



An
Bord
Pleanála

Inspector's Report

ABP-307886-20

Development	Demolition of 2 storey dwelling and construction of 2 storey dwelling. A Natura Impact Statement has been lodged with the planning application.
Location	Glenlion House, Thormanby Road, Baily, Howth, County Dublin, D13 E395
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0046
Applicant(s)	Robert & Jean Dix.
Type of Application	Planning permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Hillwatch.
Observer(s)	Roxanne White.
Date of Site Inspection	10 th November 2020.

Inspector

Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.49ha and is located on the Lion's Head peninsula on the southern side of Howth Head. The Cliff Walk runs alongside the southern boundary of the site with the Howth Head SAC directly beyond this. Access to the site is from Thormanby Road via a shared laneway which serves a total of 6 dwellings. The subject site is at the end of this laneway.
- 1.2. There is a split-level, two-storey detached dwelling currently in place on the site. It is positioned on a levelled plane to the north of the site with the remnants of hard landscaping on the terraces on all sides of the house. The house is currently vacant and secured with hoarding. On the occasion of the site visit, it was evident that it has not been maintained and is in poor repair.
- 1.3. There is a single storey building directly to the north of the dwelling and at a slightly higher level. The development site does not include this single storey structure and planning permission has been granted to demolish it under PL06F.247764, (PA Ref. F16A/0261) and to construct a new dwelling directly to the east of the existing house.
- 1.4. The site is steeply sloped from north to south with a ground differential of 45m between the entrance at Thormanby Road and the cliff walk which runs along the southern boundary of the site. The vegetation on the site is overgrown with some mature Scots Pine trees in place to the north of the site and along the southern and eastern boundaries.

2.0 Proposed Development

- 2.1. The application is for permission for the following development;
 - The demolition of the existing, split-level, two storey dwelling of 243m² and the construction of a contemporary 2 storey, 5 bedroom dwelling of 607m².

The building to be demolished is a detached two storey dwelling which was constructed in the 1930's using hollow block construction with stone cladding. It is of a traditional form with a mainly square footprint and a flat roof with double pitched slate finished parapets on all sides. The building is not listed on the Fingal RPS and is not included in the National Inventory of Architectural Heritage, (NIAH).

Justification for its demolition is outlined in a report by Downes Associates and states

that the structure of the building has undergone significant degradation and corrosion and any works to retain and repair it would be extensive and costly. The amount of original building fabric remaining after such interventions would be minimal.

The replacement dwelling would be positioned in the same location as the existing house but would have a much larger footprint. The design is contemporary in nature with a long pavilion style ground floor with a smaller, centrally positioned upper level and a roof terrace above. The front elevation would be staggered with large metal framed windows with coarse textured reconstituted stone finishes to the external walls and roof.

At the lower level the replacement house would extend to a width of 38.5m. On the eastern side it would be approximately 11.5m longer than the existing house and on the western side it would be approximately 7.8m longer. The depth of the structure new structure would extend southward by approximately 5m from the front elevation of the existing house.

- 2.2. The upper level of the new dwelling would follow the line of the existing building along the eastern elevation, with an increase in the existing footprint along the southern and western elevations of approximately 2.4m and 1.8m respectively. The new building would be 1.9m taller than the existing dwelling. However, as the site would be excavated to provide a finished floor level which would be 0.31m lower than existing, there would be a difference of approximately 1.6m between the existing ridge height and the tallest point of the undulating roof structure.
- 2.3. Parking for 3 no. cars will be provided to the east of the building with terraces to be located to the south, east and west. The landscaping strategy is to reinstate boundary lines and to restore original stones and hard landscaping throughout the site.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority subject to 14 conditions, many of which are standard in nature. A Natura Impact Statement was submitted with the application and Condition No. 3 requires the following;

During the construction stage of the proposed development the mitigation measures as contained in the revised Appropriate Assessment Screening and Natura Impact Statement, the Proposed Construction Site Setup Details drawing, the revised Construction Management Plan and the Invasive Species Survey and Management Plan shall be implemented in full.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two reports by the Planning Officer on file;

Report dated the 24th March 2020 states the following;

- The development is consistent with the zoning objective for the site and the SAAO, and whilst the replacement dwelling would be somewhat larger, it would be acceptable and would not be visually dominant on the surrounding area.
- Given the siting, scale and design of the dwelling, it will not give rise to any adverse impacts in terms of neighbouring amenity. It is noted that the existing dwelling is in close proximity to the adjacent dwelling to the north, resulting in significant dis-amenity for both occupiers.
- The site is in close proximity to the cliff path, from which it is an objective of the Development Plan to protect views. A Tree Survey was submitted but does not include trees on the access road. Specific concerns are raised regarding the volume of construction related traffic on the access road which would result in soil compaction in the root protection area.
- The Planning Officer recommended that further information is requested to address concerns regarding the trees, the Construction Management Plan and the information contained in the NIS.

Planning Report dated 9th July 2020;

- The report refers to the further information submitted by the applicant, the subsequent technical reports received and the additional observation received from third parties. The Planning Officer found the response to the RFI to have adequately addressed the issues raised and recommended that planning permission be granted with conditions.

3.2.2. Other Technical Reports

- Transportation Planning Section – No objection to the proposed development.
- Parks and Green Infrastructure Division – Report dated 10th March 2020 recommended additional information regarding the tree survey, construction management plan and the AA. Report dated 2nd July 2020 and in response to the additional information submission, it is recommended that planning conditions be attached to any grant of permission that relate to invasive species control, tree protection and landscape.
- Water Services Department – No objection subject to conditions.
- Report from Consultant Ecologist – Brady Shipman Martin were retained by the Planning Authority to review the additional information submitted by the applicant in relation to the NIS. The report dated 9th July 2020 states that all issues raised in the RFI in relation to European sites and the NIS have been addressed.
- Environment Section (Waste Enforcement & Regulations) – No objection subject to conditions relating to the construction management plan and the disposal of waste from the site.

3.3. Prescribed Bodies

- Irish Water – No objection subject to conditions.

3.4. Third Party Observations

The following observations were made in respect of the proposed development;

- Ciara Ní Laoi on behalf of Hillwatch – The proposal is in conflict with the SAAO which stipulates that replacement dwellings shall not be more than

20% larger than the dwelling being replaced and would undermine the character and amenity of the SAAO. The increased scale, height and depth of the building footprint would result in a visually obtrusive development. The disruption and removal of existing vegetation and landscape to the south would result in damage to the cliff and beach.

- Roxanne White – The demolition of the existing house is supported. Concerns are raised regarding the size, height and bulk of the proposed dwelling.

The extent of southerly facing glass would result in light pollution and the proposed southern extent of the development would run almost all the way across the site from east to west, making it look overdeveloped.

The balconies at first floor level and on the roof top will have a negative impact on the protected views from the Cliff Path and those within or on the other side of Dublin Bay.

There are construction, landscaping and drainage issues that require further attention prior to approval.

3.5. Subsequent to the submission of further information, the following additional observations were made by Roxanne White on the 27th June 2020;

- There are still concerns regarding surface water runoff as it could lead to further erosion of the cliff if tree roots are damaged and soil is compacted by construction. It is requested that silt traps be provided to the east and west as well as the south.
- There are still concerns regarding construction access to the site, the impacts of large vehicles and how they will be managed.
- There is insufficient information submitted with regard to dust management on the site. There should be a contingency plan in place to replace damaged trees.
- The proposal should be reduced in scale to limit the visual impact of the proposal on the protected area. More screening should also be provided to protect views of the SAAO. There has been a significant decrease in the tree coverage on the Lions Head over recent years. Should this trend continue the house will be prominent and visually intrusive.

- No provisions have been made for fires on the site. The extent of glazing will result in light pollution.

4.0 Planning History

There is no planning history for the site. However, lands in close proximity to the site have been subject to a number of applications for development in recent years. The following planning history relates to recent history for sites directly to the north, west and east of the subject site.

- 4.1. The following planning history relates to sites in proximity to the subject site to the north and east, all of which share the access road from Thormanby Road;

Glenlion Cliffs – This site is located to the south-east of the subject site and on the opposite side of the headland.

F20A/ 0008 –A decision is pending on a planning application for the refurbishment and extension of an existing dwelling, to provide an additional 220m² GFA, to provide a disabled access lift and a separate home studio at a lower level than the existing house. The site is located within the Howth Head SAC and a Natura Impact Statement, (NIS), was submitted with the application.

Further information has been requested by the Planning Authority on 5 points which mainly relate to the NIS. A Construction Management Plan was also requested. A decision has yet to be made on this application.

Glenlion Pines – This site is located directly to the north of the subject site.

F20A/0174 – A decision is pending on an application lodged for the demolition of existing two-storey, three-bedroom detached dwelling of 171m² and the construction of a replacement three storey, six-bedroom dwelling of 625m² to include a swimming pool and ancillary facilities. Further information was requested by the Planning Authority and clarification of this information has been requested.

ABP-304845/19, (PA Ref. F18A/0768) – Planning permission granted in October 2019 for alterations to existing dwelling 2 storey dwelling, and an extension of 131m² with external terrace at ground floor level and an external staircase.

F19A/0512 – Planning permission granted by the Local Authority in July 2020 for the relocation of previously permitted wastewater treatment tank and sand polishing filter serving Glenlion Pines (permitted under F17A/0434), removal of a concrete septic tank serving Glenlion Lodge and the provision of a new replacement wastewater treatment system and sand polishing filter and the alteration of levels on the site for landscaping.

F17A/0434 – Planning permission granted by the Local Authority in November 2017 for the removal of existing septic tank and the provision of an Oakstown BAF Wastewater Treatment System and sand polishing filter.

Glenlion Cottage – This site is located directly to the east of the subject site.

PL06F.247764, (PA Ref. F16A/0261) – Planning permission was granted in June 2017 for the demolition of a detached single storey cottage of 47m² and the construction of a replacement single storey, two-bedroom dwelling of 107m² in a different position on the site.

Glenlion Lodge – This site is located to the north of the subject site and in close proximity to Thormanby Road.

PL06F.248103, (PA Ref. F16A/0226) – Planning permission granted in June 2017 for extension and alteration of existing two-bedroom cottage at ground floor and first floor level.

- 4.2. The following planning history relates to the site directly to the west of the subject site;

Carnlea, Thormanby Road;

ABP-306073/19, (PA Ref. F19A/0447) – Planning permission granted by An Bord Pleanála in February 2020, to remove Condition No. 4 of PA Ref. F19A/0447, which

sought to remove a window on the western elevation. Under PA Ref. F19A/0225, planning permission was granted by the Planning Authority for the retention of alterations to previously approved development (PA Ref. F16A/0225).

ABP-303470/19, (PA Ref. F18A/0145) – A third party appeal was lodged against the decision of the Planning Authority in December 2018 to grant permission and refuse retention permission for alterations to development permitted under PA Ref. F16A/0225. This appeal was withdrawn in May 2019.

ABP-300378/17, (PA Ref. F17A/0563) - A third party appeal was lodged against the decision of the Planning Authority in November 2017 to grant permission for amendments to development previously approved under PA Ref. F16A/0225. This appeal was withdrawn in January 2018.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The site is zoned RS – Residential, which has the zoning objective *‘To provide for residential development and protect and improve residential amenity’*.

Specific Objectives;

The site is located in an area which is designated as a Highly Sensitive Landscape. The Development Plan contains objectives to preserve views from the pathway adjoining the site to the east, adjacent pathways to the south and south-west and from Thormanby Road to the north of the site to Protect & Preserve Trees, Woodlands and Hedgerows on the site, (Map 10).

Additional Objectives;

Objective Howth 4 - Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.

NH33 - Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

NH36 - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

NH40 - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

NH44 - Protect and enhance the character, heritage and amenities of the Howth and the Liffey Valley Special Amenity Areas in accordance with the relevant Orders.

RF51 - Ensure that the development of any coastal site through the extension or replacement of existing buildings or development of any new buildings is of an appropriate size, scale and architectural quality and that it does not detract from the visual amenity of the area or impact negatively on the natural or built heritage.

Special Amenity Area Order, (SAAO)

The site is covered by the 1999 Howth Special Amenity Area Order (SAAO). Map A shows that the site is located within the 'Residential' area of the SAAO.

Map B of the SAAO identifies groups of mature trees within the site, along the southern and northern boundaries, that are to be protected. It also indicates the presence of heathland and maritime grassland along the western side of the site.

(Note: The Heathland Study, Howth Head, Co. Dublin, April 2020, BEC Consultants for Fingal County Council, does not indicate the presence of heathland within the subject site but does show bracken and scrub to the east and west of the site.)

Specific objectives in the SAAO include the following;

Objective 2.1 – To preserve views from public footpaths and roads.

Policy 2.1.1 - The Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must take into account the visual impact of the proposals on views from these paths and roads. Applications must state whether there would be an impact and describe and illustrate the impact. Where there would be an impact, an application for planning permission must be accompanied by a cross-sectional drawing at a suitable scale, showing the proposed development and the affected path or road. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.

Objective 2.2 - To preserve the distinctive profile of the peninsula viewed from the roads on the shorelines of Dublin Bay and the Baldoyle Estuary.

Objective 2.6 – To preserve the wooded character of existing residential areas.

Policy 2.6.2 - The roots of existing trees in fair or good condition shall be protected. Where a development involves excavation, if the excavation is beneath the canopy of an existing tree it shall be done by manual means without the use of mechanical equipment in order to minimise damage to root systems.

5.2. **Natural Heritage Designations**

The site is not located within a designated European site. However, the southern boundary of the site adjoins the Howth Head Special Area of Conservation (SAC), Site Code: 00202. The site is located 0.1km to the north of the Rockabill to Dalkey Island SAC (Site Code: 003000).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as raised in the submission from the third party appellant, Hillwatch, can be summarised as follows;

- The subject site is located within a highly sensitive area which has a Special Amenity Order and adjoins the Howth Head SAC. It is also within a Coastal Landscape Character Area as designated in the Fingal Development Plan. It is of the utmost importance that any development within this area adheres to the specific objectives relating to it, including, and in particular, objectives RF51, NH33 and NH36
- Hillwatch have no objection to the demolition of the existing house and its replacement with one of a similar size. However, the proposed development is significantly larger, increasing the floor area from 243m² to 607m², doubling the width of the existing house and the new building would extend by 4m to the south of the existing house. The height would increase by 1.5m from the ridge where there is a roof terrace and a large increase in glazing which would result in light spillage to the surrounding area.
- The scale of the proposal would have a much greater visibility and impact on the surrounding paths and protected views, particularly those from the west and south east side. The relocation of such a large house so close to the southern boundary is of great concern and there has been insufficient attention paid to the effects of this.
- The Planning Officer cites the proximity of the neighbouring house as a reason to relocate this house and improve the existing 'dis-amenity for both occupiers'. However, the grant of Ref. F16A/0261 is also cited in relation to the new location. This permission already allows for the demolition of the neighbouring house and in the event of F16A/0261 being constructed there would be no dis-amenity to the occupiers of Glenlion House.
- We dispute the Planning Officer's opinion that no adverse visual impacts will arise.

- Some large houses in the area are cited as precedence in the application, however these were mostly replacing houses of a similar size or preceded the current Development Plan and are some distance from the coastal path. The subject site is unique in its proximity to the Cliff Path and the subsequent impact on the protected landscape and views must be considered.
- The proposed development by reason of its excessive size and location within this sensitive landscape would undermine the character and amenity of the Howth SAAO and would, therefore be contrary to the proper planning and development of the area.

6.2. Applicant Response

A response was received from the applicant and is summarised as follows;

- With regard to the visual impact of the dwelling, the design team engaged in extensive pre-planning consultations with the Planning Authority and the building carefully designed and sited in accordance with feedback from Fingal County Council to avoid any negative impact on the landscape.
- The appeal raises concerns with the proposed dwelling's compliance with a set of objectives relating to the landscape. It is submitted that the proposed dwelling has been carefully designed and fully complies with the objectives as set out in the Fingal Development Plan, with particular reference to Objectives RF51, NH33 and NH36.
- The building uses angles to replicate the features on the cliff and the external finishes will comprise a coarse concrete which will replicate the exposed rock on Howth Head. Many of the existing trees and hedges found on site will be retained with the landscaping goal to maintain and protect the existing landscape. The boundaries will be retained as existing and the gaps in the planting will be filled in with species already in place on the site or in the immediate vicinity. Hard landscape materials of historic interest will be integrated into the landscaping of the new house. Tree protection will be put in place by arborists for the duration of construction.

- There are a number of planning precedents located along Carrickbrack and Thormanby Road, many of which have a larger gross floor area and a smaller site area.

6.3. **Planning Authority Response**

A response from the Planning Authority was received on the 10th September 2020 and states that the Planning Authority has no further comment to make.

6.4. **Observations**

One observation was received from Roxanne White and the concerns raised are summarised as follows;

- Protection of Howth Head SAC and other nearby SAC's and SPA's.
- Protection of the trees within the property and along the access route at Lions Head.
- The visual impact of the proposed development with particular reference to the relocation of the house towards the sea from its original footprint, towards the sea, and the incongruous elements such as three-sided, two storey walls of glass.
- Setting a new precedent within the SAAO, in an area of protected views to have an extensive upper floor terrace with a rooftop balcony, which would be visible from the cliff paths with protected views.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the pertinent issues with regard to the development are as follows;

- Principle of Development
- Visual Impact

- Impact on Trees
- Drainage
- Appropriate Assessment

7.2. Principle of Development

The site is zoned RS – Residential in the Development Plan. The site is also identified as a ‘residential area’ within the SAAO. As the house is a replacement house the proposal would not increase the number of residential dwellings on the site.

It is clear from the site visit and from the ‘Report on Condition of Existing House at Glenlion’, prepared by Downes Associates, that the existing house is in poor repair and shows evidence of structural deterioration. The house is not listed on the RPS and in my opinion its demolition is warranted.

As such the principle of demolition and replacement is acceptable.

7.3. Visual Impact

Given the location of the site in highly sensitive and prominent location on the Lion’s Head peninsula the visual impact of the proposal must be carefully considered as it will have a long-lasting impact on the protected views from the Cliff Path. A Landscape and Visual Impact Assessment was prepared by The Big Space, (TBS), Landscape Architects. A set of photomontage images prepared by Arch FX also accompanies the application.

As part of the site visit, I also undertook a visual assessment of the site from the Cliff Path. The site is partially visible from the eastern approach of the Cliff Path but views are restricted and only the rooftop of the existing house can be seen. It is clearly visible from the pathway along the southern boundary of the site where there are gaps in the boundary planting. I note that the landscaping strategy within the site is to maintain the existing landscape in its current state as much as possible and to reinstate the gaps along the site boundaries. In my opinion this strategy would be

sufficient to visually screen and lessen the visual impact of the new dwelling when viewed directly from the Cliff Path to the south of the site.

The most prominent views of the site are from the western side of Doldrum Bay, looking east and are identified as View 4 and 5 in the Photomontage Images prepared by Arch FX. From these locations the upper level of the site is not screened by vegetation and there are clear views of the site and the existing house.

The key issue is whether or not the new building would have a significantly more intrusive visual impact than the existing dwelling. The lower level of the new structure would be partially shielded with planting, but the upper level, terraces and roof structure would be clearly visible. In my opinion, the design details to lessen the visual impact of the new building, such as the glazing, undulating roof profile and the use of coarse textured reconstituted stone will help to integrate the building into the existing landscape and would lessen the visual impact from the Cliff Path looking east.

However, the roof and the terraces will be clearly visible, and I have some concerns regarding the exact finishes and details proposed for these elements. The rooftop terrace will be somewhat recessed and set back within the roof profile and would not be significant in the overall visual impact of the building. The western corner of the first floor terrace will be visible but in my opinion should not be overly dominant if the right external finishes are selected. In particular, the final colours of the stonework will be key to reducing the visual impact and, in my opinion, should reflect and integrate with the surrounding environment as closely as possible. I note that some large houses in proximity to the site have been finished with lightly coloured stone which presents an overly dominant form within the landscape and is an inappropriate response to the surrounding natural environment. The selection of the external finishes and materials can be finalised through compliance with conditions. I recommend that any proposals should include 3D visuals in order to fully ascertain the impact on the receiving environment.

Having examined the site from the Cliff Path, it is my view that, whilst the replacement house will have a different built form to that of the existing house, it will not result in any additional negative impacts on the designated Highly Sensitive

Landscape, the Howth SAAO, and the protected views from the Cliff Walk, if due consideration is given to the materials chosen for the external finishes.

7.4. Impact on Trees

There is an objective in the SAAO to protect the mature trees across the site. The Arboricultural Report submitted with the application notes that none of the Category B or C, trees (specimens of moderate value) within the site will be removed and only 3 of the Category U trees, (trees that are dead, dying or dangerous) are to be removed. A revised Arboricultural Report and Construction Management Plan was submitted in response to the concerns of the Planning Authority regarding the impact of the construction vehicles on the existing trees within the site and on the access road. I am satisfied that the suite of measures outlined in both reports should be sufficient to protect the existing trees on the site and along the access road.

7.5. Drainage

The site is located in a very sensitive area, directly beside a cliff with a direct pathway to a SAC along the southern boundary of the site. In order to ensure that there is no potential for contaminants such as leachate or excessive surface water runoff, the on-site drainage system must be robust.

The property has an existing water supply and is currently served by an existing foul treatment unit and percolation area to the south of the site. The new system will comprise a new treatment unit, pumping chamber and percolation area located to the south of the site. In order to mitigate the risk of mechanical failure of the pumps and risk overflow into the site and the wider area, it is proposed to use two pumps which will be audibly and visually alarmed.

Having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010), I am satisfied that the results are in accordance with EPA guidance and that the system proposed will be adequate. I note that the Planning Authority had no objection to the wastewater treatment system proposed.

At present there is no specific system to deal with surface water within the site. It would appear to flow by gravity via a surface water channel to the south of the site and towards the cliffs, where it falls directly into the sea. The proposed surface water system includes a surface water soakway whereby all surface water from the roofs will be discharged and permeable paving and additional SUDS measures, will deal with rainwater on the site. The Council's Water Services Section did not object to the proposal. I am satisfied subject to appropriate conditions such as prevention of discharge of surface water outside of the site, the proposed would be satisfactory with regard to drainage.

7.6. Appropriate Assessment

The application is accompanied by a Stage 1 Screening Report and a Stage 2 Natura Impact Statement; both of which were prepared by Altemar, Marine & Environmental Consultancy. The applicants AA Screening Report concluded that *'Acting on a strictly precautionary basis, NIS is required in respect of the effects of the project on the Howth Head SAC (000202), (drainage, physical damage and dust impacts), because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the names European Sites/s'.*

Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Stage 1 – Screening

The proposed development is relatively minor in nature and comprises the demolition of an existing 2 storey dwelling on the side of a hill and its replacement with a larger 2 storey dwelling in the same location on the site. The site itself is not located within a designated European site but does directly adjoin the Howth Head SAC, which is located downhill from the site and to the south.

The project will involve standard construction methods with some additional measures required to safeguard protected trees within the site. A Construction Management Plan has been submitted with the application and outlines how the construction phase will be managed.

Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface water and foul water from the site. Given the location of the site, and the nature and scale of the proposed development, I consider the following designated sites to be within the zone of influence of the subject site;

European Site	Site Code	Qualifying Interests / Conservation Objectives	Distance
Howth Head SAC	IE0000202	<p>QI: Vegetated Sea Cliffs of the Atlantic and Baltic coasts & European Dry Heaths.</p> <p>CO: To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Howth Head SAC,</p>	Subject site adjoins the SAC boundary.
Rockabill to Dalkey Island SAC	003000	<p>QI: Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>CO: To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC.</p>	C. 0.1km

Having examined the qualifying interests and conservation objectives for the Rockabill to Dalkey Island SAC, I am satisfied that the proposed development, by virtue of its nature and scale, would not result in any potential for significant impacts on the integrity and conservation objectives of the site. Therefore, this SAC can be screened out of any further assessment.

During the construction phase of the project there is a potential for silt in uncontrolled surface water runoff to enter into the Howth Head SAC. During the operational stage, foul water and surface water will be treated within the site in an onsite treatment plant and percolation area and a soakway. If the system is not managed correctly, there is a potential for an overflow to enter into the SAC.

Ordinarily, standard construction methods would be sufficient to address any environmental considerations regarding drainage during the construction and operational phase. However, as the subject site is located uphill from the Howth Head SAC and, using the source-pathway-receptor model, there is the potential for significant impacts on the designated site in the absence of mitigation measures. The applicant has provided significant detail on construction practices and protection measures that would be above and beyond the normal construction management practices for a development of this nature. For this reason, I recommend that a Stage 2 Appropriate Assessment be carried out.

Stage 2 – Appropriate Assessment

The qualifying interests for the Howth Head SAC are the habitats of the Vegetated Sea Cliffs and Dry Heath. The conservation objectives for the SAC is to maintain the favourable conservation condition of the Vegetated Sea Cliffs of the Atlantic and Baltic Coasts.

The report on *The Status of EU Protected Habitats and Species in Ireland 2013*, Department of the Arts, Heritage and the Gaeltacht, states that on a national basis the overall status of the Sea Cliffs Habitat is considered to be inadequate due to invasive species and also erosion caused by sea defences and pathways, which is

likely to be exacerbated by climate change. Throughout the country, there have been ongoing losses in area for the Dry Heath habitats due to afforestation and agricultural improvements. However, whilst the overall status in the report is listed as Bad, the overall trend is considered to be stable as the losses in Area is balanced by the improvement in quality.

Baseline Data & Conservation Objectives:

The current status of the SAC habitat can be assessed under 3 parameters; range & area, structures and functions and composition.

- Range & Area - The Vegetated Sea Cliffs extend to a length of approximately 8.22km with the greater part of the Howth Head SAC consisting of heathland and sea cliffs. A survey was carried out within the SAC area by BEC Consultants in April 2020, (*Heathland Study Howth Head, Co. Dublin*), which recorded the area of Dry Heath Habitat within the SAC at 78.7ha, which is a similar finding to area mapped by NPWS between 1995 and 2005 (80.33ha). The target for the conservation objective in this instance is to ensure the stability and distribution of the area subject to natural processes.
- Composition – The vegetative composition of the sea cliffs is varied with typical species and sub-communities occurring in the different zones within the cliffs. Areas closer to the cliff base include maritime flora whilst the slopes above the sea cliffs comprise a range of heathland species, which merge into dry grassland in places. Threats to the vegetative composition of the overall habitat include the encroachment of non-native invasive species as well as bracken and woody species.
The overall target for the conservation objectives in relation to composition is to ensure that the typical flora of vegetated sea cliffs is maintained as well as the range of sub-communities within the different zones.
- Structure & Function – The overall health of the vegetative sea cliff habitat depends of a degree of natural mobility such as slumping or erosion. The ecological variation in the vegetative structure of the SAC depends on a number of physical and biological factors such as exposure to sea-spray,

geology and soil type as well as the level of grazing and seabird activity. At Howth Head SAC, European Dry Heath occurs on the slopes above the sea cliffs, which merges into dry grassland, (NPWS, 2013). The overall target in relation to the conservation objectives in this regard is to maintain the structural variation of the vegetative zones.

Potential Impacts of the Development:

As the subject site is not located within the SAC any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. Dust will be generated during the construction stage but the levels anticipated from the construction methods outlined would not result in any significant impacts on the vegetation within the SAC. The presence of Hottentot fig, a non-native invasive species, was also identified within the site, which has the potential to spread to the SAC if not removed.

In the absence of standard control measures or mitigation measures dust, surface water and construction related pollution could enter the SAC. However, even in the absence of construction phase controls the impact would be minor and temporary.

A Construction Management Plan has been prepared for the development and contains the following mitigation measures to prevent any potential impacts on the SAC from the construction stage. It includes the following measures;

- A fully contained zero runoff wheel wash system will be adopted to mitigate the risk of runoff onto the access road. The washout area will be surrounded by silt fences to contain any contaminated material. The base of the wheel wash area will comprise terram woven geotextile on 400mm clean washed stone to ensure that particles can be contained on the terram for easy removal and disposal.
- Surface water runoff will be contained within the site through a buffer zone, collector drain, silt settlement tank and triple layer of silt fence to the south,

east and west of the site boundary. Water management on site will be guided by the *'UK Environment Agency publication; PPG 6 Pollution Prevention Guidelines; Working at Construction and Demolition Sites'*, and the proposed method is considered to be the highest level defined within the *'Erosion and Sediment Control – A Field Guide for Construction Site Managers, Version 4, 2012'*.

- Potential pollutants and/or hazardous materials will be carefully handled, stored and secured to avoid spillages. Any spillages will be immediately contained, and contaminated soil removed from the site and properly disposed of.
- Sandbag flow berms will be provided at strategic locations along the access road which will mitigate the risk of unwanted run-off from the road.
- An Invasive Species Management Plan was prepared for the site and requires that the presence of Hottentot fig within the site must be managed prior to ground works taking place. A removal plan is outlined.

During the operational phase the wastewater system will be managed as follows;

- The proposed foul treatment package system includes duty and standby pumps. In the event of a failure, an alarm within the building management system is set off to notify the users. In addition to this, should the duty and standby pumps fail simultaneously, the proposed Eurotank BAF system is sized to provide a minimum of 48 hour storage.

I am satisfied that the mitigation measures outlined in the Construction Management Plan are sufficient to prevent the potential for surface water runoff from the site into the SAC during the construction phase. As such, the development would not result in any significant impacts on the conservation objectives for the SAC in terms of its area and range, its composition and the structure and function of the habitat.

In-Combination Effects

There are a number of extant permissions within close proximity to the subject site which have the potential to be developed simultaneously, (Ref. PL.247764 & ABP-304845/19). Both developments would use the same access road from Thormanby Road but are independent to each other. Should all three developments be carried out simultaneously there will be increased traffic on the access road which could result in additional surface runoff from the road. However, this could be contained by the provision of additional silt barriers along the access road.

Within the individual sites the potential impacts on the SAC would be similar in nature to the subject site and would exclusively relate to the potential for surface water runoff during the construction phase and an overflow of onsite wastewater treatment systems during operation. These issues would be addressed within each individual site and would not result in any in-combination impacts on the SAC.

I am satisfied that should all three sites be developed simultaneously that, the in-combination effects would not result in any significant negative effects on the conservation objectives of the Howth Head SAC.

Conclusion

'The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. IE0000202, or any other European site, in view of the sites Conservation Objectives.'

This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution, wastewater treatment and invasive species.

Measures designed to prevent adverse effects have been incorporated into a construction management plan.

There is no reasonable doubt as to the effectiveness of these measures and therefore no doubt as to the absence of adverse effects on the conservation objectives of Howth Head SAC.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the scale and design of the proposed development for a replacement house of contemporary design on a large site, within the Howth Head Special Amenity Area, it is considered that subject to the conditions set out below that the proposed development would not detract from the landscape character of the area or protected views from public roads and footpaths and would be consistent with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity Area Order 1999. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. IE0000202, or any other European site, in view of the sites Conservation Objectives.'

This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution, wastewater treatment and invasive species.

Measures designed to prevent adverse effects have been incorporated into a construction management plan.

There is no reasonable doubt as to the effectiveness of these measures and therefore no doubt as to the absence of adverse effects on the conservation objectives of Howth Head SAC.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 18th day of June 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 2 p.m. Saturday and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
3.	<p>The landscaping scheme as submitted to the planning authority on the 4th day of February, 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p>

	<p>All trees identified for retention in the Arborocultural Report submitted to the Planning Authority on the 18th day of June shall be protected from damage for the duration of the construction works.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>Prior to the commencement of development, and in consideration of the environmental sensitivities of the site, a Consultant Arborist and a Consultant Ecologist shall be appointed to oversee and monitor the construction works and to ensure that the tree protection measures outlined in the Tree Protection Plan are implemented in full.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
5.	<p>Prior to the commencement of development, a bond shall be lodged with the Planning Authority, or such other security as may be acceptable to the Planning Authority, to secure the satisfactory protection of all mature trees within the site from damage during the construction phase. 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.</p> <p>Reason: To ensure the satisfactory protection of street trees in the interest of biodiversity and visual amenity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
7.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 4th day of February 2020 , and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the</p>

	<p>polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed stone finishes, roofing materials, windows and doors and shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. The submission shall also include 3D colour images of the proposed finishes within the context of the site, as viewed from the Cliff Path looking eastwards.</p> <p>Reason: To ensure an appropriate standard of development/conservation.</p>
10.	<p>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:</p> <ul style="list-style-type: none"> • Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; • Location of areas for construction site offices and staff facilities; • Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; • Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<ul style="list-style-type: none">• 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;• Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;• 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. <p>Reason: In the interest of amenities, public health and safety.</p>
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Elaine Sullivan
Planning Inspector

24th November 2020