



An
Bord
Pleanála

Inspector's Report 06F.248052

Development	Construction of 263 no. residential units, shops, childcare facility and change of use of Belcamp Hall (Protected Structure, RPS no. 463) to residential use and all associated site works.
Location	Belcamp, Malahide, Dublin 17.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F15A/0609.
Applicant(s)	Gannon Properties.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Brenda and Joe Doyle. Irish Georgian Society.
Observer(s)	George Washington's Mount Vernon, USA.
Date of Site Inspection	22 nd May 2017
Inspector	Deirdre MacGabhann.

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1.0 Site Location and Description

- 1.1. The appeal site is situated c.9km north east of Dublin City Centre and c.2.5km east of Junction 3 of the M1, at Belcamp, Malahide, Dublin 17. The rectangular shaped site lies north of the N32 and extends west from Malahide Road (R107). It comprises the Belcamp Hall complex (a protected structure) and associated lands.
- 1.2. The site is situated in the northern urban fringe area of Dublin City. Clare Hall lies to the south of the site and a mix of commercial and residential development (5-6 storey over retail) lies to the north west of the N32/R107 junction. On the western side of the R107, to the north of the site is 'Champions' public house, currently unoccupied, and to the south are two single storey residential properties. On the eastern side of the R107, opposite the appeal site, is residential development, including apartments which are currently under construction and, to the north east of the site, a community centre.
- 1.3. Belcamp Hall comprises a Georgian house, and associated structures, originally constructed in 1763, and subsequently extended to provide a large school complex (Belcamp College). Buildings lie to the west of the appeal site, and lie within a mature landscape which is characterised by open views across agricultural land (previously playing fields and the original parkland of the demesne) to the east of the Hall, mature woodland north and south of the agricultural land framing views of the Hall (only the southern part of the agricultural field and woodland to the south of the site lie within the bounds of the appeal site) and mature woodland to the west of the Hall.
- 1.4. Buildings and features on the site comprise:
 - Belcamp Hall, a seven bay, three storey over basement structure.
 - Immediately north of Belcamp Hall, and attached to it, lies Belcamp College Chapel built in 1903.
 - To the north of the Chapel lies an eleven bay over basement dormitory wing built in c.1900.
 - To the south of Belcamp Hall is a thirteen bay, three storey red brick school wing (c.1925). Part of the building has been demolished (with the agreement of the planning authority) to prevent access to Belcamp Hall.

- To the south east of Belcamp Hall and the school buildings lies a Monument dedicated to George Washington built by the original owner of Belcamp Hall Edward Newenham in 1778.
 - To the south and south west of Belcamp Hall, two ornamental ponds and a road bridge (c.1850) and access road to the Hall from the N32, separating the ponds.
 - To the west of Belcamp Hall, a courtyard area where farm buildings previously stood, and a surviving stone wall to the courtyard.
 - To the north of the courtyard, a large walled garden.
 - To the north of the western pond, 'Rock House' a small structure, which would have been used to rest and view the pond.
- 1.5. There is extensive evidence of trespass and vandalism throughout with most of the structures on the appeal site are in a very poor condition.
- 1.6. Vehicular access to the agricultural land, to the east of the Hall, is from the R107 through the stone gates and piers, marking the original carriageway access to the Hall routed along the north bank of the River Mayne. A second vehicular access, the present day access, from the N32 lies to the south of the Hall. It has been blocked up to prevent trespass.
- 1.7. Malahide Road (R107) links Malahide to Dublin City. In the vicinity of the site the road is single carriageway with pavements along both sides. To the north east of the site Balgriffin Road (R123) joins the Malahide Road via a T-junction. It links the Malahide Road to Portmarnock. To the south east of the site Belmayne Road joins Malahide Road, again via a T-junction. It serves a residential area to the east of Malahide Road.

2.0 Proposed Development

- 2.1. The proposed development, on a site of 15.2ha, comes forward on an overall landholding of 87.4ha¹ (with 71.4ha within Fingal County Council's administrative area and 16ha within Dublin City Council). The quantum of development proposed

¹ EIS, page 2-1.

is brought forward to secure and provide for the regeneration of the protected structures on the site, which have been the subject of persistent anti-social behaviour and arson.

2.2. The proposed development, was revised by the submission of significant further information in 23rd November 2016 (advertised in public notices on the 18th November 2016) and is described below. Notably, it differs from the application initially submitted to the planning authority in the following ways:

- The proposed number of dwellings has been increased from 263 to 334.
- The retail units in Block 2 have been omitted.
- In the summer of 2016, a section of the school building directly abutting Belcamp Hall was demolished, with the agreement of the planning authority, as a consequence of trespass and arson attacks on the property and in order to prevent access to the Hall and further damage. The proposed development now proposes the demolition of the remainder of the southern school buildings and their replacement with a contemporary apartment block (no. 6) on the footprint of the three storey, thirteen bay wing, so that the exposed original southern elevation of Belcamp Hall is retained and repaired.
- Two new apartment blocks are now proposed within the wooded area to the west of Belcamp Hall, south of the walled gardens (block nos. 4A and 4B) and an apartment block to the east of the walled garden (block 5) replaces previously proposed terraced housing.
- A new road is proposed along the northern boundary of the site (included in Phase 4 of the development) to correspond to the proposed east west distributor road proposed in the County Development Plan to the north of the site.

2.3. In detail, the proposed development comprises the following components:

Belcamp Hall and Chapel

- The change of use of Belcamp Hall and Chapel, from educational use, to provide 34 no. of residential apartments in the existing buildings, a community hall with meeting room, café and crèche. Of note:

- Belcamp Hall, which originally stood as a detached house, will be converted into seven no. apartments. Its restoration will include the general repair and conservation of the historic fabric, upgrading the floors and repair of existing flat roof.
- The former chapel and the room in the northeast part of Belcamp Hall (ground floor), will be restored and extended (at basement, lower ground level) for use as a community building. The restoration of the Chapel will include the reinstatement of stained glass windows and timber panelling.

School Buildings

- Extension and conversion of the three storey school building to the north to provide residential use on the first floor, restaurant use on the ground floor and part basement level and a childcare facility at basement level. External brickwork and stone will be repointed and cleaned and rainwater goods and leadwork replaced. Decorative metal railings will be reinstated.
- The remaining southern school buildings will be demolished and the original window openings in the southern elevation of Belcamp Hall will be generally reinstated (two top floor bricked up windows will remain – see Conservation Report). The proposed new apartment block will be set back from the southern elevation of the Hall and separated from it by a proposed new square (see below).

Residential Apartment Blocks

- The construction of six no. residential blocks, as follows:
 - Block 1 lies to the south east of Belcamp Hall, to the east of Block 6 and south of Block 2. The T-shaped block (in plan) is part three storey and part four storey (being stepped up towards the main boulevard and the wing extending towards block 6). It provides a counter point to Block 2, framing views along the main boulevard between Belcamp Hall and Malahide Road. Parking is provided to the east of the block.
 - Block 2 is part three storey, part four storey (again stepping up in height towards the main boulevard) residential block. It lies to the

north of the main boulevard, opposite Block 1 and to the north east of Belcamp Hall and Chapel. N.B. Eight no. retail units were originally proposed in the ground floor of the block. These were omitted in response to the request for further information, so as not to prejudice the outcome of the LAP in respect of retail provision. However, floor to ceiling heights and the general configuration of ground floor units provide for future conversion to retail units. Parking is also provided to the east of the block.

- Block 3 lies to the north west of Belcamp Hall. It comprises an L-shaped block with two storey duplex accommodation at ground and first floor with apartments above. At the external corner of the block, at ground floor is a single retail unit. Four no. car ports, providing one vehicle space, are provided at ground floor for four of the duplex units.
- Block 4A and 4B lie to the west of Belcamp Hall, in the footprint of the previous farm yard, and comprise two separate residential blocks in a broken L-shape. Both blocks are four storey over basement car parking.
- Block 5 lies to the north west of Block 3. It comprises four storey accommodation, with a further crèche at ground floor and apartments above. It lies east of the walled garden.
- Block 6 lies to the south of Belcamp Hall, on part of the site of the former southern block. It comprises residential accommodation over four floors (fourth floor is recessed), with adjoining underground parking to the north of the block, under the public plaza. The northern elevation to School Square is finished in a green wall.
- Blocks are predominantly finished in brick.

Housing

- The construction of 128 no. two storey houses, and 9 no. three storey houses generally provided in blocks to the south of the main boulevard, with

development orientated such that there is continuous overlooking of the proposed woodland area to the south of the site. Larger houses face the main boulevard and smaller ones are proposed on the north south cross streets. The density and grain of the development along the scheme changes from east to west with looser detached and semi-detached houses at the eastern end and finer grained urban terraces closer to the higher density of buildings around Belcamp Hall. Housing is proposed to be finished in different tones of brick.

Other Works

- Other works include repair of the Washington Monument, eastern wall remaining at location of outbuildings, walled garden, entrance bridge, relocation of the existing stone pillars and gates at the Malahide Road entrance to frame the entrance to the pedestrian woodland walkway (just inside the entrance to the site), repair of Rock House, rehabilitation of ponds and replacement of weirs at lakes with flow control devices as part of SuDS proposals.

- 2.4. Access to the site will be provided from the Malahide Road with the junction widened to provide a right turning lane (for traffic travelling south) and provision of signalised junction and pedestrian crossing. In addition, cycle lanes will be provided over 215m from Champions Pub, 95m north of the proposed access to the site, to a point 120 south of the proposed access at the Parkway Boulevard junction. Adjustments are also proposed to the approved Balgriffin Junction upgrade (drawing no. 14-185-P114, Rev A).
- 2.5. In total 334 dwellings are proposed, giving a density of 39 units per hectare (i.e. on a site of 8.545ha which exclude open space serving a wider area, significant landscape buffers and external roads). 2.354ha of open space is provided, attributable to the proposed development. A further 6.121ha is proposed within the boundary of the site which is stated to be attributable to future applications (Site Layout Public Open Space, drawing no. 1431 PA1 21). The development includes 601 car parking spaces (274 from proposed houses and 276 for apartments and 51 for visitor and non-residential uses) and 197 bicycle spaces.

- 2.6. Two childcare facilities are proposed in the development (as indicated above) providing a total of 74 places, 20 spaces for every 75 houses and 14 spaces for every 75 apartments (or 20 spaces for every 75 apartments if one bedroom units are discounted).
- 2.7. The development is presented within a landscape framework which comprises:
- The retention and management of the existing woodland to the south of the site alongside the River Mayne and provision of a 2m wide pedestrian/cycle path within the woodland (pedestrian access to the woodland is proposed from the Malahide Road),
 - Retention and management of the walled garden and woodland to the west of Belcamp Hall,
 - The provision of formal open space and civic spaces, in particular along the main access connecting Malahide Road to Belcamp Hall and in the area of the Protected Structure (Belcamp Square, New Square, Washington Square, Old Front, Walled Garden Courtyard and The Old Yards Courtyard), and on-street tree planting within the scheme,
 - Provision of a kick about area and play facility to the north of the main boulevard and a playground to the south east of Block 1 (see Landscape Masterplan, The Big Space, drawing no. 1330, 300, Rev. 2).
- 2.8. 34 no. residential units are proposed to be provided under Part V of the Planning and Development Act, 2000 (as amended), comprising 24 no. apartments in Block 02 to the north east of the Protected Structure and 10 no. two storey houses to the east of Block 02.
- 2.9. The applicant proposes implementing the development over 4 no. phases (Site Layout Phasing, drawing no. 1431 PA1 20), with the development of the Belcamp Hall buildings, apartment block no. 6 and housing immediately south of the main boulevard comprising Phase 1 of the development.

Supporting Information

- 2.10. The initial planning application for the proposed development was accompanied by plans and drawings in respect of the proposed development and a number of

technical reports. Most of these have been updated as a consequence of the request for further information and re-design of the scheme.

Reports submitted with the application for the proposed development (lodged on the 23rd December 2015)

- Planning and Architect's Report.
- Conservation Report.
- Assessment of Potential Impacts on Bat and Badger Fauna.
- Screening for Appropriate Assessment.
- Ecological Impact Statement.
- Preliminary Tree Survey.
- Photographic Survey.
- Preliminary Structural Assessment.
- Archaeological Desk Study.
- Traffic and Transport Impact Assessment.
- Flood Risk Assessment.
- Construction Management Plan.
- Engineering Assessment.
- Landscape Development Report.

2.11. Technical reports, submitted with the revised plans lodged with the planning authority in response to the request for further information in November 2016 are as follows.:

- Further Information Report (Conroy Crow Kelly Architects) – Provides an overview of the response to the request for further information.
- EIS – The key conclusions of the EIS are summarised and appended to the end of this report. The EIS concludes that subject to the implementation of mitigation measures, no significant impacts arise as a consequence of the development.
- Archaeological Impact Assessment – Concludes that no features, finds or deposits of archaeological interest were identified in any of the test trenches. The two recorded sites (DU015-003 and DU015-116) which were previously thought to be a ringfort and a ring ditch respectively have been shown, as a result of test trenching, to be early modern landscape design features and do not warrant further archaeological mitigation measures.

- Landscape Development Report – Explains the landscape strategy for the development, outlined above.
- Engineering Report – Responds to the engineering issues raised in the request for further information, including reference to the Construction Management Plan to avoid pollution of the River Mayne, description of SuDS areas, arrangements for car parking, extent and treatment of shared surfaces, junction layout for proposed access to the site from Malahide Road and location of strategic road to the north of the site. The report also states that the foul sewer drawings allow for the diversion of flows from two no. existing septic tanks (serving properties to the east of the site on Malahide Road) to the new foul sewer system.
- Conservation Report – Builds on the Conservation Report submitted with the planning application and focuses on the issues raised in the request for additional information. It describes the history of the site and features of Belcamp Hall, Belcamp College, Belcamp Chapel, Washington Monument, outbuildings (now mostly demolished) and walled gardens. It refers to recent acts of vandalism, theft and arson and to emergency stabilisation and repair works to be undertaken as part of the proposed development. The report also sets out the conservation issues pertaining to the proposed demolition of the southern wing. It concludes that the advantages of the proposed demolition outweigh the disadvantages and represent a significant improvement to the setting and integrity of Belcamp Hall, which is the core protected structure. Works to Washington Monument will be sufficient to prevent further deterioration but not sufficient for use of the structure.
- Updated Urban Design Report – Explains the design rationale for the development, mix of units, public open space provision and compliance with development standards.
- Structural Report – Provides information on the structural condition of the existing structures at Belcamp and describes the proposed structural works to be carried out.
- Arboricultural Review – Considers that whilst most of the development takes place in space that is devoid of trees, there is significant potential for tree

damage (and for damage to pond and stream edges) arising from construction works, access routes and site services. It recognises that measures to protect trees cannot be fully designed in the absence of a detailed construction methodology. It recommends development of the construction management plan with scrutiny from the arboriculturalist and the adoption, where suitable/feasible, of mitigation measures and practices.

- Screening Report for AA – Concludes that (i) whilst the proposed development is not located within or directly adjacent to any SAC or SPA, pathways do exist to a number of these areas, (ii) an assessment of the aspects of the project has shown that significant negative effects are not likely to occur to these sites either alone or in combination with other plans or projects.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 26th January 2017 the planning authority decided to grant permission for the proposed development subject to 53 no. conditions, including the following:

- No. 2 – Authorises 43 no. apartments and 122 houses. First phase of the development to consist of Belcamp Hall, Block 6, any housing set out as Phase 1 of CCK Drawing no. 1431 PA1ZO and the agreed public open space as required under condition no. 10.
- No. 3 – Authorises a crèche and café within the north block as indicated on drawings nos. 1431 P 2017 and 1431 P 2018.
- No. 4 – Requires a revised site layout omitting blocks 1, 2, 3 and 5 from the development and, prior to the completion of the 49th residential unit, a separate planning application for development of these parcels, to include provision of a childcare facility.
- No. 5 – Requires a revised site layout plan, omitting blocks 4A and 4B.

- No. 6 – Requires a revised site layout plan omitting house type J at plots 32 to 40 and, prior to completion of the 49th residential unit, a separate planning application for development of this parcel of land.
- No. 7 – Requires the southern edge of the site to be set back a minimum of 7m from the northern edge of roads 7 and 9 and from the northern edge of the path connecting road 7 and 9 in order to provide a flat area of open space. Area of open space to be achieved through the omission of units 68, 57, 87, 77, 96 and 106.
- No. 8 – Requires revised site layout plan omitting the road proposed to the north of the site.
- No. 9 – Requires details of entrance off Malahide Road to be submitted to the planning authority, to include boundary treatment to the north of the entrance and location of historic gates piers and side gates at this entrance.
- No. 10 – Requires a drawing showing the public open space provision, and hierarchy, in accordance with Objective OS01 of the County Development Plan 2011-2017. To exclude roof of underground car park, fenced off area of pond at entrance to the development, curtilage of private apartment blocks etc. Excludes specified riverside areas from Class 1 and Class 2 open space provision. Requires public open space to be provided as part of the first phase of the development.
- No. 11 – Requires the applicant to comply with the requirements of the Parks and Green Infrastructure Division.
- No. 12 – Requires details in respect of benching or staging of the sites of the eastern attenuation area and removal of surrounding fencing.
- No. 13 – Requires all works to Belcamp Hall, Chapel, Walled Garden, Washington Monument, gate piers and any other historic built elements to be carried out under the supervision of a Grade 1 Conservation Architect.
- No. 15 – Requires re-installation of stained glass windows to Chapel in Phase 1 of the development and justification for insertion of isothermal system to be submitted to planning authority.

- No. 16 – Requires details on the operation and management of the interior of the Chapel to be submitted to the planning authority for agreement.
- No. 17 – Controls signage to the proposed café and crèche.
- No. 23 – Requires details of planting proposed on the northern elevation of block no. 6 to be submitted to the planning authority for agreement, evidence that planting will thrive and details of maintenance.
- No. 24 – Requires a 1.8m high opaque screen to be provided to the side of balconies on the southern elevation of Block no. 6.
- No. 25 – Requires further details in respect of individual dwellings (e.g. location of rear garden access, separation distances, position and design of photovoltaic panels etc.) to be submitted to the planning authority for agreement.
- No. 27 and 28 – Set out requirements for boundary treatment.
- No. 30 and 31 – Require the details and samples of all finishes to buildings and public squares to be submitted for agreement. Materials to be of sufficient variety to indicate primary, secondary and tertiary street hierarchy of the main boulevard, parkside edge streets and internal connecting streets respectively.
- No. 32 – Specifies public lighting to be provided.
- No. 33 – Requires archaeological monitoring of the development.
- No. 34 – Requires that the proposal to remove the weirs at Lake 1 and 2 and replace them with control devices shall be omitted and revised drawings showing the retention of weirs to be submitted for approval.
- No. 35 – Requires engineering details in respect of water services, including details of rehabilitation of lakes.
- No. 38 – Requires engineering details in respect of transportation, including parking for indicated units within the curtilage of the property, allocation of parking, revised details in respect of shared surfaces, details of the junction of the proposed development and the R107, swept path analysis for proposed bus route and alternative bus route if required.

- No. 41 – Requires a detailed mitigation statement in respect of the proposed ecological mitigation measures and retention of ecological clerk of works to ensure implementation of these measures and erosion and sediment control measures during construction.
- No. 42 – Requires a Construction Management Plan to be submitted to the planning authority, for agreement, in advance of commencement.
- No. 43 – Requires that entrance gates, security huts or security barriers shall not be permitted at the entrance to the development from Malahide Road. Requires that the development shall remain open and accessible at all times.
- No. 48 – Requires an agreement with the planning authority in accordance with section 96 of the Planning and Development Act, 2000 (as amended).
- No. 51 – Requires lodgement of a bond or cash sum in respect of the provision of services.
- No. 52 – Requires the payment of a development charge.
- No. 53 – Requires the payment of a tree bond.

3.2. Planning Authority Reports

Planning Officer

3.2.1. There are two Planning Officer's reports on file. The first, dated 24th February 2016, recommends significant further information in respect of the development. The second report, dated 26th January 2017, refers to the further information submitted, technical reports and observations made. It addresses each issues and concludes that the proposed development is acceptable, subject to conditions, and having regard to:

- The zoning of the site for residential land uses.
- The need to preserve and safeguard the future of the significant group of buildings, which are currently in jeopardy, as supported by objective AH14 of the County Development Plan. The report states that development would not unduly jeopardise the delivery of the LAP.

3.2.2. Notwithstanding the above, the report states that there are serious concerns regarding certain elements of the development, including but not limited to, the proposed apartment blocks, house type J, open space provision and the entrance to the north of the site. The report therefore recommends the omission of these elements of the scheme, with redesigned proposals submitted as new applications.

Technical Reports

3.2.3. A number of technical reports are made in respect of the initial application for the proposed development and subsequent to the provision of significant further information. Final reports by Water Services (2nd December 2016), Housing (11th February 2016), Parks Planning (17th January 2017), Transportation Planning (29th December 2016), Heritage (16th January 2017), Conservation (18th January 2017), Architects (16th January 2017) and Environmental Health (12th January 2017), raise no objections to the development or recommend conditions to be attached to any grant of permission. These matters are reflected in the planning authority's grant of permission and are not repeated here. Of note the Transportation Planning report (29th December 2016) considers that two matters may have significant impact on the current layout of the development (capacity of internal road network to accommodate a bus without having to cross into the oncoming traffic lane, areas to be taken in charge and parking provision).

3.3. Prescribed Bodies

3.3.1. A number of observations are on file from prescribed bodies. In particular, I draw the Board's attention to the following:

- An Taisce (26th January 2016)
 - Planning rationale - Consider the applicant's approach to providing for the restoration of the historic buildings to be appropriate subject to achieving a high quality conservation treatment for the chapel and 18th century house.
 - Need for appropriate conservation advice and supervision – The Conservation Report is inadequate in assessing its significance (no evidence of 1760 dating, no contextual relation to other houses in Ireland, inadequate assessment of fire damage to determine how much

can be conserved). Supervision of works needs appropriate conservation expertise.

- Appropriate phasing of conservation work – Phasing plan required for conservation work on 18th century house, 1903 chapel and Washington Tower and Walled garden.
- Proposed use of main floor of 18th century house and chapel – Conversion of part of ground floor of house to self-contained apartment is not desirable and would sever an important architectural ensemble. Use of chapel needs to be clarified and provision for the long term maintenance and management of the structure needs to be identified.
- Landscaping and setting of protected structures – Since the late 19th century the character of Belcamp has been an institutional complex rather than a country house. The proposed development represents further intervention into what was once an impressive 18th century landscape parkland. The maintenance of the central eastern axial vista from the 18th century house is an important consideration, and strong tree planting generally to soften the impact of new build.
- Inland Fisheries Ireland (27th January 2016, 29th December 2016) – Recommends practices and measures to protect surface or groundwater.
- DAHG (14th December 2016) – On the basis of the further information submitted, and results of archaeological testing, recommend a condition, to be attached to any grant of permission, requiring that archaeological monitoring of the development be carried out.
- Irish Water (17th February 2016, 6th December 2016) – No objections. Recommend notes to be included.

3.4. **Third Party Observations**

- David Doyle (24th January 2016) – Family home located at gates to Belcamp College. Since property built that family has had a right of way access to their back garden from the field at the front of the College. This is the only

vehicular access to the property and is used to park cars etc. No provision is made for the access in the planning application.

- Thomas P. Broughan TD (3rd February 2016) – Density of development more appropriate than that previously proposed (10 years ago). More modest and sustainable and housing is desperately needed in Dublin Bay North and Fingal County. However, an outline or draft LAP for the whole North Fringe/South Fringe area should be provided showing the possible full development of the Belcamp College lands with the proposed transport links. Proposed road improvements in the area should be conditioned into any permission (Clare Hall bypass, the Northern Parkway and other road and street improvements). Development should take cognisance of the plans by the DAA (development is on the edge of the airport inner noise and safety zones). Proposed development lies close to proposed Greater Dublin Drainage proposal for a substantial sewerage plant (WWTP to be a few fields to the west of the development). Only 100m buffer provided not the 300m set out in the Greater Dublin Drainage Plan. Public open space is 7.73ha but this will be reduced by future Belcamp College housing and other developments. Part V housing allocation should be increased from 10% given current housing crisis.
- Crosswaithe Developments Ltd (3rd February 2016) – Owners of 1.8h land at Champions Public House, Malahide, Balgriffin (to north of the appeal site). Applicant incorrectly shows proposed east west distributor road on their lands (Figure 2 of their submission). Route shown has no statutory status (based on 2003 Transportation Framework Plan by Atkins Consulting Engineers). Applicant has not demonstrated that their development will not prejudice the route of the proposed road as the application is based on an incorrect assumed route (proposed route also affects riparian lands). The delivery of roads infrastructure is critical to the overall development of the LAP lands. Development should not be permitted unless it can be proven that it will not be prejudicial to the delivery of roads infrastructure.
- Brenda and Joe Doyle, Belview, Malahide Road (3rd February 2016, 4th January 2017,)

- Absence of discussion/pre-planning meetings, in respect of proposed development, with Biodiversity Officer and An Taisce.
- Development is premature pending a Local Area Plan for Belcamp. Development of overall lands will be piecemeal and fragmented.
- Woodland pathway – Impact on woodland area, riparian zone and associates species alongside Mayne River as a consequence of the proposed walks within woodland. The riparian strip and green corridor should not form part of the open space provision as per the policies of the County Development Plan.
- Malahide Road access to woodland pathway – Impact of proposed access on observer’s privacy (distance from home, impact on their dogs barking) and risk of anti-social behaviour (in particular with full development of lands). Access to walkway should be relocated, respect 10m leeway from river, and be routed to minimise impacts on their property.
- Rainwater – Location of wetland area to rear of Belcamp Lodge and risk arising to property if it failed.
- Right of way to rear of property – Is not acceptable and requires review. Their entrance traverses their neighbours property, which is not workable.
- Septic tanks at property and adjoining property - Should be connected to main drainage if permission granted. Impact of proposed groundworks (raising water table at property) and effectiveness of percolation area.
- No distances shown from Mayne River to footpaths or from observer’s boundary to footpath.
- Question if correct site boundary is shown. They have installed a fence to the rear of their property not on the actual boundary of their site.
- Proposed boundary treatment (reinforced fencing with planting) is not suitable for where the boundary runs alongside the proposed entrance to the ‘woodland path’. It would not help aesthetically, reduce

increased noise levels or address security or privacy matters, with increased footfall.

- EIS – Detailed Bird Breeding Study is still outstanding. EIS is therefore incomplete.
- Heritage Report – Development will have a direct impact on two monuments, a ringfort and a ring-ditch (RMP DU015-003 and SMR DU015-116) respectively.
- Apartment type – Apartments have a disproportionate number of one bedroom units. Development should be adjusted to provide fewer larger units.
- Traffic – Proposed entrance to development is already hazardous. The additional entrance onto a small stretch of road that already accommodates two traffic junctions is not best practice. The stretch of road is already congested and traffic levels will increase with approved (Shannon development site opposite) and proposed development (Campions Pub site and remainder of Gannon lands along Malahide Road).
- Attaches enforcement officer's report (2005) regarding clearance of trees and shrubs from appeal site in advance of planning permission being granted for development proposed under PA ref. 6294/04.
- Irish Georgian Society (29th December 2016)
 - EIS – Does not adequately assess the impact of the development on architectural heritage. Conservation Report is submitted does not assess the likely impact of the development on the setting of protected structures, Belcamp Demesne, on views from protected structures or between the protected structure complex or from key locations within the historic landscape. The EIS is contrary to the Governments guidelines on Architectural Heritage Protection (Appendix B: Architectural Heritage Impact Assessment) and the EPA's Guidelines on Information to be Contained in an EIS.

- The planning application is silent on the following two matters (a) the impact of the proposed development on the historic landscape of significant cultural importance at Belcamp (based on Sir Edward Newenham's support for the American Revolution, friendship with George Washington, Washington Monument, connection of the landscape at Belcamp to the American Revolution and Washington's villa landscape at Mt Vernon in Virginia), and (b) the impact of loss of curtilage and major development within curtilage of protected structure. The IGS argue that the proposed development proposes the functional severance of the vast majority of the curtilage of Belcamp Hall from the protected structure, dominating and diminishing the value of the historic landscape, with negative impacts on the heritage value of Belcamp Hall, views from principle rooms, its curtilage and attendant grounds.

4.0 Planning History

4.1. The following planning applications have been made in respect of the appeal site or lands immediately adjacent to it, or in its vicinity:

- PA ref. F05A/1388 - Planning permission was granted, subject to conditions, for alterations to, and change of use of, the later 19th and 20th Century parts of the Belcamp Hall complex to residential use i.e. the northern residential annex and the southern T-shaped brick wing.
- PA ref. 6249/04 – An application was made in 2004 for a mixed use development (1,390 dwellings and 14,000sqm of commercial development) on the Dublin City Council part of the Belcamp landholding, to the south of the Mayne River and north of the N32. The application was withdrawn in 2006.
- PA ref. F15A/0093 and PL06F.245710 - Planning permission for a mixed use residential/commercial development (52 residential units, one retail unit) on land to the north of the appeal site at Campions Public House, Malahide Road, Balgriffin, was granted permission by the Board in March 2016. In deciding to grant permission for the development, the Board had regard to the zoning of the site, the layout of the development which made provision for future road proposals in the area, the quantity, quality and design of open

space to be provided. In addition, the Board considered that the development was not premature pending the adoption of a Local Area Plan, in this instance, having regard to the objective of the Plan to provide housing on appropriately zoned and serviced urban land. The development includes upgrades to the Balgriffin Junction to the north east of the appeal site.

- 4.2. A number of planning applications and appeal have been determined in respect of residential development on land to the east of the appeal site, comprising the 'Balgriffin lands'. Most recent determinations by the Board include PA ref. 14A/0363 and PL06F.244157; PA ref. 16A/0071 and PL06F.246736; and PA ref. F16A/0547 and PL06F.248097. However, none of these raise matters which are relevant to this appeal.
- 4.3. In the wider area, the Board has approved an application by EirGrid for a 220kV substation on land to the west of Belcamp with access constructed from the public road, the N32, to the south of the site (PL.06F.VA0014).
- 4.4. On file reference is also made to Irish Water's Greater Dublin Drainage Project. Pre-application discussions are currently taking place with the Board in respect of the project (PL06F.PC0152), which includes an orbital drainage network, regional WWTP at Clonshaugh and a marine outfall. The preferred site is indicated on Irish Water's project website (<http://www.greaterdublindrainage.com/wp-content/uploads/2011/06/Drawing-15-Final-Preferred-Site-Option.pdf>) and lies c.+500m to the northwest of the appeal site.

5.0 Policy Context

5.1. Government Guidelines

- 5.1.1. The following guidelines are, in particular, relevant to this appeal and are referred to in my assessment below:
 - Architectural Heritage Protection Guidelines for Planning Authorities, DAHG, 2011.
 - Guidelines on Information to be Contained in an EIS, EPA, 2002.

- Design Standards for New Apartments – Guidelines for Planning Authorities (DECLG, 2015).
- Sustainable Residential Developments in Urban Areas (DEHLG, 2009).

5.2. Development Plan

Fingal County Development Plan 2017-2023

- 5.2.1. The appeal site is primarily zoned RA, Residential Area, in the Fingal County Development Plan 2017 to 2023. The objective of the zoning is to *‘Provide for new residential communities subject to the provision of the necessary social and physical infrastructure’*. A strip of land along the south of the site, adjacent to the Mayne River, is zoned as OS, Open Space, the objective of which is to *‘Preserve and provide for open space and recreational amenities’*. The appeal site forms part of a wider area which is subject to a local area plan (LAP 9.B) and which includes two road proposals, one running east west to the north of the appeal site, and one running north south to the west of the site. The site falls within the outer airport zone (see attachments).
- 5.2.2. The Development Plan describes that area in which the appeal site lies, lying on the southern boundary of Fingal at Balgriffin and Belcamp, as having become part of a growing population spreading from Baldoyle in the east to the as yet undeveloped area around Belcamp House to the west. Specific objections for the Balgriffin/Belcamp area are set out in Chapter 4 of the Plan (page 119-120). In respect of the appeal site the following apply:
- OBJECTIVE 3 - Seeks to facilitate the protection of Belcamp House and ensure that new development respects the historic character and setting of Belcamp House, including both its natural and built heritage and biodiversity.
 - OBJECTIVE 5 - States that the planning authority will consider a limited quantum of development on the Belcamp LAP lands to facilitate the rehabilitation and preservation of Belcamp House prior to the adoption of the LAP. Requires a design brief, to include the quantum and location of any such development, which shall not prejudice any future road requirements, to be agreed with the planning authority before a planning application is lodged.

The Plan states that no more than 50% of any residential units permitted shall be sold or occupied pending the full reinstatement of Belcamp House.

- OBJECTIVE 6 - States that a Local Area Plan will be prepared for the lands at Belcamp (LAP 9.B) to provide a sustainable mixed use urban district including residential, community and recreational facilities subject to the delivery of the necessary infrastructure and rehabilitation and restoration of Belcamp House.

5.2.3. Belcamp Hall is identified as a Protected Structure in Appendix 2 of the Written Statement, RPS no. 0463, Belcamp Hall. It is described as '*Former Belcamp College school complex (incl. 18th century original house, Washington Monument, walled garden, bridge and early 20th century chapel)*'. Belcamp Hall, the chapel, thirteen bay three storey red brick school wing, eleven bay two storey over basement dormitory wing, bridge over the River Mayne and Washington Memorial Tower, are listed on the National Inventory of Architectural Heritage (see attachments).

5.2.4. Two recorded monuments are also identified in the County Development Plan, lying on the appeal site to the east of Belcamp House, DU015-116 Ring-ditch and DU015-033 Ringfort.

Dublin City Development Plan 2016-2022

5.2.5. Land to the south of the appeal site (and south of the River Mayne) falls within the administrative area of the Dublin City Development Plan. It falls within the 'North Fringe' strategic development and regeneration area that extends from Belcamp in the west to Baldoyle in the east (SDRA 1). The Clongriffin-Belmayne Local Area Plan 2012-2018 sets out a strategy for development in the area.

5.3. **Natural Heritage Designations**

5.3.1. No natural heritage sites are designated on land within or adjacent to the appeal site. However, the River Mayne discharges into Baldoyle Bay where it is designated as an SAC and an SPA (Baldoyle Bay SAC, site code 0199 and Baldoyle Bay SPA, site code 4016).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are two appeals in respect of the planning authority's decision to grant permission. Grounds are summarised as follows:

Brenda and Joe Doyle

6.1.2. The appellant's state that the majority of the concerns raised in their previous submissions still stand (summarised above). Additional arguments made are as follows:

- Support PA's decision to omit additional blocks submitted in additional information, House type J and road to the north. However, excessive number of units granted permission which is not warranted to protect the remaining structures in place.
- The decision is premature as it includes a number of critical conditions which should be available to the public before approval is granted, notably nos. 30, 32, 38 and 41. In respect of condition no. 11, the appellant objects to planning authority's requirement for wildflower/grass areas to be grassed to allow for active play and location of SuDS scheme in open space provision, contrary to Objective OS25 of CDP.
- EIS fails to outline the impact of the proposed development on architectural heritage, impact of proposed interventions and changes to the protected structures and the setting of buildings.
- Poor design and layout of new unique estate (is not sufficiently sensitive to historic environment).
- Lack of information on plans to enhance entrance to Malahide Road.
- Application is premature pending the completion of the Local Area Plan for the lands in question. In the absence of a LAP it is critical that conditions should be agreed before permission is allowed.
- Impact of proposed pathway and SuDS features along the River Mayne on existing woodland alongside the River Mayne.

- Whether or not flooding of the area along Mayne River very close to where it meets the Malahide Road has been addressed in the planning application.
- Impact of proposed access to woodland, to the west of the appellant's property, on the appellant's privacy. Proposes revised location of access to the west of appellant's property to woodland walkway with secluded area used for grassland/wild flowers. If Board approve entrance from Malahide Road, request that this is locked outside of daylight hours.
- Risk of flooding of appellant's land as a consequence of the development.

Irish Georgian Society

6.1.3. The Irish Georgian Society, in their appeal, repeat many of the issues raised in their observations on the planning application (summarised above). Key matters raised are noted here and additional arguments are summarised:

- The EIS is inadequate. It does not adequately assess the impact of the development on architectural heritage, including the impact of the development on the setting of the protected structure(s) or Belcamp demesne.
- The application does not include any evidence based analysis of the original design of the landscape at Belcamp, or the extent of changes made to the landscape since it was laid out. The planning authority's conclusions that the landscape has undergone significant changes, therefore, must be based on information which has not formed part of the planning application. The decision by the planning authority, in this context, is contrary to the provisions of the Aarhus Convention².
- Piecemeal approach to development. Condition no. 4 omits the largest scale elements of the development, closest to the protected structure, and requires a subsequent application for these parcels of land. The Society has serious concerns regarding splitting the project into a series of different applications in the absence of a master plan. Incremental approach and piecemeal development would lack overall spatial coherence. This is of particular concern where the design of the development has not been informed by a comprehensive assessment of the historic landscape at Belcamp. For

² Requires that all information relevant to the assessment of the environmental impacts of a project be made available to the public as part of the planning process.

instance, states that at the time of the construction of the Washington Tower, General Washington was at the height of his powers as a military leader in the war of independence. This moment may have given shape to the tower with its plan in the form of a square star-shaped fort. The same geometry was found in a number of forts in America in the 18th century built by the British, French and the Revolutionary Army (see illustrations in appeal). The designed landscape of Mount Vernon has affinities with the designed landscape at Belcamp (similar bell shaped curves).

- It is essential that the design of any development within the landscape surrounding Belcamp is informed by a comprehensive assessment of the development on the demesne. In the absence of this, design interventions could result in irrevocable loss of historic landscape features of heritage importance and/or significant impacts on the architectural heritage of the protected structures and their setting e.g. location of proposed axial drive is not consistent with records depicting the original access to the Belcamp Hall.
- Whilst the house at Belcamp has been extended since construction and has suffered serious neglect recently, historic mapping suggests that much of the historic landscape of the demesne remains intact. Belcamp is the only landscape in Ireland with an authentic connection to American Revolution. It is critical that any development be informed by a comprehensive assessment of the sensitivities and significance of the historic landscape (as per Objective AH22 of the CDP). The loss of the internationally significant landscape through the construction of inappropriate new development would constitute a profound loss in Ireland's cultural heritage and our shared cultural heritage with Europe and America. Any development at Belcamp is premature pending a comprehensive assessment of the historic landscape and setting of Belcamp undertaken by a suitably qualified professional.

6.2. Applicant Response

- 6.2.1. The applicant's response to the third party appeals (23rd March 2017) includes the following:

- A detailed response to each of the matters raised (Response to Third Party Appeals, Conroy Crowe Kelly).
- An Addendum EIS, which focuses of the impact of the proposed development on architecture, cultural heritage and historic landscape.
- Additional architectural visualisations of the proposed development.

6.2.2. In the interest of reducing repetition in this report the arguments made by the applicant are referred to in my assessment below. However, I would point out that the applicant request that the Board amend the following conditions:

- No. 4 and 5 – Change these to compliance submissions.
- No. 10 - Include the Mayne River Linear Park as part of the Class 1 open space provision.
- No. 11 - Omit the condition which requires provision of a 1800mm railing separating linear park from housing development.
- No. 7 – Amend the condition to omit only houses 68, 57, 87 and 77.

6.3. **Planning Authority Response**

6.3.1. The planning authority make the following comments on the appeals made:

- As part of the assessment of Item 1 and 5 of the submitted Significant Additional Information a detailed analysis of the EIS was undertaken. It is considered that sufficient information was submitted within the EIS and accompanying documentation to allow for adequate assessment of impact of the development on architectural and cultural heritage, as detailed in Article 94, Schedule 6 2(b) of the Planning and Development Regulations, 2001 (as amended). In addition, the PA draw the Board's attention to the response and assessment of Item 5 of the Significant Additional Information as contained within the Chief Executive's Order.
- The application has been comprehensively assessed by the PA's Architectural Conservation Officer and County Architect to adjudicate on the potential impact of the development on architectural heritage. Architect's Department is an RIAI Accredited Conservation Practice – Grade 1. Both

professionals are very familiar with the buildings and lands and have worked with the owners trying to secure and protect the various elements against trespass and vandalism whilst awaiting production of a LAP for the lands. Lands are zoned RA (residential) and national guidelines determine the appropriate level of residential density. Architectural Conservation Officer and County Architect have sought to ensure that an appropriate balance is achieved between the land use zoning and the Protected Structures including their setting.

- The conditions attached to the grant of permission have excluded sensitive areas of the site where it was felt a revised design or further information was required (walled garden, copse of mature trees to west of Belcamp Hall). The area where housing has been granted under Phase 1 on open expanse to east of Hall that contained school buildings and which were laid out as playing fields. The remaining parts of the historic designed landscape are being retained (mature trees west of house, trees along River Mayne, walled garden, folly of Washington Monument).
- Quantum of development proposed would facilitate preservation of Belcamp Hall (PS) and associated structures and deter further acts of vandalism and arson which could result in complete loss of buildings.
- PA decision is supported by Objective AH14 of CDP 2011-2017 and Objective CH22 of CDP 2017-2023.
- If Board decides to uphold the PA's decision, request condition no. 11 (g), 51, 52 and 53 to be included in Board's determination.

6.4. Observations

6.4.1. On the 20th March 2017, an observation on the appeal was made by George Washington's Mount Vernon, Mount Vernon, Virginia, USA. It states:

- In the absence of a thorough assessment of the surviving historic structures and landscape, the potential for irreversible negative impact on the significant heritage is great.

- Belcamp Hall and its associated landscape represent a unique assemblage with tangible connections to George Washington and the Age of Revolution. Belcamp Hall is attributed to architect James Hoban. One of Hoban's most well know buildings is the White House and there are some notable similarities between the structures. Though the architectural fabric of Belcamp Hall has been altered some integrity may still remain that should undergo documentation.
- Washington Memorial Tower constructed in 1778 may be the first monument to George Washington on record, predating the two earliest acts of commemorative recognition in the US (renaming of Washington College in 1782 and the Washington Monument in Baltimore in 1815). The inclusion of the feature to honour Washington before the American War of Independence was complete and its prominence in his formal landscape design scheme are unique to the estate.
- The formal landscape, in addition to the tower, an artificial lake, pathways and walled garden are still extant or are recorded as part of Newenham's planned design. Correspondence between Washington and Newenham reference the execution of the layout, citing specific plant species and advice for future work. Washington is also known to have sent Newenham native Virginia plants for Belcamp. It should be determined to what extent this landscape survives.
- Site symbolism – Belcamp and its landscape are significant as an expression of Irish craft and ingenuity (country house architecture, designed landscape) but also as a site that Newenham conceptualised from the perspective of revolutionary ideals, tied to American independence and perhaps towards an independent Ireland.
- Because of the strength of connections between George Washington and the international significance of Belcamp and its landscape, they support the efforts of the IGS appeal.

6.5. Further Responses

6.5.1. On the 6th April 2017, the Board:

- a. Circulated the applicant's response to the appeal to the planning authority, appellant and observer to the appeal,
- b. Sought the views of Fingal County Childcare Committee and Dublin City Council on the proposed development.

6.5.2. Responses are as follows:

- Planning Authority (25th April 2017):
 - Addendum to EIS – Supports the view and assessment of the planning authority.
 - Condition no. 4 – Rationale for the omission of these blocks does not relate to 'elevational detail and rhythm' but to the potential for a more appropriate urban form, enclosure and block location. This is too significant to be undertaken by compliance.
 - Condition no. 5 – These blocks are premature in this location.
 - Condition no. 7 – Relates to the omission of a small number of dwellings to provide more effective area of public open space. In the absence of this space, the only nearby space will be sloped ground associated with the Mayne River Valley. The condition should be retained to ensure provision of an effective and sufficiently wide primary open space upon which the wider zoned lands would benefit.
 - Condition no. 10 – The area in question is a Green Corridor, which as noted in the preamble to Objective MDS71 of the CDP is not generally included as part of the quantitative calculation, except with the agreement of the planning authority.
 - Condition no. 11 – Is a method for controlling and defining access to the park in an area with significant anti-social behaviour.
- Brenda and Joe Doyle (25th April 2017) – No new issues raised.
- Irish Georgian Society (25th April 2017) – No new issues raised.
- Fingal County Childcare Committee (12th April 2017) – The provision of a crèche facility is welcomed.

7.0 Assessment

7.1. I have read the appeal file, all associated reports and plans and I visited the appeal site. Having regard to the zoning of the appeal site for residential development and the detailed design of apartments and dwellings, which generally comply with the government's guidelines for apartments and residential development as set out in the government's *Design Standards for New Apartments - Guidelines for Planning Authorities (December, 2015)* and *Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities (May 2009)*³, I consider that the main issues for consideration in the appeal relate to the matters raised by the appellants, the observer and the applicant themselves (in relation to conditions of the planning authority's grant of permission), namely:

- Adequacy of EIS
- Impact on architectural and cultural heritage
- Quantum of development
- Mix of units
- Design of house types
- Entrance from Malahide Road
- Access/transportation issues
- Ecology
- Access to woodland path
- Flooding
- Open space provision
- Septic tanks
- Boundary treatment
- Conditions of the permission
- Other matters

7.2. These are discussed in turn below.

7.3. Adequacy of EIS

- 7.3.1. The appellants raise concerns regarding the adequacy of the EIS prepared in respect of the proposed development. In particular, they argue that the EIS fails to assess the impact of the development on architectural heritage.
- 7.3.2. Schedule 6 of the Planning and Development Regulations, 2001 (as amended) sets out information to be contained within an EIS. It requires, amongst other things, a description of the aspects of the environment likely to be significantly affected by the proposed development, including '*material assets, including the architectural and*

³ For example, minimum size, aspect, storage space, private open space in respect of the proposed apartments and generally in terms of distinctiveness, layout, public realm and amenity, in respect of the proposed houses.

archaeological heritage, and the cultural heritage' and a description of the likely impact of the development on this environment.

- 7.3.3. Similarly, the EPA's *Guidelines on Information to be Contained in an EIS* (EPA, 2002), in section 3.2.4, clearly state that (i) the description of the existing environment should include material assets, including the architectural and archaeological heritage and cultural heritage, and (ii) in respect of whether or not an EIS contains sufficient data, 'sufficiency' can be regarded as '*enough information upon which to base a decision*'.
- 7.3.4. The government's *Architectural Heritage Protection Guidelines for Planning Authorities, DAHG, 2011*, set out in Appendix B, guidelines on Architectural Heritage Impact Assessments which would typically be carried out as part of a development application in order to provide sufficient information for the planning authority to make an informed decision on the potential impact on the architectural heritage. The guidelines state '*The detail and extent of the assessment should be appropriate to the nature and scale of the proposed works. The object of the assessment should be to describe how the proposals would affect the character of the protected structure or any part of it...If the application relates to a new building within the curtilage of a protected structure, the assessment should concentrate on the relationship between the structure and its setting, the merits of, and impacts on, existing structures and features in the curtilage*'.
- 7.3.5. The applicant's EIS, submitted in response to the request for further information, addresses impact of the development on cultural and archaeological heritage in Chapter 13.0 of the report and on landscape and visual effects in Chapter 11.0. Chapter 13.0 is very much focused on the impact of the development on archaeological heritage and there is no assessment of the development on the architectural or cultural heritage of the site. Chapter 11.0 of the EIS describes the receiving environment in respect of the proposed development which includes Belcamp Hall, its features and setting. However, visual impacts are generally confined to the public road network and there is no assessment of the impact of the development on the Protected Structure and its associated features.
- 7.3.6. The Conservation Report, also submitted in response to the request for further information, assesses the likely impact of the conservation works on the individual

protected structures (including the proposal to demolish the remaining southern wing). However, it is silent on the impact of the development on the integrity of the Protected Structure, associated features and their setting.

7.3.7. In response to the appeals made the applicant provides the Board with an addendum to the EIS, focusing on architectural, cultural and historic landscape heritage. The report provides a review of the evolution of the designed landscape at Belcamp from the mid-18th Century to the present date and compares elements of the Belcamp and Mount Vernon landscape (of note, the report concurs with the IGS view that the proposed axial drive is not consistent with the original access to Belcamp Hall as constructed by Newenham). In addition, appended to the report is an Architectural Impact Assessment which deals with the impact of the proposed development, and associated landscape proposals, on the protected structure and its setting, including the impact of any built elements within the curtilage of the protected structure e.g. the setting of Belcamp Hall, views of the Hall from within the grounds, views from Belcamp Hall, the impact of the development on the entrance gates, the original driveway, Washington Monument, woodland and lakes, the courtyard, walled garden, ice house, rock house and bridge. It also sets out mitigation measures to address negative impacts.

7.3.8. Whilst I address below the impact of the proposed development on architectural heritage, I am generally satisfied having regard to the above that the applicant has provided sufficient information on the impact of the proposed development on architectural and cultural heritage to enable decision making. Further, this information is in the public domain and parties to the appeal have been afforded an opportunity to comment on it prior to decision making.

7.4. Impact of Development on Architectural and Cultural Heritage

7.4.1. Belcamp Hall, and its associated structures, is listed as a Protected Structure in the County Development Plan, RPS no. 0463. Further, Belcamp Demesne is listed on the Department of Arts, Heritage and the Gaeltacht's Survey of Historic Gardens and Designed Landscapes (Belcamp House, DU-50-O-204413). Policies of the Fingal County Development Plan 2017-2023 afford protection to protected structures and the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas to or from the

structure (Objectives CH20 and CH21, see attachments). In addition, the plan promotes the conservation of the essential character of surviving designed landscapes and requires that proposals for development within historic designed landscapes include an appraisal of the designed landscape in order to inform the design of the development, which must be sensitive to and respect the built heritage elements and green space values of the site (Objectives CH45 and CH46).

- 7.4.2. The Irish Georgian Society argue that the proposed development will:
- a. Impact on the historic landscape of significant cultural importance at Belcamp, and
 - b. Impact on the curtilage of the protected structure and its relationship with its landscape.

7.4.3. I deal with these two matters in turn.

Impact on Historic Landscape of Significant Cultural Importance

7.4.4. The IGS refer the Board to the development of the house at Belcamp and the laying of its lands by Sir Edward Newenham MP, a supporter of the American Republican movement, and correspondent with George Washington. They argue that the design of the house reflected his admiration for American Revolution and that the layout of the lands, and planting, was influenced by his discussions and correspondence with George Washington and reflected elements of Washington's home, Mount Vernon in Virginia. They argue that the Washington Monument, built in his lifetime, was the first monument dedicated to George Washington and is, therefore, of international importance. The IGS maintain that the Belcamp landscape is of considerable historic significance to the US and of wider international significance. This view is reflected in the submission from George Washington's Mount Vernon, Mount Vernon, Virginia, USA.

7.4.5. In contrast, the applicant who acknowledges the friendship between Newenham and Washington, argues that there are clear distinctions between the Belcamp estate and more formal grounds surrounding Mount Vernon mansion, with both being unique to their own immediate landscape. In addition, they maintain that the only superficiality between the two houses is the curve of the carriageway at Belcamp, which vaguely follows the shape of the Mount Vernon lawn (although at quite different scales) and that the extensive planting at Belcamp includes beech, oak,

ash, elm and sycamore, species common to most large estates in Ireland suggesting no particular link with Washington's planting scheme.

- 7.4.6. Having regard to the information on file, presented by both IGS and the applicant, it is evident that Newenham had a close relationship with George Washington and that the design of the house, layout of lands and erection of the Washington Monument reflect this and his interest in the American Revolution. What it is less clear, from the contradictory arguments on file, the extent to which the design of landscapes of Mount Vernon and Belcamp informed/influenced each other (e.g. scale, shape and form of parkland). However, I would accept that the Belcamp lands are certainly of cultural significance at a national and international level. Within this context, I examine the impact of the proposed development on the curtilage of the protected structure and its relationship with its landscape, below.

Impact on the curtilage of the protected structure and its relationship with its landscape.

- 7.4.7. Belcamp Hall, and the Newenham structures associated with it, cannot be separated from their designed landscape context. Whilst changes have occurred since the demesne was laid out by Newenham, key features remain and these include the expanse of open land (previously parkland) to the east of Belcamp Hall, the framing of this open expanse by the woodland to the north and south of the demesne, Washington Monument, the ponds, bridge, ice house, Rock House, walled garden, remains of courtyard and mature woodland to the west of the house and south of the walled garden.
- 7.4.8. The proposed development will introduce housing to the open context of the site, urban blocks in close proximity to the Hall, Chapel, remaining school buildings and walled garden. Whilst the proposed development will provide for the repair and/or restoration of the remaining structures, and is structured to retain views of Ireland's eye from Belcamp Hall and to restore views of Washington Monument from the Belcamp Hall, the inherent character of the demesne landscape, the setting of the protected structure and associated features and views from principal rooms in Belcamp Hall will fundamentally change. Given the national and, potentially international importance of the site, this impact would, in principle, would be at odds

with protectionist policies of the County Development Plan in respect of demesne landscapes and protected structures and national policy guidance.

7.4.9. However, it is also important to note that:

- (i) the appeal site has been zoned for residential development, within the context of the preparation of a LAP, but unlike the indicative lines of strategic road corridors shown through the area, the original open aspect to the east of Belcamp Hall and the mature woodland to the west of it, have been given no specific protection in the Development Plan,
- (ii) Belcamp Hall, the Chapel, remaining school buildings, Washington Monument, bridge, ponds, Rock House and (to a lesser extent) the walled garden, are in a very poor state of repair and have been subject to extensive vandalism and arson, with many historic features of the Belcamp Hall already lost,
- (iii) Belcamp Hall and the associated buildings lie within an isolated area of the site, with no opportunity for passive surveillance, and at risk from further vandalism and anti-social behaviour and further loss of historic features.

7.4.10. I would accept therefore, that there is an urgency to bring forward development in respect of the site to safeguard these structures and to bring about their restoration. In view of the above, I consider that in this instance, the future of the Belcamp Hall and its associated built structures and elements of its landscape setting can be best secured by allowing a quantum of development on the site (as per Objective BALGRIFFIN/BELCAMP 5). The effect of this would be to (a) integrate the buildings into a more urban environment which allowed for passive surveillance, and (b) would provide the financial resources to bring about the restoration of the Belcamp Hall and the remaining structures and features associated with it. Whilst I do accept that the price for this is the loss of the overall integrity of the open landscape setting of the Protected Structure, which has a cultural significance of national and international importance, it is my view that this original landscape setting is already eroded and its more substantial loss now (with the development of the original park land for housing) is preferable to the loss of the remaining structures on the site.

7.4.11. If the Board decided to grant permission for the development on this basis, I would also recommend, in view of the historical and cultural significance of the demesne

lands, that the applicant be required to provide a comprehensive assessment of the historic landscape of Belcamp for record, to include information by a suitably qualified professional on comparative features and planting between Belcamp and Mount Vernon.

7.5. Premature and Piecemeal Development

- 7.5.1. The appellants argue that the proposed development is premature as it:
- a. Comes forward in advance of the adoption of a LAP for the wider lands and a master plan for Belcamp demesne, and
 - b. Includes a number of critical conditions which should be available to the public before approval is granted, notably nos. 11, 30, 32, 38 and 41.
- 7.5.2. The Irish Georgian Society also argue that it comprises piecemeal development as it splits the project into a series of different applications and provides an incremental approach to the development which lacks spatial coherence.

Prematurity

- 7.5.3. The appeal site comprises part of wider lands at Belcamp which have been zoned for residential development and for which a Local Area Plan will be prepared (Objective 'BALGRIFFIN/BELCAMP 6, Fingal County Development Plan 2017-2023). The proposed development comes forward in advance of a Local Area Plan. However, as referred to above Objective 'BALGRIFFIN/BELCAMP 5, allows for a quantum of development on the lands to facilitate the rehabilitation and preservation of Belcamp House prior to the adoption of the LAP. The policy objective also states '*A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full reinstatement of Belcamp House to the satisfaction of the Planning Authority*'.
- 7.5.4. I note that the applicant has (a) prepared an indicative masterplan for the wider lands which provides for an east west distributor road to the north of the appeal site, and (b) indicated the quantum and location of development that could be achieved (page 7, Updated Urban Design Report, 19 November 2016). Further, the planning

authority's grant of permission requires the restoration of Belcamp Hall in Phase 1 of the development.

- 7.5.5. Having regard to the above, I consider that the proposed development whilst coming forward in advance of a Local Area Plan, is in compliance with the detailed policies of the County Development Plan which allow for a quantum of development on the site, in advance of the LAP, in order to safeguard Belcamp Hall and its associated structures. I do not, therefore, consider that the proposed development is premature.

Master Plan for Belcamp Demesne/Project Splitting

- 7.5.6. As previously discussed I consider that the applicant has provided a comprehensive assessment of the landscape at Belcamp. Further, I have accepted that the proposed development will have a significant negative impact of the setting of Belcamp Hall and its associated structures but, more importantly, will facilitate the survival and restoration of the remaining built structures and woodland to the south and west of the site.

- 7.5.7. The applicant has put forward a robust strategy for the urban design of the lands at Belcamp. Of note it proposes the creation of a series of 'collegiate' squares and public spaces to re-frame Belcamp Hall and its associated buildings within a new urban context, a boulevard along an axial route to retain views from Belcamp Hall to Irelands eye, north south streets to connect with east west housing to provide passive surveillance of the woodland area to the south of the site, it restores a view of Washington Monument and provides for blocks of development within the broad footprint of previous structures on the site. This approach, in conjunction with the master plan proposed for the wider lands, provides an acceptable 'road map' or framework for the development of Belcamp demesne.

- 7.5.8. In their decision to grant permission for the development, the planning authority has required the omission of block nos. 4A and 4B and substantial revisions in respect of Blocks nos. 1, 2, 3 and 5. It would appear from the planning authority, including reports on file and their responses to the appeals made, that substantial issues remain regarding these blocks, as follows:

- Block nos. 4A and 4B – These blocks were introduced in the applicant's submission of further information, in part to address the planning authority's

concerns regarding the density of the development. In the Planning Officer's report, it is stated that there are concerns regarding any proposed development within the copse of trees to the west of Belcamp Hall and around the walled garden without a proper analysis of the area and a comprehensive plan for open space in the vicinity of the historic landscape in this location. The report concludes that this element of the proposal is premature and, taking into account the close relationship of the site with Belcamp Hall, a lower density on the site is acceptable in this instance.

7.5.9. Blocks 4A and 4B are proposed primarily in a large area of hardstanding to the west of Belcamp Hall, formerly comprising the farm yard. The space is not visible from Belcamp Hall, being contained by mature trees. Whilst the footprint of the proposed blocks is generally confined to the existing built footprint, some of the associated services would encroach on existing mature trees, and the visual impact of this loss is not clear, e.g. of the setting of the Belcamp Hall and Chapel as viewed from the west. Further, the substantial four storey blocks would compete with the scale of Protected Structure, in contrast to the more subsidiary scale of farm buildings, and I would share the view of the Planning Authority, that this element of the development is premature pending comprehensive analysis of impact on the setting of the Belcamp Hall, Chapel etc.

- Block nos. 1, 2, 3 and 5 – Again the design of these blocks were revised in the applicant's response to the request for further information. In the Planning Officer's report, concerns are expressed regarding the design of Block nos. 1 and 2 which will frame views of the Protected Structure, including the complexity of elevations compared to the simplicity of Belcamp Hall and quality of material selected. With regard to Block 3 and 5, concerns are raised are more substantial regarding the form of the blocks and their elevational treatment.

7.5.10. Block nos. 1 and 2 play an important role in the design of the development, framing views of Belcamp Hall from the main boulevard, and framing views from Belcamp Hall itself. When viewed from the east (drawing no. 1431 PA1 2102, Block 1 Elevations), the elevations of both Blocks complex and appear hard up against the northern and southern facades of Belcamp Hall. I would accept the planning authority's view that the form and elevational treatment requires more careful

consideration. In view of the urgent need to bring forward development on the site, I consider that in this instance it is appropriate that the re-design of these two blocks is dealt with by a separate planning application.

7.5.11. With regard to Block nos. 3 and 5, I am not confident that the design and elevational treatment of these blocks is sensitive to their location in proximity to the walled garden (Block no. 5) and Chapel/north building (Block no. 3). I would be concerned that Block no. 5 would inappropriately dwarf the walled garden and that Block 3 would insensitively detract from the setting of the Chapel/north building. For the same reasons stated above, in respect of Block nos. 1 and 2, I consider that the re-design of Block nos. 3 and 5 should be addressed by way of a further planning application.

7.5.12. Whilst I am mindful that the approach adopted by the planning authority, endorsed here, requires the submission of a further planning application. Having regard to the robust urban design framework in place for the appeal site, the clear location of urban blocks within the overall development lands, I do not consider that this amounts to an incremental or piecemeal approach. Further, the requirement for a planning application in respect of the more detailed revisions required enables public scrutiny of detailed design.

Condition nos. 11, 30, 32, 38 and 41

7.5.13. The planning authority's decision to grant permission for the development is subject to 52 conditions. Many of these are standard. A small number require substantial omissions or revisions to the design of the development (notably nos. 4 and 5 and, to a lesser extent, nos. 6, 7 and 8) which are discussed in this report. The remaining conditions refer to matters of detail which can be adequately addressed by condition.

7.5.14. With regard to the conditions specifically referred to by the appellant, condition nos. 30, 32 and 41 proposed by the planning authority, require details of samples and finishes to all buildings and public lighting to be submitted to the planning authority for written agreement and, under condition no. 41, a detailed mitigation statement which sets out how each of the ecological mitigation measures in Chapter 6.6 of the EIS will be implemented. These are standard conditions for large construction projects and are required in the context of the substantial information which is already on file and concern matters of detail. I do not consider that the proposed

development is, therefore, premature in this respect. Condition no. 38 deals with transportation issues and is discussed further below.

7.5.15. Condition no. 11 deals with the recommendations of the Parks Planning Section. In particular, it requires:

- Compliance with the planning authority's policy on playground provision in residential development (policy OS26, CDP 2011-2017),
- Details of open space provision i.e. that the landscape plan and SuDS plans relate to each other,
- Provision of a detailed maintenance plan for open spaces, green corridor and wetland,
- A detailed Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement,
- A Woodland Management Plan,
- Appropriate monitoring of site development works,
- A tree bond, detailed arrangements for the provision of street trees, fencing along the northern boundary of the riverside open space, omission of trees in line of sight between Belcamp Hall and Washington Monument,
- Omission of wildflower/native grass area beside the southern playground and within the semi-circular attenuation area and replacement with grass kick about area, and
- Repair of balustrading to the north/south bridge.

7.5.16. Again, the majority of the planning authority's requirements refer to matters of detail, within the context of the detailed application made for the proposed development. In particular, I draw the Board's attention to the following:

- (a) The applicant's Arboricultural Report (December 2015) compared the tree survey data to the proposed development and presented an evaluation of likely tree losses in their drawing Belcamp-AIA-TPP-12-15 (east and west), with the evaluation based on minimum protection ranges for trees. It concluded that a large proportion of works within the general site would have little or no effect on trees. However, it also concludes a number of poorer

quality trees to the north-east, north-west and west of the original Belcamp House as well as much of the natural regeneration associated with the old farm yards and outbuildings area would be lost.

- (b) The applicant's subsequent Arboricultural Review (November 2016) draws similar conclusions in respect of the revised development (block 4A and 4B are located in the farmyard area) and *'thus tend to conflict with mostly poor quality natural regeneration...as opposed to any element of the primary woodland'*. However, the report draws attention to possible adverse impacts on trees as a consequence of proposed arrangements for drainage, services, construction activity and formation of steep access to woodland. It recommends that a detailed Arboricultural assessment informs a detailed Construction Management Plan.

7.5.17. Having regard to the above, I consider that the planning authority's approach to require details plans for the protection of trees in conjunction with the emerging construction management plan, to be entirely appropriate, and a standard approach in respect of large construction projects.

7.5.18. With regard to the planning authority's requirement for the omission of wildflower/native grass areas from the edge of the open space to the south and detention basin (condition no. 11(k)), my understanding of wildflower meadows/native grassland is that they require less maintenance (e.g. a specific but intermittent cutting regime). Further, I note that this is proposed on the northern and southern edge of the woodland area and would be consistent with the overall approach proposed to manage the woodland for nature conservation in the longer term. I see no reason, therefore to omit this from the woodland edge. With regard to the detention basin, given the intermittent mowing regime required for a wildflower meadow, I would accept that this would be less appropriate in the open space area which is overlooked by housing and which is likely to be used as a kick about area.

7.6. Quantum of development

7.6.1. The appellants argue that an excessive number of units have been granted by the planning authority which is not warranted to protect the remaining structures. However, I would comment that the quantum of development proposed seeks to

achieve three objectives. Firstly, that Belcamp Hall and its associated structures be physically connected to the urban fabric (including sufficient lands to the west of the Hall) to reduce the risk of anti-social behaviour, secondly, that sufficient development is permitted to enable the restoration of the protected structures and thirdly to achieve a sustainable density of development, as per Government requirements (35-50 units/ha on institutional lands). These objectives seem reasonable and, within this context, I do not consider the quantum of development proposed is unwarranted.

7.7. Mix of units

- 7.7.1. The appellant argues that there is a disproportionate number of smaller units.
- 7.7.2. Policy PM38 of the County Development Plan 2017-2023 states that the planning authority will seek an appropriate dwelling mix, size, type, tenure in all new residential developments, however the nature of appropriate mix is not defined.
- 7.7.3. The applicant proposes the following breakdown of unit types (page 15, Updated Urban Design Report, Nov. 2016):
- 1 bed unit, 57 no. (17%).
 - 2 bed unit, 125 no. (38%).
 - 3 bed unit, 101 no. (30%).
 - 4 bed unit, 51 no. (15%).
- 7.7.4. The proposed breakdown provides 55% one and two bedroom units and 45% of 3 and 4 bedroom units. Having regard to changing demographic patterns (smaller household size), the proposed arrangements would appear to satisfy this demographic and do not appear disproportionate.

7.8. Design of house types

- 7.8.1. The appellant, referring to comments made on the initial application by the Conservation Office, argues that the house design and layout of the development is insufficiently sensitive to its historic context.
- 7.8.2. In response to the request for further information the applicant has identified different character areas within the proposed development (summarised in section 3.1.7 of the applicant's response to the appeal), including the housing area alongside the main boulevard, housing within the woodland edge, that framing the new public

spaces in the vicinity of Belcamp Hall and that to the west of the Hall. Externally houses are finished primarily in brick with different palettes of colour

- 7.8.3. Whilst the approach adopted by the applicant to design distinct character areas within the development is acceptable, I would accept that the proposed finishes, as depicted in elevations and sections, do not sufficiently reflect (a) the unique location of the proposed development within the grounds of a Protected Structure (e.g. along the main boulevard), and (b) to a lesser extent, well defined and distinct character areas. However, these are matters of detail which can be addressed by the planning authority, as proposed by way of condition.

7.9. Entrance from Malahide Road

- 7.9.1. The appellants argue that there is a lack of information on plans to enhance entrance to Malahide Road.
- 7.9.2. Arrangements for the entrance to the development from Malahide Road are shown in drawing no. 1431 PA1 05 Rev A (submitted in November 2016). These provide for the relocation of the entrance gate piers to mark the entrance to the proposed woodland walk. However, in response to the concerns of the planning authority (and as per the planning authority's condition no. 9), the applicant now proposes that the piers be retained as close to their current position as possible, but re-positioned to accommodate the new wider road entrance (see illustrated view, page 20 of Response to Third Party Appeals document, and Appendix C of the document). These arrangements would therefore be consistent with the requirements of the planning authority and retain an important entry feature of the original demesne in the public domain and close to their original position and would, in my view be appropriate.

7.10. Access/Transportation issues

- 7.10.1. The following access/transportation issues are raised by the appellants:
- Inadequate provision for access to rear of properties to the south east of the site.

- The applicant has not demonstrated that the development will not prejudice the proposed east west route corridor.
- Increase in traffic on already hazardous road with proposed entrance to the development.

7.10.2. Arrangements for access to the rear of the two properties to the south east of the appeal site are shown in drawing no. 14-185, P113, Rev A. Currently access to the rear of the properties is provided by a single gate (see photograph no. 8). The proposed arrangements would seem acceptable providing separate access to both properties on a level area of the site.

7.10.3. The proposed east west distributor road is shown in drawing no. 14-185 P110, Rev A. The proposed road lies along the revised northern most boundary of the site in the location of mature trees and in proximity to a stream (see drawing Belcamp-TCP-12-15 (EAST)). The visual impact of the proposed road, and details of its design given its proximity to the stream, are not addressed in the proposed development. Whilst there would appear to be scope (physical room) for a distributor road on land comprising the northern part appeal site, there is insufficient information to allow any detailed consideration of it at this stage. I would recommend that the road is, therefore, omitted from the development by way of condition.

7.10.4. Whilst I accept that the proposed development will generate more vehicle trips and turning movements on the R107, the applicant has demonstrated that the development can be accommodated within the road network⁴. Further, the proposed right turn lane, signalised junction and cycle lanes will provide a safer environment for vehicles turning into the development from the north, pedestrians and cyclists.

7.10.5. I note the Transportation Department's concerns regarding the possible impact of a swept path analysis in respect of a proposed bus route through the development (as originally proposed by the applicant) i.e. that it would demonstrate that substantial alterations would have to be made to the street network in the vicinity of Block nos. 1 and 2. However, I draw the Board's attention to condition no. 38 of the grant of permission which requires that, in such circumstances, indicative proposals for an alternative bus route within the future LAP lands be submitted, with details to be

⁴ The development will have a slight impact on upgraded Balgriffin junction (junction 2) but not sufficient to significantly affect traffic flows.

agreed with the planning authority. This approach, whilst not ideal, is acceptable and would ensure provision of a satisfactory bus corridor in proximity to the development.

7.11. Ecology

7.11.1. The appellant's raise the following concerns regarding the ecological impacts of the proposed development:

- Impact of woodland path on riparian zone, woodland and associated species.
- Impact of SuDS features on existing woodland.
- Condition no. 11 – contrary to Objective OS25 of CDP

Impact of Woodland Path

7.11.2. The applicant proposes a 2m wide pedestrian footpath/cycle path with a 1.5m reinforced grass verge to facilitate maintenance vehicles (Landscape Master Plan, Drawing no. 300 Rev. 2).

7.11.3. The existing woodland is not managed. It varies in width and slopes steeply away from the adjoining agricultural field and it flattens out on each side of the small river. The impact of the proposed development on the woodland has been assessed in the Environmental Impact Statement and in the Arboricultural reports. Of note section 6.5.1 of the EIS concludes, having regard to the route of the proposed path relative to existing trees, it is not anticipated that construction of the path will result in the loss of trees. However, it is accepted that the path could affect other flora and impact on root zones of trees and that the construction of access to and exit from the woodland area over steeply sloping embankment could (subject to detailed construction methodology) impact on trees. During operation, greater disturbance of species is predicted (the report acknowledges that the existing environment of the woodland and the anti-social behaviour occurring already brings a level of disturbance).

7.11.4. Recommended mitigation measures include retention of the greatest number of mature trees where possible, long term management of the woodland for nature conservation, adoption of IFI measures to minimise water pollution during

construction along the riparian zone, measures to protect trees during construction and lighting to conform to Bat Conservation Ireland guidance.

7.11.5. I would accept that the introduction of the proposed footpath/cycle way to the woodland belt to the south of the site, has the potential to negatively impact on flora and fauna within the woodland. However, this impact should be balanced with the opportunity to provide strategic and linked green spaces in the wider area, the need to minimise use of the woodland for anti-social behaviour and the benefits that will occur for biodiversity with the long term management of the woodland for nature conservation. On balance, therefore, I consider that the provision of a footpath/cycleway within the woodland is acceptable, subject to condition which requires the full implementation of the ecological recommendations set out in section 6 of the EIS.

7.11.6. With regard to SuDS proposals, I note that no SuDS features are proposed within the woodland area and that only one controlled and filtered outfall is proposed to the Mayne River valley from the wetland area to the east of the site. No adverse effects are likely, therefore, on the woodland area arising from the SuDS.

7.12. Malahide Road access to woodland pathway

7.12.1. The appellant (Belview) argues that the proposed access from Malahide Road to the woodland path will give rise to anti-social behaviour and impact on their privacy and amenity.

7.12.2. The appeal site slopes sharply towards the River Mayne within the woodland area. Consequently, the two residential properties to the south of the site entrance are elevated above the river and proposed access to the woodland walk. Further, Belview is situated to the north of the residential landholding and is therefore somewhat removed from the proposed access. Whilst I understand the appellant's in respect of anti-social behaviour, I consider that the applicant's proposed arrangements are less likely to give rise to this type of behaviour, that the appellant's suggestion for access to the woodland walk from the internal road within the appeal site. If access was created from the internal road network, it would create a small narrow and unobserved cul-de-sac within the woodland area, where in my opinion anti-social behaviour is more likely to arise. However, to address the appellant's

concerns, regarding anti-social behaviour and impacts on privacy, I would recommend that if the Board are minded to grant permission, the applicant is required to provide a block wall along the external boundary of the appeal site, as it adjoins these two neighbouring properties (subject to the agreement of the property owners).

7.13. Flooding

- 7.13.1. The appellant (Belview) raises two concerns in respect of flooding, (a) that the area along the Mayne River, close to where it meets Malahide Road, is prone to flooding, caused by a spring on higher ground, and (b) that the proposed development may cause flooding of their own property.
- 7.13.2. I note that the OPW's CFRAM maps indicate flooding in the area referred to by the appellant. This flood zone extends to the lower part of the garden of the appellant's property. The proposed development incorporates a Sustainable Urban Drainage System which seeks to manage surface water flows i.e. attenuating flows to 2 l/s/ha, thereby reducing flows from current levels, and, therefore, the risk of on-site and off-site flooding. I note that the planning authority (Water Services) considers the proposed arrangements for the management of surface water to be acceptable, subject to details demonstrating the capacity of the rehabilitated lakes. I would conclude therefore that, subject to the implementation of the proposed SuDS measures and demonstrated capacity of the rehabilitated lakes, the proposed development will not increase the risk flooding on the site or of the adjoining property.
- 7.13.3. With regard to the proposed wetland area to the north west of the residential properties adjoining the appeal site, the top level of water in this area is lower than the ground level at the boundary to the adjoining properties and an outfall pipe (for overflows) and a flood route (in the event of a blockage) are routed away from the properties, to the River Mayne. Having regard to these arrangements, I do not consider that the proposed attenuation pond, would give rise to serious risk of flooding of the adjoining property.

7.14. **Open space**

- 7.15. The appellant (Belview) argues that the riparian strip and green corridor should not form part of the open space provision as per policies of the CDP.
- 7.16. Section 3.5 of the County Development Plan 2017-2023 deals with public open space provision. It states, with regard to the quantity of open space to be provided in residential developments, that *'The development site area cannot include lands zoned RU, GB, OS or HA.'*
- 7.17. Section 6.2.2 of the Updated Urban Design Report, November 2016, sets out calculations for open space provision in the proposed development. The woodland area to the south of the appeal site is designated as OS, open space, and is, therefore, appropriately excluded from the open space calculations i.e. the 4.18ha shown in section 6.6.2, OS zoned lands should be excluded from any open space calculations in respect of the appeal site. In this instance, open space provision is in excess of the required 1.995ha even after the 4.18ha is removed from the area of open space provided (8.311ha).
- 7.18. Section 3.5 of the County Development Plan 2017 – 2023 refers to SuDS in the provision of public open space and states *'Properly designed and located SuDS features can be incorporated within and can complement the amenity and aesthetic value of open spaces. SuDS areas do not form part of the public open space provision, except where they contribute in a significant way to the design and quality of open space as defined by the Planning Authority'*. I note that the applicant has excluded all SuDS areas from the open space calculation with the exception of the sunken basin which forms part of the open space provision to the south of the boulevard. The applicant states that the basin will be usable at all times, except in severe weather conditions (i.e. with flooding to a depth of 400mm in a 1 in 100-year flood event, with water dissipating in 15 hours). Having regard to the amphitheatre design of the proposed basin, the passive surveillance provided by the crescent of housing which overlooks it and the short term and infrequent nature of likely flooding, I consider that the inclusion of this area in the open space calculation, is acceptable and in accordance with development plan policy.

7.19. **Septic tanks**

7.19.1. The appellant (Belview) argues that the proposed development should make provision for connection of the two septic tanks, serving Belview and the adjoining property, to the mains sewer as part of the proposed development. I note that the applicant provides for the decommissioning of the existing tanks and the connection to the new foul sewer (Figure 2, Appendix B, Response to Third Party Appeals, March 2017).

7.20. **Boundary treatment**

7.20.1. The appellant (Belview) raises concerns regarding the location of the site boundary (fence to rear of property not erected on boundary) and argues that the proposed arrangements for boundary treatment (reinforce existing hedgerow and fence as required) are not satisfactory particularly at the front of the house as it dramatically detracts from its appearance.

7.20.2. In order to safeguard the residential amenity of the existing dwellings I consider that it would be appropriate for the applicant to provide appropriate boundary treatment, in particular to the south and rear of these properties. As stated above, I would therefore recommend, if the Board are minded to grant permission for the development, that this be a block wall or timber fence with additional planting, with the agreement of the property owners.

7.21. **Conditions of the permission.**

7.21.1. In response to the appeals made, the applicant makes the following comments on proposed conditions:

- No. 4 and 5 (revisions to Block nos. 1, 2, 3 and 5; omission of Block no. 4A and 4B) – These conditions are dealt with above in section 7.4 of this report.
- No. 10 (public open space provision) – This matter is dealt with above in section 7.14 of this report.
- No. 11 (requiring a 1800mm high railing along the northern boundary of the river linear park) - The applicant argues that the route of the old carriage drive, woods, river and lakes are integral to Belcamp and would be better not

separation. Further, they argue that the railing would make the woodland less permeable and therefore less safe and more susceptible to vandalism and anti-social behaviour. I acknowledge that the woodland and associated features are integral to Belcamp, their context and relationship with Belcamp Hall will change significantly with the proposed development. However, the planning authority has responsibility for the day to day management of open spaces, and I note in the Parks Planning Section report, dated 17th January 2017, that reference is made to a similar development in Fingal adjoining an area of open space which experienced high levels of anti-social behaviour and I would defer to their experience of this regard. I would, therefore, recommend that the Board require provision of this railing to reduce the risk of anti-social behaviour (see Parks Planning Report, dated 17th January 2017).

- No. 7 (requires the omission of six no. houses to wider the park between roads 9 and 2, nos. 68, 57, 87, 77, 96 and 106, CCK drawings 1431 PA1 04 Rev A and 1431 PA 05 Rev A) in order to provide a flat area of amenity open space to the south of the houses) - In response, the applicant proposes omitting only nos. 68, 57, 87 and 77, with the setback so formed accentuating the space formed along the home zone and contained at each end by house nos. 27 and 101. I consider that this approach is preferable as it provides an additional area of flat amenity open space in proximity to housing overlooking the woodland area, and provides a well-defined home zone.

7.22. Other Matters

7.22.1. Appellants and observers draw the Board's attention to the following matters:

- Dublin airport – The appeal site is located within the Outer Airport Noise Zone. Objective DA07 of the County Development Plan does not restrict development within this zone, however it states that the planning authority will require noise insulation where appropriate.
- Proximity to Greater Dublin Drainage proposal – The proposed development would appear to be situated c.500m to the south east of Irish Water's proposed WWTP at Clonshaugh. This development is at an early stage and

any impacts arising from it will be addressed as part of the application process.

- Part V provisions – In accordance with the requirements of the Fingal County Development Plan 2017-2023 and the Planning and Development Act 2000 (as amended), 10% of the dwelling units proposed on the appeal site will be allocated as Part V housing. The approach has been accepted by the planning authority.
- House type J – In their decision to grant permission the planning authority require revisions to House Type J at plots 32 to 40, in particular with respect to the proposed hipped roof, in order to provide a more suitable and coherent housing forms. Having regard to the illustrations in respect of the proposed house type, I consider that a front gable dwelling would be more appropriate. I note that the planning authority require a separate planning application for the revised units, however, I consider that the matter could be better addressed by compliance condition.

8.0 Environmental Impact Assessment

EIS

- 8.1. The Environmental Impact Statement submitted in respect of the proposed development is summarised at the end of this report. It describes the impact of the development on human beings, material assets, flora and fauna, soils and geology, water, air and climate, noise and vibration, landscape and visual assessment, transportation, archaeology and cultural heritage and interactions of the foregoing (cumulative impacts are identified where they arise). The EIS is accompanied by an addendum, which deals with architectural, cultural and historic landscape heritage, and a Non-Technical Summary.
- 8.2. In overall terms, the EIS is in compliance with Articles 94 and 111 of the Planning and Development Regulations, 2001, as amended. In particular, the EIS contains the information specified in paragraph 1 of Schedule 6 of the Regulations:
 - It adequately describes the nature of the proposed development,

- It adequately describes the measures envisaged to avoid, reduce and, if possible, to remedy significant adverse effects,
- It provides the necessary data to identify and assess the main effects the project is likely to have on the environment;
- Gives an outline of the main alternatives designs studied, taking into account the effects on the environment.

8.3. It also contains the further relevant information, by way of explanation or amplification of the information specified in paragraph 2 of Schedule 6 of the Regulations.

8.4. The environmental impact of the proposed development is assessed and, where relevant, the cumulative impact with other permitted or proposed developments in the area is considered as part of the EIA process.

EIA

8.5. Having regard to the contents of the EIS, the additional material on file in respect of the proposed development and the matters discussed above, I consider that the proposed development is likely to give rise to a significant long term environmental effect on the architectural and cultural heritage and the landscape character of Belcamp, which is of both national and international importance, with the loss of the open setting of the Protected Structure. However, this impact must be balanced with the positive impact of the development on the restoration of the Protected Structure and the associated structures and features.

8.6. Impacts on flora and fauna, and the woodland landscape of Belcamp in particular, are likely to be moderate, in particular in the short term, but subject to implementation of ecological mitigation measures, are acceptable. (I do note that the proposed development will reduce agricultural land in the immediate vicinity of the site and therefore reduce the habitat for breeding Yellowhammer (red status)).

8.7. Impacts on water quality in the River Mayne, are unlikely to be significant, if best practices are adopted in relation to works in proximity to the watercourse, or those likely to give rise to surface water pollution or sediment laden runoff.

8.8. Impacts on human beings, soils and geology, air and climate, noise and vibration, archaeology, and transportation are not likely to be significant, in the short

or long term, subject to the implementation of the mitigation measures proposed in the application documentation. No significant impacts are likely to arise as a consequence of cumulative effects or interaction of impacts.

8.9. **Appropriate Assessment**

- 8.9.1. The applicants screening report for appropriate assessment concludes that whilst the proposed development is not located within or directly adjacent to any SAC or SPA, pathways do exist to a number of these sites (section 2.2.3) of the report. However, it concludes that having regard to best practice site management that will be implemented during construction, use of SuDS techniques to protect water quality during operation, the very modest effect of the proposed development on discharge from the Ringsend water treatment plant and absence of impact of the proposed water source on status of Natura 2000 areas that no significant effects are predicted to occur to the integrity of any SAC or SPA.
- 8.9.2. Having regard to the above, and subject to satisfactory arrangements being put in place regarding construction management, which can be controlled by condition, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on downstream European sites, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 **Recommendation**

- 9.1. Having regard to the matters raised in the course of this appeal, discussed above, my findings in respect of environmental impact assessment and appropriate assessment, I recommend that planning permission for the proposed development be granted, subject to condition, and for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to:

- i. The zoning of the appeal site for residential development in the Fingal County Development Plan 2017 to 2023,
- ii. Specific objective Balgriffin/Belcamp 5, of the County Development Plan 2017 - 2023, which allows for a quantum of development on the Belcamp LAP lands to facilitate the rehabilitation and preservation of Belcamp House prior to the adoption of the LAP,
- iii. The particular vulnerability of the Protected Structures on the appeal site, and
- iv. The detailed design of the development,

It is considered that, subject to the conditions set out below, the proposed development would not comprise premature or piecemeal development, give rise to a significant risk of flooding or detract from the residential amenity of the area, would provide an appropriate quantum, mix and design of development and would provide for the rehabilitation and preservation of Belcamp House and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 23rd November 2016 and received by An Bord Pleanála on the 23rd March 2017, 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 permission relates to the provision of 167 no. dwellings, comprising 124 no. houses and 43 no. apartments.

Reason: In the interest of clarity.

3. Prior to the commencement of development, a revised site layout plan shall be submitted to the planning authority for written agreement omitting Block nos. 1, 2, 3, 4A, 4B and 5 from the development. Prior to the completion of the 49th residential unit, a separate planning application in respect of the parcels of land associated with Block nos. 1, 2, 3 and 5 shall be submitted. Provision shall be made for a childcare facility within this application to meet the requirements of the overall application site.

Reason: In the interest of visual amenity and to protect the character of Belcamp Hall.

4. In respect of Block no. 6:
 - i. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, details of:
 - a. Planting proposed to the north elevation, evidence that planting on this elevation can thrive and details of the maintenance of the planting system, and
 - b. A 1.8m high opaque screen to be provided to the side of balconies on the southern elevation of the block.
 - ii. No additional development shall take place above roof parapet level (including all external plant and telecommunications equipment), unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Details of the materials, colours and textures of all external finishes for the proposed development, shall be submitted to and agreed in writing with, the planning authority prior to commencement of development, including:
 - a. External finishes of buildings within the development, Belcamp Hall, Chapel, north block, block no. 6 and dwellings. Materials used shall be of sufficient variety to clearly indicate the hierarchy of streets within the development to the satisfaction of the planning authority.
 - b. External finishes of New Square, Belcamp Square, Belcamp Square, School Square, Washington Square. Details shall include landscaping, street furniture, lighting, bicycle racks and litter bins.

Reason: In the interest of visual amenity and the creation of high quality public realm.

6. In respect of the housing units, prior to the commencement of the development revised details shall be submitted to the planning authority for written agreement providing for the following:
 - i. Revised details in respect of house type J shall be submitted to the planning authority for written agreement. These shall include omission of the hipped roof.
 - ii. Relocation of rear garden access for Plot 20 to the western side of the dwelling, to the satisfaction of the planning authority.
 - iii. A separation distance of 2.3m between the side walls of plot nos. 7 and 8, 9 and 10, 11 and 12, 13 and 14 and 15 and 16.
 - iv. The position and design of photovoltaic panels on relevant house type drawings and the position of rainwater goods on all house type drawings.
 - v. Clarification of the boundary delineation between plots nos. 31 and 32 and 44 and 45.
 - vi. Details of the bin store for plot no. 28.

Reason: In the interest of residential amenity and urban design.

6. Prior to the commencement of development, the applicant shall submit the following to the planning authority for written agreement:
 - i. A revised site layout plan showing the omission of units on plots 68, 57, 87 and 77 and the provision of a flat area of open space adjacent to the Green Corridor between road 2 and road 7 (CCK drawings 1431 PA1 04 and 1431 PA1 05).
 - ii. Revised drawings showing public open space provision, and hierarchy, in accordance with the policies and objectives of the County Development Plan 2017-2023 (policy objective PM52 and Table 12.5) and to the satisfaction of the planning authority. The provision of public open space shall exclude the lands zoned OS along the River Mayne. All areas of public open space defined in the agreed drawing shall be provided as part of the first phase of development as set out in CCK Site Layout Phasing drawing no. 1431 PA1 20.
 - iii. Revised drawings indicating the area of proposed recreational facilities and compliance with Objective PM54 of the Fingal County Development Plan 2017-2023.

Reason: In the interest of providing effective and usable amenity space.

7. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:
 - i. A revised landscape plan, indicating the relationship between open space provision and SuDS provision, omission of trees within the line of sight from the eastern elevation of Belcamp Hall and the Washington Monument, repair of the balustrading to the north/south bridge across the ponds and omission of wildflower/native grass area within the semi-circular attenuation basin and replacement with grassed kick about area (The Big

- Space drawing 300 Rev. 2).
- ii. Revised details in respect of the eastern attenuation pond (benching or staging of sides and removal of surrounding fencing) to the satisfaction of the planning authority. Any such proposal to retain volumetric capacity of pond and location relative to housing to the south east of the pond.
 - iii. A detailed maintenance plan for the open space areas, green corridor and wetland areas, to include a Woodland Management Plan for the site.
 - iv. A detailed Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012, Trees, prepared by an appropriately qualified arborist/landscape professional. Tree protection measures shall be agreed with the planning authority in advance of commencement of development.
 - v. Details on street trees to the satisfaction of the planning authority.
 - vi. Detailed arrangements for the provision of a 300mm wall with a 1.5m round bar railing atop (or similar) along the northern boundary of the riverside open space.

Reason: In the interest of visual amenity, nature conservation and provision of appropriate amenity open space.

8. A suitably qualified arborist/landscape professional shall be engaged for the duration of the development to monitor site development works in a manner which shall be agreed with the planning authority, to include a mechanism for reporting to the planning authority during the construction programme, in advance of the commencement of development.

Reason: In the interest of visual amenity, nature conservation and to protect the character of Belcamp Hall.

9. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:
 - i. A revised site layout plan omitting the road proposed to the north of the site.
 - ii. Details of the entrance off Malahide Road to include details of the boundary treatment to the north of the entrance and location of historic gate piers and side gates at this entrance.

Reason: In the interest of traffic safety.

10. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:
 - i. Justification for the insertion of isothermal system to the stained glass windows.
 - ii. Exact positioning of stained glass windows within the openings.
 - iii. Details of all external fittings for Belcamp Hall, Chapel and the northern block shall be submitted to the planning authority for written agreement.
 - iv. Details of all signage for the café and crèche which shall omit the high level signage from the eastern elevation of the northern block and which shall be confined to the ground level only and be non-illuminated.

Reason: In the interest of visual amenity and maintain the integrity of the Protected Structure.

11. The stained glass windows from the Harry Clarke studios shall be reinstated into the openings of the Chapel prior to the completion of Phase 1.

Reason: In the interest of visual amenity and to maintain the integrity of the Protected Structure.

12. Public lighting shall be provided in accordance with a scheme, which shall be undertaken in conjunction with a bat expert, 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 house.

Reason: In the interests of amenity and public safety.

13. Prior to the commencement of development, revised details shall be submitted to the planning authority for written agreement in respect of:
 - i. Parking for unit nos. 50, 54, 90 and 93 shall be taken into the curtilage of respective units.
 - ii. Allocation of all residential parking.
 - iii. The provision and location of all commercial parking, segregated from residential parking.
 - iv. Revisions to the shared surface area long road 7 to provide two separate shared surfaces either side of the junction of road 7 with road 5.
 - v. Materials to be used in the shared surfaces.
 - vi. Details for the transition between shared surfaces and standard road construction (in particular, for the visually impaired).
 - vii. A swept path analysis of the bus route through the proposed development. Where required adjustments would result in significant amendment to the permitted street network in the location of Belcamp Square/New Square (CCK drawing no. 1431 PA1 04), indicative proposals for an alternative route within the future LAP lands shall be submitted.

Reason: In the interest of traffic and pedestrian safety.

14. Prior to the commencement of the development, details of areas to be

taken in charge shall be submitted to the planning authority for written agreement. These shall include the walled garden.

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

15. Prior to the commencement of development, revised details shall be submitted to the planning authority for written agreement, for the omission of the proposed flow control devices and retention and restoration of the weirs at lake 1 and 2.

Reason: In the interest of preserving the historic landscape of Belcamp.

16. Prior to the commencement of development, a detailed mitigation statement shall be submitted to the planning authority for written agreement indicating how the nine ecological mitigation measures set out in Chapter 6.6 of the EIS will be implemented. This shall include:
 - i. A timescale for implementation.
 - ii. A woodland management plan.
 - iii. An invasive species management plan.
 - iv. Details in relation to all other recommended ecological mitigation measures.

During the construction stage of the project, the developer shall retain a suitably qualified ecological clerk of works to ensure implementation of all ecological mitigation measures and the erosion control measures set out in the Construction Management Plan.

Reason: In the interest of nature conservation.

17. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement, proposals for a piece of art to comply with the requirements of the Fingal County Development Plan 2017

– 2023.

Reason: In the interest of residential and visual amenity.

18. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise (RIAI Conservation Architect, Grade1, or equivalent).

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

19. Prior to the occupation of the building, details of the operation and management of the interior of the Chapel, including the insertion of any internal or external signage, fittings, furniture or equipment shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity and to maintain the integrity of the Protected Structure.

20. Prior to the occupation of the first dwelling, the applicant shall submit to the planning authority, for written agreement, a comprehensive assessment of the historic landscape of Belcamp for record, to include information by a suitably qualified professional on comparative features and planting between Belcamp and Mount Vernon.

Reason: In order to provide a record of the cultural heritage of the site.

21. The proposed childcare facility shall not operate outside the period of 0730 to 1930 hours Monday to Friday, inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

22. The proposed café/restaurant located in the north block shall not operate outside the period of 0830 to 1900 hours Monday to Sunday, including public holiday. No music or amplified sound shall be broadcast externally from the café within the north block.

Reason: In the interest of residential amenity and the amenities of the area.

23. In respect of the housing units, the following shall be provided, unless otherwise agreed in writing with the planning authority:
- i. All bathrooms/en suite windows and all windows at first floor level in side elevations of houses shall be fitted and permanently maintained with obscure glass.
 - ii. Boundary treatment subdividing dwellings to the front shall comprise a 900mm high hedge and boundary treatment subdividing dwellings to the rear shall comprise a 2m high concrete post and timber fence.
 - iii. Boundary treatment to the rear side private gardens, as indicated on The Big Space Drawing no. 1330 302 Rev 2, shall comprise a 2m high brick wall with concrete capping. The brick shall harmonise in colour and texture with the adjoining dwelling.

Reason: In the interest of visual and residential amenity.

24. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

25. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, prior to the commencement of development, details of the proposed rehabilitation of existing lakes, capacities, weirs and transfer pipework shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

27. During the operation of the development, entrance gates, security huts or security barriers shall not be permitted at the entrance to the development from Malahide Road.

Reason: In the interest of social inclusion.

28. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. No residential unit shall be occupied until all services have been connected and are operational.

Reason: In the interests of visual and residential amenity and the proper planning and sustainable development of the area.

29. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

30. 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 amenities of property in the vicinity.

31. 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.

Reason: In the interest of sustainable waste management.

32. The construction of the development shall be managed in accordance with a Construction 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. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b. Location of areas for construction site offices and staff facilities;
 - c. Details of site security fencing and hoardings;
 - d. Details of on-site car parking facilities for site workers during the course of construction;
 - e. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - f. Details of appropriate mitigation measures for noise, dust and

vibration, and monitoring of such levels;

- g. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- h. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 33. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

- 34. Prior to the commencement of development, a tree bond of €50,000 shall be lodged with the planning authority to ensure that trees are protected and maintained in good condition through the course of the development. The bond will be held by the planning authority for a period of 5 no. years post

construction, which may be extended, in the event of possible construction related defects.

Reason: In the interest of visual amenity, nature conservation and to protect the character of Belcamp Hall.

35. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

36. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of

the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Deirdre MacGabhann

Planning Inspector

31st May 2017

Environmental Impact Statement: Summary

11.9. The main findings of the environmental impact assessment are as follows:

- Alternatives – Design of the development has been based around a non-statutory master plan which has been amended in the course of the application.
- Planning and development context – Development is consistent with national, regional and local planning policy context, including land use zoning in respect of the site.
- Human beings – Construction impacts are generally confined to positive direct and indirect employment and negative impacts of construction traffic. Operational impacts are considered to be increase in housing stock (in line with growing population), landscape and visual effects and increase demand for infrastructural services/creation of critical mass to support existing and new community and social facilities.
- Material assets – No significant impacts predicted (architectural heritage, traffic infrastructure, potable and wastewater network, utilities and municipal waste).
- Flora and fauna – An impact of the development on flora and fauna is based on consultation with relevant statutory bodies, site survey, bat survey and bird survey. The site is not within or adjacent to any sites of nature conservation interest. Hedgerow and treeline boundaries, mixed broadleaved woodland along with Mayne River and associated ponds are identified as being of high local value to biodiversity. There was evidence of Yellowhammer, a farmland bird of high conservation value, and Giant Hogweed was present on site (invasive species). Approximately 80m of hedgerow and 1ha of broadleaved woodland will be removed (c.123 trees, many in poor condition). Sets out 9 recommended mitigation measures to reduce the severity of impacts e.g. management of woodland for wildlife, work practices to minimise impacts on species and Mayne River and eradication of Giant Hogweed. If implemented the report concludes that impacts would be reduced to minor, negative or lower. In the short term, a residual negative impact would occur to the riparian woodland however, long term planting and recovery, has the potential

to restore and enhance woodland character. It notes that the development may result in the permanent loss of breeding Yellowhammer (red status) due to on-going loss of arable land in urban Dublin.

- Soil and geology – The main impact of the development on the site will be the movement of material during construction. The report states that the development has been designed to minimise the cut and fill balance with any surplus material being deposited off site in approved facility. Mitigation measures include means to prevent pollution of surface and groundwater during construction and soil deposited on the public road. A construction management plan and traffic management plan will be prepared and implemented during the construction phase of the development. During operation, the proposed SuDS system and associated filtration devices will remove pollutants from rainwater runoff.
- Water – The proposed development will connect to an existing potable water supply to the south of the development, which is designed to serve the North Fringe, and to an existing large diameter sewer to the south and east of the development, which has also been designed serve it. There will be some disruptions on local roads during the construction of connections. The development will provide for rehabilitation of the two lakes on site, which will provide attenuation and treatment for the development. SuDS devices will treat, store and recharge the ground where feasible (site has poor infiltration qualities). Mitigation measures include a Construction Management Plan with measures to minimise pollution of surface and groundwater and on-going maintenance of the SuDS system (including the proposed wetlands).
- Air and climate – During construction potential impacts arise from construction activities, specifically dust from earthworks, movement of soil and construction traffic and emissions from construction vehicles. Operational impacts are increase in emissions to the atmosphere, in particular from traffic, and additional greenhouse gas emissions arising from road traffic and space heating of buildings. The report proposes mitigation measures to be implemented during construction to minimise dust arising. Construction impacts on climate are considered to be negligible due to the size and temporary nature of construction activities. Operational impacts are not

considered to be significant given the predicted level of emissions, relatively modest size of the development (climate change) and wider improvements in emissions taking place in the transport industry.

- Noise and vibration – Main impacts arise from construction noise and vibration and from operational traffic. Predicted construction noise and vibration, at sensitive receptors, falls within the limits set out in BS5228 *Code of Practice for Noise and Vibration Control on Construction and Open Sites*. Noise arising from additional traffic is anticipated to be less than 1dB(A) along the Malahide Road, and is therefore, considered to be negligible. The applicant proposes various mitigation measures to ensure that noise and vibration impact is kept to a minimum.
- Landscape and visual assessment – Identifies 5 no. viewpoints, representing the main elements of the receiving environment, for detailed visual impact assessment, with priority given to views from main roads and from potentially sensitive locations (pages 11-11 to 11-16 of EIS). The report concludes that the magnitude of impact of the proposed development is slight to imperceptible even in winter months (lack of visibility of development from surrounding road network, screening by existing vegetation). However, mitigation measures are proposed to reduce the impact of the proposed buildings on the landscape over time, including proposals for the public realm, tree planting along the main access route, sympathetic building materials, retention and management of existing woodland and high quality treatment of the public realm. Future development of the wider lands will continue to alter the landscape character of the area, northwards and westwards. However, the cumulative development will not have a significant impact on the wider landscape as a whole, having regard its similar height and scale (to proposed development) and urban context.
- Transportation – Impacts arising from construction (traffic, road/junction improvements and upgrading of pedestrian crossing) are considered to be short term and not significant. During the operation of the development, increase in vehicle trips will be accommodated by the development access (junction 1) but will have a slight impact on upgraded Balgriffin junction (junction 2) but not sufficient to significantly affect traffic flows. The

introduction of the new pedestrian crossing, on Malahide Road, will further urbanise the area and have a positive effect on traffic calming. The development will also increase the demand for public transport, pedestrian and cycle facilities. Mitigation measures are proposed for the management of construction traffic (including monitoring). The report states that when the need arises the section of the proposed East West Distributor Road (which forms part of the application) can be extended to the west and link to the R139 in accordance with the Fingal County Development Plan, allowing traffic to bypass Malahide Road at Balgriffin Road junction (junction 2).

- Archaeology and cultural heritage – Refers to archaeological investigations carried out within the proposed development site and of two recorded archaeological sites, both located within the former playing pitches associated with Belcamp College (RMP DU015-033 and SMR DU015-116). The report concludes that there is a general absence of archaeological features within the proposed development lands and that the two archaeological sites, were early modern design landscape features i.e. tree rings, a circular, oval wall, bank, fosse or earthwork platform (or combination of these) that define or enclose a cluster of ornamental trees. The report states that the features are absent from Rocque's mid-18th century map and from any of the historic OS mapping of the 19th and 20th century, placing them sometime between the late 18th Century or early 19th Century. It is possible therefore, that the two enclosures formed part of Newenham's works within the Estate in the 1770s and 1780s and that they represented contemporary designed landscape features. The report refers to historic maps in respect of the site and the evolution of landscape features and development on it. Mitigation measures are proposed to minimise impacts, including monitoring of top soil removal by a qualified archaeologist.
- Interactions and cumulative impacts – The report concludes that no significant cumulative direct or indirect impacts are predicted to arise as a consequence of the development, or that the interaction of impacts leads to any significant impact beyond those that have already been identified within the topic chapters of the EIS.