

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0372

Appeal by David Healy and WSHI Unlimited Company against the decision made on the 31st day of July, 2023 by Fingal County Council to grant subject to conditions a permission to WSHI Unlimited Company in accordance with plans and particulars lodged with the said Council.

Proposed Development: 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, Record of Protected Structure Reference Number 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 Sustainable Drainage Systems (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). A Natura Impact Statement (NIS) was submitted with this application.

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 Section 14.21.1 of the Fingal Development Plan 2023 – 2029 and Objective DMSO256 (Retrofitting and Re-Use of Existing Buildings), to the nature, scale and design of the proposed development, to the pattern of existing and permitted development and to 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 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.

The Commission had regard to the totality of the information on the appeal file and noted the contents of the Demolition Justification Report dated the 17th day of November 2025, including details of the counterfactual retrofit study. The Commission accepted that, in seeking to replace the existing hotel with a contemporary structure which will make provision for complementary uses including spa/fitness and conference facilities, and which will achieve modern standards that are suitable to serve both local and international tourism markets, the retrofitting and reuse of the existing building would not be practical, having regard to the number of areas where asbestos is located within the existing building interior and its exterior envelope, in addition to the “beyond serviceable life” condition of the primary fabric, roof coverings and rainwater systems, and the defects impacting the load bearing capacity of the structural frame.

In deciding not to accept the Inspector’s recommendation to reduce the number of car parking spaces to 101, the Commission had regard to the distinct parking zones set out by the Fingal Development Plan 2023 - 2029. The Commission noted that Zone 1 relates to developments within 1600 metres of an existing or planned Luas/Dart/Metro Rail station and was satisfied that because the site of the proposed hotel is 1400 metres from Howth DART station, the proposed development falls within the development plan’s Zone 1 car parking provision standards, which would permit a maximum of 101 car parking spaces. The Commission did not accept the Applicant’s submission that, having regard to the distance of 1400 metres between the hotel and Howth DART station, and to the steep gradient of the pedestrian access route through the open parkland of Howth Demesne, it would be more appropriate and pragmatic to consider the site as coming within Zone 2. As the proposed 170 car parking spaces would fundamentally conflict with the development plan’s car parking standards for a site at this location in Zone 1, the Commission considered that this element of the proposal would constitute a material contravention of the Fingal Development Plan 2023 - 2029.

However, having regard to the specific site location and the existing number of 165 car parking spaces to the front of the former hotel, and also having regard to the proposed development's multiplicity of uses, together with the overall positive impact on the public realm arising from the proposal to relocate car parking spaces to a less obtrusive position at the rear of the new hotel, with a design incorporating significant tree planting and the proposed overflow parking area on grass-crete, and the replacement of the existing car parking area to the front of the former hotel, with areas of formal lawn terraces and meadow, the Commission considered that, in accordance with section 37(2)(a) of the Planning and Development Act 2000, as amended, it would be otherwise acceptable to decide to permit the replacement car-parking provision on a like-for-like basis. The Commission, therefore, determined that in granting permission for the proposed development, the condition attached by the planning authority to reduce the car parking provision, should be amended to permit 165 car parking spaces.

The Commission agreed with the Inspector that within this sensitive setting, the proposed new access road to the east of the site would create a perception of splitting or fragmenting the open character of the demesne lands. The Commission also shared the opinion of the Inspector that the applicant had not demonstrated the requirement for the proposed new access road, and that this element of the proposed development would be contrary to Fingal Development Plan's Objective GINH067 (Development and High Amenity Areas), Policy HCAP19 (Development and Historic Demesnes) and Policy HCAO31 (Protection of Designed Landscapes). The Commission, therefore, determined that in granting permission for the proposed development, condition 2 attached by the planning authority should be retained.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Baldoyle Bay Special Area of Conservation (Site Code 000199), Howth Head Special Area of Conservation (Site Code 000202), Rockabill to Dalkey Island Special Area of Conservation (Site Code 0030000), Ireland's Eye Special Area of Conservation (Site Code 002193), Lambay Island Special Area of Conservation (Site Code 000204), North-West Irish Sea Special Protection Area (Site Code 004236), Baldoyle Bay Special Protection Area (Site Code 004016), North Bull Island Special Protection Area (Site Code 004006), Ireland's Eye Special Protection Area (Site Code 004117) and Lambay Island Special Protection Area (Site Code 004069) are the European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 plans and particulars 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 road layout plan,
 - (c) a revised landscaping plan, and
 - (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 Natura Impact Statement, Ecological Impact Assessment, 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.
- (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.
- (b) 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.
- (c) 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 and agreed in writing with the planning authority. This shall include full details of the paving materials, seating and street sculptures/lighting.
- (d) 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 developer shall comply with the following requirements:
- (a) The quantity of car parking shall be reduced to a maximum of 165 spaces and a revised car parking detail shall be submitted for the approval of the planning authority prior to the commencement of development.
 - (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 (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.

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

7. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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 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 shall be submitted for the written agreement of the planning authority, demonstrating that 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.

Reason: In the interest of public health and surface water management.

9. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann, 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. 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 Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

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 preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

13. 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 details of intended construction practice for the development, including:
 - (a) details and location of proposed construction compounds,
 - (b) noise management measures,
 - (c) details of arrangements for routes for construction traffic and parking during the construction phase,

- (d) measures to ensure that site development and construction works are carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material,
- (e) cleaning works to be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

- 14. 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.

- 15. 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.

16. 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.

17. 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.

18. 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 Coimisiún Pleanála for determination.

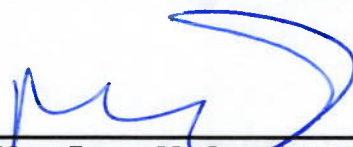
Reason: To ensure the satisfactory completion of the development.

19. 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.

20. 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 Coimisiún 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.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 24th day of July 2026