



An
Bord
Pleanála

Inspector's Report

ABP-317883-23

Development

Demolition of the existing "Deer Park Hotel" building and all associated structures and construction of four-storey hotel and leisure centre.

Location

Deer Park Hotel & Golf, Deer Park, Howth, Co. Dublin (within the grounds of Howth Estate, Deer Park, Howth, Co. Dublin)

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F22A/0372

Applicant(s)

WSHI Unlimited Company

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party & Third Party

Appellant(s)

WSHI Unlimited Company

Cllr. David Healy

Observer(s)

Friends of the Irish Environment

Evora Park Residents Association

Offington Residents Association
Howth/Sutton Community Council
Hillwatch c/o Stella Dunphy
Brendan and Siobhan Clifford

Date of Site Inspection

November 29th, 2024

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site, which has a stated area of approximately 7.16 hectares, is located at Deer Park Hotel and Golf, Deer Park, Howth, Co. Dublin. The site is located within the Howth Estate, which comprises c.170 hectare of a landscaped demesne which includes Howth Castle, stables, outbuildings, walled gardens, a ruinous Church, the former Deer Park hotel and Deer Park Golf Course, all set within the historic landscape. The site is accessed via the Howth Castle entrance off Howth Road to the north via an avenue which bypasses the castle itself. Howth DART station is approximately 1.4km from the subject site, while Howth village is approximately 2km distant.
- 1.2 The Deer Park Hotel and Golf Club is located at the southern boundary of the site. The site has a mature woodland setting with the golf being located forward of the existing hotel structure. The access avenue rises gently towards the southern boundary of the site with an undulating landscape forward of the hotel frontage. The lands to the rear of the structure (where the existing tennis courts are located) are elevated relative to the front car park. The easternmost lands, which were once fairways, are now overgrown grassland, used by walkers.
- 1.3 The hotel is currently not functioning as such but does appear to currently offer some level of accommodation. The golf course is operational, operating from the existing hotel building.

2.0 Proposed Development

- 2.1 Permission for the demolition of existing hotel associated structures and construction of a four-storey building with lower ground floor which includes for hotel, bar, restaurant, gym/spa facility including swimming pool, retail use and back of house facilities, together with all ancillary site development works. The following table sets out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development

Site Area	7.16 hectares
Proposal	10,833m² total GFA plus ancillary plant Hotel- 142 bedrooms and associated facilities (additional 17 rooms from that currently existing on site) Area to north of existing hotel (currently in use as carpark) proposed to be landscaped with walkways Includes for photovoltaic panels and sedum roof at roof level; 1 no. ESB sub-station
Demolition Works	Existing hotel and associated structures- 9000 m ²
Height	Maximum 4 storeys
Parking	170 car spaces (originally proposed) 101 car spaces (permitted)
Access	Retention of existing access road for one-way vehicular traffic and pedestrian access Proposal included for construction of new vehicular access from St. Mary's Church (a Protected Structure) to proposed hotel- to be used for servicing, delivery and return journey traffic around the castle New pedestrian access to east of new vehicular entrance

2.2 A Natura Impact Statement (NIS) was submitted with the application.

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED subject to 19 no. conditions

Condition No. 2- The proposed access road to the east of the site shall be omitted. The applicants shall submit the following for the written agreement of the Planning Authority:

- (a) A revised site layout plan
- (b) A revised road layout plan
- (c) A revised landscaping plan
- (d) A typical detail that includes the appropriate upgrade of the existing in-use access route which provides for a stop start entrance where the existing protected gates are not affected. The amended layout plans shall include for additional details in relation to the 'wayfinding' signs, and signage for 'shared surfaces', 'cycle tracks', 'deliveries', 'bike parking', etc in terms of signage and also final details of the access area which provides for a start stop access and all the recommendation included in the 'road safety assessment' as submitted. The revised details should take cognisance of the requirements of all road users and any recommendations of an updated Stage 1 Road Safety Audit.

Reason: In the interest of the proper planning and sustainable development for the area.

Condition No. 7- The developer shall comply with the following requirements of the planning authority

- (a) the quantity of car parking shall be reduced to a maximum of 101 spaces and a revised car parking detail shall be submitted for the approval of the planning authority prior to the commencement of development; in order to comply with the standards of the Fingal Development Plan 2023-2029.
- (b) The bicycle parking quantity shall be increased to comply with the standards of the Fingal Development Plan 2023-2029; the details of which shall be agreed in writing with the planning authority prior to the commencement of development.
- (c) A Stage 1 Road Safety Audit shall be completed and submitted for the approval of the planning authority prior to commencement, to the satisfaction

of the Planning Authority, in compliance with the TII Publication 'Road Safety Audit GE-STY-01024'.

- (d) A Mobility Management Plan shall be submitted for approval in writing with the Planning Authority prior to commencement of development. The Mobility Management Plan shall be fully adhered to. The Mobility Management Plan shall be reviewed yearly, and the recommendations from the review shall be implemented. A Mobility Management Coordinator shall be appointed to ensure that the proposed measures identified in the Mobility Management Plan are successfully implemented, monitored and adjusted as necessary to achieve an effective plan.
- (e) A 'Construction Traffic Management Plan' shall be submitted for approval in writing with the Planning Authority prior to commencement of development.
- (f) All storm water shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

Reason: In the interest of the proper planning and sustainable development of the area

Further Information was requested by the planning authority in relation to (i) ownership details (ii) nature and scale of proposed access road and consequential impacts to established sensitive setting (iii) mitigation measures to avoid undue light pollution (iv) conservation matters (v) transportation matters (vi) water services matters (vii) Uisce Eireann matters (viii) public lighting matters (ix) ecology (x) Appropriate Assessment.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Reflects decision of planning authority; recommends a grant of permission

3.2.2 Other Technical Reports

Environmental Health, Air and Noise Unit: Acceptable, subject to conditions (dated 24/08/2022)

Water Services Section: No objections, subject to conditions (dated 13/06/2023)

Transportation Planning Section: No objections, subject to conditions including omission of new access road on eastern side of site (dated 14/07/23).

Conservation Officer: Cannot support the proposal of a new access road; conditions recommended (dated 14/07/2023)

Parks and Green Infrastructure Division: Report noted, both further information requested and conditions recommended (dated 22/08/2022)

Environment Section (Waste): Condition recommended (dated 08/07/2022)

Public Lighting Section No comment (dated 13/07/2023)

3.3 Prescribed Bodies

Uisce Eireann: No objections, subject to conditions (dated 12/07/2023)

Department of Housing, Local Government and Heritage (DAU)- Ecology: Further Information requested in relation to submission of bat and badgers surveys; condition recommended (dated 02/09/2022). No further report received.

Department of Housing, Local Government and Heritage (DAU)- Archaeology/Heritage: Condition recommended (dated 22/08/2022)

An Taisce: Condition recommended relating to trial archaeological excavation prior to undertaking any construction work (dated 11/08/2022)

Irish Aviation Authority: Condition recommended relating to crane operation notification (dated 03/08/2022)

Dublin Airport Authority (DAA): No comment (dated 18/08/2022)

Inland Fisheries Ireland: Conditions recommended (dated 05/08/2022)

3.4 Third Party Observations

A number of observations were received by the planning authority raising concerns in relation to the proposed development similar to those raised in the submissions received by An Bord Pleanála.

4.0 Planning History

There is quite a protracted planning history for this area and I refer the Board to the relevant section of the Planner's Report in this regard. The most recent relevant history is as follows:

ABP-316113-23 (F22A/0046)

Permission GRANTED for to refurbish, redevelop, conserve and change the use of part of the existing Howth Castle buildings, stable block and attendant lands. That proposal included a road, located in similar position but of lesser length, than that proposed in this current appeal. **Condition No. 2 of that grant of permission states the 'The proposed road to the east of the Castle shall be omitted...in the interests of the proper planning and sustainable development of the area'**

F22A/0559

Permission REFUSED for cemetery and associated site development works including new vehicular access from Carrickbrack Road for reasons relating to appropriate assessment, scale of proposal and loss of trees (contrary to Policy HCAP19) and contrary to Objective DMSO201 of Plan

5.0 Policy Context

5.1 National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Housing For All
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities
- Spatial Planning and National Roads, Guidelines for Planning Authorities (January 2012)

Other policy documents of note:

- National Planning Framework

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

5.2 Local Planning Policy

The Fingal County Development Plan 2023-2029 is the operative County Development Plan, which came into effect on 5th April 2023.

Note- the original application was assessed under the Fingal County Development Plan 2017-2023. Further Information was received by the planning authority on 06/06/2023 and was therefore assessed under the current 2023 Plan.

Zoning:

HA: High Amenity which seeks 'Protect and enhance high amenity areas'.

Objective Vision- Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored

Local Objective 117 as it previously applied to the Castle area under the Fingal County Development Plan 2017 is now referred to as Local Objective 93, which

seeks to 'Facilitate the provision of tourist, leisure, craft, artisan and restaurant uses at Howth Castle whilst ensuring the setting and character of the protected structures are maintained'.

Protected Structures- Howth Castle (RPS No. 556); ruined Church close to Castle (RPS No. 557) and a portal tomb known as 'Aideen's Grave (RPS No. 582), adjacent to the Golf course; St. Mary's Church and attendant grounds (RPS No. 594).

Howth Castle and its attendant grounds are designated as an Architectural Conservation Area (ACA). The proposed hotel is located outside of the Howth Castle ACA.

Located within the Howth Special Amenity Area Buffer Zone

Chapter 6 Connectivity and Movement

Policy and Objectives

Policy GINHP25- Preservation of Landscape Types

Policy GINHP27- Howth and Liffey Valley Amenity Orders

Policy GINHP28- Protection of High Amenity Areas

Policy HCAP19- Development and Historic Demesnes

Objective GINHPO57- Development and Landscape

Objective GINHPO59- Development and Sensitive Areas

Objective GINHPO60- Protection of Views and Prospects

Objective GINHPO67- Development and High Amenity Areas

Objective HCAO24- Alteration and Development of Protected Structures and ACAs

Objective HCAO31- Protection of Designated Landscapes

5.3 Natural Heritage Designations

- 5.3.1 No designations apply to the subject site. The site is located within 100m of the Howth Head SAC (Site Code: IE000202)

5.4 EIA Screening

- 5.4.1 An EIA Screening Report was undertaken by the applicants (see section 3.13 of the submitted Planning Report). This report concludes that the project is a sub-threshold development, namely is of a class specified in Part 2 of Schedule 5 of the Regulations, but does not equal or exceed the relevant quantity, area or other limit specified in that Class. Part 2 of Schedule 5 is referenced, in particular Section 12 'Tourism and Leisure' includes the following type of development

'(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms'.

- 5.4.2 The proposed development, a hotel with 142 no. bedrooms, does not exceed the 300 no. bedrooms stated in the Regulations. The screening assessment concluded that the works, individually and cumulatively, would not give rise to any significant effects on the environment, which would require the preparation of an EIA.
- 5.4.3 Having regard to the modest nature and scale of the development proposed, relative to that existing on site, the nature of the receiving environment and the existing pattern of development in the vicinity, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.5 Appropriate Assessment

- 5.5.1 See Appendix 3- AA Screening Determination
- 5.5.2 I highlight to the Board that AA Screening and a Stage 2 Appropriate Assessment was undertaken by the Inspector and Board for ABP-316113-23, an appeal to refurbish, redevelop, conserve and change the use of part of the existing Howth Castle buildings and associated site works. I refer the Board to section 8 of the Inspector's Report in that regard.

- 5.5.3 An AA Screening Report and NIS were submitted as part of the application documentation. In response to a request for Further Information in relation to this matter, a revised AA Screening Report and revised NIS were submitted to the planning authority. The planning authority were satisfied with the response received in this regard. It is the revised Screening Report and NIS upon which I am basing my assessment.
- 5.5.4 I have considered the development proposed in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A copy of the Screening Determination is appended to this report. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would have a likely significant effect 'alone' on the qualifying features of Baldoye Bay SAC (IE0000199), Howth Head SAC (IE0000202), Rockabill to Dalkey Island SAC (IE00030000), Ireland's Eye SAC (IE0002193), Lambay Island SAC (IE0000204), North-West Irish Sea SPA (IE004236), Baldoye Bay SPA (IE0004016), North Bull Island SPA (IE0004006), Ireland's Eye SPA (IE0004117) and Lambay Island SPA (IE0004069) primarily from effects associated with the construction of the development and contaminated materials such as dust, silt, oils or chemicals entering the watercourse and travelling downstream to designated sites. An appropriate assessment is required on the basis of the effects of the project 'alone'.
- 5.5.5 It is therefore determined that Appropriate Assessment (stage 2), under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.
- 5.5.6 Stage 2- Appropriate Assessment
- 5.5.7 Introduction
- 5.5.8 The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives of Baldoye Bay SAC (IE0000199), Howth Head SAC (IE0000202), Rockabill to Dalkey Island SAC (IE00030000), Ireland's Eye SAC (IE0002193), Lambay Island SAC (IE0000204), North-West Irish Sea SPA (IE004236), Baldoye Bay SPA (IE0004016), North Bull Island SPA (IE0004006), Ireland's Eye SPA (IE0004117) and Lambay Island SPA (IE0004069) based on the scientific information provided by the applicant and taking into account expert opinion

and submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.

5.5.9 All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development and the potential impacts from the construction and operational phases are set out in the submitted NIS (see page 7 and Table 2).

5.5.10 Relevant European Sites:

5.5.11 In the absence of mitigation, the potential for significant effects could not be excluded for:

- Baldoyle Bay SAC (IE0000199),
- Howth Head SAC (IE0000202),
- Rockabill to Dalkey Island SAC (IE00030000),
- Ireland's Eye SAC (IE0002193),
- Lambay Island SAC (IE0000204),
- North-West Irish Sea SPA (IE004236),
- Baldoyle Bay SPA (IE0004016),
- North Bull Island SPA (IE0004006),
- Ireland's Eye SPA (IE0004117) and
- Lambay Island SPA (IE0004069)

5.5.12 Impacts are primarily as a result of a direct hydrological connection from the site to the marine environment via the Bloody stream. As a result, there is potential for downstream impacts on European sites from the site due to site clearance, enabling and construction works and potential for silt and contaminated surface run-off during the operational phase of development. Additionally, wintering bird surveys conducted on the subject site indicate that it is used as a foraging habitat for Herring Gull and Curlew, a qualifying interest of Ireland's Eye SPA, North Bull Island SPA

and Lambay Island SPA. The NIS also notes that there may be increased disturbance of sensitive habitats due to the potential for increased footfall within the Howth Head SAC during the construction phase of development. The NIS concludes that no significant effects are likely on European sites, their features or interest or conservation objectives. The proposed project will not adversely affect the integrity of European Sites.

5.5.13 Appropriate Assessment of implications of the proposed development on each European Sites

5.5.14 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the

- Baldoyle Bay SAC (IE0000199),
- Howth Head SAC (IE0000202),
- Rockabill to Dalkey Island SAC (IE00030000),
- Ireland's Eye SAC (IE0002193),
- Lambay Island SAC (IE0000204),
- North-West Irish Sea SPA (IE004236),
- Baldoyle Bay SPA (IE0004016),
- North Bull Island SPA (IE0004006),
- Ireland's Eye SPA (IE0004117) and
- Lambay Island SPA (IE0004069)

using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

5.5.15 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);

- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

5.5.16 A description of the designated site and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS. Table 21 sets out the potential for adverse effects on the QI and conservation objectives of European sites. Attributes, measures and targets for the designated sites are also set out and I refer the Board to same. Mitigation measures are set out on page 106 and Table 22. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives/Statutory Instrument supporting documents for these sites available through the NPWS website (www.npws.ie). This assessment has been compiled from the information contained in the NIS, the further information for the NIS as requested by the PA, and information from the NPWS. I also refer the Board to Appendix 3 of this report.

5.5.17 The development is located wholly outside of any European site and is located approximately 0.1km from Howth Head SAC (IE0000202) Baldoyle Bay SAC (IE0000199) – 110m, the nearest designated sites. The proposed development is hydrologically connected to these designated sites via the Howth (Bloody) stream, which runs through the site and over which a pedestrian bridge is proposed. No habitats of an SAC were found on site during field surveys. Some QI bird species (Herring Gull) were observed on site during field surveys foraging on the subject site (see submitted wintering bird surveys).

Table 2: Special Areas of Conservation-

Designated Site	Qualifying Interests	Current Conservation Status & Trend
Baldoyle Bay SAC (IE0000199),	Mudflats and sandflats not covered by seawater at low tide [1140]	Inadequate Favourable

	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Inadequate Inadequate
Howth Head SAC (IE0000202),	European Dry Heath [4030] Vegetated sea cliffs of the Atlantic and Baltic Coasts [1230] (noted that neither QI is located within proximity of the proposed development)	Inadequate Bad
Rockabill to Dalkey Island SAC (IE00030000),	Reefs [1170] Harbour Porpoise [1351]	Inadequate Favourable
Ireland's Eye SAC (IE0002193),	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	Inadequate Inadequate
Lambay Island SAC (IE0000204),	Grey Seal [1364] Harbour Seal [1365]	Favourable Favourable

Table 3: Special Protection Areas-

Designated Site	Qualifying Interests	Current Conservation Status & Trend
North-West Irish Sea SPA (IE004236),	Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065]	All Favourable

	Little Gull (<i>Larus minutus</i>) [A177] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Little Tern (<i>Sterna albifrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	
Baldoyle Bay SPA (IE0004016)	Light-bellied Brent Goose [A046] Shelduck [A048] Ringed Plover [A137] Golden Plover [A140] Grey Plover [A141] Bar-tailed Godwit [A157] Wetland and Waterbirds [A999]	Amber Amber Green Red Amber Amber N/A
North Bull Island SPA (IE0004006),	Curlew [A160]	Red

Ireland's Eye SPA (IE0004117)	Cormorant [A017]	Amber
	Herring Gull [A184]	Red
	Kittiwake [A188]	Amber
	Guillemot [A199]	Amber
	Razorbill [A200]	Amber
Lambay Island SPA (IE0004069)	Herring Gull [A184]	Red

Table 4: Summary of Appropriate Assessment

Special Conservation Interest (SCI)	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
Baldoyle Bay SAC			
Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	To maintain the favourable conservation condition of the qualifying interests – Attributes include habitat area and community distribution. Targets are – the permanent habitat area is stable or increasing and to conserve the following community types in a natural condition: Fine sand dominated by <i>Angulus tenuis</i> community complex; and Estuarine sandy mud with <i>Pygospio elegans</i> and <i>Tubificoides benedii</i> community complex	Deterioration of water quality from pollution of surface and/or ground water during the construction & operational phases. Silt entering the watercourse could impact on the physical structure of the habitat, its functionality and sediment supply,	Mitigation measures are listed in Table 22 of the NIS. Designed to protect water quality during the construction phase. Include the appointment of an ecologist to oversee enabling works and to oversee the implementation of mitigation measures. Include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, dust control measures, storage requirements for fuel, oil and chemicals and monitoring of dust and silt control measures.
Howth Head SAC			

(see Tables 7 and 22 of NIS for full information)			
European Dry Heath [4030] Vegetated sea cliffs of the Atlantic and Baltic Coasts [1230]	To maintain the favourable conservation condition of the qualifying interests Attributes include the Habitat length and distribution. Targets include – the permanent habitat area is stable or increasing, no decline. Maintain structural variation. Maintain variety of vegetation communities	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages. Increased Visitor Pressure/disturbance	As above
Rockabill to Dalkey Island SAC (see Tables 9 and 22 of NIS for full information)			
Reefs [1170] Harbour Porpoise [1351]	To maintain the favourable conservation condition of the qualifying interests – Attributes include habitat area and community distribution. Targets include – the permanent habitat area/distribution is stable or increasing and to conserve the following community types in a natural condition: intertidal reef community complex and subtidal reef community complex	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages.	As above
Ireland's Eye SAC (see Tables 11 & 22 of NIS)			

Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of the qualifying interests Attributes include habitat area and distribution. Targets include – the permanent habitat area is stable or increasing, no decline. Maintain natural circulation of sediment and organic matter. Maintain range of sea cliff habitat zonations	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages	As above
Lambay Island SAC (see Tables 13 & 22 of NIS),			
Grey Seal [1364] Harbour Seal [1365]	To maintain the favourable conservation condition of the qualifying interests Attributes include access to suitable habitat and breeding behaviour. Targets include – species within the site should not be restricted by artificial barriers to site use; breeding and haul-out sites should be maintained in natural condition	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages	As above
North-West Irish Sea SPA			
Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver [A003]	To maintain or restore the favourable conservation condition of the qualifying interests, (QI's).	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the	As above

Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177] Black-headed Gull [A179] Common Gull [A182] Lesser Black-backed Gull [A183] Herring Gull [A184] Great Black-backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Little Tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]	Attributes include – non-breeding population size, spatial distribution, forage spatial distribution and abundance, disturbance across the site. Targets include no significant decline in population or distribution, sufficient number of locations for foraging and the intensity frequency and timing of disturbance.	construction and operational stages Disturbance to foraging areas in the event of pollution	
Baldoyle Bay SPA (see Table 19 and 22 of NIS)			
Light-bellied Brent Goose [A046] Shelduck [A048] Ringed Plover [A137]	To maintain or restore the favourable conservation condition of the qualifying interests, (QI's).	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the	As above

Golden Plover [A140] Grey Plover [A141] Bar-tailed Godwit [A157] Wetland and Waterbirds [A999]	Attributes include – long term population trend stable or increasing, population trend, habitat area and distribution. Targets include no significant decline in range, timing and intensity of use of areas.	construction and operational stages Disturbance to foraging areas in the event of pollution	
North Bull Island SPA (see Table 15 & 22 of NIS for full information),			
Curlew [A160]	To maintain or restore the favourable conservation condition of the qualifying interests, (QI's). Attributes include – population trend and distribution. Targets include long term population trend stable or increasing; no significant decrease in range, timing and intensity of use and wetland habitat should be stable	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages Disturbance to foraging areas in the event of pollution	As above
Ireland's Eye SPA (see Table 14 of NIS and npws website for full information)			
Cormorant [A017] Herring Gull [A184] Kittiwake [A188] Guillemot [A199] Razorbill [A200]	To maintain or restore the favourable conservation condition of the qualifying interests, (QI's). Attributes include – breeding population size, productivity rate and distribution. Targets include long	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages	As above

	term population trend stable or increasing; productivity rate sufficient to maintain a stable or increasing population, significant decrease in range, ensure disturbance occurs at levels that do not significantly impact on breeding population	Disturbance to foraging areas in the event of pollution	
Lambay Island SPA (see Table 20 & npws website for full information)			
Herring Gull [A184]	To maintain or restore the favourable conservation condition of the qualifying interests, (QI's). Attributes include – breeding population size, productivity rate and distribution. Targets include long term population trend stable or increasing; productivity rate sufficient to maintain a stable or increasing population, ensure disturbance occurs at levels that do not significantly impact on birds at the breeding site	Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages Disturbance to foraging areas in the event of pollution	As above

5.5.18 Integrity Test

5.5.19 The NIS acknowledges that given the nature of the works, all effects would be expected to be localised in nature and restricted to the immediate vicinity of the site, having little effect on European sites. Potential effects would be expected to be low

and insignificant. However, an abundance of caution has been applied in this case and the applicant notes that the without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt entered the Bloody stream, leading to downstream designated sites. The dilution effect is highlighted to the Board. Generally, given the distances involved and effects of dilution levels, I would anticipate the any impacts would not be significant. In terms of the Howth SAC, given the proximity to the development site, there is the possibility of increased disturbance due to trampling within the SAC, if machinery/personnel were given access to this designated site. Mitigation measures include the construction of a solid fence to prevent access to the SAC along the southern site boundary and signage during the operational stage.

5.5.20 The foraging activity of a number of QI bird species could be briefly interrupted in the vicinity of a pollution event and the proposed project could affect the distribution and range, timing and intensity of use of areas of SPAs for the QI species of birds.

However, this would be expected to be minor, short term and not significant, given the scale of the proposed works on site. Herring Gull (a QI for Ireland's Eye SPA and Lambay Island SPA) have been noted on site and it is acknowledged that there is potential for disturbance and removal of potential foraging areas. The current location where foraging is noted is proximate to the existing carpark of the golf club, where there is considerable activity on site. Therefore, disturbance during the operational phase of the development is not considered to have potential significant effects.

5.5.21 The mitigation measures put forward, are generally considered to be standard construction practices, to be employed by any competent developer at such a site, irrespective of the proximity of designated sites or otherwise. They will ensure that no silt, pollution, machinery, dust or personnel (Howth Head SAC) enters the designated sites. They primarily seek to ensure that there will be no negative impacts on water quality as a result of the proposed development.

5.5.22 Foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. The planning authority were satisfied in this regard. The Board were satisfied in terms of AA on the adjoining site, in a recently permitted development (ABP-316113-23).

5.5.23 The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of these European sites. The NIS also determined that following the successful implementation of mitigation measures, no significant effects are foreseen from the construction or operation of the proposed development. In particular, mitigation measures to prevent silt, dust and pollution entering the Bloody Stream will satisfactorily address the potential impacts on downstream biodiversity and Natura 2000 sites. The NIS considered the potential for cumulative impacts from nearby developments and found that the combination effects with other existing and proposed developments in proximity to the application would be unlikely. I agree with the conclusion as all developments in proximity to the subject site and the Natura 2000 sites listed are subject to Screening for AA to identify potential impacts and given the nature and scale of the subject proposal, I am satisfied that the mitigation measures outlined will be sufficient to prevent residual impacts and would not result in any cumulative impacts. I have reviewed the mitigation measures proposed for the subject development and I am satisfied that the development would not result in any significant effects on any designated site either alone or in combination with any other project. No uncertainty remains and the integrity of these designated sites will not be adversely affected.

5.5.24 **Appropriate Assessment Conclusion**

5.5.25 In screening the need for Appropriate Assessment, it was determined that the proposal for works at the Deerpark Hotel, Howth, had the potential to result in significant effects on a number of designated sites (listed above). Appropriate Assessment was required in view of the conservation objectives of those sites.

5.5.26 Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process and taking into account submissions of third parties, I am satisfied that based on the design of the proposed development, combined with the proposed mitigation measures, adverse effects on the integrity of Baldoyle Bay SAC (IE0000199), Howth Head SAC (IE0000202), Rockabill to Dalkey Island SAC (IE00030000), Ireland's Eye SAC (IE0002193), Lambay Island SAC (IE0000204), North-West Irish Sea SPA (IE004236), Baldoyle Bay SPA (IE0004016), North Bull

Island SPA (IE0004006), Ireland's Eye SPA (IE0004117) and Lambay Island SPA (IE0004069) can be excluded with confidence in view of the conservation objectives of those sites.

5.5.27 My conclusion is based on the following:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
- Site specific survey data and analysis of wintering birds.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects.
- The proposed development, alone and in combination with other plans and projects, would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

6.0 The Appeal

6.1 Grounds of Appeal

1st Party Appeal

- Appeal against Condition 2 and 7(a) of PA decision to grant permission
- Requests Board to omit both of these conditions

Condition No. 2

- Will have a significant negative impact on, inter alia, the viability of the hotel development
- Townscape and Visual Impact Assessment submitted as part of FI to planning authority demonstrates a neutral to positive impact on the landscape and visual amenities of the Howth Estate.
- Notes conclusions of Historic Landscape Impact Assessment submitted to PA as part of FI response
- Specific design and route of proposed access road will integrate successfully within the historic landscape setting of Howth Castle Demesne; protecting canopies of trees within the Estate and providing an appropriately designed vehicular access and approach to the proposed hotel
- Issues arising from original road proposal were addressed in response to FI to the PA
- In the absence of the roadway, the required alternative with amendments to Castle Avenue to provide an appropriate safe and acceptable access would have very significant adverse impacts upon the truly historic environment and valuable landscape.
- Proposed road would ensure safety of vulnerable road users; maintain historic fabric of castle and grounds; protect trees and landscape; provide a design that meets standards; provide for modern and operationally acceptable access for a commercial hotel operator and create an attractive safe usable space

Condition No. 7(a)

- Sets out justification for proposed 170 no. car parking spaces
- While the entrance to the site may be within 1km from Howth DART station, the hotel is located a distance of 1.4km from this location.
- Pedestrian access from the Howth Demesne has a steep gradient and therefore may result in higher use of private cars to access the hotel
- Considered that a more pragmatic assessment of appropriate car parking standards should be applied, given the site-specific location of the hotel and

pedestrian route from Howth DART station in order to deliver an appropriate level of car parking to serve the facility.

- Total car parking requirements based on FCC Development Plan standards is 290 spaces; provision of 170 spaces proposed
- Strict application of prohibitive Zone 1 standards ignores the fact that 1km of the travel distance for visitors is through a steep open parkland network and not within the urban built environment.
- Under-providing parking will affect the commercial viability to the point that operators may not sign up to agreement
- Believe that consideration of the site as Zone 2 is more appropriate in this case
- Existing slope of ground noted
- Appendices included- Historic Landscape Assessment and Appendix to same; photomontages; NRB drawing of Passing Bay Arrangement and Design Review.

3rd Party Appeal

- Lack of Demolition Justification Report in accordance with provisions of Fingal County Development Plan 2023
- Concern regarding maintaining existing public access; access to amenity land and to places of natural/historic heritage/pedestrian permeability
- Supports PA decision to refuse permission for an additional major access road in both this application and F22A/0046

6.2 Planning Authority Response

- Application was assessed against policies and objectives of Fingal CDP 2017 and recently adopted 2023, Howth SAAO and existing government policy and guidelines
- Had regard to zoning objective and impacts on adjoining neighbours and character of area being within Buffer Zone of Howth SAA
- Concerns set out in 3rd party objections were acknowledged and considered

- Concerns regarding demolition justification report is noted, however considered that overall proposed development once completed would be a sustainable replacement for the existing structure proposed for demolition
- Subject to compliance with conditions, proposed development would be consistent with the proper planning and sustainable development of the area; requests ABP to uphold decision
- If PA decision is upheld, requests attachment of Conditions No. 8(d) (tree bond), No. 18 (Howth SAAO) and No. 19 (S.48 levy) – site area is within Map A of Howth SAAO, therefore a financial contribution shall be paid to the Council prior to the commencement of works at rate of €635 per bedroom

6.3 Observations

In total, six observations were received, including one from Offington Resident's Association, Evora Park Resident's Association and Howth/Sutton Community Council, together with Hillwatch, Brendan and Siobhan Clifford and Friends of the Irish Environment. They may be broadly summarised below and are expanded upon within main assessment section, where necessary:

- Support decision of planning authority in relation to Conditions No. 2(a) and 7
- Opposition to new access road (on grounds of impacts on heritage, light spill and additional traffic; suggests shuttle bus provision from Castle to proposed new hotel which is wider and lends itself to further widening and installation of appropriate passing bays, where necessary) and carparking- wish to uphold Condition No. 2(a) and 7 of PA decision
- By reducing number of carparking spaces available, there will be much reduced traffic on existing access road; location of site within Zone 1 noted; provision of shuttle service to accommodate those using public transport; reduction in carparking will encourage public transport use; failed to demonstrate to any satisfactory degree the need for 170 car parking spaces
- Many examples of hotels within historic demesnes where traffic is managed on existing narrow access roads similar to existing route
- Proposed new road materially contravenes zoning objective for High Amenity lands and Objective HCAP 18 and HCAP19 of CDP

- Contends that slope cited in first party documentation only applies to the first 25m and not the entire 250m (appendix included of gradients at intervals of 25m); comparisons with car park ramps is misleading; ample space to widen avenue and retain its historic aspect while at pinch points passing bays can be easily installed; shuttle bus service previously used by Deer Park hotel to DART and Howth village
- Concerns regarding length of proposed passing bays; traffic management measures would negate the need for passing bays of these size
- Existing roadway should not be Part M complaint as alleged to be stated by first party
- Non-submission of Demolition Justification Report
- Other Matters- consultation with local residents; public access to lands; possible future use of road; design of proposed hotel; purported misleading photographs in relation to carparking at weekends along estate avenue; legal interests of section of road in front of St. Mary's Church

6.4 Further Responses

A further response was received on behalf of the first party, which may be summarised as follows:

- Position remains as set out in original appeal- reiterates original points made
- No requirement under Fingal CDP 2017 to include a Demolition Justification Report (Plan under which the original application was lodged)
- A preliminary review of the methodology to complete such an assessment was undertaken (attached to first party response), which concludes that 'the demolition of the existing hotel and its replacement on the same site will support the sustainable re-use of previously developed land and will provide a new sustainable physical asset at the site with an enhanced low carbon design life of 60 years'.
- Proposed Embodied Carbon Analysis of the Proposed Deer Park Hotel, prepared by Conin & Sutton Consulting Engineers submitted with response
- Also notes that Architectural Design Statement was submitted with application documentation in first instance

- In terms of pedestrian permeability, notes that shared routes, with traffic calming measures will provide a considered and appropriate pedestrian/cycle strategy for the proposed development
- No justification for statement by 3rd party appellant that referencing the proposed access road as an 'additional major access road'- designed to provide an appropriate vehicular access route to serve the new hotel, having regard to the site-specific location of the existing and proposed hotel within Howth Estate
- Response to 3rd Part Appeal by Cllr David Healy, prepared by NRB Consulting Engineers submitted with response which reiterates points made in original appeal submission

7 Assessment

7.1 Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, observations received, the reports of the local authority, and 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:

- First Party Appeal against Condition No.s 2 and 7(a)
- Other Matters raised in third party appeal and observations including, inter alia, submission of Demolition Justification report; consultation; access

7.2 I highlight to the Board that there is both a first party appeal (against Condition No.s 2 and 7(a) of the planning authority decision) and a third party appeal on this file. The third-party appeal supports the decision of the planning authority in relation to the omission of the proposed roadway and reduction of car parking spaces to a maximum of 101 spaces and also raises issues in relation to lack of submission Demolition Justification Report in accordance with provisions of Fingal County Development Plan 2023, together with concern regarding maintaining existing public access; access to amenity land and to places of natural/historic heritage/pedestrian permeability. The observations received largely support the decision of the planning authority in relation to Condition No.s 2 and 7(a) and also raise matters relating to

legal interest, consultation, access, accuracy of information and design of proposed hotel.

Condition No. 2

- 7.3 Condition No. 2 of the decision of the planning authority omits the proposed access road to the east of the site and, inter alia, requires details that includes for the appropriate upgrade of the existing in-use access route which provides for a stop start entrance where the existing protected gates are not affected (see full wording of condition in section 3.1 above). The first party requests the omission of this condition and have set out justification for same in both their appeal submission and further response received. The third-party appeal supports the decision of the planning authority in this regard, as do the observations received.
- 7.4 In summary, the planning authority's concerns relate to the nature, route and scale of the proposed access road and the Planning Officer's Report states that following consideration of both the Conservation and Transportation sections concerns, they considered that the proposed road together with finishes, presents as an over-engineered response to their concerns and that the proposed access road would have a detrimental visual impact to the historical setting and would be contrary to the High Amenity zoning.
- 7.5 The Conservation section of the planning authority state that as currently designed, they cannot support the proposal for the new access road. They further state that if the proposal for the new road were to be acceptable, the width would remain a concern and the full extent of the route does not appear to be justified, in that it is not clear why the southern part does not re-join the existing avenue once it passes the central copse of trees. The Transportation section considered that, notwithstanding the submission of FI, the requirement for the new road has not been sufficiently demonstrated and it is their conclusion that the new road is not required and would represent overdevelopment of the site. They further consider that the applicants have not sufficiently explored the full array of design guidance options on traffic calming and road surface options described in DMURS. The existing in-use private access road is not in charge of the Council, is not a through-road and is a low-speed environment- the Transportation Division consider that these are properties which would lend themselves to the use of innovative design solutions and road surface

details to calm traffic and create a sense of a shared area where the car is not the dominant mode. The Parks and Green infrastructure Division raise concerns regarding the long-term impact of the proposed road infrastructure which may result in the physical or perceived subdivision of the open demesne landscape, which is located within the Buffer Zone of the Howth SAAO.

- 7.6 The first party have set out their justification for the need for the proposed access road and have submitted documentation in support of their case including, inter alia, Townscape and Visual Impact Assessment, Historic Landscape Impact Assessment and Architectural Design Statement. I have read the contents of all documentation submitted. The first party state that the omission of the roadway will have a significant negative impact on, inter alia, the viability of the hotel development. They contend that the design and route of proposed access road will integrate successfully within the historic landscape setting of Howth Castle Demesne; will protect canopies of trees within the Estate and will provide an appropriately designed vehicular access and approach to the proposed hotel. The Townscape and Visual Impact Assessment, submitted as part of FI to planning authority, states that the proposal will have a neutral to positive impact on the landscape and visual amenities of the Howth Estate. They further contend that in the absence of the roadway, the required alternative- which includes for amendments to Castle Avenue in order to provide an appropriate safe and acceptable access- would have very significant adverse impacts upon the truly historic environment and valuable landscape. The first party further state that the proposed road would ensure the safety of vulnerable road users and would provide an appropriate, pedestrian-friendly setting for the castle complex. The proposal would provide a safe environment away from the intensification of traffic that will arise as a result of the proposed redevelopment; would maintain the historic fabric of castle and grounds; would protect trees and landscape and would provide a design that meets standards in order to ensure the provision of a modern and operationally acceptable access for a commercial hotel operator and create an attractive safe usable space.
- 7.7 I have examined all of the information before me, including the significant amount of information provided by the first party at both application and appeal stages. I highlight to the Board that some of the observer's question the need for the proposed road and raise concerns regarding its possible future use in any possible future

development of the demesne land for residential purposes. I am assessing the proposal before me, as set out in the public notices, and any possible future use is outside the remit of this planning appeal. Any possible future application would be assessed on its own merits. The planning authority state that the function of the proposed new road appears to be solely to serve the new hotel rather than also serving the castle. This has not been refuted by the first party. The design and positioning is such that I would concur with this assertion. The first party raise concerns regarding the negative impacts that the omission of this roadway would have on the viability of the hotel. The planning authority state that there are examples of other hotel developments both in Ireland and the UK within historic demesnes where the existing access routes are used and traffic is managed rather than new routes constructed. I would agree with this assertion and am aware of a number of these hotel developments.

- 7.8 I highlight to the Board a recent significant decision (dated September 2024) which may have implications for this subject appeal, namely ABP-316113-23 (F22A/0046) whereby permission was granted on appeal to refurbish, redevelop, conserve and change the use of part of the existing Howth Castle buildings, stable block and attendant lands (within lands outlined in blue in this subject appeal). Of particular note is Condition No. 2 of that grant of permission, which states that 'The proposed road to the east of the Castle shall be omitted...in the interests of the proper planning and sustainable development of the area'. I refer the Board to the Inspector's Report and Board decision in that case. The roadway, the subject of ABP-316113-23, is located in a similar position and is of similar scale to that currently proposed but has a significantly lesser length. In ABP-316113-23, the subject roadway extended from the front (north) of St., Mary's Church (RPS Ref. 594) to Howth castle. The roadway the subject of this current appeal, continues for a significantly longer distance in a meandering fashion to the proposed hotel. It has a width of approximately 6m along its length. Full details of its alignment have been included in the submitted drawings. I would be of the opinion that the roadway, the subject of this appeal, would have a far greater impact on this sensitive, historic demesne than that omitted by ABP under ABP-316113-23. It would be difficult for me to justify recommending the omission of Condition No. 2 in this current case having regard to this recent decision of the Board for a roadway that, in my opinion,

would be less intrusive, of a lesser scale and by virtue of this have lesser impacts on the historic landscape than that currently proposed. It could be argued that a precedent has been set by the Board in their recent decision (September 2024) relating to the appropriateness of a new road through the demesne lands at this location.

- 7.9 The site is located within a sensitive landscape, with High Amenity zoning. It is noteworthy that the Conservation, Transportation and Parks and Green Infrastructure Divisions of the planning authority all raise concerns in relation to this element of the proposal from heritage and visual impacts concerns, need/overdevelopment concerns and impacts on/loss of trees. I would largely concur with the opinion of these internal departments of the planning authority in relation to this matter. I am of the opinion that this proposed roadway and works required to facilitate its construction, which would include for the loss of mature trees, would represent a significant intervention at this location, within a sensitive demesne landscape, which is zoned High Amenity. I acknowledge the argument put forward by the first party but would question the need for such a highly engineered road at this location, given that the existing access would appear to adequately serve the existing hotel and golf course development. I acknowledge that there will be increased traffic at times (maximum no. of peak hour trips would be 39 trips between 5pm-6pm), and I concur with the Transportation Division of the planning authority that this number of trips does not justify the provision of a new road. I also concur with the opinion of the planning authority that traffic management, including restricting times of servicing vehicles entering the site, would alleviate much of the cited issues. Given that there is no bus parking provided for in the parking layout proposed, it is anticipated that bus travel to/from the hotel would be limited. Speeds are generally low on such access roads and I consider that a shared surface type layout would best serve this proposal. The possibility of shuttle buses is referenced by the planning authority and some of the third parties, which would also reduce the amount of vehicular traffic on the roadway. This is an option that could be explored further by the applicants. I consider that the need for the new roadway has not been sufficiently demonstrated. I would concur with the opinion of the planning authority that the appropriate upgrade of the existing in-use access route which provides for a stop start entrance where the existing protected gates are not affected would be a

superior option at this location. The proposal represents just over 2000m² of additional floorspace inclusive of an additional 17 bedrooms, over and above that currently on site. While I acknowledge the increase in floor area, I do not consider it sufficiently great to warrant the provision of a roadway of this scale at such a sensitive location. Notwithstanding the arguments put forward in the submitted reports, including the undulating landscape and natural screening, I have concerns that the provision of this roadway would negatively impact on features of heritage value and the overall character and setting of the Howth Castle Demesne. I too consider that the subject roadway could create a perception of splitting/fragmenting the open character of the demesne lands. Having regard to the information before, I consider that the proposal would be contrary to the policies and objectives of the Final County Development Plan 2023-2029, in particular Objective GINHO67, Policy HCAP19 and Objective HCAO31 in this regard.

- 7.10 To conclude this point, having regard to the recent planning history in the demesne grounds for a new roadway (ABP-316113-23), the High Amenity zoning objective for the site and the Buffer Zone for the Howth Special Amenity Area, it is considered that the works required to construct the road would result in excessive interventions in the historic landscape, including the loss of mature trees and would impact on features of heritage value to the overall character and setting of the Howth Castle Demesne. It would be contrary to the policies and objectives of the Final County Development Plan 2023-2029, in particular Objective GINHO67 (Development in High Amenity Areas) and Policy HCAP19 (Development and Historic Demesnes) and would therefore be contrary to the proper planning and sustainable development of the area. I therefore recommend that Condition No. 2 be UPHOLD.

Condition No. 7(a)

- 7.11 In relation to Condition No. 7(a) of the decision of the planning authority reduces the number of car parking spaces proposed to a maximum of 101 spaces (reduced from 170 spaces proposed)- see section 3.1 above for full text of this condition. I note that the proposal includes for the relocation of the existing car parking area to a less obtrusive position to the rear of the proposed hotel and this is welcomed. The planning authority state that the proposed development site is within Zone 1 for parking standards, being within 1km of Howth DART station (1.4km walking distance), as set out in Table 14.18 and 14.19 of the operative County Development

Plan. This sets out a car parking requirement of 1 space per 5 bedrooms, giving a demand of 28 spaces for the 'hotel' element. The planning authority acknowledge that the proposal also includes for a bar, function room and gym/spa, which although ancillary/complementary to the 'hotel' use, assessed them as stand-alone trip generators for the purposes of car parking. These figures are set out in the Transportation Division Report (dated 14/07/2023). Based on Development Plan standards, the planning authority set out the following:

Table 5:

Element of Proposal	Floor Area/Standards	No. of spaces per CDP standards
Hotel	172 bedrooms	28
Gym/spa	GFA 412m ² (1 space/40m ²)	10
Bar/Restaurant	GFA 681m ² (1 space/30m ²)	23
Meeting/Conference Room	Maximum occupancy of 406 people (1 space/10 seats)	40
Total		101

- 7.12 The first party request the omission of Condition No. 7(a) and set out a justification for same. They note the particular circumstances pertaining to this site and that while the distance from the DART station is acknowledged, any walk to/from it by guests would be difficult and unlikely given the slope, the route through open parkland and ground conditions, even more so if travelling with luggage. They state that it would be unlikely for any guest to travel by public transport for a stay at the hotel. The first party states that the total car parking requirements based on FCC Development Plan standards is 290 spaces while 170 spaces are proposed. The first party further state that the under-provision of parking will affect the commercial

viability to the point that operators may not sign up to agreement and they are of the opinion that consideration of the site as Zone 2 is more appropriate in this case.

- 7.13 I note the standards set out in the adopted County Development Plan. This is a relatively recently adopted Plan and it states that the approach to car parking provision allows greater flexibility in the application of car parking standards on sites in areas with varying levels of road and public transport provision. This is considered reasonable. I also highlight to the Board that the standards set out in the Development Plan are maximum numbers in Zone 1. The first party state that the site is not within the urban built environment, a point I would disagree with. They further state that the standard of 290 car parking spaces applies based on Development Plan standards- it is unclear how this figure was arrived at, given the floor areas and information provided on file. I would refer the Board to Tables 14.18 and 14.19 of the operative Plan. Notwithstanding the case put forward by the applicants, it is clear to me that based on Table 14.18 of the operative County Development Plan, the site is located within Zone 1- relates to developments within 800m of Bus Connects spine route, or 1600m of an existing or planned Luas/Dart/Metro Rail station. The site is agreed by all parties to be 1.4km walk from Howth DART station. In terms of guests carrying luggage from the DART station, I would note that only 28 of the 101 spaces relate to the actual hotel element of the proposal. The remainder relate to the other uses, which may be considered complimentary to the hotel use. I would be of the opinion that while guests would be more likely to use the car parking facilities, others including those using the bar/restaurant/gym/spa may be from the local area and much more likely to walk/cycle to the premises. I would agree with the first party that a reasonable approach should be applied to the provision of car parking on this site. I also consider that the stance taken by the planning authority in this instance is reasonable. Having regard to all of the information before, I am of the opinion that an inadequate justification has been put forward by the first party to justify the provision of 170 car parking spaces. I would agree with the planning authority in their rationale and I consider that Condition No. 7(a) of the planning authority decision should be UPHELD.

Other Matters

- 7.14 The third-party appeal raises the matter of the non-submission of a Demolition Justification Report, in accordance with the provisions of the Fingal County Development Plan 2023. This has also been raised in some of the observations received. The planning authority state that the concerns regarding demolition justification report are noted, however they consider that the overall proposed development once completed would be a sustainable replacement for the existing structure proposed for demolition and that subject to compliance with conditions, the proposed development would be consistent with the proper planning and sustainable development of the area. The first party, in their response to third-party appeal, notes that there was no requirement under Fingal CDP 2017 to include a Demolition Justification Report (Plan under which the original application was lodged). A preliminary review of the methodology to complete such an assessment was undertaken (attached to first party response), which concludes that ‘the demolition of the existing hotel and its replacement on the same site will support the sustainable re-use of previously developed land and will provide a new sustainable physical asset at the site with an enhanced low carbon design life of 60 years’. A document entitled ‘Proposed Embodied Carbon Analysis of the Proposed Deer Park Hotel’ was submitted with their response. They further note that an Architectural Design Statement was submitted with application documentation at application stage.
- 7.15 I note section 14.21.1 of the operative County Development Plan 2023 which states that *‘Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures’*. I highlight to the Board that a Demolition Justification Report was not submitted with the application documentation, however I accept that this was not a requirement under the provisions of the 2017 County Development Plan (when original planning application as lodged). The planning authority did not request the submission of such a plan at any stage during the application process. A ‘Proposed Embodied Carbon Analysis’, which includes for a Lifecycle assessment and Embodied Carbon assessment as part of methodology used, was submitted as part of the first party response. The information contained therein appears reasonable and robust. The submitted report notes that a full detailed design of the proposed hotel needs to be

completed in order to complete an Embodied Carbon Analysis. The analysis assesses the new building with a design life of 60 years, as per EU guidance. The software used allows for a comparison of embodied carbon between the retro-fit of existing building versus the new build over the design life of the proposed new hotel. It is stated that the existing hotel is no longer deemed fit for purpose as its useful design life has expired. The proposed hotel will adhere to Royal Institute of British Architects (RIBA) and Royal Institute of Architects Ireland (RIAI) targets for embodied carbon. The report concludes that the demolition of the existing hotel and its replacement on the same site will support the sustainable re-use of previously developed land and will provide a new sustainable physical asset at the site with an enhanced low carbon design life of 60 years. In addition, I note that while the existing building is within the curtilage of Howth castle, the existing premises is not a Protected Structure; is not listed in the NIAH and is outside of the Howth Castle Demesne ACA. The Architectural Design Statement, submitted with the application, sets out the rationale for the proposed development and notes that the existing building, which is now in a dilapidated state, has become outdated. A Sustainability Report states that the proposed energy strategy is compliant with Part L and achieves NZEB. It states that the design will place a high emphasis on passive solar gain, combining external local shading with high performance glazing. The energy efficient design includes enhanced building fabric performance, heat pumps and efficient VRF systems. Having regard to the information before me, I am satisfied that the proposal complies with the provisions of the operative Development Plan in terms of the submission of a demolition justification report and rationale for the demolition of the existing buildings/justification for new building on site.

- 7.16 Matters were raised by third parties regarding lack of consultation by applicants with third parties. While such consultation may be beneficial to both sides, there is no provision for such in the legislation.
- 7.17 Matters have been raised by third parties as to the applicant's legal interest in the lands to the front (north) of St. Mary's Church, together with matters relating to maintaining existing public access. I have no information before me to believe that the applicant does not have sufficient legal interest to make the application. The planning authority raised this matter in their request for Further Information and the applicant responded accordingly by stating that the applicant is in full ownership of

this section of land, verified with letter and folio map prepared by Arthur Cox solicitors. The planning authority were satisfied with the response received. In any event, this is considered to be a legal matter outside the remit of this planning appeal. I refer the Board to section 5.13 of the Development Management Guidelines 2007, which acknowledge that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In addition, I also note section 34(13) of the Planning Act, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

- 7.18 One of the observers raises concerns regarding length of proposed passing bays and they consider that more appropriate traffic management measures would negate the need for passing bays of these size. The passing bays referred to are proposed along the existing access roadway and measure 25m in length. I would concur with the observation that this appears somewhat over-sized given the number of bays proposed along its length. However, I consider that the written agreement of the planning authority should be obtained for their design/location/number, prior to the commencement of any works on site.
- 7.19 I am generally satisfied with the accuracy of the information on file and am satisfied that there is sufficient information on file for me to undertake a comprehensive assessment of the proposed development.
- 7.20 In terms of the remainder of the proposal, I am satisfied that the principle of the proposed development is acceptable at this location, where there is a long-established hotel use on the site. The remainder of the proposal is considered to accord with Local Objective 93, which seeks to 'facilitate the provision of tourist, leisure, craft, artisan and restaurant uses at Howth Castle whilst ensuring the setting and character of the protected structures are maintained'. A quality design solution has been put forward and that the proposed development would result in an attractive, sensitive addition to the landscape at this location. A contemporary design will replace the existing run-down hotel and I am satisfied with the materiality put forward and the justification for demolition put forward. I am of the opinion that the remainder of the proposal will not detract from the character or setting of this sensitive demesne landscape, which is located within a High amenity Area within the Buffer Zone of the Howth SAAO. I am satisfied in this regard and consider that the

proposal, subject to conditions, would be an appropriate form of development at this location and would be in accordance with the proper planning and sustainable development of the area.

8 Recommendation

- 8.1** Having regard to the above assessment, I recommend that the Board UPHOLD Condition No. 2 and Condition No. 7(a) of the decision of the planning authority and that permission be GRANTED, for the development, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

9 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development; to the pattern of existing and permitted development and the planning history within the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable level of development in this sensitive location, would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on 06/06/2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of
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	development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed access road to the east of the site shall be omitted. The applicants shall submit the following for the written agreement of the Planning Authority: (a) A revised site layout plan (b) A revised road layout plan (c) A revised landscaping plan (d) A typical detail that includes the appropriate upgrade of the existing in-use access route which provides for a stop start entrance where the existing protected gates are not affected. The amended layout plans shall include for additional details in relation to the 'wayfinding' signs, and signage for 'shared surfaces', 'cycle tracks', 'deliveries', 'bike parking', etc in terms of signage and also final details of the access area which provides for a start stop access and all the recommendation included in the 'road safety assessment' as submitted. The revised details should take cognisance of the requirements of all road users and any recommendations of an updated Stage 1 Road Safety Audit. Reason: In the interest of the proper planning and sustainable development for the area.
3.	The mitigation measures set out within the NIS, EcIA, Bat Fauna Survey and Badger Surveys shall be implemented in full Reason: In the interest of proper planning and sustainable development and to protect local ecology
4.	The permitted hotel shall be used as short stay residential accommodation only, with the maximum length of stay to be two months.

	Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.
5.	Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. (i) Details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. (ii) The proposed development shall include for anti-glare glazing and Electrochromic Glass or other such similar measures which would minimise glare and light spillage from the glazed sections. Measures to reduce light spillage shall not rely on curtains or blinds (iii) Prior to commencement of development full details, including samples where appropriate, of the treatment of the areas of public realm within the site boundary, shall be submitted to the planning authority and written agreement obtained. This shall include full details of the paving materials, seating and street sculptures/lighting. (iv) Details of finishes shall include photomontages/visualisations with the Hill of Howth in the background. Reason: In the interest of visual amenity, durability and to ensure a high standard of public realm.
6.	The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

	Reason: To protect the residential amenities of property in the vicinity.
7.	The developer shall comply with the following requirements of the planning authority (a) the quantity of car parking shall be reduced to a maximum of 101 spaces and a revised car parking detail shall be submitted for the approval of the planning authority prior to the commencement of development; in order to comply with the standards of the Fingal Development Plan 2023-2029. (b) The bicycle parking quantity shall be increased to comply with the standards of the Fingal Development Plan 2023-2029; the details of which shall be agreed in writing with the planning authority prior to the commencement of development. (c) A Stage 1 Road Safety Audit shall be completed and submitted for the approval of the planning authority prior to commencement, to the satisfaction of the Planning Authority, in compliance with the TII Publication 'Road Safety Audit GE-STY-01024'. (d) A Mobility Management Plan shall be submitted for approval in writing with the Planning Authority prior to commencement of development. The Mobility Management Plan shall be fully adhered to. The Mobility Management Plan shall be reviewed yearly, and the recommendations from the review shall be implemented. A Mobility Management Coordinator shall be appointed to ensure that the proposed measures identified in the Mobility Management Plan are successfully implemented, monitored and adjusted as necessary to achieve an effective plan. (e) A 'Construction Traffic Management Plan' shall be submitted for approval in writing with the Planning Authority prior to commencement of development. (f) All storm water shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

	Reason: In the interest of the proper planning and sustainable development of the area end recording
8.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management.
9.	Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Reason: In the interest of public health and surface water management

10.	The applicant or developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development. Reason: In the interest of public health.
11.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Reason: In the interests of visual and residential amenity
12.	(a) The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (b) Prior to the commencement of development, the applicant shall submit details of all trees proposed for removal, for the written agreement of the planning authority (c) Prior to the commencement of development, the Tree Protection Plan shall be implemented. The appointed Arboricultural consultant shall consult with the planning authority to agree all tree protection measures, prior to the commencement of any works on site (d) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance

	company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To secure the protection of trees on the site. Reason: In the interest of visual amenity.
13.	The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance, in particular at the site of paths, service trenches, car park areas and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works and at the location the existing hotel to be demolished. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record, archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's

	report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued of places, caves, sites, features or other objects of archaeological interest.
14.	The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products. Reason: In the interests of public safety and residential amenity.
15.	Site development and building works shall be carried out only between the hours of 0800 to 1900, Mondays to Fridays inclusive, between 0800 to 1300 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. Reason: In order to safeguard the residential amenities of property in the vicinity.

16.	Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any building. Reason: In the interests of amenity and public safety.
17.	A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
18.	No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.
19.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory

	completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To ensure the satisfactory completion of the development.
20.	That a financial contribution in the sum of €635 per bedroom, totalling €90,170 to be paid by the developer to the planning authority towards the cost of implementing the Howth Special Amenity Area Order Management Plan and which facilitates this development. This contribution shall be paid prior to the commencement of any works on site Reason: In order to comply with the requirements of the Howth Special Amenity Area Order 2000
21.	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. 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.

The applicant is advised to note section 34(13) of the Planning and Development Act 2000 (as amended), which states that a person shall not be entitled solely by reason of a permission to carry out any development

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.

Lorraine Dockery
Senior Planning Inspector

03rd December 2024

Appendix 1- Form 1 EIA Pre-Screening

An Bord Pleanála			
Case Reference	ABP-317883-23		
Proposed Development Summary	Demolition of the existing "Deer Park Hotel" building and all associated structures and construction of four-storey hotel and leisure centre.		
Development Address	Deer Park Hotel & Golf, Deer Park, Howth, Co. Dublin (within the grounds of Howth Estate, Deer Park, Howth, Co. Dublin)		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		x	
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	x	Section 12 'Tourism and Leisure' of Part 2, Schedule 5	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	x		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes x		<i>'(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms'.</i> The proposed development, a hotel with 142 no. bedrooms, does not exceed the 300 no. bedrooms stated in the Regulations.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Lorraine Dockery Date: 03rd December 2024

Appendix 2- Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-317883-23
Proposed Development Summary	Demolition of the existing "Deer Park Hotel" building and all associated structures and construction of four-storey hotel and leisure centre.
Development Address	Deer Park Hotel & Golf, Deer Park, Howth, Co. Dublin (within the grounds of Howth Estate, Deer Park, Howth, Co. Dublin)
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The development of 142 bedroom hotel and associated uses will replace existing dilapidated structures on site and is not exceptional in the context of the existing environment. The proposal is located on a serviceable site within built-up area of Howth. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development	Proposed development is not located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species. Mitigation measures are proposed to protect local ecology. The existing hotel is not designated as a Protected Structure.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development relative to that existing on site, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the

	environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	x
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: Lorraine Dockery

Date: 03rd December 2024

Appendix 3- AA Screening Determination

Screening for Appropriate Assessment Screening Determination

Description of the project

I have considered the proposed demolition of the existing "Deer Park Hotel" building and all associated structures and construction of four-storey hotel and leisure centre in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site, which has a stated area of approximately 7.16 hectares, is located at Deer Park Hotel and Golf, Deer Park, Howth, Co. Dublin. The site is located within the Howth Estate, which comprises c.170 hectares of a landscaped demesne which includes Howth Castle, stables, outbuildings, walled gardens, a ruinous Church, the former Deer Park hotel and Deer Park Golf Course, all set within the historic landscape. The site is accessed via the Howth Castle entrance off Howth Road to the north via an avenue which bypasses the castle itself. Howth DART station is approximately 1.4km from the subject site, while Howth village is approximately 2km distant.

The proposed development comprises, in summary, the demolition of the existing "Deer Park Hotel" building and all associated structures and construction of four-storey hotel and leisure centre. I have provided a detailed description of the development in my report and detailed specifications of the proposal are provided in the AA Screening Report, NIS, and other planning documents provided by the applicant.

A Screening Report and NIS were submitted with the application documentation. Further Information was requested by the planning authority in relation to a number of screening and appropriate assessment issues primarily relating to guidance to be followed and information to be contained therein (see detailed Further Information request from planning authority). In response, a revised AA Screening and NIS were submitted to the planning authority. A Wintering Bird Survey was undertaken and has been included in the application documentation. It noted that some qualifying interests for the nearby SPA's were observed on the site and that it may be used for foraging. However, the numbers observed were low and due to the temporary nature of the disturbance during the construction phase, it was concluded that it would not lead to significant impacts on the conservation objectives for the SPA's.

The Screening Report and NIS submitted with the application did not include the North-West Irish Sea SPA (004236) as it was written before the site was designated. It is considered in the following screening determination.

The distances between the subject site and the nearby Natura 2000 sites are listed below, SAC -

- Baldoyle Bay SAC (IE0000199) – 110m
- Howth Head SAC (IE0000202) – 1m
- North Dublin Bay SAC (IE0000206) – 1.4km
- Rockabill to Dalkey Island SAC (IE00030000) – 1.5km
- Ireland's Eye SAC (IE0002193) - 1.6km
- Malahide Estuary SAC (IE 0000205) – 5.8km
- South Dublin Bay SAC (IE0000210) – 7.3km
- Lambay Island SAC (IE0000204) – 10.9km

- Rogerstown Estuary SAC (IE0000208) – 11.7km

SPA –

- North-West Irish Sea SPA (IE004236) – 0.16km
- Baldoyle Bay SPA (IE0004016) – 1.9km
- North Bull Island SPA (IE0004006) – 1.4km
- Ireland's Eye SPA (IE0004117) – 1.3km
- Howth Head Coast SPA (IE0004113) – 1.3km
- Malahide Estuary SPA (IE0004025) – 6.4km
- South Dublin Bay and River Tolka Estuary SPA (IE0004024) – 6km
- Lambay Island SPA (IE0004069) – 10.6km
- Rogerstown Estuary SPA (IE0004015) – 11.1km
- Dalkey Islands SPA (IE004172)- 11.1km

Potential impact mechanisms from the project

The development site is not in or adjoining any Natura 2000 site. The development would not result in any direct impacts on any European Site. There is a direct hydrological link to some designated sites via the Howth Stream (Bloody Stream). The ZoI of the proposed development was identified in the AA Screening Report as the immediate area of the proposed development site, including the potential for significant impacts on European sites located downstream of the subject site. However, using the precautionary principle, the applicants expanded the ZoI to include designated sites within 15km of the proposed development site and sites beyond 15km with the potential or a hydrological connection. There is no direct or indirect pathway to Natura 2000 sites beyond 15km and it is stated that no European sites outside of the 15km ZoI could be impacted by the proposed development.

Potential indirect impacts would arise from

- Surface water pollution (silt/ hydrocarbon/ construction related) during construction and operational phases resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Potential for decline in habitat quality due to contaminant input/construction activities which may impact on foraging opportunities of annexed species
- Human disturbance - resulting in disturbance and displacement effects to QI species during the construction and operational phases

European Sites

The following designated sites were screened in by the applicants due primarily to the presence of a hydrological link to designated sites and to ensure that ex-situ foraging grounds are retained and protected. I consider that an extremely precautionary approach has been taken in this regard, pertaining to some of the sites given the weak links and likelihood of effects. However, the planning authority concurred with this opinion of the applicants and I will concur with this opinion. The remainder of the sites were screened out due to distance and lack of direct hydrological links.

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s) / Conservation Objective	Qualifying interest features at risk (in bold)
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages. Increased disturbance from increased visitor numbers	Direct hydrological connection to the site via the Bloody Stream The applicants consider that Howth Head SAC (Site Code: IE000202) requires further consideration	Howth Head SAC (1m distant) <u>Conservation Objective</u> To maintain the favourable conservation condition <u>Howth Head SAC National Parks & Wildlife Service</u>	European Dry Heath [4030] Vegetated sea cliffs of the Atlantic and Baltic Coasts [1230] (noted that neither QI is located within proximity of the proposed development)
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages.	Direct hydrological connection to the site via the Bloody Stream. The applicants consider that Baldoyle Bay SAC (Site Code: IE000199) requires further consideration	Baldoyle Bay SAC (110m distant) <u>Conservation Objective</u> To maintain the favourable conservation condition <u>Baldoyle Bay SAC National Parks & Wildlife Service</u>	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages.	Direct hydrological connection to the site via the Bloody Stream.	Rockabill to Dalkey Island SAC (1.5km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation status of	Reefs [1170] Harbour Porpoise [1351]

		habitats and species of community interest <u>Rockabill to Dalkey Island SAC National Parks & Wildlife Service</u>	
	The applicants consider that Rockabill to Dalkey Island SAC (Site Code: IE003000) requires further consideration		
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages.	Direct hydrological connection to the site via the Bloody Stream. The applicants consider that Ireland's Eye SAC (Site Code: IE002193) requires further consideration	Ireland's Eye SAC (1.6km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of habitats and species of community interest. <u>Ireland's Eye SAC National Parks & Wildlife Service</u>	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages.	No direct hydrological connection to the site. However, seals are mobile species and given that seals from this SAC could be in vicinity of Howth harbour, screened in	Lambay Island SAC (1.3km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of habitats and species of community interest. <u>Ireland's Eye SPA National Parks & Wildlife Service</u>	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Harbour Porpoise [1351] Grey Seal [1364] Harbour Seal [1365]

	The applicants consider that Lambay Island SAC (Site Code: IE00204) requires further consideration		
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stage. Disturbance to foraging areas for Herring Gull in the event of pollution	Direct hydrological connection to the site via the Bloody Stream. The applicants consider that Ireland's Eye SPA (Site Code: IE004117) requires further consideration	Ireland's Eye SPA (1.3km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the species for which the SPA has been selected. <u>Ireland's Eye SPA National Parks & Wildlife Service</u>	Cormorant [A017] Herring Gull [A184] Kittiwake [A188] Guillemot [A199] Razorbill [A200]
Disturbance to foraging areas for Curlews in the event of pollution	No direct/indirect hydrological pathway to this site. Curlew activity recorded within and proximate to subject site boundary. The applicants consider that North Bull Island SPA (Site Code: IE004006) requires further consideration	North Bull Island SPA (1.4km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of habitats and species of community interest. <u>North Bull Island SPA National Parks & Wildlife Service</u>	Light-bellied Brent Goose [A406] Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157]

			Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Wetlands & Waterbirds [A999]
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction stage. Disturbance to foraging areas in the event of pollution	Direct hydrological connection to the site via the Bloody Stream. The applicants consider that Baldoye Bay SPA (Site Code: IE004016) requires further consideration	Baldoye Bay SPA (1.9km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of habitats and species of community interest. <u>Baldoye Bay SPA National Parks & Wildlife Service</u>	Light-bellied Brent Goose [A046] Shelduck [A048] Ringed Plover [A137] Golden Plover [A140] Grey Plover [A141] Bar-tailed Godwit [A157] Wetland and Waterbirds [A999]
Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stages. Risk of degradation of ex-situ foraging areas for Herring Gull	No direct hydrological link. Weak indirect hydrological connection to the site via foul and stormwater drainage The applicants consider that Lambay Island SPA (Site Code: IE004069) requires further consideration	Lambay Island SPA (10.6km distant) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of habitats and species of community interest. <u>Lambay Island SPA National Parks & Wildlife Service</u>	Fulmar [A009] Cormorant [A017] Shag [A018] Greylag Goose [A043] Lesser Black-backed Gull [A183] Herring Gull [A184] Kittiwake [A188] Guillemot [A199] Razorbill [A200] Puffin [A204]

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The proposed development will not result in any direct effects on the above referenced designated sites, or any other designated sites.

Due to the direct hydrological connection to the designated sites via the Bloody Stream, each of the identified sites require consideration, particularly during the construction phase of the proposed development. There are also potential ex-situ impacts on QI species that use the site as foraging grounds.

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality with subsequent impacts on species and habitats.
- Potential for decline in habitat quality due to contaminant input/construction activities which may impact on foraging opportunities of annexed species

- Increased disturbance from increased visitor numbers (Howth Head SAC)

Likely significant effects on the European sites in view of the conservation objectives

The primary pathway to the identified designated sites is via the Bloody stream, which has a direct hydrological link to a number of designated sites identified above. Concern relates to construction phase primarily. The proposed development would result in deterioration of water quality, human disturbance, and impacts on ex-situ foraging grounds for a number of specified species or habitats.

While I consider that a somewhat overly precautionary approach has been taken and an abundance of caution put forward, I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the designated sites when considered on their own with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in likely significant effects 'alone' on the qualifying features of the above listed European sites from effects associated with the construction of the development and contaminated materials such as dust, silt, oils or chemicals entering the watercourse and travelling downstream to the designated sites, with subsequent effects on foraging grounds for QI species, together with increased human disturbance. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of the following sites 'alone' in respect of effects associated with the construction of the development and contaminated materials such as dust, silt, oils or chemicals entering the watercourse and travelling downstream to the designated sites, together with possible effects on ex-situ foraging grounds for QI species.

- Baldoyle Bay SAC (IE0000199) – 110m
- Howth Head SAC (IE0000202) – 1m
- Rockabill to Dalkey Island SAC (IE00030000) – 1.5km
- Ireland's Eye SAC (IE0002193) - 1.6km
- Lambay Island SAC (IE0000204) – 10.9km
- North-West Irish Sea SPA (IE004236) – 0.16km
- Baldoyle Bay SPA (IE0004016) – 1.9km

- North Bull Island SPA (IE0004006) – 1.4km
- Ireland's Eye SPA (IE0004117) – 1.3km
- Lambay Island SPA (IE0004069) – 10.6km

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the effects of the project 'alone'.

Inspector: Lorraine Dockery

Date: 3rd December 2024