team.

1.0 NATIONAL PLANNING POLICY

The key provisions of the national planning policy, as it relates to the proposed development are now set out in the following section. These are as follows:

- Project Ireland 2040: National Planning Framework First Revision (April)
- Project Ireland 2040: National Development Plan 2021-2030
- Delivering Homes, Building Communities 2025-2030
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Jan 2024
- Urban Development and Building Height Guidelines for Planning Authorities, Dec 2020

1.1 Project Ireland 2040: National Planning Framework First Revision (2025)

The National Planning Framework (NPF) is *“the Government’s high-level strategic plan for shaping the future growth and development of our country out to the year 2040”*. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment- from our villages to our cities and everything in between. It is stated within the NPF that, *“focusing on the built-up footprint of existing settlements comprising areas that are subject to existing urban land uses and the additional ‘land take’ associated with development outside of the built-up footprint.”*

The NPF states that, *“the long-term vision for Ireland’s housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future.”* The NPF acknowledges the unique and complex nature of Ireland’s urban structure and accordingly suggests the need for a range of complementary strategies in the context of planning for future growth.

In order to achieve more balanced and sustainable development, some settlements will need to attract increased population, whereas others will need more jobs, amenities or better transport links. The policy document goes on to add that some settlements require a combination of these, but all will require a tailored approach, that can be appropriately linked to investment. As per, the NPF supports:

- *“There is a need to strengthen Ireland’s overall urban structure, especially in the North-west and the Midlands and to continue to enhance cross border networks;*
- *There is a need to encourage population growth in towns of all sizes that are strong employment and service centres, where potential for sustainable growth exists, also supported by employment growth;*

- *There is a need to reverse the stagnation or decline of many smaller urban centres, that may include the identification and establishment of new roles and functions and enhancement of local infrastructure and amenities;*
- *There is a need to address the legacy of rapid unplanned growth in expanded commuter settlements of all sizes, by facilitating amenities and services catch-up, jobs growth and/or improved sustainable transport links to the cities, together with a much slower, more sustainable rate of population growth than in recent decades;*
- *In more self-contained settlements of all sizes, with a good balance of people and jobs, there is a need to continue balanced population and employment growth."*

Outlined in **NPO 15**, it is therefore an objective of NPF to:

"Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a particular focus on:

- *Dublin;*
- *The four Cities of Cork, Limerick, Galway and Waterford;*
- *Strengthening Ireland's overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor;*
- *Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;*
- *Reversing the stagnation or decline of many smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities;*
- *Addressing the legacy of rapid unplanned growth, by facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to the cities, together with a slower rate of population growth in recently expanded commuter settlements of all sizes;*
- *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth."*

Outlined **NPO 26**, it is an objective of the NPF:

"Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services."

The update of the NPF has allowed for further ministerial direction on the development of housing in Ireland and the clear requirement for more. This has led to the continued enhancements of the core strategy approach being put in place through legislation:

“with the publication of the Section 28 Ministerial Guidelines on ‘Housing Supply Target Methodology for Development Planning’ to support the implementation of the National Planning Framework and the three Regional Spatial and Economic Strategies, to factor in dwelling vacancy and the balance between development in both urban and rural areas.”

The proposed development will provide vital commercial buildings to serve the previously permitted high-quality residential scheme. To clarify, the development will consist of minor amendments to the permitted commercial area which is now being proposed to be broken up into two separate buildings, and the permitted yoga studio now proposed to be relocated above the permitted café in one building, and a GP surgery now proposed above the permitted pharmacy unit in a separate building. Due to the LRD Scheme having already been granted permission, DOWNEY are of the considered opinion that the proposed development is in line with the objectives of the NPF.

1.2 Project Ireland 2040: The National Development Plan 2026-2030

The National Development Plan (NDP) sets out the investment priorities that will underpin the successful implementation of the NPF. This will guide national, regional, and local planning and investment decisions in Ireland over the next two decades to cater for an expected population increase of over 1 million people.

Resolving the systemic factors underlying the current housing crisis is at the heart of the NDP and reflecting this, housing and sustainable urban development is a priority for the National Development Plan. In this regard, the NDP states that there is a *“need to provide in excess of half-a-million more homes over the period to 2040 corresponds to a long-term trend of 25,000 new homes every year. A higher level of output is needed in the short to medium-term to respond to the existing deficit that has given rise to the housing crisis.”*

Furthermore, the NDP states that *“the continuation of existing patterns of development accentuates the serious risk of economic, social, and environmental unsustainability through, for examples, placing more distance between where people work and where people live, and increasing energy demand. The NPF highlights the urgent requirement for a major uplift of the delivery of housing within the existing built-up areas of cities and other urban areas. It has a particular focus on brownfield development, targeting derelict and vacant sites that may have been developed before but have fallen into disuse.”*

There are a number of strategic outcomes identified within the NDP which support and underpin the proposed development at the subject site. Such outcomes include:

National Strategic Outcome 1: Compact Growth – “This outcome aims to secure the sustainable growth of more compact urban and rural settlements supported by jobs, houses, services, and amenities, rather than continued sprawl and unplanned, uneconomic growth. This requires streamlined and co-ordinated investment in urban, rural, and regional infrastructure by public authorities to realise the potential of infill development areas within our cities, towns, and villages. This will give scope for greater densities that are centrally located and, in many cases, publicly owned, as well as bringing life and economic activity back into our communities and existing settlements. Creating critical mass and scale in urban areas with enabling infrastructure, in particular increased investment in public and sustainable transport and supporting amenities, can act as crucial

growth drivers. This can play a crucial role in creating more attractive places for people to live and work in, facilitating economic growth and employment creation by increasing Ireland's attractiveness to foreign investment and strengthening opportunities for indigenous enterprise".

The proposed development will provide for a sustainable commercial development on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide which promotes compact urban growth and a good quality of life. Malahide is an attractive, vibrant urban centre for people to live and work in, supported by high-quality physical and social infrastructure as well as vast recreational amenities such as Malahide Castle and the various sports clubs and centres within the area. It is therefore considered that the modifications to the commercial unit within the previously permitted LRD is vitally important for the needs of future residents and local community.

1.3 Delivering Homes, Building Communities 2025-2030

Housing for All – a New Housing Plan for Ireland is now considered out of date in terms of its housing projections and no longer fully aligns with the Revised National Planning Framework (NPF). In recognition of this, *Delivering Homes, Building Communities 2025–2030* was published in November 2025. The new Plan acknowledges that, notwithstanding significant progress in recent years, there remains a substantial unmet housing need across Ireland. It seeks to build on this progress by further accelerating the delivery of new homes, with a target of delivering 300,000 additional homes by the end of 2030.

As such, the Plan follows a new strategy in terms of delivering homes and building communities and that strategy takes the form of two encompassing Pillars. Pillar 1: *Activating Supply* and Pillar 2: *Supporting People*.

Pillar 1: Activating Supply

Pillar 1 focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

Pillar 2: Supporting People

Pillar 2 details how Government will support people. It sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of villages, towns and cities across the country.

To enact this Pillar Plan, the Government, under each pillar details four key priorities to activate supply and support people in the pursuit of meeting the current housing demand and its future projections.

To activate the supply of 300,000 homes, Government will:

- *Ensure a strong pipeline of zoned and serviced land is available.*
- *Create the conditions to attract the required investment.*
- *Increase skills and support the adoption of Modern Methods of Construction in the residential construction sector.*
- *Work toward ending dereliction and vacancy.*

To support our people, Government will:

- *Focus on ending homelessness, deliver homes for older people and support social inclusion.*
- *Deliver an average of 12,000 new social homes every year over the lifetime of the Plan.*
- *Promote affordable homeownership, protect renters and make buying and renting homes more affordable.*
- *Invest in the built environment of towns, villages and cities across the country to enhance community well-being.*

The proposed development highlights the importance of addressing unmet housing demand while simultaneously improving the range and quality of supporting services. The proposed modifications are considered necessary in response to the increasing need for commercial and community services within large-scale residential developments. In particular, the inclusion of a GP surgery is a positive and welcomed addition, as it helps meet an existing shortfall in local healthcare provision at a time when appointment waiting times remain significantly high.

1.4 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Jan 2024

Adopted in January 2024, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities outline national planning policies focused on sustainable residential growth and the development of compact settlements in both urban and rural areas. These guidelines, which replace the 2009 Sustainable Residential Developments in Urban Areas Guidelines, have been updated to reflect current government policies and broader economic, social, and environmental considerations. They align with the NPF and provide detailed guidance on settlement growth priorities, residential density, urban design, and placemaking. Additionally, the guidelines introduce flexible development standards to support a wider range of housing options tailored to the specific context of various settlement sizes, from cities to smaller towns and villages.

Issued by Minister Darragh O'Brien and Minister Kieran O'Donnell under Section 28 of the Planning and Development Act 2000 (as amended), these guidelines are mandatory for planning authorities and An Bord Pleanála, ensuring consistency with specific planning policy requirements (SPPRs) as part of their statutory functions.

The Sustainable Development and Compact Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. They build on and update previous guidance to take account of current Government policy and economic, social, and environmental considerations.

As outlined in the Guidelines, the Government policy continues to support a tiered approach to residential density, similar to the framework established in the 2009 Sustainable Residential

Development in Urban Areas Guidelines. This approach promotes the highest residential densities in central and accessible urban locations, with overall development becoming more compact and sustainable.

The 2009 Guidelines outlined three density tiers: up to 35dph in smaller towns and villages, 35-50dph in outer suburban and greenfield areas of cities and large towns, and +50dph in more central urban locations near public transport. Reflecting the NPF's priorities for compact growth and the diverse contexts of settlements, the Government now sees the need to expand the number of density bands to ensure that densities are both efficient and context appropriate.

According to Table 3.1 of the Guidelines, the subject site falls within **City – Suburban/Urban Extension of Dublin Metropolitan Area (MASP)**, and thus, it can potentially accommodate a density of 40-80dph whereby achieving a density of up to 150dph is open for consideration at "accessible" suburban/urban extension locations.

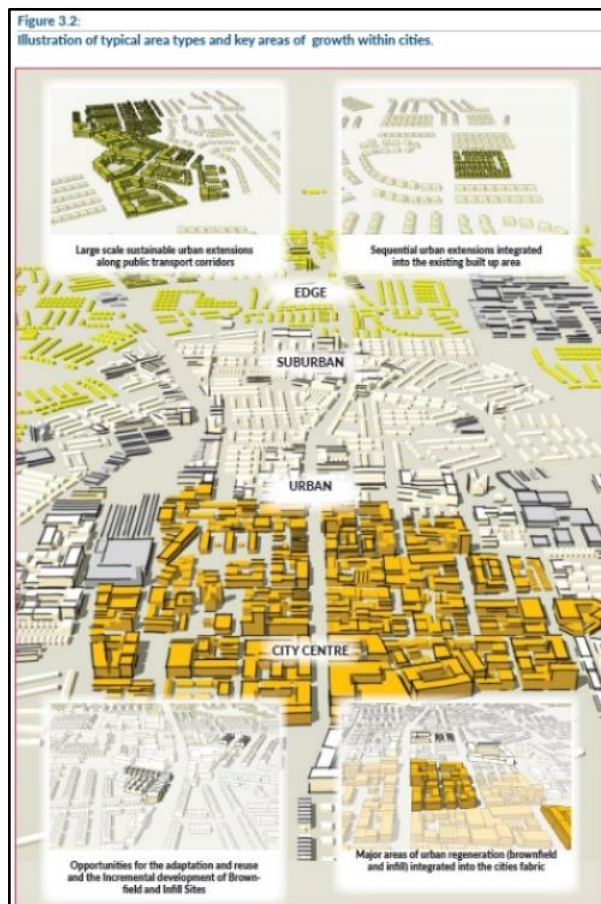


Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs**City - Centre**

The city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods⁶, are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.

City - Urban Neighbourhoods

The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations⁷, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

City - Suburban/Urban Extension

Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development⁸. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

The Compact Settlements Guidelines (section 3.4.2) emphasise the importance of a context-based approach when considering higher density development setting out that *“the evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities, and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design”*.

With respect to the above, DOWNEY are of the considered opinion that the proposed development represents a development that has been carefully considered and appropriately designed through a collaborative process with the Council and giving full considerations to relevant planning policy while being mindful of its wider context.

1.5 Urban Development and Building Height Guidelines for Planning Authorities, Dec 2020

The Urban Development and Building Height Guidelines for Planning Authorities are intended to set out national planning policy guidelines on building heights in relation to urban areas, building from the strategic policy framework set out in the NPF. This document recognises that in recent years local authorities, through the statutory plan processes, have begun to set generic maximum height limits.

These Guidelines reinforce that *“a key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights*

and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels”.

The document states that it is critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased building height is not only desirable but a fundamental policy requirement. Locations with the potential for comprehensive urban development or redevelopment should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct.

Section 1.11 states *“these guidelines therefore set out national planning policy that:*

- *Expand on the requirements of the National Planning Framework; and*
- *Applies those requirements in setting out relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations”*

The Guidelines go on to state that *“in relation to the assessment of individual planning applications and appeal, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.”*

The following Specific Planning Policy Requirements are contained within the Guidelines and are relevant to the proposed development:

SPPR 1 – *“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height”.*

The proposed scheme is located within the broader Broomfield lands and plays a key role in completion of the overall area. The proposed building heights are carefully designed to achieve an optimal density, in line with the Compact Guidelines, the Development Plan, and through consultation with the Council. That said, it is submitted that the proposed height and density are meeting the requirements of SPPR 1.

SPPR 2 – *“In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision, and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social, and community infrastructure, including leisure facilities”.*

Additionally, the site is well-served by a range of existing educational, healthcare, and community facilities within its vicinity. Residents will also benefit from exceptional recreational and leisure amenities, including Malahide Castle, Demesne, and the coastal environment.

It is submitted that the permitted LRD application contains sufficient reports, documentation, plans, and justification to support the proposed development and outlines how the development is in accordance with the relevant planning policies and guidelines pertaining to the area. In light of the above, it is considered that the proposed development is consistent with the requirements of these guidelines on building heights for urban developments. The proposed development consists of 2 no. 2-storey buildings with cognisance given to existing built environment in the vicinity of the subject site.

2.0 REGIONAL PLANNING POLICY

The key provisions of the regional planning policy as it relates to the proposed development are now set out in the following section.

2.1 Regional Spatial and Economic Strategy for the Eastern & Midland Region 2019-2031

The Regional Spatial and Economic Strategy (RSES) was published by the Eastern and Midland Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the NPF for the period 2019-2031. The RSES identifies regional assets, opportunities, pressures, and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment, and infrastructure capacity.

In conjunction with the NPF, the RSES predicts Dublin City and Suburbs to experience continued population growth over the period 2019-2031 with a predicted increase of 220,000. The NPF targets 50% of all housing to be provided within or contiguous to the built-up area of Dublin city and suburbs. In order to combat and provide for compact residential development, the RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets. The key Regional Policy Objectives applicable to the development proposal are the following:

Regional Policy Objective (RPO) 5.4 - *“Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities.’”*

Regional Policy Objective (RPO) 5.5 - *“Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”*

The proposed development is located on already serviced zoned lands and will essentially form the natural extension to the adjoining Ashwood Hall development, which is under construction/nearing completion by the same applicant, thus providing for a residential development in proximity to a wide range of services and amenities within the Malahide area.

It is submitted that the proposed amendments to the permitted scheme will have a positive impact to the wider Broomfield lands as a whole and will assist in achieving the aforementioned objectives and it also complies with the pertaining policies and standards. For further details on how the proposed development is in accordance with these policies, please refer to the architectural pack prepared by MCORM Architects submitted under separate cover of this amendment application.

In relation to Settlement Strategies, Regional Policy Objectives (RPO) 4.1 and 4.2 of the RSES set out the rationale and basis for preparing these strategies. RPO 4.1 states:

“In preparing Core Strategies for development Plans, Local Authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.”

RPO 4.2 states:

“Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES. All residential and employment developments should be planned on a phased basis in collaboration with infrastructure providers so as to ensure adequate capacity for services (e.g., water supply, wastewater, transport, broadband) is available to match projected demand for services and that the assimilative capacity of the receiving environment is not exceeded.”

It is submitted that the proposed modifications to the commercial development on existing zoned, serviced lands within Malahide will adhere with the policies and objectives of the RSES for the Eastern & Midland Regional Assembly area and will contribute to providing new services within the existing envelop of Malahide.

3.0 LOCAL PLANNING POLICY

This section of the report provides an account of the relevant local planning policy framework pertaining to the application site and proposed development, all of which is contained within the Fingal Development Plan 2023-2029.

3.1 Fingal Development Plan 2023-2029

3.1.1 Overarching Considerations

The subject site is located within the functional area of Fingal County Council. The development of the site is therefore informed by the policies and objectives of the Fingal County Council Development Plan. The policies and objectives of the Development Plan are underpinned by the following strategic vision:

“Fingal will embrace healthy placemaking and economic prosperity through building cohesive and sustainable communities, where our cultural, natural and built environment is protected.

Fingal will continue to be a County of distinctive environmental, historical and cultural assets and local communities, with sustainable development fostering a high-quality of life for those who live, work and visit here. A sustainable future for the County will be based on the interdependence of the themes of economic growth, social progress and environmental quality with the aim of increasing the County’s self-reliance and resilience.

This Plan will ensure the continued growth of the County in a sustainable way and ensure the County continues to develop as a series of well-serviced, well-connected towns, villages and communities and a low carbon economy. In working to deliver all of this, we are committed to engaging with stakeholders, including local communities and residents to develop better solutions to the complex challenges we face and provide an improved quality of life for all.”

3.1.2 Core Strategy & Settlement Strategy

The purpose of the Core Strategy is to guide the spatial direction of future development and regeneration in the County in line with the principles of compact growth with a key objective to ensure that the quantum and location of development is consistent with national and regional policy.

The vision of the Fingal Development Plan is to grow the county in a long-term sustainable way to ensure the County continues to develop as a series of well-serviced, well-connected towns, villages and communities and a low carbon economy. The Plan states that, *“in addressing the manner in which the County will grow, we must be ever cognisant of climate change impacts and ensure that Fingal’s growth strategy is underpinned by sustainable land management practices which result in the compact and consolidated development of existing urban and rural settlements. Adhering to a clearly focused settlement hierarchy which is in line with a wider regional strategy will ensure we can achieve balanced growth within Fingal and provide for a network of settlements which are resilient, people focused and sustainable into the future.”*

As outlined in the Development Plan, “*Fingal County Council will continue to pursue the goals of the NPF of consolidation of Dublin City through the compact development of the Dublin City and Suburbs area within Fingal*”.

In this instance, the subject site forms part of the Broomfield LRD lands in Malahide, which have been subject to several planning permissions over the past number of years. The proposed development within the permitted LRD will form part the natural extension to the adjoining Ashwood Hall development to the west (Reg. Ref. F13A/0459 & Reg. Ref. F13A/0459/E1).

3.1.3 Sustainable Placemaking

In terms of sustainable communities and urban design, the Development Plan states that, “*healthy placemaking seeks to promote quality of life through the creation of healthy and attractive places to live, work, visit, invest and study in.*” In this regard, **Objective SPQHO1** of the Development Plan aims for creations of sustainable communities, whereas the Council seeks to:

“Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).”

Moreover, **Objective SPQHO2** of the Development Plan sets the Key Principles, seeking to:

“Support development which enhances the quality of the built environment, promotes public health, and supports the development of sustainable, resilient communities. In particular development which supports the following key principles will be supported:

- *Demonstrates compliance with the Guiding Principles for the creation of healthy and attractive places as set out in **Healthy Placemaking**, Regional Spatial and Economic Strategy (RSES) 2019–2031.*
- *Promotes the development of healthy and attractive places to live, work, socialise and recreate through the delivery of high-quality public realms and open spaces which encourage physical activity and support wellbeing.*
- *Is inclusive of all members of society, all genders, non-binary, or none, irrespective of age, or levels of mobility.*
- *Advocates a universal design approach and is socially inclusive.*
- *Prioritise sustainable, active transport modes by e.g., providing safe cycle lanes and by facilitating public transport services in conjunction with State agencies to meet the needs of the community and to provide access to local services.*
- *Encourages the development of car free neighbourhoods and streets, where appropriate.*
- *Contributes to our climate goals.”*

It is submitted that the proposed development is consistent with the above-mentioned criteria.

3.1.4 Land Use Zoning

Under the current Fingal Development Plan, the majority of the subject site is zoned “**LC – Local Centre**” with an objective to: “*Protect, provide for and/or improve local centre facilities.*”

The vision for this objective seeks to:

“Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/ dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy.”

It is noted that a portion of the lands at the southern boundary are zoned “**RA - Residential Area**” and therefore aims to: “*Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.*”

The vision for this objective seeks to:

“Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities”.

However, in this case, the subject site will only provide for local community and commercial facilities, proposed as a yoga studio over a café in one building and a GP surgery over a pharmacy in the other.

Under the LC zoning, the following uses are permitted in principle.

Uses Permitted in Principle under the LC Land Use Zoning

Betting Office, Childcare Facilities, Community Facility, Cultural Facility Education Fast Food Outlet/Take-Away, Funeral Home/Mortuary, Guest House, **Health Centre, Health Practitioner**, Home-Based Economic Activity, Office Ancillary to Permitted Use, Office ≤ 100 sqm, Office > 100 sqm and < 1,000 sqm¹⁰, Open Space, Place of Worship, Public House, Public Transport Station, Recreational/Sports Facility, Remote Work Hub, Residential, Residential Care Home/Retirement Home, Residential Institution, **Restaurant/Café, Retail – Local < 150 sqm nfa**, Retail – Convenience ≤ 500 sqm nfa, Retail – Supermarket ≤ 2,500 sqm nfa²⁶, Sheltered Accommodation Taxi Office, Telecommunications Structures, Traveller Community Accommodation, Utility Installations Veterinary Clinic.

¹⁰ Of a scale appropriate to a local centre

²⁶ Proposals for this use class are only permitted in principle for LC zonings listed in Level 4 of the Fingal Retail Hierarchy, included in Chapter 7.

Table 5. Permitted Uses under the LC Land Use Zoning

Under the RA zoning, the following uses are permitted in principle.

Uses Permitted in Principle under the RA Land Use Zoning

Bed and Breakfast, Childcare Facilities, Community Facility, Education, Funeral Home/Mortuary, Guest House, Health Centre, Health Practitioner, Hospital, Office Ancillary to Permitted Use, Office ≤ 100 sqm, Office > 100 sqm and < 1,000 sqm, Open Space, Place of Worship, Public House, Public Transport Station, Recreational/Sports Facility, Residential, Residential Care Home/ Retirement Home, Restaurant/Café, **Retail – Local < 150 sqm nfa**, Retail – Convenience ≤ 500 sqm nfa, Retail – Comparison ≤ 500 sqm nfa, Retail – Supermarket ≤ 2,500 sqm nfa, Retirement Village, Sheltered Accommodation, Sustainable Energy Installation, Taxi Office, Traveller Community Accommodation, Utility Installations, Veterinary Clinic.

Table 6. Permitted Uses under the RA Land Use Zoning

As outlined above, the proposed *health centre, health practitioner, restaurant/café* and *retail – local > 150 sq m nfa* (commercial) development is permitted in principle under the zoning objectives pertaining to the subject lands.

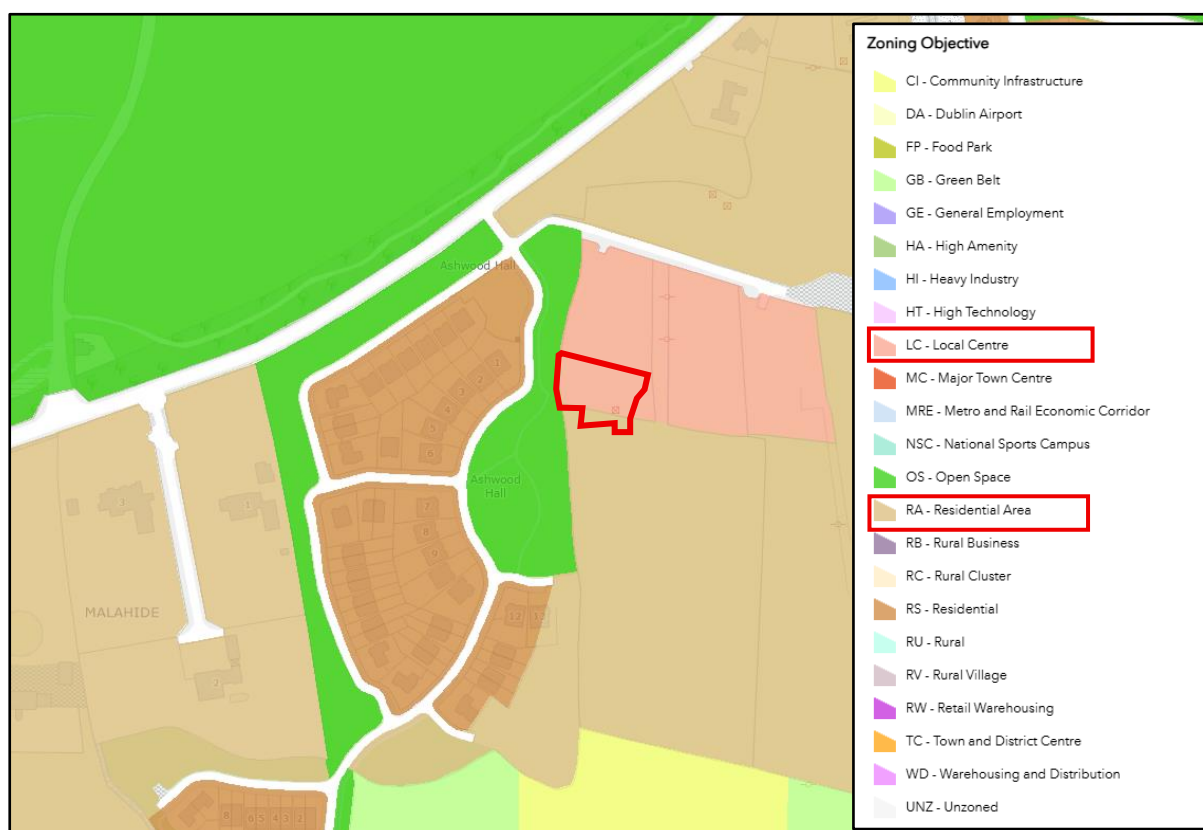


Figure 9. Zoning Objective of the Subject Lands extracted from Fingal Development Plan 2023-2029 (approximate boundaries of the subject site in red).

3.1.5 Development Management Standards

Chapter 14 of the Fingal Development Plan sets out development standards and criteria that from the policies and objectives of the Development Plan to ensure that development occurs in an orderly and efficient manner and that it is in accordance with proper planning and sustainable development. The following section assesses the main set of standards and criteria required for high-quality, sustainable development:

Criteria	Development Plan Requirement & Compliance of the Proposed Development
14.1 Introduction	
14.1.1 Pre-Planning	Section 247 of the Planning and Development Act 2000 (as amended) provides a formal mechanism through which applicants may seek pre-planning guidance from the Planning Authority in respect of a proposed development. In the case of the present amendment application, the parent permission (LRD Reg. Ref. LRD0043/S3E) previously underwent the full pre-planning process, during which alternative design options were considered and resolved. Accordingly, as set out in Part A – Section 3.0 of this planning application, Downey contacted Fingal County Council to request a determination under Section 247(7)(a) and (b) of the Planning and Development Act 2000 (as amended). Having regard to the minor nature of the proposed modifications, the Planning Authority determined that no further pre-planning consultation was required under Section 247 of the Act. This determination was issued by Deirdre Fallon on 16 January 2026 and may therefore be considered as part of the assessment of the current amendment application alongside the previously permitted LRD development. The Council stated: <i>“I have reviewed the permitted and proposed development and confirm, in accordance with the provisions of Section 247(7)(a) and (b) of the Act, that the proposed development is substantially the same as the permitted development, and the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated. The Planning Authority has determined that no pre-planning consultation is required under this section regarding the proposed development.”</i> The Planning Authority has determined that no pre-planning consultation is required under this section regarding the proposed development.
14.2 Key Principles for all Planning Applications	
14.2.1 Universal Access	The Council recognises the need for universal equality of access to all aspects of the built and external environment as an essential prerequisite of equal opportunity and the development of an inclusive society. Development proposals, including all new large-scale developments, whether they relate to new buildings, public realm works, changes of use or alterations to existing buildings, must be designed to meet the mobility needs and convenience of all, and incorporate inclusive design principles particularly for vulnerable groups such as the elderly and persons with disabilities. <i>It is noted that the design for the proposed alternations are minor in nature and will not impact the previously permitted plan and will maintain the universally accessible standards and adaptable nature. The proposed scheme is developed with respect to the Councils Guidelines and criteria.</i>
14.2.2 Healthy Placemaking	Healthy placemaking is a combined approach to planning, design and management of public spaces. Good placemaking design will ensure the success of local areas and spaces which will promote activity and provide vitality to an area, positively contributing to public health and wellbeing. It is essential that new developments have regard to good healthy placemaking principles to create climate resilient environments in which people want to engage, resulting in sustainable, well designed, and strong communities. <i>The subject application is offering a distinct development providing a range of unique environments for residents to enjoy within different areas of the subject site. This includes a hierarchy of public and communal open spaces accessible to the residents and the wider community in the area.</i>

Criteria	Development Plan Requirement & Compliance of the Proposed Development
14.3 Sustainable Placemaking and Quality Homes	
14.3.1 High Quality Urban Design	Design principles shall be based on the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and Urban Design Manual – A Best Practice Guide 2009. These guidelines set out twelve design principles that are to be applied in future development schemes. Outlined in Objective DMSO5 of the Development Plan, the Council seeks to ensure: All medium to large scale planning applications (in excess of 5 residential units or 300sqm of retail/ commercial/office development in urban areas) or as otherwise required by the Planning Authority shall be accompanied by a Design Statement to address the contextual and design issues which have been taken into consideration as part of the scheme. A Design Statement shall: ▫ Explain the design principles and design concept of the scheme. ▫ Demonstrate how the twelve urban design criteria (as per the Urban Design Manual – A Best Practice Guide) have been considered when designing schemes in urban areas. Each of the twelve criteria is of equal importance and must be considered in an integrated manner. ▫ Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Framework Plan, or other similar Plan affecting the site. ▫ Include photographs of the site and its surroundings. ▫ Include other illustrations such as photomontages, perspectives, sketches. ▫ Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme. ▫ Outline a detailed high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals. ▫ Outline how Green Infrastructure integrates into the scheme. ▫ Demonstrate how the proposed scheme contributes in a positive manner to the public realm and to the local context. ▫ Provide detail in relation to all intended finishing materials to be applied throughout the scheme, including an overall materials palette demonstrating suitability for the scheme, its context and the streetscape. <i>For further details in this regard, please refer to the Urban Design Statement prepared by MCORM Architects, enclosed under separate cover of this application.</i>
14.3.2 Ensuring Accessibility for All	In order to ensure that all new development is inclusive and accessible, the Council will have regard to the Universal Design Guidelines and will seek best practice standards in terms of accessibility. Developers will be required to comply with Part M of the Building Regulations – Access and Use. <i>It is submitted that the proposed scheme has been designed cognisant of Section 28 Guidelines, including Universal Design Guidelines and requirements of Part M of the Building Regulations. For further details in this regard, please refer to the Urban Design Statement prepared by MCORM Architects, enclosed under separate cover of this application.</i>
14.4 Design Criteria for Residential Development in Fingal	
14.4.1 Design and Layout	It is submitted that a Schedule of Accommodation has been prepared by MCORM Architects as part of the Architectural Pack, enclosed with this LRD meeting request pack, which we respectfully invite the Council to refer to. Accordingly, plans and overall floor

Criteria	Development Plan Requirement & Compliance of the Proposed Development
	areas meet the minimum standard set out in the relevant planning and development policy and guidelines.
14.4.2 Communal Facilities	Outlined in the Development Plan, “Applicants are encouraged to provide for a range of communal facilities for residents of a scheme, particularly as part of larger apartment developments.” <i>For details in this regard, please refer to the Architectural Drawings, Urban Design Statement, and Schedule of Accommodation prepared by MCORM Architects, submitted within this application.</i>
14.5 Community Infrastructure	
14.5.1 Community Facilities	According to Objective DMSO78 of the Development Plan, “Planning applications for large scale residential and mixed-use developments, of 50 or more residential units, shall include a Community and Social Infrastructure Audit, which was completed in the parent permission, therefore is not required in this application. A Community and Social Infrastructure Audit shall include the following: ▫ An assessment of existing community and social infrastructure facilities within 1 km of the subject site. ▫ An assessment of the need in terms of necessity, deficiency, and opportunities to enhance/share existing facilities based future population projections for the area. ▫ A justification as to whether or not a new community facility will be provided as part of the proposed development, based on the findings of the audit.” <i>The Council are invited to refer to the Community and Social Infrastructure Audit permitted under the LRD permission pertaining to this minor modifications application.</i>
14.6 Infrastructure and Utilities	
14.6.1 Water Services Infrastructure	Outlined in Objective DMSO196 of the Development Plan, the Council seeks to: “Ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable).” Also, as per Objective DMSO197 of the Development Plan, the Council “Require all new development to provide separate foul and surface water drainage systems and to prohibit the connection of surface water outflows to the foul drainage network and vice versa (prohibit foul to surface water) where separation systems are available.” <i>It is submitted that all details regarding above-mentioned Objectives can be found in the Engineering Pack prepared by Waterman Moylan Engineers. This includes information on the foul water network, surface water network and water supply.</i>
14.6.2 Sustainable Urban Drainage Systems (SuDS)	Outlined in Objective DMSO205 of the Development Plan, the Council “Require the preparation of a Surface Water Management Plan as part of all new developments which shall include the following: ▫ Identify and assess the existing surface water movements through the development before considering and developing a surface water management system using SuDS, having regard to our Fingal Guidance Document – Green/ Blue Infrastructure for Development, as amended. (Appendix 11). ▫ Incorporate SuDS along the route of the water movement to enhance the water quality effects of nature-based systems at the different stages – Treatment Train approach from source to discharge.”

Criteria	Development Plan Requirement & Compliance of the Proposed Development
	<i>It is intended to utilise SuDS within the proposed scheme, and this has been fully addressed within the Surface Water Management Plan prepared by Waterman Moylan Engineers, which we respectfully invite the Council to refer to.</i>

4.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64, have prepared this Planning Statement and Statement of Consistency with Planning Policy on behalf of our client and the applicant, Birchwell Developments Ltd., to accompany proposed modifications to the Permitted Large-scale Residential Development (LRD) permitted under **Reg. Ref. LRD0043/S3E** on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin.

The proposed development, as per the description contained within the statutory planning notices, provides for:

“We, Birchwell Developments Ltd., intend to apply for permission for development on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The development will consist of proposed modifications to the previously permitted Large-scale Residential Development (LRD) (permitted under planning permission Reg. Ref. LRD0043/S3E) to include modifications to the previously permitted 1 no. single to two storey detached commercial building, containing 1 no. café/restaurant unit with associated outdoor seating area, 1 no. retail unit, and 1 no. yoga studio, to now provide 2 no. two storey detached commercial buildings at this location, with Building A containing 1 no. café/restaurant unit with associated outdoor seating area at ground floor level and 1 no. yoga studio at first floor level, and Building B containing 1 no. pharmacy at ground floor level and 1 no. GP surgery at first floor level, and all associated site works necessary to facilitate the development).”

It is considered that the proposed development represents a high-quality design whilst optimising the appropriate use of the site. The proposed development will provide for a sustainable commercial and retail development on appropriately zoned lands, in an accessible location within the development boundaries of Malahide, which would promote compact urban growth and a good quality of life.

The proposed development comprises a high-quality scheme of an appropriate scale within the spirit of the expired Broomfield Local Area Plan (2010) and in line with the national, regional, and local policy guidance. The Statement of Consistency embedded in this Statement demonstrates that the proposed development complies with the relevant planning policy and guidance in the foregoing levels. Furthermore, the proposal will provide for an effective, efficient, sustainable use of what is a greenfield site in an accessible location.

In light of the above, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area in which it is located as expressed in national, regional and local planning policy and Guidelines issued under Section 28 of the Planning and Development, 2000 (as amended), and as such, it is considered that the proposed development represents a high-quality commercial and retail development. DOWNEY trust that the enclosed plans

and particulars pertaining to this application are in order and look forward to a favourable decision from Fingal County Council in due course.