



An
Bord
Pleanála

Inspector's Report

ABP-312060-21

Development	Construction of 78 residential units at Belcamp Hall (a Protected Structure).
Location	Lands at Belcamp Hall, Malahide Road, Dublin 17
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0401
Applicant(s)	Gannon Properties.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	First v Conditions Third Party x2
Appellant(s)	1. Gannon Properties (1 st Party) 2. Brenda Doyle (3 rd Party) 3. Fabian Campion (3 rd Party)
Observer(s)	None
Date of Site Inspection	3 rd May 2023.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is situated in the northern urban fringe area of Dublin City, c.8km northeast of Dublin City Centre and c.2.7km east of Junction 3 of the M1, at Belcamp, Malahide, Dublin 17. The site comprises two plots of land to the west of the R107 Malahide Road and within the curtilage of Belcamp Hall, a protected structure.
- 1.2. The main development plot is located to the north of the existing residential units constructed as part of the Phase 1 development at Belcamp and permitted under ABP PL06.248052 (FCC Ref: F15A/0609). The northern site boundary abuts the residential development of Belcamp Manor (under construction) and the Balgriffin Inn (formerly 'Champions' public house). This c3.79ha plot comprises c3.3ha of undeveloped lands, which previously formed part of the Belcamp Collage Playing fields, and a c0.4ha section of the adjoining road network (R107 Malahide Road and its junction with the R123 Belgriffin Road R123) encompassing part of the existing access road to Belcamp Manor.
- 1.3. The secondary development plot is located to the immediate south of the Phase 1 residential development of Belcamp. It comprises a narrow (5-21m) strip of open space, previously approved as part of the Phase 1 development of Belcamp and forms part of the broader Belcamp open space lands and riverside park.
- 1.4. Access to the site from Malahide Road via a new internal road permitted under Reg. Ref. F15A/0609 (ABP Ref. PL06F.248052)
- 1.5. The site is currently accessed from the Malahide Road via the new vehicular entrance and internal road permitted under ABP Ref. PL06F.248052. Land uses within the vicinity of the site are predominantly residential, including apartments (4-5 stories). Fingal Cemetery is located to the northeast. The Moyne River flows to the south of the site, further to the south lies a mix of commercial and residential development (5-6 storey over retail). Belcamp Hall, to the west of the appeal site, comprises a Georgian house, and associated structures, originally constructed in 1763, and subsequently extended to provide a large school complex (Belcamp College).

2.0 Proposed Development

2.1. Permission is sought for Phase 1(b) of a residential development on lands at Belcamp Hall (a Protected Structure). The proposed development will consist of the construction of 78 no. residential units comprising:

- 58 no. houses all with associated car parking, as follows:
 - 41 no. two storey 3-beds,
 - 12 no. two storey 4-beds and
 - 5 no. three storey 4-beds
- 20 apartment/Duplex/triplex units in one no. three storey, multi-unit block (Block 1) consisting of
 - 10 no. own-door duplex units (6 no. 2-beds and 4 no. 3-beds),
 - 2 no. 2-beds own-door triplex units, and
 - 8 no. apartments (6 no. 1-beds and 2 no. 2-beds),

All provided with private balconies/terraces and associated car parking and bicycle parking.

2.2. The proposal includes for landscaping; boundary treatments; public lighting; and all associated site infrastructure and engineering works necessary to facilitate the development.

2.3. The proposed development also includes new road infrastructure pertaining to the East West Link Road and the upgrading of the R107 Malahide Road junction with R123 to include the East West Link Road. The upgrade works to the R107/R123 junction include the closing of the existing Belcamp Manor access off Malahide Road and the provision of a new access off the East West Link Road. Access is from Malahide Road via a new internal road permitted under Reg. Ref. F15A/0609 (ABP Ref. PL06F.248052) and the East West Link Road from Malahide Road.

2.4. No works are proposed which directly affect the structures at Belcamp Hall (a Protected Structure), or any other protected structures associated with it.

2.5. In accordance with the details submitted the proposed development has been designed as an expansion to the permitted development planning reg.ref: F15A/0609

(ABP PL06F.248052), known as phase 1 of the overall development of Belcamp lands. A similar application for the development of these lands was refused by Fingal County Council in 2020, under F20A/0379 (refer to 'Section 4.0 Planning History' for details)

2.6. Table 2.1 below provides a summary of the key aspects of the proposed development:

Table 2.1: Site Statistics and Development Details:		
Site Area:	4.3ha	
No. Of Residential Units	78	
Gross Floor Area	8947.9sqm	
Housing Mix	Refer to table 2.2 below	
Density	31units /ha (net) 18units / ha (gross)	
Height	Houses range in height from 9.376 to 10.306m Block 1 (multi-unit block) extends to10.025m	
Parking	Car Parking	136 spaces. 2no on-curtilage spaces per house and 20 spaces for the apartment block
	Cycle Parking	38 spaces
Open Space	1.03ha	

2.8. Table 2.2 below provides detail of the proposed housing mix.

Table 2.2 Housing Mix		
Unit Type	No. of units	%
Houses		
3 bed Two Storey House	41	52
4 Bed Two Storey House	12	15
4 Bed Three Storey House	5	6
Apartments / Duplex / Triplex Units⁸		
2 bed Duplex	6	8
3 bed Duplex	4	5
2 bed Triplex	2	3
1 bed apartment	6	8
2 bed apartments	2	3

2.9. The application is accompanied by:

- Planning Statement
- Design Statement
- Screening Report for Appropriate Assessment
- Progress Notes on Conservation
- Outdoor Lighting report
- Engineering Assessment Report
- Flood Risk Assessment
- Preliminary Construction Demolition and Waste Management Plan
- Traffic and Transport assessment

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council (FCC) did by order dated 3rd November 2021 decide to grant permission for the proposed development subject to 22 conditions. The following condition is of note:

Condition 3 All restoration works which were permitted under Phase 1 (PL06F.248052) or any deviations permitted from that permission shall be completed to deliver the conservation, refurbishment, and occupation of the Protected Structure prior to the occupation of any unit permitted under this permission of development.

REASON: In the interest of the restoration of a Protected Structure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (Sept. 2021) has regard to the locational context and planning history of the site (including pre-planning consultation); to local and national policy and guidance pertaining to the proposed development and to the third-party submissions and reports received. The following provides a summary of the main points raised in the assessment:

- Regard is had to the residential zoning and the objectives of the FDP 2017-2023 pertaining to the site. While noting, with regard to FDP 2017 Objective Balgriffin /Belcamp 6, that an LAP for Belcamp has not been prepared, the Planning Officer is satisfied that the proposed development is acceptable in principle.
- The proposed development does not include any works to the protected structure (Belcamp Hall). Renovation works permitted under Phase 1 (ABP Ref:PL06F.248052) etc have not commenced. The provision of additional

dwellings would be premature until sufficient progress is made on the conservation, refurbishment, and occupation of the protected structure.

- The Planning Officer is satisfied that the applicant has sufficient legal interest in the subject site to undertake the works proposed.
- The density of the proposed development, at 31 units per hectare (net), is considered acceptable given the zoning and location of the site, proximity to services, facilities and public transport and having regard to the density (21.18 units / ha) permitted on Phase 1 lands.
- The report raises no significant issues in terms of layout, design, or housing mix. The Planning Officer is satisfied that the proposal accords with the Design Standards for New Apartments (2018).
- The site is located within Noise Zone C associated with Dublin Airport. The applicants proposed mitigation measures are considered acceptable subject to condition.
- The section of the distributor road and the junction design included in the proposed development are based on the requirements of the development plan and discussions held in respect of the developments permitted under F15A/0609 (ABP PL06F.248052) and F15A/0093
- Further details are required in respect of car parking provision for apartments.
- The Planning Officer notes that the applicants have engaged with the Housing section regarding Part V provision and that they are proposing 38no. units (20no. apartments and 18 houses) at lands at Belcamp.
- The size and scale of development proposed does not warrant EIAR
- The proposed development would be likely to have a significant negative effect individually or in combination with other plans or projects on a European Site.
- In relation to open space provision, the Planning Officer notes that the tract of land between southern road and green corridor forms part of a wider area which together will form part of the linear river walkway and as such is not to be discounted as part of this application.

- In relation to the removal of vegetation along the northern boundary, the case planner notes the residential zoning of the land and the development pattern of the surrounding area and considers the amendments recommended in the report by the Parks and Green Infrastructure Section (necessary to reinstate the hedgerow) would be onerous.
- A request for further information was issued on the 16th of September 2021 in relation to issues raised in the report of the Transport Planning section.

The second and final report of the Case Planner (Oct 2021) has regard to the further information received on the 11th of October 2021 and to the report of the Transportation Planning Section.

- The Case Planner notes that issues raised in the further information request have been addressed to the satisfaction of the Transport Planning Section.
- The report concludes with a recommendation to grant subject to condition.

3.2.2. Other Technical Reports

Transportation:

Sept. 2021	Requests further information
Oct. 2021	No objection subject to condition

Parks Green Infra:

Requests additional Information / recommends conditions.

As per this report, the linear strip of open space between the southern road and green corridor is not accepted as public open space resulting in a shortfall in the overall quantum of public open space provided.

It is requested that the layout to be amended to provide sufficient space to reinstate the vegetation along the northern boundary.

Conservation:

Additional Information requested.

The conservation officer does not support the granting of additional new build until sufficient progress is made on the restoration etc of Belcamp Hall

Env. and Water services: No objection subject to condition

Water Services: No objection subject to condition

3.3. Prescribed Bodies

Dublin Airport Authority: Notes the location of the development within Noise Zone C associated with Dublin airport and requests that a condition requiring noise insulation to an appropriate standard be attached to a grant of permission.

Condition 18 of FCC's decision relates.

Irish Water: No objection subject to condition

National Transport Auth. Recommends that the local authority future proof the Malahide Road by making provision for bus priority when required and that box-turn road markings are included in the junction road layout.

3.4. Third Party Observations

The planning authority received two third-party submissions during their determination of the application. The issues raised in the submissions are similar to those set out in the grounds of appeal and summarised in Section 6.2 of this report.

4.0 Planning History

4.1. Appeal Site

F20A/0379 Permission refused (2021) for 85 dwellings etc for two reasons: (1) The design of the East-West Link Road is deficient and (2) absence of dedicated time frame for restoration of Belcamp Hall (protected structure).

4.2. Belcamp Hall Lands

F15A/0609 (ABP: PL06F.248052)

Permission granted (2017) for the development of houses, apartments and shops and the change of use of Belcamp Hall, a Protected Structure (RPS No. 463), and its associated later extensions from educational uses to residential use, the chapel, and the room in the northeast part of Belcamp Hall ground floor to a community use, the three-storey building on the northeast to residential, cafe and childcare use. The works involve the refurbishment of Belcamp Hall and its later extension to provide 34 apartments and comprise the general repair and conservation of the existing buildings, and other works as is necessary to adapt the buildings to their new uses.

The permission approved a total of 176 dwellings and 947sqm of commercial and community accommodation, with a condition to re-apply for a future 96 dwellings.

Permission extended (2022) for a period of five years, expiring 28th June 2027

Condition 6. – ABP (Final)

Prior to the commencement of development, the applicant shall submit the following to the planning authority for written agreement:

- (i) *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 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.*

F19A/0221 Permission granted (2018) for alterations to F15A/0609 comprising revisions to layout and house types of 49 no. two storey houses etc.

F19A/0220 Permission granted (2018) for alterations to F15A/0609 including and 6no additional units.

F18A/0058 Permission granted (2018) for alterations to F15A/0609 comprising replacement of 9 no. three storey bedroom houses with 8 no. two storey three-bedroom houses.

F21/0488 Permission granted by FCC for 77 residential units. **Currently on appeal (ABP-312848-22)**

F22A/0136 Permission granted by FCC (2022) for the construction of a 4-storey mixed use building comprising 40 no. residential units and a childcare facility; a single storey cafe structure within the walled garden (protected structure) Conservation/repair works to the walls of the walled garden and an additional section of new road infrastructure pertaining to the East West Link Road. **Currently on appeal - ABP 314169-22**

. F22A/0426 Permission granted by FCC (2023) for the construction of 32 no. residential units and 3 no. retail units and a 4-storey apartment building comprising 30 no. units (etc). **Currently on appeal - ABP-316297-23**

4.3. **Belcamp Manor** (Neighbouring development to the north)

F15A/0093 (PL06F.245710): Permission granted and later amended under F18A/0167 for 55 dwellings and alterations to public House.

Condition 7(a) of F18A/0167 requires a section of the at the junction entrance be made available to the Planning Authority for the provision of the future east-west distributor road at which time an alternative access for the development shall be provided off the new distributor road and the current access arrangement shall be closed up.

5.0 **Policy Context**

5.1. **National Policy:**

The following section 28 Ministerial Guidelines are of relevance to the consideration of the proposed development:

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets

5.2. Local Policy:

The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023. The Fingal County Development Plan 2023-2029 was made on the 22nd of February 2023 and came into effect on the 5th of April 2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Fingal County Development Plan 2023-2029

5.2.1. Fingal County Development Plan 2017-2023 (FDP 2017):

The following objectives for the Fingal County Development Plan 2017-2023 are noted for reference:

Objective BALGRIFFIN/BELCAMP 5: 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 Belcamp LAP. 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 re-instatement of Belcamp House to the satisfaction of the Planning Authority

Objective BALGRIFFIN/BELCAMP 6: Prepare a Local Area Plan for lands at Belcamp (see Map Sheet 9, LAP 9.B) to provide for 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.

5.2.2. Fingal County Development Plan 2023-2029 (FDP 2023)

5.2.3. Zoning:

The appeal site incorporates two zoning objectives under the FDP 2023-2029.

- The plot of land to the north of the Phase 1 Belcamp is zoned 'RA' Residential,
- The 0.51 ha plot to the south comprises c0.2ha of land zoned for 'RA' Residential and c0.3ha of land zoned 'OS' - Open Space.

RA - Residential Area

Objective: Provide for new residential communities subject to the provision of the necessary social and physical infrastructure

Vision Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types, and tenures in order to meet household needs and to promote balanced communities.

OS – Open Space:

Objective: Preserve and provide for open space and recreational amenity

Vision Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.

Note: Residential development and open space are both permitted in principle within the 'RA' zoning. Community facilities, open space and recreational/sports facilities are permitted in principle within the OS zoning.

5.2.4. **Settlement Hierarchy:** Metropolitan Area - Dublin City and Suburbs
Consolidation Area

Policies and Objectives: Dublin City and Suburbs

Objective CSO34: Belcamp:

Consider a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. 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 re-instatement of Belcamp House to the satisfaction of the Planning Authority.

5.2.5. **Open space:**

Public and Private Open Space, including quantitative and qualitative standards are examined in detail respectively in *Chapter 4 Community Infrastructure and Open Space* and in the Development Management Standards set out in Chapter 14.

The public open space hierarchy and accessibility standards are detailed in Table 14.11 of the plan.

Objective DMSO51: Minimum Public Open Space Provision:

Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMSO52: Public Open Space Provision:

Public open space shall be provided in accordance with Table 14.12

Objective DMSO53: Financial Contribution in Lieu of Public Open Space.

Require minimum open space, as outlined in Table 14.12 for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

5.2.6. **Sustainable Urban Drainage Systems (SuDS)**

Properly designed and located SuDS features can be incorporated within and can complement the amenity and aesthetic value of open spaces. There is a requirement to ensure that the design of SuDS enhances the quality of open spaces.

5.2.7. **Social, Affordable and Cost Rental Housing:**

Policy SPQHP30: Promote the provision of social, affordable, and cost rental housing in accordance with the Fingal County Council Housing Strategy, Part V of the Planning and Development Act 2000, (as amended) by the Affordable Housing Act 2021 and government policy as outlined by the Department of Housing Local Government and Heritage Housing for All – A new Housing Plan for Ireland to 2030

5.2.8. Road Proposal

The Council proposals for development of Fingal's transportation network are listed in Table 6.3 of the FDP 2023-2029 and include for an East–West Distributor Road: Malahide Road to Stockhole Lane.

As per the Council's on-line mapping system this road proposal extends through the appeal site.

Objective CMO41: Transportation Schemes:

Seek to implement the transportation schemes indicated in Table 6.3.

5.2.9. Noise (Airport): The site is within Dublin Airport Noise Zone C

Objective DAO11: Requirement for Noise Insulation:

Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

5.2.10. Protected Structure:

The appeal site is located on lands associated with Belcamp Hall, a protected structure:

RPS ID:0463 Belcamp Hall Former Belcamp College school complex (incl. 18th century original house, Washington Monument, walled garden, bridge & early 20th century chapel)

Objective HCAO27: Protected Structures within Larger Developments

Where permission is being sought for a development in which works to the Protected Structure are one element of a larger proposal, the Council will seek for the repair and refurbishment of the Protected Structure to be contained and completed within the first phase.

5.3. Natural Heritage Designations

The appeal site is not located in or in the immediate vicinity of any sites with a natural heritage designation. The site is located to the west of a number of Natura 2000 sites centred on Dublin Bay. These include Baldoyle Bay SAC (000199), North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and Tolka Valley Estuary SPA (004024). These sites are designated for a number of coastal/estuarine habitats and a range of bird species.

5.4. EIA Screening

5.4.1. The proposed development falls within the category of an 'Infrastructural Projects' within Schedule 5 (10)(b) where mandatory EIA is required for the following:

10. Infrastructural projects:

(b) (i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph 'business district' means a district within a city or town in which the predominant land use is retail or commercial use).

- 5.4.2. The proposal is for 78 no. residential units on an overall site of c.4.3 ha. The proposed development is not located within a 'business district' and does not, therefore, fall within the above class and mandatory EIA is not required. The proposed development comprises Phase 1B development at Belcamp, it is noted that an EIS accompanied the planning application (ABP208052) for the Phase 1 Development of Belcamp, under which permission was sought for a mixed-use development (including 334 residential units) on a site of 15.2ha.
- 5.4.3. As per section 172(7)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Planning Authority determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.4.4. I have given consideration to whether sub-threshold EIA is required. The site is zoned, 'RA' Residential and 'OS' Open Space in the current Fingal County Development Plan (FCDP 2023-2029); the development of this site as proposed would accord with the zoning objectives. The introduction of a residential development on a zoned and serviced site within the built-up of Fingal will not have an adverse impact, in environmental terms, on surrounding land uses. The new road infrastructure proposed as part of the application, pertaining to the East West Link Road, is provided for within the FCDP 2023-2029.
- 5.4.5. While the proposed development site is located within the curtilage of Belcamp Hall, a protected structure, no works to the structure or its associated buildings/ structures is being proposed as part of this application. I am satisfied that the nature and extent of the development proposed would not have any significant adverse direct, indirect or cumulative effects on cultural heritage that in itself would warrant the submission of a subthreshold EIA.

- 5.4.6. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development is to be served by public mains water and sewage. The site is not within a European site and any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.
- 5.4.7. The application is accompanied by a number of specialist studies including a Flood Risk Assessment, Traffic and Transport Assessment and Screening Report for Appropriate Assessment. These address the issues arising in terms of the sensitivities in the area.
- 5.4.8. Having regard to the nature scale of the proposed development comprising only 78no. residential units, the location of the site on zoned and serviced lands within the built-up area of Fingal and outside of any designated site, the pattern of development in the area and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. First Party Grounds of Appeal:

A first party appeal has been lodged on behalf of the applicants, Gannon Properties. This appeal relates to solely to Condition No. 3 of Fingal County Council notification of decision to grant permission for development at Belcamp Hall, Malahide under FCC PI Ref. No: F21A/0401. The grounds of appeal can be summarised as follows:

- Condition 3 is unnecessary having regard to the condition of Belcamp Hall and the fact that discussions have been ongoing with the planning authority in relation to the restoration works.
- Conservation works have been delayed by circumstances out of the applicant's control (i.e., instances of vandalism and fire, the Covid 19 epidemic, shortage of labour / specialist skills and building cost). The

applicant is seeking to appeal Condition 3 in the event of further unforeseen delays.

- The delivery of housing is essential for ongoing conservation works to continue.
- The proposed development will help increase housing supply in Fingal which is urgently required as a key objective in the Programme for Government.
- The applicant is considering revisions to the conservation project, an appeal of Condition 3 is sought on the grounds where revisions to the conservation project may occur.
- Regarding compliance with Objective Balgriffin/Belcamp 5 - The proposed 78 units would still be a limited quantum of development in the overall wider Belcamp Lands, which could provide approx. 3,500 units. Imposition of a condition that prevents all of the units from being occupied until all of the restoration works to Belcamp Hall are completed materially contravenes this objective.
- The proposed development will successfully integrate with the surrounding built heritage, which has already seen significant infill development.

6.2. Third Party Grounds of Appeal

Two, third-party appeals have been received in respect of Fingal County Council's notification of decision to grant permission for the proposed development. The issues raised can be summarised as follows:

Fabian Campion, The Orchard, Malahide Rd

- This appeal relates to the proposed *closure of the existing access road serving Belcamp Manor* (located to the side of the existing public house) which currently serves the appellants property. It is contended that this proposal will extinguish the appellants existing access to the Malahide Road without their agreement. The proposed alternative access would have a detrimental effect on their existing amenities and established legal rights of access.

- Included with the appeal is a copy of a legal document – Indenture of release of right of way and Grant of a Substituted Right of way made the 19th day of January 2018 between Crosswaithe Developments Ltd and the appellant.

Brenda Doyle, Belview, Malahide Road

- *Part V:* All Part V housing for all planning applications lodged so far on Belcamp lands is to be provided within the proposed Phase 1B development and within one section of the proposed development site. This is not good planning practice and will potentially delay the release of urgent accommodation. It is requested that Part V units be spread throughout the development or that a condition is attached to ensure that the units are released in tandem with the main housing in this application.
- *Open Space Allocation:* The decision not to discount the 0.51ha of linear open space is not consistent with FCC's decision under F15A/0609 (Condition 10) or the recommendation of the Parks Department. This area is characterised as a sloping grass verge and has limited function. The opening of this green space will impact on the appellants privacy.
- *Prematurity of Application:* The application is premature:
 - Due to the lack of progress on the restoration of the Belcamp House/Chapel.
 - Pending the preparation of an LAP for Belcamp

The following has been included with this appeal:

- Extracts from FCC Planning Reports: F21A/0421 and F20A/0379 and F21A/0488
- Documentation extracted from ABP Ref: PL06F.248052 including Copy of Belcamp Masterplan and the applicant's response to the third-party appeal.

6.3. Applicants Response to Third Party Appeal:

The applicant's response to the issues raised in the third-party appeals is set out in correspondence received on the 23rd of December 2021. The following provides a summary of the points raised.

- *Revised Road Arrangement and right of way:* -
 - A letter of consent from the relevant landowner (Crosswaithe Developments) to close the existing access and provide a new access route via Belcamp was submitted as part of the application.
 - This is a civil matter as opposed to a planning issue.
 - The planning application is in line with Section 5.13 of the Development Management Guidelines for Planning Authorities (2007).
 - The provision of the East-West link road has the potential to provide much needed additional capacity to Fingal 's road network and will create a direct route to the Swords Road and Dublin Airport.
 - Fingal County Council's Transport Planning Section has had no objection to the new provisions.
- *Part V:* –
 - Arrangements are being formally agreed with Fingal County Council as part of the overall Phase 1 Belcamp development in accordance with the requirements of the Planning and Development Act 2000 (as amended).
 - A Part V validation letter, issued by FCC on the 14th of July 2021, accompanies the planning application.
 - The proposal will be subject to additional formal consultation and agreement with the housing section of FCC upon grant of planning permission.
- *Open space allocation:* -
 - The proposed scheme provides an adequate amount of public open space and utilizes the special natural and built heritage of the site resulting in a unique landscape setting for the benefit of the area.

- The area of open space to the rear of the appellant's house is unlikely to have a significant impact on noise levels for existing properties due to the nature of the space and the significant level of passive surveillance preventing antisocial behavior.
- This space forms part of an expansive network of open space and green route, as opposed to a pocket park that is solely to the rear of the appellants property.
- Boundary treatment and screening required by Condition 22 of ABP Ref:PL06F. 248052, will provide a sufficient buffer and separation from the open space to further ensure that residential amenity of the property is maintained.
- *Premature Application: -*
 - Conservation works on Belcamp Hall have continued and there are ongoing monthly conservation meetings between the applicant and the planning authority to discuss the progress.
 - Conservation works have been set back by circumstances out of the applicant's control.
 - The applicant is now considering revisions to the conservation project and is due to formally submit a Section 247 preplanning request to the planning authority on the revisions to the works. This will ensure delivery of the built heritage at the heart of the site in tandem with the overall scheme.
 - The planning authority are satisfied with the quantum of development proposed in the absence of a local area plan being prepared for these lands. The applications to date represent a quantum of development which is justified and required to facilitate the restoration of Belcamp Hall and adjoining protected structures.

6.4. Third Party Response to First Party Appeal:

A response, submitted on behalf of Ms. Brenda Doyle, to the issues raised in the first-party appeal (request to remove condition 3) is set out in correspondence received on the 4th of January 2022. The following provides a summary of the points raised.

- The applicant's appeal is both facile and irrational given the objectives and policies of the planning authority, the underlining concern of which is the protection and restoration of Belcamp House.
- The removal of Condition 3 would set a precedent which would have a negative impact on Fingal's control of the restoration works timeline, which it is feared will be long fingered.
- It should also be remembered that the applicant in response to the third-party appeal under ABP PL06F.248252 outlined their urgency to start restoration work on Belcamp.
- The rationale of the Conservation Officer (re the inclusion of Condition 3) is not only correct but in full compliance with FCC Development Plan 2017 - 2023, the original decision of the Board and the Architectural Heritage Protection Guidelines for Planning Authorities. There is nothing in the decision of the planning authority that would either ignore or exaggerate the requirements of the applicant to conserve and develop this important protected structure.
- It is requested that Condition 3 be included in any favourable decision on the application.

6.5. Planning Authority Response

Fingal County Council's response to the grounds of appeal is set out in correspondence dated the 4th of January 2022. The following provides a summary of the points raised.

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017 to 2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plans zoning objective as well as the impact on adjoining neighbours and the character of the area.

- Having reviewed the grounds of third party appeal the planning authority has no further comment.
- With regards to the first party appeal the planning authority would draw the board's attention to the current level of development which has been undertaken on site to date and to Objective Balgriffin / Balcamp 5 of the FDP 2017- 2023.
- In the event that the Board is minded to amend Condition 3, the planning authority would consider the following rewording, which would omit the requirement for the protected structure to be occupied:

All restoration works which are permitted under Phase 1 (PL06F.248052) or any deviations permitted from that permission shall be completed to deliver the conservation and refurbishment of the protected structure prior to the occupation of any unit permitted under this permission of development.

Reason: in the interest of restoration of a protected structure

- The planning authority respectfully requests that the board upholds the decision and includes a condition which protects the integrity and restoration of the protected structure Belcamp House.
- In the event that the planning authority's decision is upheld the planning authority requests that Conditions 21 and 22 are included in the board's determination

6.6. Observations

None

7.0 Assessment

Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and inspected the site, and having regard to relevant local/regional/national policies and guidance, and planning history of Belcamp, I consider that the main issues in this appeal are:

- Compliance with Local and National Planning Policy and Guidelines.

- Architectural Heritage - The Restoration of Belcamp Hall and requirements of Condition 3
- Open Space Provision
- Closure of Existing Access to Belcamp Manor
- Part V
- Appropriate Assessment
- Other

I am satisfied that all other issues were adequately addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.1. Compliance with Local and National Planning Policy and Guidelines:

- 7.1.1. The appeal site encompasses two zoning objectives as set out in the Fingal County Development Plan 2023-2029 (FDP 2023-2029), namely ‘RA’ - *Residential Area*, which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure and ‘OS’ *Open Space*, which seeks to preserve and provide for open space and recreational amenity. The development as proposed would I consider accord with in principle with these zoning objectives.
- 7.1.2. Table 6.3 of the FDP 2023-2029 identifies strategic road proposals in the vicinity of the site, including proposals for an East–West Distributor Road: Malahide Road to Stockhole Lane, on lands at Belcamp. It is an objective, CMO41, of the FCDP 2023-2029 to implement the transportation schemes indicated in Table 6.3. The proposed development includes proposals for the construction of a c330m section of the East–West Distributor Road (EWDR) along with upgrade works to the R107 Malahide Road junction with the R123 to accommodate the EWDR. This proposal accords in principle with the provisions of the FCDP 2023-2029. Condition 4 as attached to the FCC’s notification of decision to grant permission requires the submission for agreement, of final design and construction details for the EWDR, prior to the

commencement of development. I recommend that a similar condition be attached in the event of a grant of permission by the Board.

- 7.1.3. The appeal site comprises c4ha of land within the curtilage of Belcamp Hall, a Protected Structure. The applicant is not proposing any works to Belcamp Hall or its associated structures as part of this application.
- 7.1.4. Reference is made in the third-party grounds of appeal (Belview) to the objectives of the previous FDP (2017-2023), namely *Objective Balgriffin / Belcamp 6*, which sought for the preparation of a Local Area Plan for lands at Belcamp, and *Objective Balgriffin / Belcamp 5* which allowed for a limited quantum of development on the Belcamp LAP lands, prior to the adoption of Belcamp LAP (to facilitate the rehabilitation and preservation of Belcamp Hall). No LAP has been prepared for the area and it is the opinion of the third-party appellant that the proposed development would be premature pending the adoption of an LAP and the restoration of Belcamp House. The Board will note however that the objective to provide an LAP for lands at Belcamp has been omitted from the current FDP (2023-2029). I am therefore satisfied that the issue of prematurity in this regard is no longer relevant to the assessment of this appeal. The question of whether it is appropriate to permit the further development in advance of the restoration of Belcamp Hall is considered later in this report.
- 7.1.5. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) promotes higher residential densities, in the general range of 35-50 units per hectare, on Institutional lands. The proposed development provides for a net density of c31 units per hectare. This figure is based on a net developable area of 2.52 hectares which excludes lands for the East-west Link Road and the area of open space to the south. In terms of the density requirements of the Guidelines, this may be considered low; however, the density of development proposed would be consistent with that of the existing residential developments to the north (Belcamp Manor) and to south (Belcamp Phase 1). I note that the proposed residential scheme has been designed as an extension of the existing Phase 1 Development at Belcamp and I consider that the density of development would be acceptable on this basis.

- 7.1.6. A Design Statement, incorporating a Housing Quality Assessment, was submitted with the application. This document indicates that the proposed housing and apartments are designed to meet the standards of Quality Housing for Sustainable Communities (2007) and Sustainable Urban Housing: Design Standards for New Apartments (2018). Following consideration of the plans submitted I am satisfied that the development as proposed adequately complies with the minimum standards cited in the above documents and that it would provide a sufficient standard of residential amenity for future occupants.
- 7.1.7. Private open space for the proposed apartment / duplex and triplex units (Block 1) is provided in the form of ground floor terraces and balconies, all of which meet or exceed the required standards. Block 1 is also provided with a south facing communal open space area of 183sqm, this area exceeds the minimum required standard of 136sqm. Each of the proposed housing units are provided with an area of private open space in the form of rear gardens, ranging in size from 61-109sqm. The required 22m separation distance between directly opposing rear first floor windows has been achieved. Overall, I am satisfied that the design and layout of the proposed development would provide for an adequate level of privacy and amenity for future occupants. Proposals for public open space are considered later in this report.
- 7.1.8. In conclusion, I consider that the principle of a residential development is acceptable, given the location of the subject site on RA zoned and serviced lands at Belcamp. The density of the development, while somewhat low, is consistent with the prevailing pattern of development within this immediate vicinity of the site, and thus may be deemed acceptable in this instance. I have no objections in principle to the design presented and would be satisfied that the development, if permitted, would offer a high amenity value to future occupants.

7.2. Architectural Heritage - The Restoration of Belcamp Hall and requirements of Condition 3

- 7.2.1. The appeal site is located within the curtilage of Belcamp Hall. Belcamp Hall, and its associated structures, is listed as a Protected Structure in the FDP 2023-2029 (RPS no. 0463). The restoration of Belcamp Hall and associated buildings was approved as part of the Phase 1 development at Belcamp, permitted under ABP PL06F.248052. However, it would appear from the information submitted in support of the applicants first party appeal, that conservation works have been delayed by circumstances outside of the applicant's control (i.e., instances of vandalism and fire, the Covid 19 epidemic, shortage of labour / specialist skills and building cost etc). The applicant is now seeking permission for the construction of a further 78no residential units on lands at Belcamp in advance of the restoration works. I refer the Board to FDP Objective HCAO27 which states that *where permission is being sought for a development in which works to the Protected Structure are one element of a larger proposal, the Council will seek for the repair and refurbishment of the Protected Structure to be contained and completed within the first phase.*
- 7.2.2. Regard is had to the report of the Conservation Officer of FCC dated the 31st of August 2021, in which it is stated that the previous grant of permission (ABP PL06F.248052) was considered on the basis of the particular vulnerability of the Protected Structure and the provisions of *Objective Balgriffin/Belcamp 5* of the FCDP 2017-2023, which allowed for a limited quantum of development on lands at Belcamp, prior to the adoption of an LAP for the area, the purpose of which was to facilitate the rehabilitation and preservation of Belcamp House. The Conservation Officer contends that the extent of development permitted under Phase 1, met the 'limited quantum' of development described in this objective. They do not support the granting of additional new build on other lands of Belcamp Hall until sufficient progress is made to deliver the conservation refurbishment and occupation of the protected structure. This opinion is shared by the planning authority and the third-party appellant (Belview), as evidenced by the submissions to this appeal.
- 7.2.3. Condition 3 attached to the planning authority's grant of permission for the development proposed, requires that all permitted restoration works to the protected

structure be completed prior to the occupation the proposed units. The applicants, Gannon Home, have however lodged a first party appeal against the requirements of Condition 3, which they consider unnecessary having regard to the condition of Belcamp Hall and the fact that plans and discussions regarding the restoration works are ongoing. They contend that the delivery of housing is essential for ongoing conservation works to continue.

7.2.4. On this issue, I refer the Board to Objective CSO34 of the current FCDP 2023-2029, which allows for a limited quantum of development on Belcamp lands, to facilitate the rehabilitation and preservation of Belcamp Hall.

7.2.5. If permitted, the proposed development of 78 residential units would increase the total number of permitted residential units on Belcamp Lands to c250. This figure includes 34 apartments to be contained within the refurbished Belcamp Hall. Having regard to the overall quantum of residential zoned land at Belcamp (>30ha) and the potential housing yield that may be derived from same, the quantum of residential development proposed by the applicant is not, in my opinion, excessive, nor would I consider it beyond what could be deemed a 'limited quantum' of development. Therefore, I do not recommend that permission be refused on this basis. Furthermore, I accept that the delivery and sale of housing at Belcamp is necessary to support the restoration works and therefore in my opinion Condition 3 of the planning authority's decision, which requires the conservation, refurbishment, and occupation of the Protected Structure prior to the occupation of any unit permitted, is unduly onerous. However, I note that it is a requirement of Objective CSO34 Belcamp, that not more than 50% of any residential units permitted, be sold, or occupied pending the full re-instatement of Belcamp House. On this basis, and in the interests of ensuring the restoration of Belcamp Hall in a timely manner, I consider it reasonable that a condition to this effect, be included in a grant of permission.

7.3. **Open Space**

7.3.1. Standards for public open space are set out in in Chapter 4, Community Infrastructure and Open Space and Chapter 14, Development Management

Standards of the FDP 2023-2029. These standards require a minimum provision of public open space at a rate of 2.5ha per 1000 population (25sqm / person). For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. The proposed development comprises 78no. units with an occupancy rate equivalent to 241no. bed spaces and a total public open space requirement of 6025sqm / 0.6ha (241x25sqm).

- 7.3.2. Section 14.13.2 of the FDP 2023-2029 states, in respect of the quantitative standard for public open space, that it is the intention of the Council to ensure, except under exceptional circumstances, public open space provision exceeds 12% of a development site area (A target minimum of 15% has been set for greenfield site). It also states that the development site area cannot include lands zoned RU, GB, OS or HA.
- 7.3.3. I refer the Board to Drawing No. 1431 PA8 1008 which illustrates the quantum of public open space allocated for both Phase 1 and Phase 1B development at Belcamp. The Phase 1B allocation comprises 10,300sqm (1.03ha) which amounts to 24% of the overall site area. This 1.03ha area is made up of a 0.34ha park located at the entrance to Belcamp; a 0.18ha pocket park at the western end of Phase 1B (this area includes a previously approved play area) and a 0.51ha linear strip of land to the south of the site. This 0.51ha area forms part of a larger riverside park that straddles the Moyne River and which extends the full length of Belcamp Lands. In accordance with the details submitted, both the pocket park and the 0.51ha open space area to the south formed part of the larger open space lands approved under Phase 1 (ABP: PL06F.248052), of which only a certain portion was allocated as public open space for Phase 1, with the remainder allocated to future phases.
- 7.3.4. In relation to the 0.51ha linear strip of land to the south of the site, I note that the eastern portion of these lands (c0.3ha) has been rezoned, 'OS' Open Space', under the FDP 2023-2029. I further note the provisions of the current FDP which state in respect of open space provision that '*the development site area cannot include lands zoned RU, GB, OS or HA*'. On this basis, I consider it appropriate to exclude this

c0.3ha area from open space calculations. For clarify, and in light of the concerns raised in the third-party appeal (Belview), I note that while I am recommending that this area not be included in the open space calculation, I have no objection to its provision and use as public open space in accordance with the zoning objective. Furthermore, I am satisfied, having inspected the site, that the area concerned is overlooked, ensuring passive surveillance (a deterrent to anti-social behaviour), and that it has been designed and landscaped sufficiently to ensure that an adequate level of privacy is maintained for adjoining residential properties to the east.

7.3.5. In relation to the remaining 0.21ha, while I agree with the opinion expressed by the Parks and Green Infrastructure Division of FCC in their report to the planning authority (Sept. 2021), that this area has limited functionality, I note that it does form part of a wider area of open space (river walk) that in my opinion positively contributes to both the visual and residential amenities of the area, therefore, I do not recommend that this area be excluded, from the open space calculation.

7.3.6. By discounting the c0.3ha of land zoned for open space from the open space calculation, the proposed scheme would provide c0.73ha (7,300sqm) of public open space for Phase 1B which equates to c17% of the overall site area. This exceeds the required standard.

7.4. Closure of existing access to Belcamp Manor

7.4.1. In order to facilitate the construction of the East-West Distributor Road (EWDR) the applicants are proposing as part of this application to close the existing access to Belcamp Manor from the R107 Malahide Road. A new alternative access is to be provided via the proposed section of the EWDR, c170m to the west of the existing entrance.

7.4.2. The existing Belcamp Manor access currently serves the Balgriffin Inn (formerly 'Champions' public house) and the residential development of Belcamp Manor (under construction). It also facilitates access to the rear of 'The Orchard' a residential property to the north of the Balgriffin Inn. The owner / occupiers of 'The Orchard', one of the third-party appellants in this case, contend that the closure of this access

would extinguish their access to the Malahide Road, without their agreement, and that the proposed revised vehicular access arrangement, would have a detrimental effect on their existing amenities and established legal rights of access. They query the validity of the application and question how the development would, if permitted, proceed without their agreement. They have included as part of their appeal documentation a copy of a legal document – Indenture of release of right of way and grant of a substituted right of way, made the 19th day of January 2018 between themselves and Crosswaithe Developments Ltd.

7.4.3. As previously established, the applicants' proposals in relation to the EWDR accord with the provisions of the FDP 2023-2029. Furthermore, it is noted that the closure of the existing access to Belcamp Manor and its replacement with a new entrance off the EWDR, would accord with the requirements of Condition 7, as attached to grant of planning permission under FCC Ref: F18A/0167 for the development of Belcamp Manor.

7.4.4. While I accept that the proposed new access arrangements via the planned section of the EWDR would provide the appellant with a less direct vehicular route to/from the R107 Malahide Road (pedestrian access via the existing access route is to be maintained) I would not consider the revised proposal to be unduly onerous or that it would have a significant negative impact on the amenities of the appellant.

7.4.5. In relation to the legal / procedural issues raised in the appeal. Documentation accompanying the application lodged with the planning authority includes a letter from Crosswaithe Developments Ltd, owners of the lands at Belcamp Manor and the Balgiffin Inn, confirming that they consent to the applicants (Gannon Properties) making a planning application on their lands. I consider this sufficient to permit, at least, the making of a valid planning application.

7.4.6. Section 34(13) of the Planning and Development Act, 2000 makes it clear that a person '*shall not be entitled solely by reason of permission under this section to carry out any development*'. Accordingly, any dispute in relation to title to land or premises or rights over land must be resolved as a civil matter between the relevant parties before development commences. The determination of any dispute in relation

to land ownership / property rights is beyond the scope of planning legislation. Section 5.13 of the Development Management Guidelines (2007) makes this clear.

- 7.4.7. In the circumstances outlined, I consider that the Board is not precluded from deciding this appeal. Furthermore, I do not consider that planning permission for the proposed development should be refused on grounds of lack of evidence of sufficient legal interest in the site. In the event, that the Board decide to grant planning permission for the proposed development they may consider it appropriate to attach a note to the Board Order advising the parties in relation to the statutory provision under S. 34(13).

7.5. **Part V**

- 7.5.1. In accordance with the details submitted in support of this application (Design Statement page 15) that the applicants have been in consultation with Fingal County Council regarding the provision of Part V housing for both Phase 1 and Phase 1B development at Belcamp and a proposal to provide the combined Part V requirements for Phases 1 and 1B within Phase 1B (the proposed development site) has been agreed with the Housing Department. The proposed Part V provision for Phases 1 and 1B comprises 38 units (20no apartments and 18 houses) as detailed on Drawing No:1431 PA8 1004,
- 7.5.2. It is the contention of the third-party appellant (Belview) that combining the Part V Units for Phases 1 and 1B Belcamp together, in one area, is not good planning practice and will potentially delay the release of urgent accommodation. While I note the concerns raised by the third party, I am satisfied having regard to the information on file, that the applicant has entered into discussions with FCC regarding Part V compliance. Condition 14 of the planning authority's grant of permission requires the applicant to enter into an agreement with the Councils Housing Department regarding the provision of social/affordable housing, prior to the commencement of development, and I recommend that a similar condition be included in the event the Board decide on a grant of permission. However, I consider that the terms of this agreement, to be a matter for the FCC and the applicant.

7.6. Appropriate Assessment:

- 7.6.1. A Screening Report for Appropriate Assessment prepared by Openfield Ecological Services was submitted in conjunction with the planning application. The report notes that the appeal site is not located within or directly adjacent to any SAC or SPA. The report provides details of designated sites within a 15km radius of the appeal site including their associated conservation species and objectives.
- 7.6.2. The screening report identifies that there is a direct surface hydrological pathway from the site to Baldoyle Bay via the Mayne River and indirect pathways through the foul sewer to Dublin Bay via the Ringsend WWTP. Consequently, there are pathways (hydrological links) to the following designated Natura 2000 sites:
- The Baldoyle Bay SAC (site Code:0199) and SPA (site code:0416), c2.3km and 2.8km to the east respectively
 - North bull Island SPA (site Code: 4006), c3.4km to the southeast
 - North Dublin Bay SAC (site Code: 0206) c3.4km to the southeast
 - South Dublin Bay and River Tolka Estuary SPA (site code:0424), c5km to the south
 - South Dublin Bay SAC (site Code:0210), c7.3km to the south
- 7.6.3. As per the details provided in the report, the proposed development will not result in any direct impacts on any European Site. There will no loss or disturbance of habitats connected with these sites and as there are no known feeding sites for wetland birds in the Belcamp area, the development is unlikely to result in any ex-situ impacts.
- 7.6.4. The development will contribute to flows to Ringsend WWTP which has been operating over capacity and in noncompliance with the Urban Wastewater Directive. Irish Water was granted planning permission to upgrade the Ringsend plant in April

2019. Upgrade works (currently ongoing) will see improved treatment standards and a 50% increase in network capacity. While the additional loading from this development should be marginal notwithstanding, the AA Screening Report states that no negative impacts to natura 2000 sites can arise from the additional loading from this development as there is no evidence that negative effects are occurring to SAC's or SPA's from water quality.

- 7.6.5. Surface water treatment on-site, including the introduction of SuDS measures, will avoid negative impacts arising from water quality during the operational phase (occupation). I am satisfied that the measures to be implemented are standard for development projects of this nature and that they are not included to avoid or reduce an effect on any Natura 2000 site. They are therefore not to be considered as mitigation measures in an AA context.
- 7.6.6. There is a risk of sediment entering the Moyne River during the construction phase. I note that the main area of construction (the site of the proposed residential units, road infrastructure works) is set back 100m+ from the Moyne River. No works are to be undertaken to the river itself and the rivers riparian zone is to be maintained. The AA Screening Report notes that while sediment can be detrimental to the ecological quality in rivers, the same is not the case for estuaries and tidally influenced habitats, which rely on vast quantities of sediment for their functioning. On the basis of the foregoing and having regard to the separate distances and levels of dilution, I consider that it would be reasonable to assume that, in the event of a pollution incident significant enough to impact upon surface water quality locally, the impact of same on offshore European sites would be imperceptible. The potential for significant effects on the qualifying interests of Natura 2000 sites, as a result of surface water deterioration, can therefore be excluded and that this matter does not require further in-depth scientific examination.
- 7.6.7. In relation to in-combination effects with other plans or projects I note that this project is taking place within the context of greater levels of construction and densification in Belcamp/Belgriffin and in the wider Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend

WWTP. Other ongoing developments in the area include the Phase 1 development of Belcamp and development of Belcamp Manor to the north of the site.

- 7.6.8. The development of Belcamp and the surrounding area is catered for in the Fingal County Development Plan 2023-2029 which has been subject to AA by the Planning Authority, who concluded that with the implementation of mitigation measures, the Plan is not foreseen to give rise to any adverse effect on the integrity of European sites.
- 7.6.9. The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of planning authority. The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS). The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, I note that the first phase of upgrade works to the Ringsend WWTP extension (ABP ref. PL.29N.YA0010) serving an additional population equivalent of 400,000 persons were completed in December 2021 and the facility is currently operating under the EPA licencing regime that was subject to AA Screening.
- 7.6.10. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects that can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.
- 7.6.11. The AA Screening document concludes that *“the possibility of any significant impacts on any European site whether arising from the project itself or in combination with other plans and projects can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available”*.

7.6.12. It is my view that, having regard to the nature and scale of the development proposed, its location in a zoned and serviced urban area, the separation distances available, that the proposed development would not be likely to have a significant effect on the Baldoyle Bay SPA and SAC (Site Codes 004016 and 000199, respectively) on designated sites within Dublin Bay or any other European site, in view of the site's Conservation Objectives.

7.6.13. It is therefore 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 any European site, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.7. Other Matters

7.7.1. The appeal site is located within Noise Zone C associated within Dublin Airport and as such would require a noise assessment and appropriate noise insulation in accordance with Objective DAO11 and Table 8.1 of the FCDP 2023-2029. I recommend that a condition to this effect be included in a grant of permission.

8.0 Recommendation

8.1. I recommend that permission should be granted for the proposed development subject to condition.

9.0 Reasons and Considerations

Having regard to

- The zoning of the site
- The location of the site and the provisions of the Fingal Development Plan 2023-2029 for the area, which include a Strategic Road Proposals for the East-West Distributor Road, Malahide Road to Stockhole Lane.

- The location of the site within the curtilage of Belcamp Hall, a protected structure and Objective CSO34 of the Fingal Development Plan 2023-2029, which allows for a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House.
- The quantum, density, design and mix of the residential development proposed.

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the provisions of the Fingal Development Plan 2023-2029 and with the prevailing pattern of development within the vicinity of the site. Furthermore, the proposed development would provide a suitable degree of residential amenity for future occupants and would not seriously injuring the amenities of area or properties in the vicinity, it would facilitate rehabilitation and preservation of Belcamp Hall 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, <i>and received by the planning authority on the 27th of July 2021 as amended by the revised plans and particulars received by the Planning Authority on 11th of October 2021</i> except as may otherwise be required in order to comply with the following conditions.</p> <p>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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Not more than 50% (39) of the residential units permitted on foot of this grant of planning permission shall be sold or occupied pending the full reinstatement of Belcamp House to the satisfaction of the Planning Authority.</p> <p>Reason: To facilitate the rehabilitation and preservation of Belcamp Hall, a protected structure, in accordance with the requirements of Objective CSP34 of the Fingal County development Plan 2023-2029 and in the interests of proper planning and sustainable development</p>
3.	<p>Each apartment shall be used as a single dwelling unit only and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) Prior to the commencement of development, the final design and construction details of the proposed East West link road and all ancillary work relating to this road and its junction with the Malahide Road shall be agreed in writing with the planning Authority.</p> <p>(b) Road Safety Audits for the proposed East West link road and its junction with the Malahide Road shall be prepared in accordance with current Transportation Infrastructure Ireland Guidelines and submitted to the planning authority at relevant stages. Where the audits identify the need for design changes, revised design details shall be submitted to and agreed in writing with the Planning</p>

	<p>Authority. The developer shall carry out all necessary works in accordance with the agreed revised design.</p> <p>Reason: In the interests of traffic safety and proper planning and sustainable development</p>
6.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety</p>
7.	<p>All the parking spaces to serve residential dwelling units shall be served with EV charging points. A minimum of 10% of the residential apartment parking spaces should have EV charging points from completion of the proposed development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all the remaining residential parking spaces, including e-bike charging facilities. The locations and solutions for EV charging for on-street parking should be agreed prior to construction.</p> <p>Reason: In the interest of the proper planning and sustainable development for the area.</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>The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
10.	<p>All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<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 traffic management, intended construction practice for the development, including noise</p>

	<p>management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority, a noise assessment in accordance with Objective DAO11 and Table 8.1 of the Fingal County Development Plan 2023-2029. The assessment shall include, where necessary, appropriate noise insulation measures that shall be incorporated into the design / construction of the development.</p> <p>Reason: In the interest's residential amenity having regard to the location of the site with Zone C associated with Dublin Airport.</p>
15.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning prior</p>

	<p>to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
17.	<p>(a) A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This scheme shall include details of all proposed hard and soft finishes, boundary treatments and planting, along with full design details of the proposed play areas.</p> <p>(b) All hard and soft landscape works, and planting shall be completed, and all plays areas shall be open for public use prior to occupation of the new residential units.</p> <p>(c) All planting shall be adequately protected from damage until established. any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority</p> <p>Reason: In the interests of residential and visual amenity</p>
18.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
19.	<p>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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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 of the area.</p>
20.	<p>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.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
21.	<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 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

12th May 2023