



An
Bord
Pleanála

Board Order
ABP-317883-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0372

Appeal by Councillor David Healy of Fingal County Council, County Hall, Main Street, Swords, County Dublin and by WSHI Unlimited Company care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 31st day of July, 2023 by Fingal County Council to grant subject to conditions a permission to the said WSHI Unlimited Company in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the demolition of the existing "Deer Park Hotel" building and all associated structures and the construction of one number four storey building including lower ground floor (gross floor area of circa 10,833 square metres plus ancillary plant) consisting of: one number hotel comprising 142 number bedrooms at first to third floor levels incorporating balconies/terraces, a bar, restaurant, gym/spa facility including swimming pool, retail use and back of house facilities at ground floor; meeting rooms, bar and function area at lower ground floor; a restaurant and bar including external dining areas at third floor; photovoltaic panels and sedum roof at roof level and one number ESB substation at ground floor level. A new vehicular access, beginning north of Saint Mary's Church (a Protected structure, RPS Reference 0594) to proposed hotel, the provision of 170

number car park spaces to south of proposed hotel and all associated hard and soft landscape and boundary treatment works, provision of SuDS measures, associated lighting, site services (foul and surface water drainage and water supply) and all other associated site excavation, infrastructural and site development works above and below ground, all at Deer Park Hotel and Golf, Deer Park, Howth, County Dublin (within the grounds of Howth Estate, Deer Park, Howth, County Dublin).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 6th day of June, 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 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 developer shall submit the following for the written agreement of the planning authority:
 - (a) a revised site layout plan,
 - (b) a revised landscaping plan, and
 - (c) a revised road layout plan to detail the appropriate upgrade of the existing in-use access route to provide for a stop start entrance ensuring the existing protected gates are not affected. The amended layout plans shall include for additional details in relation to signage and the recommendation included in the 'road safety assessment' as submitted. The revised details should take cognisance of the requirements of all road users and 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 Natura Impact Statement, the 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. 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.

(a) 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.

(b) 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.

Reason: In the interest of visual amenity, durability and to ensure a high standard of public realm.

5. 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.

6. The developer shall comply with the following requirements:
- (a) The quantity of car parking shall be reduced to a maximum of 142 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 Transport Infrastructure Ireland 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, reviewed annually and the recommendations from the review shall be implemented.
 - (e) 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.

7. 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.

8. 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 interests of public health and surface water management.

9. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

10. 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.

11. (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 three years of planting shall be replaced in the first planting season thereafter.
- (b) Prior to the commencement of development, the developer 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.



12. 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.

13. The construction of the development shall be managed in accordance with a 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, noise management measures and a Construction Traffic Management Plan.

Reason: In the interests of public safety and residential amenity.

14. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by visitors and staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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. A financial contribution 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. The amount 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: 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.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 14th **day of** March **2025.**