

**AN BORD PLEANÁLA**  
LDG- 07/08/24  
ABP- \_\_\_\_\_  
26 AUG 2024  
Fee: € 3000.00 Type: CA  
Time: 16.45 By: HAWD

26 August 2024

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

**Re: Fingal County Council Ref. LRD0035/S3. First Party Appeal against the decision made by Fingal County Council to refuse permission to GLL PRS Holdco Ltd. for the construction of 135 residential units and all associated ancillary development works on lands adjoining Howth Demesne, Deer Park, Howth, Co. Dublin.**

Dear Sir/Madam,

We, McCutcheon Halley Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin 7 act on behalf of GLL PRS Holdco Ltd., of Block C, Maynooth Business Campus, Straffan Road, Maynooth, Kildare, Ireland, in this 1st Party appeal against the decision made by Fingal County Council on the 29<sup>th</sup> of July 2024 to refuse permission of Planning Application Ref: LRD0035/S3.

On the 4<sup>th</sup> of June 2024, a planning application was lodged to Fingal County Council seeking permission for a large-scale residential development (LRD) consisting of 135 residential units and all associated ancillary development works on lands adjoining Howth Demesne, Deer Park, Howth, Co. Dublin.

Fingal County Council issued a notification of the decision to refuse the planning application on the 29<sup>th</sup> of July 2024 and a copy of the decision is included with this appeal (**Appendix 1**). The decision identified two reasons for refusal. This appeal sets out a response to each of the grounds for refusal.

In support of this Appeal, we also enclose the following:

- Appendix 1 – Notice of Decision (Fingal County Council)
- Appendix 2 – Preliminary Viewpoint Locations - Áit Urbanism and Landscape Ltd (Áit)
- Appendix 3 – Supplementary LVIA Note - Áit
- Appendix 4 – Response prepared by Landscape Architect - Áit
- Appendix 5 – Conservation Response - Flynn Architects
- Appendix 6 – Breeding Bird Survey July 2024 – Altemar Marine and Environmental Consultancy

We enclose a cheque for €3,000 which is the statutory fee payable.

We ask that all correspondence be directed to McCutcheon Halley Chartered Planning Consultants' Dublin office.

Please do not hesitate to contact the undersigned should you require any further information.

Is mise, le meas,

*Rachel Condon*

Rachel Condon

**McCutcheon Halley Chartered Planning Consultants**

## 1.1 Executive Summary

The site encompasses 1.53 hectares of undeveloped greenfield land of which 1.10ha is zoned for residential development. 3,116sq.m is zoned high amenity and comprises managed amenity grassland together with densely covered trees with an east-west alignment. The remainder of the site relates to works external to the site to facilitate service connections and road upgrades. The proposed development is confined to the residential zoning. The site is immediately south of Howth Road and west of the entrance to Howth Castle. The site is approx. 115m north of Howth Castle and approx. 100m west of St Mary's Church, both identified as Protected Structures.

The land zoned HA forms part of the buffer area for the Howth Special Amenity Area Order (SAAO). This designation recognises the area's natural beauty, its special recreational value, and the need for nature conservation within the area. A small portion of the residential zoned land is also located within the SAAO boundary in the southeast of the site.

The site is located in a highly accessible area, being a short walk (400m) from Howth Dart Station and Howth town centre. The site is within the historic demesne of Howth Castle, and the historic estate walls encloses it along its northern and eastern boundaries. This is the only feature of built heritage existing in the application area. Howth Castle forms part of an Architectural Conservation Area (ACA). Recognising that much of the demesne lands have been altered to accommodate the golf course and proposed hotel complex, the boundary of the ACA was limited to a core area surrounding Howth Castle and the entrance.

The northern boundary wall of the subject site is not listed on the Record of Protected Structures within the Fingal County Development Plan 2023-2029. There is no existing pedestrian or vehicular access to the site from Howth Road. Located immediately to the north and north-east of Howth Road, Claremont, a high density mixed use development is currently under construction (Ref: TA06F.306102), which will provide a total of 512 residential homes with a maximum height of 8 storeys, retail, a creche, restaurant, café and civic plaza. The development of this site has altered the existing character as the town centre extends westward defining the urban edge to Howth centre.

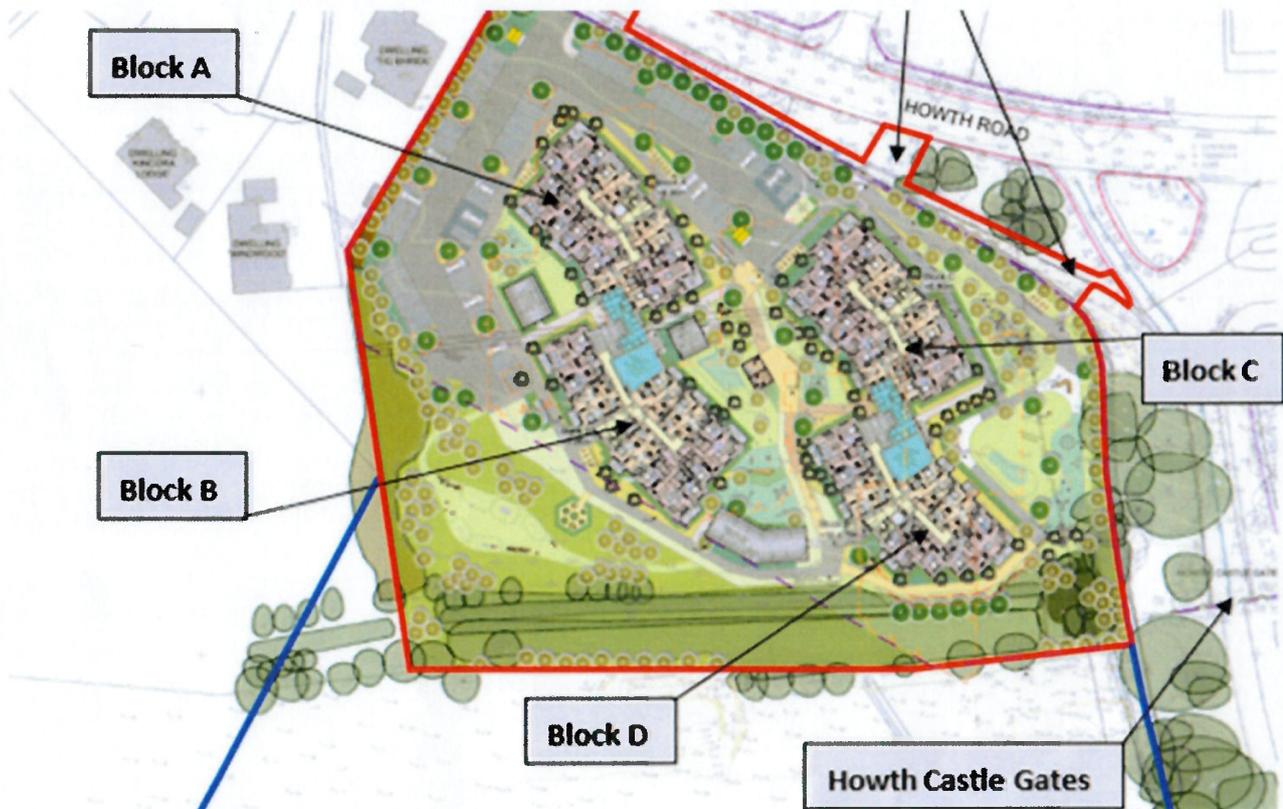
The extensive tree belt (approx. 25-30 years old) with an east-west alignment delineates the boundary with the golf course to the south. A combination of hedgerow and wall forms the western site boundary and beyond it are low-rise residential dwellings that form ribbon-type development in a westerly direction toward Sutton Cross.

The proposed development responds to the emerging Claremont site and would deliver the southern element of the entrance to the town centre. The development comprises two staggered buildings of linear form, arranged side-by-side, aligned north-south, roughly perpendicular to Howth Road. Each building is divided into a front and rear volume, with the two volumes offset so that the floorplan is staggered, allowing the apartments in the rear volumes to avail of views north towards the sea.

The proposed layout seeks to:

- respond to the sensitivities in the receiving environment, remaining sympathetic to the historical setting of Howth Castle Demesne, whilst facilitating high-quality housing on an accessible site
- create a permeable interconnected series of paths through the site maximising its proximate location to Howth centre and Howth dart station

- retain the existing demesne wall whilst creating a strong built frontage along Howth Road reflective of the land use zoning.



**Figure 1: Proposed Site Layout**

The front volumes of the proposed buildings are five storeys (Blocks A and C), with the top floor set back behind a shallow terrace as it fronts Howth Road. The front volumes provide recessed balconies along the northern boundary and on the northeastern and northwestern corners so that the buildings present simple, clean forms to Howth Road and the adjoining Howth Castle entrance. The rear volumes (Blocks B and D) provide for projecting balconies, taking advantage of the visibility of the surrounding landscape and seascape from the apartments.

Blocks C and D are setback between 19-24m from the north-eastern and eastern boundary, behind the existing mature tree belt that lines the Howth Castle entrance, that is proposed to be further reinforced via the inclusion of additional trees within the proposed development site. The rear volume of Block D, located closest to the eastern boundary and Howth Castle gates, steps down to 3 storeys to ensure the appearance of the built form, does not dominate the entrance to Howth Demesne as depicted in Figure 2 below.



**Figure 2 - View of Howth Castle gates and proposed Blocks C and D (Source: 3D Design Bureau)**

Sensitively designed openings are proposed in the northern demesne wall to facilitate access and permeability. The vehicular access point (8m) is proposed from Howth Road on the western side of the northern boundary. Two further openings (3m (accessible) & 1.5m (stepped)) are proposed in the wall to facilitate active travel pedestrian/cyclist and accessible movements. The openings are proposed in the centre and eastern parts of the northern boundary wall. Given the level differences located at the north-eastern corner, a small portion of the proposed development site is partially located in the ACA (102sq.m) where works are limited to the provision of a stepped pedestrian access and upgrades to the footpath.

The scheme would deliver 135 new homes on the developable area. A mix of one—and two-bedroom units is proposed to accommodate a range of household types in a location well served by existing services and amenities to meet daily living needs.

Car parking (63) is proposed at surface level and the quantum is cognisant of the highly accessible location of the site. The car parking is proposed along the western boundary of the site close to the proposed vehicular access in the north-western corner. The reduced ratio will facilitate a shift towards the use of sustainable transport modes in this highly accessible location.

An abundance of open space is provided including private balconies and terraces, a central communal open space that facilitates passive and active recreation, including play, and public open space. The proposal will include significant areas of open space and landscaping. These will include a combination of open green parks, kick about spaces, meadows, calisthenics fitness equipment exercise areas, timber stepping logs and a community garden. Quality timber play equipment for toddlers and small children is also proposed. These spaces will be interlinked shared surfaces which will enhance pedestrian movement and permeability. Whilst the high amenity zoned land does not contribute to the public open space calculation, this area has been retained as amenity grassland and residents of the proposed development can gain access to this area. It should be noted that 3,116 sq.m of the land forms part of the HA zoned lands. The retention and opening up of these lands offer the opportunity for residents to

use this space and therefore the proposal aligns and complies with the vision of 'HA' zoned land which, in recognition of the amenity potential, will seek opportunities to increase public access.

The boundaries will benefit from supplementary tree planting that will enhance the existing woodlands and hedgerows within the site and provide further screening of the proposed development.

The carrying capacity of the receiving environment is confirmed in the assessments and evaluations undertaken by the project team at the early stage of the design development. The information is presented in the comprehensive suite of reports that accompanied the planning application submitted to Fingal County Council.

A feature of the proposed buildings is their large windows, intended to take maximum advantage of the visual amenities of the site environs. The offset blocks and each volume have been orientated so that all apartments on the seaside face either north east or north west and avail of dual orientation. The façade design is informed by this objective, with the elevations all variations of simple grid patterns of glazing framed by brick. Metal cladding is provided for the lift core vertical elevations to create visual interest between the blockwork. The balconies are made up of metal posts and rail, resulting in a lightweight appearance. The large windows will be framed with dark and light colour blocks. Taking this and the recessed balconies and variations in material, the facades would be highly articulated, and the perception of massing/scale would be reduced.

The proposal seeks to balance the need to provide efficient development reflective of its residential zoning on an accessible site, whilst minimising tree removal and being conscious of the existing adjoining residential developments and surrounding built heritage, particularly Howth Castle and St. Mary's Church. The design is cognisant of the proximity of the site to Howth Castle gates and Block C and D are set back from the north and eastern boundary, behind the existing mature tree belt that lines the Howth Castle entrance and the additional tree planting proposed within the site to further reinforce the leafy setting.

In summary, the proposed development combines distinctly urban characteristics with the retention of key landscape features such as the demesne wall and woodland/trees that lend the site and the area its particular character. This is a considered response to the urban location (which has been reinforced by the under-construction permission for the Claremont development) and a receiving environment rich in cultural and natural heritage.

The reasons for refusal outline the scale, form and massing of the proposed development would fail to respond to the baseline environment, would be detrimental to the character and injure the visual amenities of the area. The impact of the proposed development in terms of the surrounding historical context has been considered by our Grade 1 Conservation Architect Sinead Flynn of Flynn Architects. The impacts on the setting of Howth Castle Gate, St Mary's Church and the Howth Castle ACA are acknowledged. However, as demonstrated in the submitted Verified Views and CGIs which accompanied the planning application, the introduction of carefully positioned, high-quality modern buildings, combined with the repair of the existing demesne wall, the retention of existing planting and the proposed landscape scheme can have a neutral or positive impact. No significant negative impacts were identified on the built heritage resource as a result of the proposed development.

The reason for refusal also outlined that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline. As demonstrated by the verified views and landscape and visual assessment which accompanied the planning application, it is respectfully submitted that the assessment of the landscape and visual effects as depicted in the verified views showed that the proposed development would not have a significant and or negative effect on the

local or wider landscape. This is further supported by the external assessment of the submitted EIAR that was undertaken by Fehily Timoney (commissioned by Fingal County Council) where, in relation to the Landscape and Visual chapter (Chapter 5), the following was outlined:

*'The baseline landscape and visual environment has been comprehensively defined and characterised';*

*'The impact assessment is deemed to be appropriate, reasonable and accurate'; and*

*'The surrounding context including the development at Claremont (which is significantly larger in scale than the subject proposed development) which sets a precedent for development character in the vicinity of the proposed development'.*

The scale and massing of the proposal has been specifically designed to respond to the sites unique context, and the baseline assessment, along with the assessment of verified views, conclude that there will be no significant adverse effects on the landscape and visual amenity locally.

The proposal has been designed in accordance with the provisions of the Fingal County Development Plan and all relevant Guidelines. It represents a positive and sustainable use of zoned, serviced and highly-accessible lands that acknowledges and respects its setting and context, which is demonstrated through rigorous assessment as provided in the submitted EIAR and augmented as part of this appeal in response to Fingal's stated refusal reasons and background reports where relevant.

On the basis of objective and verified evidence and assessment, we therefore request that An Bord Pleanála grant planning permission for this development.

## **1.2 Reasons For Refusal**

Two reasons for refusal were issued in response to the proposed LRD application on lands adjoining Howth Demesne, Deer Park, Howth, Co. Dublin, and are provided as follows:

- 1. Having regard to its scale, form, massing and overall height, the proposed development would fail to respond to the baseline environment and surrounding historical and natural environment of the site which is located within a designated Highly Sensitive Landscape, the Buffer Zone for the Howth Special Amenity Area Order, adjoins Howth Castle Architectural Conservation Area and lands zoned for High Amenity in the Fingal County Development Plan 2023-2029, is part of the historic demesne lands of Howth Castle, a Protected Structure, and is in the vicinity of a number of other Protected Structures. The proposed development would be wholly inconsistent with the established character of this area, would be seriously injurious to the visual amenities of the area and would be detrimental to the character, setting and special interest of a number of protected structures including Howth Castle and St. Marys Church. The development would be contrary to Policy CSP22- Howth and Objective HCAO24 of the Fingal County Development Plan 2023-2029 and to the 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Residential Development and Compact Settlement Guidelines', and the 'Architectural Heritage Protection Guidelines for Planning Authorities' which were issued under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would set a poor precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the overall scale and height of the proposed development with the transitions in height from the west of the site which is predominantly single storey, it is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline and on approach into and out of Howth village and when viewed from the*

*surrounding areas, the landscape character of which being 'coastal' and being categorised as having an exceptional landscape value, with the objective being to protect skylines, horizons and ridgelines from development and to preserve the landscape types. The proposed development would be incongruous with the streetscape in which it would be proposed to integrate with and would contravene Objective GINHO55 – Protection of Skylines of the Fingal Development Plan 2023-2029 and Objective GINHO56 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.*

### 1.3 Response to Reason for Refusal 1

In summary, the first component of Reason for Refusal no. 1 outlines that the scale, form, massing and height of the proposed development are deemed to fail to respond to the baseline environment and the surrounding historical and natural environment of the site. As demonstrated in the numerous documents which accompanied the LRD planning application, the proposed development is considered appropriate for this site considering its accessible location, the residential zoning of the site, the existing pattern of development in the immediate context and its sympathetic response to existing surrounding heritage.

The baseline environment, as set out in Section 1.1 above, is well understood by the design team and this has been documented and assessed as part of the suite of documents that accompanied the LRD application. It is acknowledged that the baseline surroundings include a sensitive historical and natural context as well as contemporary urban buildings such as the Claremont development. This has been discussed in detail within the documentation prepared by our team of experts, and the proposed development represents a considered design response to this strategic, yet sensitive, setting. Please refer to the **Designed Landscape Appraisal, Architectural Heritage Impact Assessment and Cultural Heritage: Built Heritage** chapter (Chapter 16) of the EIAR prepared by Flynn Architects, the **Landscape and Visual Impact** chapter of the EIAR (Chapter 5) prepared by Áit Architecture for further detail. In addition, a supplementary **Conservation Response** (Flynn Architects) and **LVIA note** (Áit) have been prepared to accompany this appeal response.

#### 1.3.1 Response to the Urban Development and Building Heights Guidelines

The proposed development is considered reflective of the approach to increasing density and heights indicated under the National Planning Framework (NPF) and within the *Urban Development and Building Height Guidelines* (the Height Guidelines). These Guidelines mandate the applicant to deliver higher density development and to achieve this, a modest height ranging from 3-5 storeys is proposed having regard to the location of the proposed development site, its historic context, existing low rise to west and emerging high rise to the north. Principally, the Claremont development which is currently under construction to the north and north-east of the proposed development site provides a maximum height of eight (8) storeys.

The Fingal County Development Plan 2023-2029 (FCDP) does not provide restrictive blanket heights however it defers to the guidance on height provided within the Height Guidelines. **Policy SPQHP35 – Quality of Residential Development** of the FCDP outlines that residential developments must accord with the standards set out within the Height Guidelines. The Height Guidelines provide criteria when assessing applications for increased height. The Height Guidelines describe the need to move away from height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. Whilst the proposed height will not represent a material contravention of the FCDP, Section 3.2 of the Height Guidelines has been addressed for completeness. Compliance with the 4 SPPRs of the Height Guidelines, as outlined within Section 14.5.3

of the FCDP, has been provided within the **Statement of Consistency** prepared by MH Planning, which accompanied the LRD application.

The proposed height ranges from 3-5 storeys with the lower height (3 storeys) provided for Block D closest to the eastern boundary of the adjoining ACA. The front volumes range from 4-5 storeys in height with setbacks ranging from 4.4m-7.1m provided for the upmost level of the buildings as they front Howth Road.

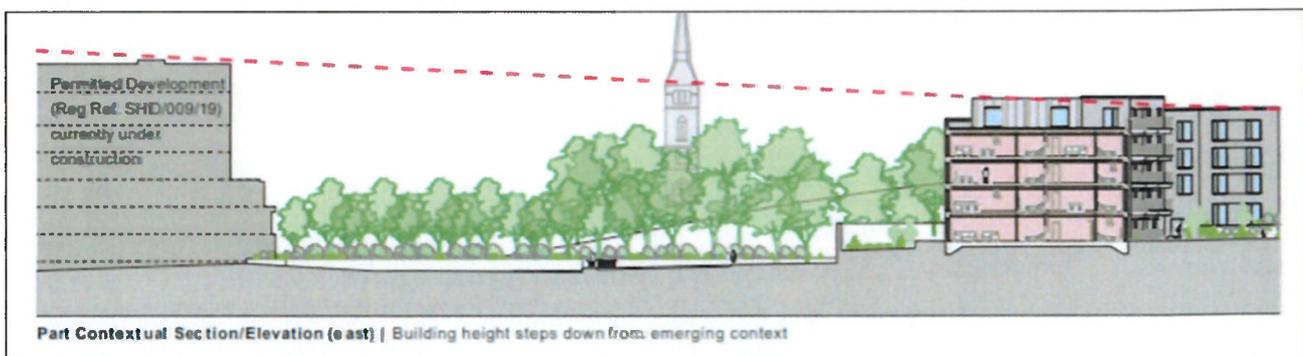
Section 2.8 of the Height Guidelines acknowledges that '*Historic environments can be sensitive to large scale and tall buildings*'. As per Section 2.8, an examination of the existing character and carrying capacity of the site was carried out, and this can be found within the **Designed Landscape Appraisal** prepared by Flynn Architects, which accompanied the planning application documentation and fulfils the requirements of Objective HCA032 of the FCDP.

Notwithstanding that a material contravention in relation to height does not occur, the relevant SPPRs and Section 3.2 have been addressed in the planning application documents, specifically the **Statement of Consistency** (MH Planning), **LRD Opinion response** (MH Planning), and **Architectural Design Statement** (JFA Architects).

In summary, as per criteria no.1, the site is well serviced by public transport as it is located within 400m of Howth Dart Station. Bus services (H3) are located within the immediate vicinity (100m) of the Site, which service Dublin City. Public transport capacity assessments are contained within Chapter 6 Traffic and Transport of the EIAR, which accompanied the planning application.

In terms of responding to the second criterion, the development responds to the overall natural and built environment and will deliver a compact urban form with visual diversity that is reflective of National, Regional and Local policy.

The built form is commensurate with recent development (currently under construction) on the opposite side of Howth Road, see **Figure 2** below. The site will capitalise upon its accessible location in proximity of public transport and shops and amenities located within Howth town centre. The Claremont development has significantly changed the townscape at Howth Road between the development site and Howth town centre. While the proposal would change the character of the immediate area, this change would be positive and would be in keeping with national and regional planning policy. The image below outlines how the transition between the north and south of Howth Road, with the permitted and currently under-construction Claremont site illustrated on the left side of the image and the proposed development delineated on the right.



**Figure 3: Part Contextual Section/Elevation (Source: JFA Architects)**

The Daylight & Sunlight Assessment demonstrates that the dwellings located closest to the western boundary will retain their amenity in terms of sunlight to gardens and daylight within the dwellings. PV panels are located on the roofs of the immediately adjoining dwellings to the west. It is acknowledged

that there will be a slight reduction in terms of energy received however the level will remain compliant with the BRE standards. This together with setbacks ranging from approx. 25m-40m will not result in an overdominant building and will provide a similar transition to that permitted between adjoining lower density development and the Claremont scheme i.e. permitted Block D (4-6 storeys), and the existing two storey dwelling (Ashbury) located on Howth Road.

To the east, setbacks ranging from 18.8m-23.7m are provided between the built form of the development to the eastern boundary, which sensitively responds to the character of the area of the site, where the Howth Castle entrance gates are located. Block D, located a minimum of 18.8m from the eastern boundary is reduced to 3 storeys in height in this location.

In relation to the appearance of the development along Howth Road, as depicted in the CGIs which accompanied the planning application, particularly as you approach the site heading in an easterly direction from Howth Road, provides a good design appearance. A limited palette of materials is proposed with just one type of brick expressed in different patterns and metal cladding colour matching windows and balconies. The brickwork is the primary facade material which will weather well and be easy to clean. Metal cladding, windows and balconies contrast the brickwork which helps to break down the form and create visual interest. The inclusion of recessed balconies to the front volumes and projecting balconies to the rear blocks, further distinguishes the front and rear portion of the blocks. The proposal will deliver a public open space area adjacent to the eastern boundary and a communal open space will be located between the brick volumes. The proposed development will open up the site, creating interventions in the existing northern boundary wall, forming a more permeable space, and providing enhanced connections for future residents with Howth town centre.

The proposed development will provide an appropriate mix of one and two-bedroom units catering to people at varying stages of the lifecycle. It will respond to the existing need in Howth, which is predominantly self-contained dwelling houses at present.

In terms of specific assessments outlined within Section 3.2 of the Height Guidelines that may be required, having regard to the modest height proposed, it was considered that micro-climatic effects such as down-draft would not arise as a result of the proposed development, and accordingly, a specific assessment is not warranted in this instance. Micro-climatic effects are associated with tall buildings and the height of the proposed development would not constitute a tall building.

Furthermore, the Height Guidelines refers those buildings 'taller' than the prevailing building heights, in this case the development is nearby similar ones in terms of overall mass and maximum height. The proposed development, which is 15-16m in height, does not constitute a risk to the wind microclimate quality of the site.

The recommended approach to wind microclimate studies is outlined in the "Wind Microclimate Guidelines for Developments in the City of London" (August 2019) and in the guidelines and recommendations contained in BRE Digest (DG) 520, "Wind Microclimate Around Buildings" (BRE, 2011).

The recommended approach to wind microclimate studies is based on the building height, as presented in **Figure 4** below.

Building Height	Recommended Approach to Wind Microclimate Studies
Similar or lower than the average height of surrounding buildings Up to 25m	Wind studies are not required, unless sensitive pedestrian activities are intended (e.g. around hospitals, transport hubs, etc.) or the project is located on an exposed location
Up to double the average height of surrounding buildings 25m to 50m	Computational (CFD) Simulations OR Wind Tunnel Testing
Up to 4 times the average height of surrounding buildings 50m to 100m	Computational (CFD) Simulations AND Wind Tunnel Testing
High Rise Above 100m	<b>Early Stage Massing Optimization:</b> Wind Tunnel Testing OR Computational (CFD) Simulations  <b>Detailed Design:</b> Wind Tunnel Testing AND Computational (CFD) Simulations to demonstrate the performance of the final building design

**Figure 4: Recommended approach for wind microclimate studies (Source: Wind Microclimate Guidelines for development in the City of London)**

The proposed development is less than 25m and does not meet the listed criteria of being a proposed sensitive pedestrian activity. With regard to exposure, the proposed development is on the south-west side of the substantially constructed Claremont development, which shelters the proposed development site from the coast. Accordingly, a wind study is not required.

Notwithstanding, we note the prevailing wind is from the south-west based on the meteorological data associated with the maximum daily wind speeds recorded over a 30-year period between 1983 and 2023. Based on the criterion of occurrence frequency, the main wind direction to be considered in pedestrian wind comfort assessment for the proposed development is from the South-West with most frequent wind speeds around 6m/s (all year).

A development of height below 25m, as proposed, does not potentially cause a downdraft under these conditions as the south-west wind will face a lower façade (the development proposed) before the taller one (under construction Claremont).

Downwash is also not expected under these conditions as none of the leeward faces of the proposed development are facing the windward faces of the tallest one nearby (the existing Claremont). Funneling is also not potentially occurring due to the relatively low height of the development.

In relation to development locations in proximity to sensitive bird and/or bat areas, the risk of collision is significantly lowered with a static, clearly detectable building. The proposed buildings consist of glazing, broken up with intermittent stone and brick cladding with louvre panelling and metal balustrade over sections of external glazing. It is confirmed by Enviroguide Consulting and Altemar, project ecologists, that the building will not pose a collision risk to identified species. The presence of the proposed development may alter flight patterns slightly to avoid the proposed building structure. It has been objectively concluded by Enviroguide Consulting in the Natura Impact Statement (NIS), following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, that the development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans

or projects. The Biodiversity Chapter of the EIAR includes an assessment and evaluation of the impact of the proposed development on bats. The proposed lighting arrangement and lux levels have been reviewed by the project ecologist, and they have been deemed appropriate and would not affect the existing bat population locally. Breeding bird and wintering bird surveys also accompanied the proposed planning application. For completeness, given the timing of the previous Breeding Bird Survey (July 2023) an additional Breeding Bird Survey was carried out by Altemar in July 2024 and accompanies this appeal at **Appendix 6**.

In terms of impacts on telecommunications, impacts on channels are most likely to occur if a building or structure is located in an elevated position. The proposed development site is not located on a significantly elevated site and the modest height of the buildings (3-5 storeys) is not anticipated to interfere with telecommunication channels locally.

The proposed site is outside of Dublin Airport's flight path. The site is located in Noise Zone D for Dublin Airport, and the Development Plan notes that all noise-sensitive development within this zone is likely to be acceptable from a noise perspective. Further details in terms of noise were provided within the Noise chapter of the EIAR submitted with the planning application. An **Urban Design Statement** (prepared by JFA Architects and Flynn Architects) and an **Architectural Heritage Impact Assessment** and **Designed Landscape Appraisal** (prepared by Flynn Architects) which considered the impact on the historic built environment accompanied the planning application submission. As per SPPR 3, having regard to all of the information presented above, the development is considered to be in accordance with the Building Height Guidelines and positively assists in securing National Planning Framework Objectives of focusing development in key urban centres.

### 1.3.2 Howth SAAO

Howth Special Amenity Area Order (SAAO) encompasses 547 hectares. It includes Ireland's Eye (28 hectares) and the heathland, woods, cliffs, shingle beaches and wooded residential areas of the south-eastern half of the Howth peninsula (519 hectares). The southern portion of the site is located within the Buffer Zone of SAAO. This designation recognises the area's natural beauty, its special recreational value, and the need for nature conservation within the area. A small portion of the 'RS' residential zoned land is located within the SAAO boundary in the southeast of the site, and the 'HA' zoned land is entirely located in the SAAO buffer area. The proposed development, therefore, includes the construction of new buildings within the residential zoned SAAO buffer area, albeit only partly and forming the back portion of Blocks B and D.

The SAAO Design Guidelines have been considered particularly in terms of the proposed materials. The development has been sensitively designed specifically with regard to the Order and will continue to preserve and enhance the character and special features of Howth.

From the upper elevations of the SAAO area, panoramic views are generally afforded, with compositions including the upland landscape and golf courses, the Howth urban area, the wider city, the coastline to the north and south of Howth Head and the seascape.

Howth falls into the Coastal Character Type in the Development Plan which is characterised as having an exceptional landscape value: *"This value is arrived at due to the combination of visual, ecological, recreational and historical attributes. The area has magnificent views out to sea, to the islands and to the Mourne and Wicklow mountains and contains numerous beaches and harbours. The area's importance is highlighted by the High Amenity zoning covering substantial parts of the area..."*

There are several protected views in the site vicinity, indicated on Sheet No. 10 of the Fingal Development Plan Map 2023-2029. These include:

- The view into the Howth Castle entrance from Howth Road, and the reverse view, from the castle (and Deer Park golf club) access road out through the gate towards the north;
- A view from the fairway to the west of the Deer Park clubhouse, north towards the castle and a view from the Deer Park golf club and hotel car park towards the golf course;
- Views from Muck Rock;
- Views from the ends of the piers of Howth Harbour.

As depicted in the Landscape and Visual Impact chapter of the EIAR, which accompanied the planning application, and the **Supplementary Visual note** provided at **Appendix 3**, it can be reasonably concluded that there will be no significant adverse effects on the landscape and visual amenity locally. An additional viewpoint from Muck Rock has been provided as part of the **Supplementary Visual note** which further demonstrates that in accordance with Policy 1.3.1 of the Howth SAAO, views from the Special Amenity Area will be preserved. It is evident that as a result of the Claremont scheme, the townscape is now a fundamentally altered setting, where limited intervention, such as that proposed, can make a positive contribution whilst respecting views from the Special Amenity Area, the existing architectural heritage of Howth Castle grounds & ACA and St Mary's Church. It is reasonable to consider that in the absence of the Claremont scheme, the proposed development would be an appropriate intervention, albeit as per the cumulative assessments, the proposal is a strong positive addition to the existing environment.

The core settlement strategy for Howth in the Fingal Development Plan indicates a figure of 500 potential residential units. In alignment with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES), the FCDP identifies approx. 20 hectares of residential zoned land in Howth, this is minor in the context of the overall land availability and demonstrates that the natural resources of land, soil and biodiversity benefit from a very high degree of protection. Residential development is suitable on these lands, having regard to the SAAO and given the retained zoning by Fingal County Council as evident within the current County Development Plan 2023-2029.

Based on the tapered height of the proposal particularly in the southeast portion of the site, the retention of the southern tree belt (with the exception of 5 trees as depicted in **Appendix 4**) and the additional tree planting proposed along the eastern boundary of the site, the proposal is considered appropriate for this key location.

### 1.3.3 Howth Castle ACA

Although, Fingal County Council internal consultee Conservation Report did not acknowledge that a small portion of the proposal is located within the ACA boundary, they do express concern with the proposed stepped entrance and '*its physical and visual impact in this location*'. Although the 3 proposed interventions are considered to have a positive impact on the wall, as discussed within the attached **Conservation Response (Appendix 5)**, should it be deemed appropriate to remove the proposed works in the north-eastern corner, within the ACA boundary, the Applicant can facilitate this. Therefore, only two interventions would be proposed in the north boundary wall, one in the north-western corner to facilitate vehicular and pedestrian access and one in the centre of the northern boundary to facilitate pedestrian access only.

Notwithstanding the above, we believe that the proposed stepped pedestrian access is a positive intervention designed in line with best conservation practice, that is minor and does not negatively impact on the ACA or the integrity of the historic boundary wall and therefore should be retained.

#### 1.3.4 High Amenity Lands

The land zoned 'HA' will be retained as amenity grassland and residents of the proposed development can gain access to this area. In doing so, the proposed development demonstrates compliance with **Policy GINHP28 – Protection of High Amenity Areas** of the Development Plan in that it will '*Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place*'. The use of the High Amenity zoning for amenity space is consistent with the 'HA' zoning objective and vision as it will preserve and enhance this space whilst unlocking this currently inaccessible space. It is also noted that this amenity space does not form part of the public open space or communal open space calculation and has been provided in addition to these amenity spaces.

The proposal is considered to adequately respond to the Howth Castle ACA, the historic demesne lands of Howth Castle, a Protected Structure, and St Mary's Church. The proposed development is not considered to be wholly inconsistent with the established character of this area, would not be seriously injurious to the visual amenities of the area and would not be detrimental to the character, setting and special interest of the surrounding protected structures.

The proposed development has a good quality appearance and is located a significant distance away from St Mary's Church, on an elevated position over 100m to the east, and visibility of the proposed development will be restricted and possibly almost entirely obscured from the church. The approved Claremont SHD development is situated more proximate and opposite the church site and will already create a different character on this part of Howth Road. As a result, it is not considered to result in any negative impact on the setting of this Protected Structure. In relation to Howth Castle, the generous setbacks provided to the eastern boundary, the stepped heights provided to the blocks closest to the eastern boundary and the retention and addition of trees along the north eastern boundary reduce the associated negative impact upon the setting of the entrance to Howth Castle.

The development is reflective of national policy which seeks compact growth on sites with good accessibility to public transport, services and employment. The proposed development is considered to respect and enhance the historic and architectural character of the area, would be acceptable in terms of urban design, height and the quantum of development and would not seriously injure the amenities of the surrounding area.

The proposal and how it responds to the Highly Sensitive Landscape, Howth ACA and its location in the vicinity of a number of Protected Structures is considered further within the accompanying **Conservation Response** prepared by Flynn Architects located at **Appendix 5** and the **Landscape and Visual Note** at **Appendix 3**. In addition to the above additional notes, an **Architectural Heritage Impact Assessment, Design Landscape Appraisal** and Built Heritage chapter of the EIAR, prepared by Flynn Architects, and Landscape and Visual Impact Chapter (5) prepared by Áit, formed part of the planning application documentation, should also be considered within this assessment.

#### 1.3.5 Fingal County Development Plan

Reason for refusal no. 1 outlines that the proposed development would be contrary to *Policy CSP22* and *Objective HCAO24* of the Fingal County Development Plan 2023-2029.

***CSP22 – Howth Sutton and Baldoyle***

*Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.*

The proposed development has been designed to take advantage of the site's location next to the coast and high-quality landscape views from open spaces and residential units, where possible. This is achieved through the tiering down of scale to the north boundary, along the Howth Road and towards the west of

the site to provide an appropriate relationship with historical sensitivities and to the east, cognisant of existing lower density residential developments. Similarly, the site offers an excellent opportunity for increased densities to make an important contribution to the shortfall in the private housing market and as such the opportunity for increased densities is responded to through the provision of increased height for the buildings.

The site proposes a density of approx. 123 units per hectare (up), which is consistent with the Compact Settlement Guidelines and provides site coverage of 26%, demonstrating the high quantum of landscaping provided on-site. The communal open space exceeds that required by the Apartment Guidelines and the quantum of public open space meets the 15% quantum, as outlined within the FCDP. A series of verified views demonstrates that the scale of the proposed development responds positively to the site context, with the proposed buildings clearly sitting well within the urban context. Generous separation distances are provided to both the low density residential development to the west and the sensitive historical context and ACA to the east. The Daylight & Sunlight report demonstrates that the scale and height of the proposed development does not have any significant negative impact on the internal or external environment in terms of overshadowing or daylight/sunlight impact.

The proposal is not deemed an overdevelopment of the site, is not deemed contrary to Policy CSP22 and will make a significant positive contribution to the character and identity of the neighbourhood. The proposed development will transform an underutilised greenfield site to a residential neighbourhood of strong architectural design with significant public realm and landscape features which will positively contribute to enhancing the urban form and landscape of the area.

***Objective HCAO24 – Alteration and Development of Protected Structures and ACAs***

*Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.*

Please refer to the initial paragraphs of Section 1.3 of this note and the **Conservation Response** prepared by Flynn Architects, located at **Appendix 5** which demonstrates compliance with the above objective. An **Architectural Heritage Impact Assessment** and **Design Landscape Appraisal** prepared by Flynn Architects formed part of the planning application documentation, which should also be reviewed. The Architectural Heritage Impact Assessment describes the impacts of the proposed development as follows:

*'The design for the site, and the layout of the proposed buildings has been carefully considered with regard to the impact of the proposed works on the built heritage features of the site, and the visual impact of the development on the sensitive setting of neighbouring protected structures, the Howth Castle ACA and other significant views and vistas within the receiving environment. The massing strategy balances the requirement to create a strong architectural presence at the gateway to the village of Howth, with the sensitivities of the demesne landscape. The proposed buildings are set as far from the site boundaries as possible which will facilitate the retention of existing significant trees. Existing boundary planting will be supplemented with new planting, especially along the east boundary, and to the south of the proposed buildings, to add to the existing screening between the site and the castle entrance, gates and avenue.'*

As demonstrated in the initial paragraphs of Section 1.3 above, the proposed development is considered to be in accordance with the *Urban Development and Building Heights Guidelines for Planning Authorities* (the Height Guidelines).

The proposal is not contrary to the 'Sustainable Residential Development and Compact Settlement Guidelines' (Compact Guidelines), as demonstrated in the accompanying **Statement of Consistency** prepared by MHP which accompanied the LRD planning application. On the contrary, it is fully in accordance with and achieves the core requirements of these Guidelines.

Please refer to the **Conservation Response** prepared by Flynn Architects, located at **Appendix 5**. It demonstrates that best practice conservation provisions and principles as defined in the 'Architectural Heritage Protection Guidelines for Planning Authorities' have been considered as part of the proposed development. An **Architectural Heritage Impact Assessment** and **Designed Landscape Appraisal** prepared by Flynn Architects formed part of the planning application documentation, which should also be referred to.

Ultimately, the proposed development would not set a poor precedent for similar developments as it introduces carefully positioned, high-quality modern buildings, combined with the repair of the demesne wall, the retention of existing planting and the proposed landscape scheme, which can have a neutral or positive impact. The proposal will be consistent with the existing pattern of development in the area and, therefore, would not be contrary to the proper planning and sustainable development of the area.

#### **1.4 Grounds of Appeal 1**

GLL PRS Holdco Ltd. are appealing the decision of Fingal County Council on the following grounds:

1. That the legislation relevant to the protection of architectural heritage quoted in the reasons for refusal i.e 'Fingal County Development Plan', 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Residential Development and Compact Settlement Guidelines', and the 'Architectural Heritage Protection Guidelines for Planning Authorities', were properly taken into account in the submitted assessments.

The Council's assessment of the site doesn't acknowledge modern developments which impact negatively on its character, i.e. that the characterisation of the castle gates as a visual focal point at the entrance to Howth is flawed, as is the suggestion that the continuation of the existing low-rise linear development along the Howth Road is desirable or preferable to the proposed development. The proposal is in accordance with the Fingal County Development Plan and the above mentioned S28 Guidelines and further detail in this regard is provided in the relevant reports which accompanied the planning application and this appeal response as mentioned above under Section 1.3.

#### **1.5 Response to Reason for Refusal 2**

*Having regard to the overall scale and height of the proposed development with the transitions in height from the west of the site which is predominantly single storey, it is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline and on approach into and out of Howth village and when viewed from the surrounding areas, the landscape character of which being 'coastal' and being categorised as having an exceptional landscape vale, with the objective being to protect skylines, horizons and ridgelines from development and to preserve the landscape types. The proposed development would be incongruous with the streetscape in which it would be proposed to integrate with and would contravene Objective GINHO55 – Protection of Skylines of the Fingal Development Plan 2023-2029 and Objective GINHO56 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.*

### 1.5.1 Scale and Height

As demonstrated in Section 1.3 above, the overall scale and height is deemed appropriate in this location, particularly so given its accessible location within 400m of Howth Dart station. The architectural design of the structures has been limited to 3-5 storeys, reflective of the sites sensitive context notwithstanding its close proximity to high capacity public transport. The proposal is in accordance with national and regional planning policy which supports compact growth on sites well serviced by transport and services infrastructure.

Whilst it is acknowledged that the proposed development represents a change from the established scale to the area, specifically with regards to the residential dwellings to the west that display heights of mainly 1-2 storeys, National and Regional policy supports increased building height and density in locations with good public transport accessibility and there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations, such as the metropolitan areas, with good public transport accessibility. The site is at the point of transition between the evolving town centre to the east and an area of residential use and predominantly suburban character to the west. The introduction of the residential scheme would complement the evolving pattern of land use in the area i.e. a) filling a gap in the otherwise continuous strip of development along Howth Road, b) increasing the density and sustainability of residential use in proximity to the town centre and Howth DART station, and (c) contributing to (in association with the Claremont scheme) establishing an appreciable edge between the town centre and the suburban area to the west. A suitable setback and transition in scale from those existing properties has been provided, and assessments confirm no significant impacts arising thereby, confirming the appropriateness of this urban intervention.

In terms of the historical character, a comprehensive analysis of the historic development of Howth Castle Demesne was carried out to properly identify its historic associations and visual relationships, and how it has been impacted by historic and modern developments. The analysis informed the development proposal which is a considered design response to the site, making use of unique built heritage and landscape features.

As demonstrated in the viewpoints provided as part of Chapter 5 **Landscape and Visual Impact** and Appendix 5.1 **Visual Assessment** of the EIAR that accompanied the planning application submission, the proposal will not be visually dominant within the immediate context, heading in both an east and west direction along Howth Road, nor will it be significantly intrusive on the skyline when viewed from the surrounding areas. The latter is particularly evident from viewpoint 19 provided within the visual impact assessment. The proposed development cannot be deemed as visually incongruous either alone or, particularly in relation to emerging development within the area and the proximity of the site to highly accessible public transport and Howth town centre. There is potential for the proposed development and the permitted/under construction Claremont development to have cumulative effects on the landscape/townscape and some views. The two developments would form a corridor of contemporary urban buildings as Howth Road enters/exits the town centre, forming a distinct western edge to the town centre, and emphasising the historic character of the harbour area by its contrast. The two developments would subtly diminish each other's impact on the townscape but complement each other's urbanising effect.

It is also acknowledged that the maximum roof level of the proposed development will not exceed the maximum roof level of the currently under construction Claremont development, which, as demonstrated in **Figure 2** above, sits at a lower natural ground level to the proposed development site. Therefore, it is not considered that the proposal would contravene **Objective GINHO55 - Protection of Skylines** *Protect skylines and ridgelines from development* of the Fingal Development Plan 2023-2029. Please refer to Chapter 5 **Landscape and Visual Impact** and Appendix 5.1 **Visual Assessment** of the

EIAR provided as part of the LRD planning application submission and the **Supplementary Visual Note** prepared by Áit located at **Appendix 3** of this appeal response for further detail.

### 1.5.2 Visual Impact Assessment

The reason for refusal outlines that the proposed development contravenes Objective GINHO56 of the Fingal Development Plan 2023-2029 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development.

**Objective GINHO56 – Visual Impact Assessments** is provided as follows:

*Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.*

A **Supplementary Visual Note** has been prepared by Áit and accompanies this appeal response. This is in addition to the **Landscape and Visual Impact** and Appendix 5.1 **Visual Assessment** of the EIAR provided as part of the LRD planning application.

It is noted that as part of the S32B meeting request, suggested viewpoints formed part of the submission (see **Appendix 2**). 21 suggested viewpoints were submitted to allow feedback from the Council to ensure that sufficient viewpoints were considered within the Landscape and Visual Impact assessment. As part of the LRD Opinion, the following commentary was provided:

- *Required Viewpoints – Additional Viewpoints are required from those identified on the Áit document.*
  - a. *Additional angled viewpoint on Howth Road facing directly southwards towards the development at midpoint between Viewpoint 8 and Viewpoint 7*
  - b. *Additional viewpoint on Howth Road facing directly southwards towards the development from the location of Viewpoint 7 (Viewpoint 7 is angled SE towards the entrance road to Howth Castle*
  - c. *As raised above there are concerns that Viewpoint 12 may be reliant on screening provided by existing trees and undergrowth along the entrance avenue. The undergrowth may be thinned/removed in the future, so the visualisation needs to consider this.*
  - d. *The visualisations provided should show winter views when leaf cover reduced so it would be appropriate to get images taken now during winter months.*
- *Detailed Landscape and Visual Impact Assessment which should include images with verified views.*

The LVIA which accompanied the planning application took into consideration the comments provided by Fingal County Council as part of the LRD Opinion and provided the additional requested viewpoints. Viewpoint 23 was added in response to a. above and Viewpoint 22 was added to respond to item b. above. In response to item c., Viewpoint 12 is identified as a preserved view within the Fingal Development Plan 2023-2029. A full assessment of each of the views formed part of the final planning application documentation.

The LVIA chapter, provided as part of the EIAR, submitted with the application uses an industry-accepted methodology. Views towards the site are established and agreed upon in principle with the planning authority; photographers take accurate visual representations (verified views) and layer the real-life photography with computer-generated images/models and draw a comparison of the views relating to the existing baseline scenario and the proposed development.

There is a fundamental flaw in the assessment carried out by the planning authority whereby the proposed views were issued to the Planning Authority for comment. The Planning Authority issued

commentary in this regard as part of the LRD Opinion and the additional requested views were incorporated as part of the LRD planning application. The Planning Authority outsourced the review and appraisal of the EIAR to Fehily Timoney Consultants. As part of this assessment of Chapter 5 Landscape and Visual Impact Assessment carried out by Fehily Timoney Consultants, the following conclusions were drawn in relation to the LVIA chapter:

<b>EIAR Review – Landscape and Visual</b>	
<b>Heading</b>	<b>Conclusion</b>
<b>Receiving Environment</b>	<i>The baseline landscape and visual environment has been comprehensively defined and characterised.</i>
<b>Impact Assessment</b>	<i>The impact assessment is deemed to be appropriate, reasonable and accurate. The potential effects from the development have been appropriately characterised and presented, having regard to the following:</i> <ul style="list-style-type: none"> <li>- <i>Embedded mitigation measures associated with the project.</i></li> <li>- <i>Proposals to retain existing treelines and hedgerows that contribute to the qualities and good aesthetic of the existing environment.</i></li> <li>- <i>The photomontages prepared for the proposed development and the likely views toward the development site from identified viewpoints.</i></li> <li>- <i>The surrounding context including the development at Claremont (which is significantly larger in scale than the subject proposed development) which sets a precedent for development character in the vicinity of the proposed development.</i></li> </ul>
<b>Cumulative</b>	<i>The conclusions drawn are deemed to be appropriate and reasonable.</i>
<b>Mitigation</b>	<i>The range of mitigation measures defined for the proposed development are deemed to be appropriate.</i>
<b>Residual Impacts</b>	<i>Residual impacts have been appropriately and accurately characterised. It is fair and reasonable to conclude the operational phase of the proposed development will have a positive effect on landscape and visual conditions given its high quality design. The proposed development is not predicted to generate any adverse effects either on its own or in combination with other development.</i>
<b>Interactions</b>	<i>Satisfactory</i>
<b>Satisfactory</b>	<i>Yes</i>
<b>Compliant with Planning Policy and Environmental</b>	<i>Yes</i>
<b>Deficiencies Identified</b>	<b><i>None</i></b>

It is unclear to the Applicant body how the Planning Authority reached the conclusions it did in light of the clear and unambiguous findings of an external EIAR review that confirm the findings in our EIAR.

Based on the commentary provided within the Planner’s report, accompanying the Decision to refuse permission, it was outlined that a viewpoint from Muck Rock had not been provided. Viewpoint 19 of the submitted LVIA provided a viewpoint from the Rhodendrum garden located to the west of Deer Park

Hotel and Golf course. Given the difficulty accessing Muck Rock, viewpoint 19 was deemed appropriate albeit the level was slightly lower than that of Muck Rock.

Notwithstanding this, an additional verified view has been prepared in proximity to Muck Rock, albeit at a higher location, given the accessible nature of this location. This additional viewpoint has been considered within the **Supplementary Visual Note**, which is provided in **Appendix 3** to this document. It is considered that the **Landscape and Visual Impact** report (chapter 5) which accompanied the planning application together with the supplementary note provides a comprehensive and robust assessment of the visual impact of the proposal, particularly the views towards the site which will not result in any significant or negative effect on the local or wider landscape. Therefore, the development does not contravene Objective GINHO56 **Visual Impact Assessments**.

As outlined above, the proposal is not deemed to contravene Objective GINHO55 and Objective GINHO56, and as a result, is not deemed to materially contravene the 'RS' and 'HA' zoning objectives of the site.

## **ZONING**

'RS' Residential

### **Objective**

*Provide for residential development and protect and improve residential amenity.*

### **Vision**

*Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*

## **ZONING**

'HA' High Amenity

### **Objective**

*Protect and enhance high amenity areas.*

### **Vision**

*Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.*

'Residential' development is permissible in principle use on the 'RS' zoned lands. The proposed apartment blocks are located within the RS zoning of the site, with the exception of the most southern pedestrian communal walkway and landscaped area which do not form part of the calculation of the communal or public open space areas.

As forementioned, a proportion of the site is located within lands zoned for High Amenity 'HA'. No buildings are proposed in this location, and it is generally confined to landscaped recreational space. Open space is a permitted in principle use. The landscape measures proposed complement the sylvan nature of the wider demesne lands and will be consistent with the 'HA' zoning vision. It recognises the space's amenity potential and provides an opportunity for this land to be used as an amenity space while ensuring inappropriate development is not located in this portion of the site. Therefore, there is no contravention of either the 'RS' or 'HA' zonings, let alone a material contravention.

## 1.6 Grounds of Appeal 2

The second ground of appeal is:

2. Improper assessment of supporting information in accordance with Part 3 Section 34(3)(a) of the Planning and Development Act 2000 (as amended) whereby;

*A planning authority shall, when considering an application for permission under this section, have regard to—(a) in addition to the application itself, any information relating to the application furnished to it by the applicant in accordance with the permission regulations.*

This Ground of appeal relates to Reason No. 2 of the Refusal, specifically the deemed inadequacy of the Visual Impact Assessment and the Council's apparent failure to adequately and objectively assess the suite of documentation and assessments provided to it.

As demonstrated in Section 1.5 above, there was a fundamental flaw in the assessment carried out by the planning authority whereby the proposed views issued to the Planning Authority for comment and the additional viewpoints were provided. No further issue regarding the proposed location of the viewpoints i.e viewpoint 19 was addressed. The Planning Authority outsourced the review and appraisal of the EIAR where the assessment deemed the information and assessment carried out by our consultant to be satisfactory with no deficiencies identified. As part of the Council assessment, an additional viewpoint from Muck Rock was deemed to be missing from the application, albeit the planning authority had the opportunity to seek such additional viewpoints as part of the S32C LRD meeting and S32D LRD Opinion stages of the LRD process. An additional view point is now provided as part of this appeal which further serves to confirm the EIAR findings that there is no significant negative impacts arising on built heritage, skyline or streetscape. Rather, the proposal represents a positive intervention.

As a result, this appeal is being made on the grounds that Fingal County Council have not interpreted correctly the comprehensive and detailed information provided as part of the LVIA which accurately determined that the impact of the proposal is not significant and the viewpoints were provided, as requested by Fingal County Council, as part of the LRD Opinion. This reason for refusal is strongly refuted, and further detail on this matter is provided in **Appendix 3** of this submission.

Additionally, given the nature of the Planning Authority's assessment of the Landscape and Visual Impact Assessment chapter, we confirm that **Objective GINH055** and **Objective GINH056** are not contravened and ultimately the proposed development does not materially contravene the 'RS' and 'HA' zoning. 'Residential' development is permissible in principle use on the 'RS' zoned lands which the residential development is confined to. A portion of the south-west corner of the Site is located within lands zoned High Amenity 'HA'. No buildings are proposed in this location and 'Open space' is permitted in principle. Landscaping and amenity space, which have not been included within the POS and COS calculations are provided in this area. As a result, the proposed development will be consistent with the 'HA' zoning.

This appeal is being made on the grounds that Fingal County Council have not interpreted correctly the comprehensive and detailed information provided as part of the Landscape and Visual Impact EIAR chapter, which accurately determined the impact of the proposal is not significant. The **Design Statement**, **Designed Landscape Appraisal** and **Urban Design Statement** also adequately

demonstrate the development would not be visually dominant within the immediate context or intrusive on the skyline. As a result, it is strongly refuted that the planning application contravenes **Objective GINHO55** and **GINHO56** and ultimately does not materially contravene the relevant land use zonings of the site.

## 1.7 Conclusion

This appeal document and the planning application documents clearly demonstrate that the proposed residential development which will deliver 135 residential units is a well-considered design that is responsive to the established context, sympathetic to the surrounding built heritage and can be deemed as making a positive contribution to this evolving townscape setting.

The proposed development will:

- ✓ contribute to the delivery of much needed housing at a site that is in a highly accessible location i.e 400m from Howth Dart station and in the immediate vicinity of bus services
- ✓ provide a sustainable strategy for development which encourages increased densities at accessible locations, enabling the use of sustainable modes of transport and reduced car dependency
- ✓ provide an appropriate mix of units catering to a range of people at varying stages of the lifecycle, responding to the existing need in Howth
- ✓ provide an architectural design approach that integrates historic, and contemporary architecture and landscaping with overall coherence and integrity
- ✓ achieve a balance between the consolidation of the built environment and protection of the surrounding features of exceptional heritage value
- ✓ enhance permeability and connectivity between Howth town centre and the site
- ✓ facilitate an enhanced network of public open space and provide an opportunity to increase access to high amenity lands
- ✓ facilitate the construction of new homes which provides a contiguous and compact form of development, which is of an appropriate scale and density
- ✓ is in accordance with national and regional planning policy which supports development of this type i.e compact growth on sites well serviced by transport and services infrastructure whilst acknowledging and responding to the site context.

The suite of supporting reports and drawings that accompany the planning application and appeal demonstrate the proposed development will not give rise to significant effects and, if permitted, would support the principles of proper planning and sustainable development and will provide a positive and significant contribution to housing supply in the metropolitan area.

We therefore trust that the Board has sufficient information before it to determine this Appeal and we look forward to a favourable decision in due course.

**Appendix 1 – Notice of Decision (Fingal County Council)**



MS Rachel Condon,  
McCutcheon Halley Chartered Planning Consultants  
Kreston House  
Arran Court  
Arran Quay  
Dublin 7  
D07 K271

**DECISION TO REFUSE PERMISSION  
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

Decision Order No PF/2003/24	Decision Date 29 July, 2024
Register Ref. LRD0035/S3 LGMA Ref.	Registered 4 June, 2024

**Area** Howth Malahide

**Applicant** GLL PRS Holdco Limited

**Development** The proposed development will consist of:

I. two offset buildings ranging in height from 3-5 storeys providing 135 residential units comprising:

- a) 63 one-bedroom units
- b) 72 two-bedroom units

II. a public open space of 1, 676 sq.m and communal open space with an area of 890 sq.m;

III. the provision of 63 surface car parking spaces, including 4 accessible parking spaces and 13 EV spaces;

IV. the provision of 410 bicycle parking spaces, including 342 secure bicycle spaces and 68 visitor spaces;

V. partial demolition of 3 sections of the existing demesne

northern boundary wall, which front Howth Road to facilitate vehicular access in the northwestern corner and two separate pedestrian/cyclist access points along the centre and eastern side of the northern boundary wall;

VI. restoration and refurbishment of the remaining extant northern and eastern demesne boundary wall;

VII. undergrounding and relocation of existing ESB overhead lines and diversion of existing distribution gas pipe around the site;

VIII. works to facilitate bicycle infrastructure upgrades and services connections along Howth Road: and

IX. ESB substation, kiosk, rooftop solar photovoltaics, waste storage and plant rooms, drainage, boundary treatment, public lighting, and all ancillary site and development works;

**Location** Lands Adjoining Howth Demesne Deer Park Howth

**Submitted Floor Area** 135 Sq Metres

**Time extension(s) up to and including**

**Additional Information Requested / Received** /

In pursuance of its functions under the above mentioned Acts, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **REFUSE PERMISSION** in respect of the above proposal.

Subject to the (2) reason(s) on the attached Pages.

#### Reasons

1. Having regard to its scale, form, massing and overall height, the proposed development would fail to respond to the baseline environment and surrounding historical and natural environment of the site which is located within a designated Highly Sensitive Landscape, the Buffer Zone for the Howth Special Amenity Area Order, adjoins Howth Castle Architectural Conservation Area and lands zoned for

High Amenity in the Fingal County Development Plan 2023-2029, is part of the historic demesne lands of Howth Castle, a Protected Structure, and is in the vicinity of a number of other Protected Structures. The proposed development would be wholly inconsistent with the established character of this area, would be seriously injurious to the visual amenities of the area and would be detrimental to the character, setting and special interest of a number of protected structures including Howth Castle and St. Marys Church. The development would be contrary to Policy CSP22- Howth and Objective HCAO24 of the Fingal County Development Plan 2023-2029 and to the 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Residential Development and Compact Settlement Guidelines', and the 'Architectural Heritage Protection Guidelines for Planning Authorities' which were issued under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would set a poor precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the overall scale and height of the proposed development with the transitions in height from the west of the site which is predominantly single storey, it is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline and on approach into and out of Howth village and when viewed from the surrounding areas, the landscape character of which being 'coastal' and being categorised as having an exceptional landscape vale, with the objective being to protect skylines, horizons and ridgelines from development and to preserve the landscape types. The proposed development would be incongruous with the streetscape in which it would be proposed to integrate with and would contravene Objective GINHO55 - Protection of Skylines of the Fingal Development Plan 2023-2029 and Objective GINHO56 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.

Signed on behalf of the Fingal County Council

  
30 July, 2024  
for Senior Executive Officer

**NOTE:** Please note that applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

**NOTE:** Please note all observations/submissions have been taken into consideration when making this decision.

## NOTES

### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### (B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:  
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to grant permission/ retention/ outline/ permission consequent on the grant of outline and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5<sup>th</sup> September 2011 are as follows:

#### Case Type

#### Planning Acts

(a) Appeals against decisions of Planning Authorities	
Appeal	
(i) 1 <sup>st</sup> party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 <sup>st</sup> party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 <sup>st</sup> party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 <sup>st</sup> party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

**NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).**

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.

**Appendix 2 – Preliminary Viewpoint Locations - Áit Urbanism and Landscape Ltd (Áit)**

**Appendix 3 – Supplementary LVIA Note - Áit**

22nd August 2024

**Prepared by:**

Margaret Egan, MILI, LVIA Specialist and Landscape Architect, Áit Urbanism + Landscape Ltd

**Planning Application Reference:** LRD0035/S3

**Location:** Lands adjoining Howth Demesne, Deerpark, Howth

**Applicant:** GLL PRS Holdco Limited

**Appeal to An Bord Pleanála regarding the decision by Fingal County Council to refuse permission for the proposed LRD development at lands known as Deerpark, Howth.**

**Introduction**

This section of the appeal submission prepared on behalf of the client GLL PRS Holco Ltd focuses on the reasons for refusal pertaining to the Landscape and Visual Impact Assessment that was prepared by Áit Urbanism + Landscape Ltd as part of the EIAR submitted as part of the planning application.

The decision to refuse permission relating to landscape and visual impact and landscape character are as follows:

**Refusal Point 1:**

*'Having regard to its scale, form, massing and overall height, the proposed development would fail to respond to the baseline environment and surrounding historical and natural environment of the site which is located within a designated Highly Sensitive Landscape, the Buffer Zone for the Howth Special Amenity Area Order, adjoins Howth Castle Architectural Conservation Area and lands zoned for High Amenity in the Fingal County Development Plan 2023-2029, is part of the historic demesne lands of Howth Castle, a Protected Structure, and is in the vicinity of a number of other Protected Structures.*

*'The proposed development would be wholly inconsistent with the established character of this area, would be seriously injurious to the visual amenities of the area and would be detrimental to the character, setting and special interest of a number of protected structures including Howth Castle and St. Marys Church. The development would be contrary to Policy CSP22- Howth and Objective HCAO24 of the Fingal County Development Plan 2023-2029 and to the 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Residential Development and Compact Settlement Guidelines', and the 'Architectural Heritage Protection Guidelines for Planning Authorities' which were issued under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would set a poor precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.'*

## Response

We respectfully disagree with the above decision and stated reason for refusal for the proposed development on lands with a residential zoning.

The proposed development has been designed in direct response to the site sensitivities. We respectfully disagree with the statement that the subject site is highly sensitive. This statement alludes to the entirety of the subject site having a high sensitivity which is inaccurate. The site is a greenfield site, formerly used for agricultural purposes and is no longer recognised as part of the historic Howth Demesne setting. A small portion of the northeastern corner of the site is located within the ACA. This section of the site contains a portion of the historic stone wall that has been rebuilt with a variety of materials over the years and has not been maintained.

There are two sections of the site that are considered highly sensitive, namely the lands that are zoned 'High Amenity' and are part of the 'Howth SAAO Buffer Zone', and the lands/boundary to the east of the site that form part of the Howth Castle ACA and contain a number of protected structures.

The area of 'High Amenity' zoned lands (3,113 sq.m) is proposed to be retained as open space for the use of the residents with a substantial belt of trees being retained that separate this area from the adjoining golf course to the south of the site that sits within the SAAO Buffer Zone. The proposed development will not have a significant impact on the landscape or visual amenity of these 'High Amenity' zoned lands within the SAAO Buffer Zone.

The Heritage Impact Assessment concludes that taking account of the incorporated design mitigations, no significant negative impacts were identified on the protected structures or the ACA in the receiving environment as a result of the proposed development.

The Landscape and Visual Impact Assessment concludes that the proposed development will not have a significant effect on the landscape or visual amenity of the site and its surrounds.

## Site layout, height and massing

The proposed Large Scale Residential Development (LRD) is 3-5 storeys in height with the public elevation predominantly facing the Howth Road set back from the historical stone wall boundary of the Howth Demesne as a design response to its sensitive historical landscape context.

Setbacks from the boundary wall, stepping down of roof lines, architectural treatments such as recessed balconies addressing the corner of the Howth Road frontage, and the materiality and architectural expression are sensitively considered to take account of the significance of the sites' location adjacent to the gate to Howth Castle and the entrance to Howth town and harbour.

The mass of the proposed built environment is broken down into two offset blocks two blocks (Block A with Block B, Block C with Block D) to create three distinct areas of public realm, comprised of both soft and hard landscape materials as part of a high-quality landscape site plan for the site. Substantial retention of existing trees on site, along with additional tree planting to the boundary of the site and repairs to the existing stone wall are all part of the designed in mitigation measures considered during the design process to address the site sensitivities. The overall proposal seeks to balance the need to provide increased density while being cognisant of the existing local residential amenity and the historical context of the entrance to Howth Castle.

Although there is a broad Landscape Characterisation of the entirety of Howth as being a highly sensitive landscape, it does not provide for sub landscape character types within the coastal suburban or urbanised landscape or townscape setting. Although the subject site is located within a coastal and former historic

landscape setting, it is located along a busy suburban road with a mix of one, two and some higher density developments along its route.

The town centre expansion and urbanisation of Howth Town is a prominent feature of the lands to the north and east of the site. We respectfully submit that the proposed development will be viewed as the continuation of the suburbanisation of the Howth Road.

The landscape sensitivity of views along the Howth Road are generally considered to be medium given the poor quality of the presentation and condition of the public realm in what is a suburban road experiencing a transition from suburban to urban; the capacity for change is therefore considered medium. There are no protected views along the Howth Road. The landscape sensitivity of views within the Howth Castle ACA and from preserved or protected views is considered high to very high, with a low capacity for change.

Twenty-three verified views were undertaken as part of the LVIA and there is no instance where the proposed development is considered to have a significant effect. In all views from within the Howth ACA, the proposed development will not be visible as it is a 3-5 storey development and will be visually contained within its landscape setting. The proposed development will not be visible from Howth Harbour given the future completion of the Claremont development. A small portion of the upper levels of the proposed development will be visible from higher elevations and protected views on Howth Head SAAO, the majority of the development will be visually contained within its landscape setting.

#### **Refusal Point 2:**

*'Having regard to the overall scale and height of the proposed development with the transitions in height from the west of the site which is predominantly single storey, it is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline and on approach into and out of Howth village and when viewed from the surrounding areas, the landscape character of which being 'coastal' and being categorised as having an exceptional landscape value, with the objective being to protect skylines, horizons and ridgelines from development and to preserve the landscape types. The proposed development would be incongruous with the streetscape in which it would be proposed to integrate with and would contravene Objective GINHO55 - Protection of Skylines of the Fingal Development Plan 2023-2029 and Objective GINHO56 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.'*

#### **Response:**

We respectfully disagree with the above decision and stated reasons for refusal by the local authority. A detailed and thorough assessment of the baseline environment, all current planning policies and objectives relating to the protection of the landscape and landscape character of the site and surrounds, preserved views, and assessment of the proposed development was undertaken in the landscape and visual impact assessment process.

Twenty-three verified views were prepared by 3D Design Bureau, the viewpoints being agreed in advance at pre consultation with the local authority, in order to assess the potential landscape and visual effects of the proposed development as well as the cumulative or combined effects of the proposed development with other relevant developments.

On page 34-36 of the Planners Report, the LVIA that was submitted as part of the EIAR was considered acceptable and 'succinct'. (Extract from the Planners Report below).

***Landscape and Visual (Chapter 5):***

*Chapter 5 of the EIAR relates to landscape and visual amenity and should be read in conjunction with the verified views/photomontage document prepared by 3D Design Bureau.*

*The site is zoned RS- Residential and HA- High Amenity whereby the objective is to "Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place".*

*There are high amenity areas, protected structures and preserved views in the vicinity of the site. Howth Special Amenity Area is situated immediately south, east and west of the site. Howth Castle and Demesne Architectural Conservation Area is situated immediately south and west of the site. A Landscape Character Assessment has been undertaken and the lands are classified as 'Coastal' and sit within a highly sensitive landscape.*

*A succinct description of the aspects of the proposed development that may impact on landscape and visual amenity has been provided (i.e. site layout, height and massing; architectural materials, landscaping etc.).*

*Details on the site location and context, amenity and recreation features of the local area, the heritage context and natural heritage features of importance have also been provided. It has been noted that landscape and visual amenity considerations and sensitivities were taken into account during the proposed development design process. A description of design/embedded mitigation measure utilised to minimize adverse impacts of the proposed development on landscape character and visual amenity has been provided.*

*Methodologies for assessing baseline landscape character and visual amenity sensitivities and the magnitude, significance and character of landscape and visual effects are deemed to be appropriate.*

*Photomontages were prepared to assist with the LVIA.*

*During construction, it is predicted that the proposed development will have the potential to generate a range of typical construction related landscape and visual effects. Construction phase activities and works have the potential to have significant negative effects on nearby viewpoints in the absence of appropriate mitigation (e.g., Viewpoint 7 Howth Road from West, Viewpoint 21 Baltray Park - Howth Road). Such effects will be temporary in nature however given the duration of construction.*

*Three other committed/potential developments in the zone of visual influence of the proposed development which have the potential to generate significant landscape and visual effects have been considered when assessing the cumulative effects of the proposed development. These are as follows:*

- *Claremont Development, Howth Road*
- *Howth Castle, Howth Road, Co. Dublin, D13 EH73*
- *Deer Park Hotel and Golf Club, Deer Park Howth Co. Dublin; Within the grounds of Howth Estate, DeerPark, Howth, Dublin*

*The cumulative effects of these developments on the landscape and visual environment have the potential to be significant - in the absence of any embedded landscape and visual mitigation measures and additional mitigation measure to minimize construction phase effects.*

*During operational phase, it is predicted that the proposed development on immediate environs would be significant, however should have a positive effect on landscape and visual conditions given a high-quality design.*

*Taking account of the mitigation measures outlined and subject to amendments in the overall design and layout, the EIAR concluded that there would not be any unacceptable direct, indirect or cumulative impacts associated with landscape or visual impact arising from the proposed development.*

The last paragraph of the Planners Report (page 36) states that:

*'However, the Planning Authority consider that the design response proposed for the subject site would impact negatively on the landscape and visual amenity of the area', with no supporting detail for this statement.*

**First part of Point 2, Reason for Refusal:**

*'Having regard to the overall scale and height of the proposed development with the transitions in height from the west of the site which is predominantly single storey, it is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline and on approach into and out of Howth village and when viewed from the surrounding areas'*

We disagree with this statement given the visual and landscape presentation of the baseline environment, which is suburban in nature on approach from the west and undergoing a transition from suburban to urban from the east. The public realm locally along Howth Road is considered to be of a generally poor quality with visual intrusion and visual clutter in the form of signage, overhead wire infrastructure, road lighting, road, pedestrian and cycling infrastructure. There are no significant effects on any of the protected views (View 1 from the Howth Pier and View 19 from Muck Rock). There are no protected or preserved views along Howth Road from the east or west towards the proposed development site.

The proposed 3 to 5 storey development is not considered visually dominant or visually intrusive on the skyline. The greatest change in view will be on views along a short section of the approach road from Sutton to the west as the Howth Road moves south which is predominantly a sequential view. Some views of the tree canopy of Howth Demesne will be removed along with some views of the upper levels of Howth Head, which are not considered significant. See Views 9, 8,7 and below. These are not protected views.



**Viewpoint Maps for clarity**



**Viewpoint 9 Existing**



**Viewpoint 9 Proposed**

It is considered that the proposed development will not have a significant effect on this view. The 3-5 storey development will be seen as a continuation of the existing suburbanisation along Howth Road.



**Viewpoint 8 Existing**

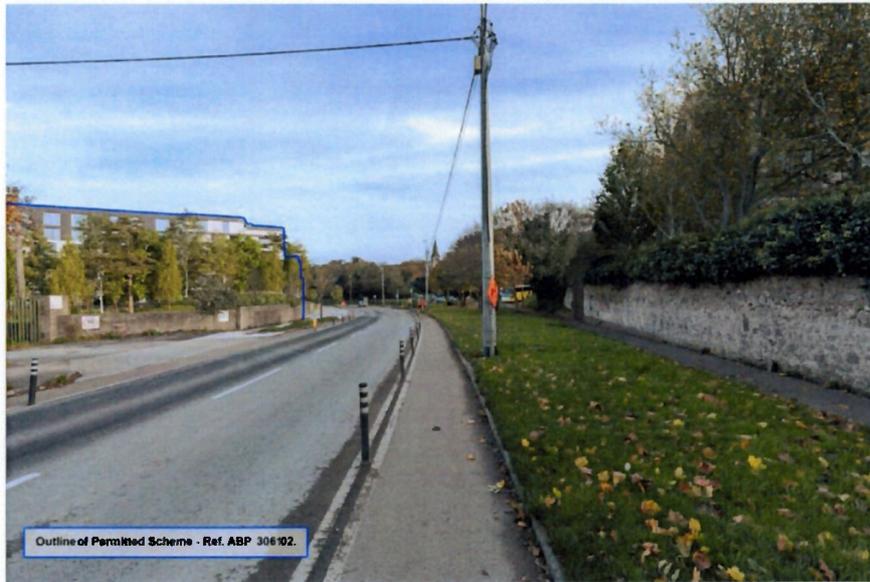


**Viewpoint 8 Proposed**

It is considered that the proposed development will not have a significant effect on this view. The proposed 3-5 storey development is not visually dominant along this sequential view and will be seen as a continuation of the existing suburbanisation along Howth Road.



**Viewpoint 7 Existing**



**Viewpoint 7 Proposed**

It is considered that the proposed development will not have a significant effect on this view. The proposed development sits behind the stone boundary wall and is largely visually contained within the site. It does not present as being visually dominant or visually obtrusive in this view.

When viewed from the east, leaving Howth village, the proposed development will be seen against the Claremont development currently under construction. See Views 3 and 5 and below.



**Viewpoint 3 Existing**



**Viewpoint 3 Proposed**

It is considered that the proposed development will not have a significant effect on this view. It is not considered to be visually dominant or obtrusive in what is a view of a suburban road with a transition to urbanisation to the right of view.



**Viewpoint 5 Existing**



**Viewpoint 5 Proposed**

It is considered that the proposed development will not have a significant effect on this view. It is not considered to be visually dominant or obtrusive in what is a view of a suburban road with a transition to urbanisation to the right of view.

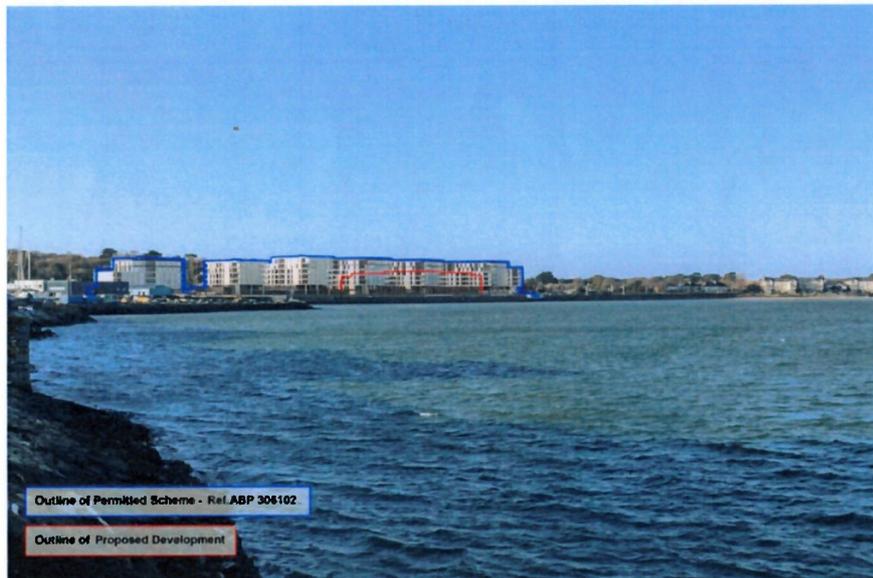
Distant and preserved views were addressed in the LVIA, with viewpoints agreed in advance with the local authority. The proposed development will not have a significant effect on views from these locations. See Views 1 and 19 below.



**Viewpoint Maps for clarity**



**Viewpoint 1 Existing**



**Viewpoint 1 Proposed**

This view depicts the extent of the Claremont development when it will be complete. The proposed development at Deerpark will be screened from view by the completed development at the Claremont site. The extent of the proposed development is outline in red, showing its location in the background of the view. It will not be visible from this viewpoint.



**Viewpoint 19 Existing**



**Viewpoint 19 Proposed**



**Viewpoint 19 Proposed (red line)**

The proposed development at the Deerpark site will be predominantly visually contained within the existing landscape of site by the existing tree coverage. It is considered that the proposed development will not have a significant effect on this preserved view.

The greater visual effect arises from the anticipated finished Claremont scheme to the northeast of the site.

**Second part of Point 2, Reason for Refusal:**

*'the landscape character of which being 'coastal' and being categorised as having an exceptional landscape value, with the objective being to protect skylines, horizons and ridgelines from development and to preserve the landscape types. The proposed development would be incongruous with the streetscape in which it would be proposed to integrate with and would contravene Objective GINHO55 - Protection of Skylines of the Fingal Development Plan 2023-2029 and Objective GINHO56 whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.'*

**Response:** The 'Coastal' Landscape Character Type that is categorised as having an 'Exceptional Landscape Value' was taken into consideration when reviewing all relevant planning policies and objectives.

We feel that this is a very broad characterisation of the entirety of Howth and does not provide for any sub landscape characterisation of peri-urban, suburban or urbanised areas of Howth as a whole.

As presented in the LVIA appendices, the photographs of the site and its surrounding context, along with sections of Howth Road and the approach to Howth Village that are visually poor with a low quality of public realm cannot be considered of exceptional landscape value in their current state. The proposed development site, its boundary walls and the entrance to Howth Castle is cluttered with signage, overhead wire and road lighting infrastructure with poor maintenance of the public realm.

We do not accept the statement above that the proposed development contravenes the following objectives:

**Objective GINHO55 - Protection of Skylines of the Fingal Development Plan 2023-2029:** The LVIA and its assessment of the 23 verified views shows that the proposed development which is 3-5 storeys in height does not impinge on the skylines of Howth or on any protected or preserved views. See Views 1 and 19.

**Objective GINHO56** whereby the Visual Impact Assessment submitted was considered inadequate to fully assess the proposed development, and therefore materially contravene the RS and HA Zoning Objective of the site.'

The LVIA fully assessed the proposed development. No inadequacies in the LVIA were highlighted in the Planners Report pages 34-36.

See below extract from the non-technical summary of the LVIA which we stand over as a full and accurate assessment of the potential effects of the proposed development:

*Cumulative effects were considered and included relevant projects currently in the planning process as well as the Claremont development on the former Techcrete site on the north side of the Howth Road, to the northeast of the Deerpark site. The Claremont development, which will be 4-8 storeys when complete, is currently under construction, was modelled by 3D Design Bureau to determine its' visibility from the 23 chosen viewpoints.*

*The summary of the assessment of the likely potential significant effects of the construction and operational stages are presented in Tables 5.8 to 5.11.*

*There are no post operational mitigation measures as all mitigation has been considered and designed in during the design and consultation process. Generally, the landscape and visual effects will be considered adverse and moderate to significant in the short term when construction works are underway and will terminate upon completion of the development. The landscape and visual effects during the operational stage will generally be considered as ranging from having 'No effect' as they will not be visible due to the relative low height of the proposals, to a 'Positive' effect where the proposals can be seen given the well-considered design, site layout and presentation of the scheme as a whole.*

*The significance of the effects is considered generally as 'Slight' to 'Moderate' where the scheme is visible, mainly from the west and eastern approaches of the Howth Road. Some views of the upper levels of Howth Head will be removed from locations on the Howth Road, but these are not considered to be adversely significant given the visual clutter of the existing overhead wire scape that detracts from these views in the*

*existing scenarios or views. Due to the site layout and relative low height of the proposals, the likely effect on Preserved Views is considered neutral and slight.*

*The visual effect of the local protected structures is also considered neutral and slight. It is considered that the proposed development will not have any significant adverse effects on the landscape and visual amenity of the subject site, adjacent Architectural Conservation Area of the Howth Castle Demesne, or on the small section of the ACA to the northeast, or on residential lands adjacent to the site.*

*It is not anticipated that there will be any significant adverse effects on the cultural heritage or historic landscape context of the subject site, its biodiversity or local residential amenity. It is likely that that there will be positive significant effects in the long term on biodiversity, landscape and visual amenity, on the local and future population and human health.*

*The cumulative effects are considered mainly in the form of the Claremont scheme currently under construction on the north side of Howth Road. The scheme will be 4-8 storeys in height when complete and will be substantially higher and visible in the landscape and against the seascape of the Irish Sea and coastline than the proposed scheme at the subject site. The proposed development at the Deerpark site will be largely visually absorbed and visually contained within its landscape setting due to the presence and retention of trees to the south, southeast and east of the site itself. The two developments when complete will transform a suburban road corridor into Howth town and harbour, currently in transition in terms of landscape character, to an urbanised road/streetscape. This will be seen as an expansion of the built environment of Howth town as a metropolitan urban area along the Howth Road corridor.*

## **Responses to individual department reports**

### ***Conservation, Integration & Visual Amenity Page 21 of the Planners Report***

#### **Point 1**

*'The subject site is highly sensitive, being partially located within the Buffer Zone of the Howth SAAO, adjoining the 'HA' High Amenity lands to the south, designation as a 'highly sensitive landscape' while also being proximate to designated architectural heritage Howth Castle, including the entrance gates is a Protected Structure.*

*The section of land that is the subject of the proposed development sits behind the estate boundary wall that fronts onto the Howth Road/Dublin Road on the western side of the current entrance to the castle, with its 19th century ornamental gate piers. '*

#### **Response:**

We respectfully disagree with the statement that the subject site is highly sensitive. This statement alludes to the entirety of the subject site having a high sensitivity which is inaccurate.

There are two sections of the site that are considered highly sensitive, namely the lands that are zoned 'High Amenity' and are part of the 'Howth SAAO Buffer Zone', and the lands/boundary to the east of the site that form part of the Howth Castle ACA.

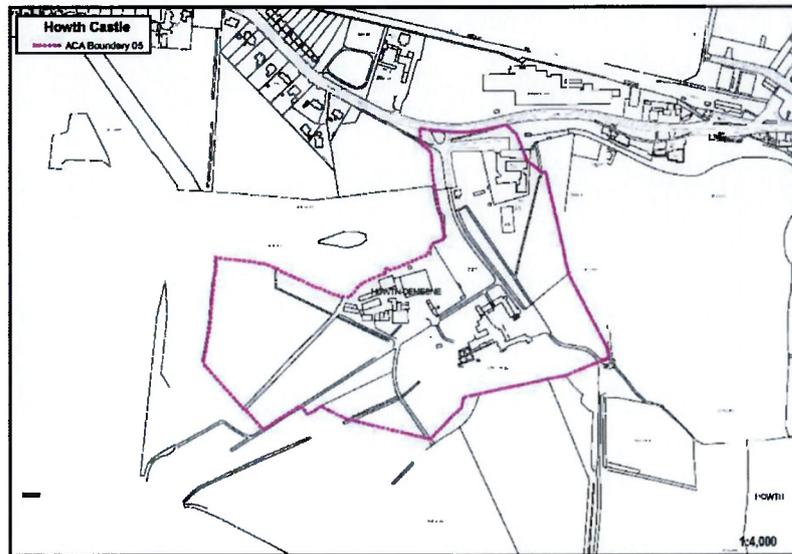
The area of 'High Amenity' zoned lands (3,113 sq.m) is proposed to be retained as open space for the use of the residents with a substantial belt of trees being retained that separate this area from the adjoining golf course to the south of the site that sits within the SAAO Buffer Zone. The proposed development will not have a significant impact on the landscape or visual amenity of these 'High Amenity' zoned lands within the SAAO Buffer Zone.



**Fingal Zoning Map G (2023-2029) (Site in red)**

The subject site itself is a greenfield site, which was formerly part of the historic demesne estate and has historically been used for agricultural purposes. It is no longer part of the estate and does not form part of the ACA, with the exception of a small section of boundary wall to the southeast of the site which is being retained.

The proposed development includes for the opening of a small section of the wall at this location for pedestrian access and to improve permeability to the site. This section of wall has been repaired and rebuilt over the years. Its current appearance is poor due to the lack of maintenance and management and is overgrown with ivy. The 19<sup>th</sup> century gated entrance piers are set back approximately 50m from Howth Road and are not visible on approach from the east or west and will not be impacted upon by the proposed development.



*Howth Castle ACA (outlined in purple dashed line)*



*View of the southeastern corner of the stone wall that is part of the ACA. Varying repair materials can be seen through the gaps in the ivy growth.*



*View of the boundary wall within the ACA along the eastern/southeast of the site (adjacent to the gates to Howth Castle). Again, various materials can be seen that have been used to repair the wall over the years, along with ivy growth.*



*View looking northeast along the boundary wall within the ACA showing historical material repairs and poor maintenance/management*



*View of the boundary wall to the left of view overgrown in ivy (November 2023), from the gated entrance to Howth Castle. Howth Road and the site compound for the Claremont site is visible in the middle distance, right of view.*



*Close up view of the boundary wall within the Howth Castle ACA.  
A clear demarcation or rebuild can be seen along with ivy and other  
vegetation on wall as it curves south towards the entrance gate to the castle.*



*The protected gated piered entrance gates are visible in the middle distance,  
set back approximately 50m from Howth Road.*

## **Point 2**

*'While there has been low scale residential development from the mid-20th century along the southern side of the Howth Road up to the western boundary of the proposed site, the subject lands have never been built on. Their open nature behind the estate wall facilitates views of the mature trees of Howth Castle demesne and Muck Rock of the Hill of Howth, giving a distinctive character to the entry point to Howth village.'*

## **Response:**

The predominant scale of development along the western approach to the subject site is one to two storey residential housing, however, there has also been higher scale development locally to the west and south of Howth Road. The Claremont Hotel site on the shoreline to the northwest of the site has been redeveloped as the Howth Lodge apartment complex, with four blocks of four storeys in height and is clearly visible from higher points in the landscape such as Muck Rock (100.000+ OD, and Dun Hill 150.00+OD).

To the west along Howth Road, halfway between the town centres of Howth and Sutton, two apartment developments were built on neighbouring sites, namely Corr Castle (six blocks, four storeys) and Offington Manor (three blocks, 3-4 storeys).

There are views to the tree canopy of the wider Howth Castle Demesne and to Muck Road and part of Howth Head from a short section of Howth Road, on the approach from the west as the road turns south and moves west adjacent to Baltray Park. The view has sensitive characteristics, but the overall quality and sensitivity of the view is reduced through the urbanisation of the lands to the north and south of the road along with the necessary road, pedestrian, cyclist, road lighting and overhead wire infrastructure in the view. See Views 10 and 23 below. The views along Howth Road are not protected views.



**Existing View 10**



**Proposed View 10**

It is considered that the proposed development will not have a significant adverse effect on this view. The 3-5 storey development will appear as a continuation of the suburbanisation of Howth Road. This is not a protected view.



**Existing View 23**



**Proposed View 23**

**It is considered that the proposed development will not have a significant adverse effect on this view. The 3-5 storey development does not appear visually dominant or visually obtrusive and will not significantly alter the landscape character of the site. This is not a protected view.**

**Point 3:**

*'It is noted that the applicant has referenced the Claremont SHD site currently well under construction on the other side of the road, however this was a former industrial brownfield site, which doesn't have the same sensitives as the subject site forming lands in a historic demesne and was also zoned Town Centre as opposed to the RS and HA zoning of the site.'*

**Response:**

The Claremont Development that is currently under construction is located immediately to the north and east of the site. As part of Landscape and Visual Impact Assessment, it is not possible to disregard other developments that are in either the planning stage or are currently under construction in the vicinity of a proposed development, not only as part of the desktop study of the baseline landscape and visual assessment, but also in the assessment of the cumulative visual effects.

The Claremont development is located on the Howth Road immediately outside the entrance to Howth Castle and to the northeast of the Howth Demesne. This mixed-use residential development was on site and under construction during the assessment process of the proposed development at Deerpark.

As per the Guidelines on Landscape and Visual Impact Assessment (GLVIA 3<sup>rd</sup> Edition (GLVIA3)) Section 7.29, page 129.

**Assessing Cumulative Visual Effects**

*Cumulative visual effects are the effects on views and visual amenity enjoyed by people, which may result either from adding the effects of the project being assessed to the effects of other projects on the baseline conditions or from their combined effect. This may result in changes in the context and character of the views experienced in particular places due to introduction of new elements or removal of or damage to existing ones.*

As per Table 7.1 GLVIA 3. A combined effect:

*'occurs where the observer is able to see two or more developments from one viewpoint';*

*and*

*'where two or more developments are or would be within the observer's arc of vision at the same time without moving her/his head).*

The Claremont scheme formed part of the baseline views as it was under construction and appeared in the relevant viewpoints that were agreed with the local authority at pre consultation.

It was therefore modelled as is (ie. partially constructed) in the proposed views, and fully modelled (ie. to reflect the development on completion) in all cumulative views. This process is standard practice in cumulative visual impact assessment, in order to undertake an objective assessment as to the visual effects of the proposed development, as well as cumulative effects, in the context of the existing the future built fabric visible in each view.

**Point 4:**

*The Planning Authority consider that due to the sensitive setting of the site and the importance of this historic environment that this is not an appropriate location for large-scale and/or tall buildings. The statutory designations and land zoning that border and include part of the site of Protected Structures, Special Amenity Area Buffer and High Amenity Lands all serve to emphasise that this is a special and unique place and so any development within the residential zoned section should not be overly dominant in scale or massing and should be appropriate to the historic local character of the place.*

**Response:**

Refer to response to points 1,2 and 3 above.

We respectfully disagree with the opinion of the local authority that the proposed development is overly dominant in scale or massing which is supported by the twenty-three verified views of the 3-5 storey development. The local authority's Architects Department has not provided a report to support this statement.

**Point 5:**

*An Architectural Heritage Impact Assessment as required under Objective HCAO25 of the Fingal Development Plan and a Designed Landscape Appraisal as required under Objective HCAO32 have been submitted as part of the proposed development.*

*It is recognised that the portion of these lands that directly border the Howth Road are zoned residential and therefore some form of development will be permitted, however the issues as previously raised in the opinion report is the scale and massing and how this radically changes the existing environment to its detriment.*

**Response:**

In conjunction with the responses to Points 1 to 4 above, and in combination with the conclusions of the LVIA that the proposed development will not have a significant effect on the landscape or visual amenity of the subject site or its surrounds, we respectfully disagree that the scale and massing 'radically' changes the existing environment in a negative manner.

We respectfully submit that the above statement lacks a detailed response or support from the local authority's Architects Department.

**Point 6:**

*The gateway forming the entrance to Howth Castle is a protected structure, specifically identified within the entry of RPS No. 566 for Howth Castle and the character formed by the tree-lined entrance, the random rubble masonry boundary walls and the highly stylised gate design is a fundamental part of the sense of place of Howth, contributing significantly to the attractiveness and character of the settlement. The entrance area to Howth Castle, as it currently exists, serves as the landmark for the entry point to Howth.*

**Response:**

The entrance to Howth Castle, specifically the gated entrance is set back approximately 50m from Howth Road and is not visible on the eastern or western approaches to Howth Village (See Appendix 1 for additional photography of the entrance to Howth Castle and views of the approach road to Howth).

The gated entrance (and tree lined avenue) is visible only from the immediate area to the north of the entrance area on Howth Road.

The greater and more visible landmark that is visible on the approach from the west is St. Marys Church. The proposed development will not have a significant effect on either of these protected structures.

**Point 7:**

*It is the opinion of the Planning Authority that the design response is not one which is reflective of the baseline environment and to draw comparison with the Claremont site on the northern side of the road, currently under construction which was a brownfield site with a Town Centre zoning is incomparable.*

**Response:**

*As per response to Point 3 above:*

The Claremont Development that is currently under construction is located immediately to the north and east of the site.

Regardless of its former presentation as a brownfield site with a 'Town Centre' zoning, it is not possible to discount other developments that are in either the planning stage or are currently under construction in the vicinity of a proposed development during the baseline landscape and visual assessment, or in the assessment of the cumulative visual effects of a proposed development.

The Claremont development is located immediately north of the entrance to Howth Castle and to the northeast of the Howth Demesne. This mixed-use residential development was on site and under construction during the assessment process of the proposed development at Deerpark.

Again, as per the Guidelines on Landscape and Visual Impact Assessment (GLVIA 3<sup>rd</sup> Edition (GLVIA3)) Section 7.29, page 129.

### **Assessing Cumulative Visual Effects**

*Cumulative visual effects are the effects on views and visual amenity enjoyed by people, which may result either from adding the effects of the project being assessed to the effects of other projects on the baseline conditions or from their combined effect. This may result in changes in the context and character of the views experienced in particular places due to introduction of new elements or removal of or damage to existing ones.*

Table 7.1 GLVIA 3. A combined effect:

*'occurs where the observer is able to see two or more developments from one viewpoint'*

*and*

*'where two or more developments are or would be within the observer's arc of vision at the same time without moving her/his head).*

The Claremont scheme formed part of the baseline views as it was under construction and appeared in the relevant viewpoints that were agreed with the local authority at pre consultation.

It was therefore modelled as is (ie. partially constructed) in the proposed views, and fully modelled (ie. to reflect the development on completion) in all cumulative views. This process is standard practice in cumulative visual impact assessment, in order to undertake an objective assessment as to the visual effects of the proposed development, as well as cumulative effects, in the context of the existing the future built fabric visible in each view.

### **Point 8:**

*The LVIA needs to be extended to include views from Muck Rock Hill, however notwithstanding same, it is evident from the CGIs that the development will be visually obtrusive and detrimental to the area. The development as proposed is not acceptable.*

### **Response:**

Verified **View 19** is taken from the most accessible point on the north face of Muck Rock Hill.

It is a representative view of the visibility of the proposed development from higher elevations to the south of the site. It is taken on the approximately the 90m OD contour.

Preliminary views for the purposes of the production of verified views for the LVIA were presented to Fingal County Council: Extract from Section 5.4.4, page 59 of the LVIA:

### **Consultation**

*A S247 meeting took place between the applicants and Fingal County Council on 12 September 2023. A number of items of concern were raised including the building heights, elevations and proposed tree planting. A Section 32C-LRD Meeting was held on the 13<sup>th</sup> of December 2023. Concerns were raised regarding the built heritage and the historic landscape setting. Fingal County Council requested further design amendments in terms of heights, potential impacts on the heritage gates at the castle entrance and planting proposals.*

*Based on this feedback further design amendments were made to the scheme in conjunction with the wider design team. Block D has been revised to reduce the impact on the existing treeline and on the Howth Castle Demesne Gates. The building has been set back further from the historic structures at the castle gates, and the height of end block (Block D) reduced to three storeys.*

*A preliminary viewpoint map with 21 suggested views (representative sensitive receptors) was presented for discussion. The local authority requested amendments to some angles of view on Howth Road, particularly looking south and southwest to the castle gates from Howth Road and additional viewpoints to be considered in the Landscape and Visual Impact Assessment.*

*Further discussions were undertaken by the design team and agreement made on 23 views in total with amendments to the angle of views from the north, northeast and northwest of the castle gates looking south from Howth Road.*

We respectfully submit that no issues were raised regarding any further viewpoints from higher ground on Howth Head and were not requested at the pre-consultation meeting. Only additional views from Howth Road and changes to the angles of views were requested.

We respectfully submit that the assessment of the landscape and visual effects as depicted in the verified views shows that the proposed development would not have a significant and or adverse effect on the local or wider landscape.

Again, no report has been presented by the local authorities Architects Department to support this opinion.

Additionally, and in response to the above, another site visit was undertaken by Áit on the 10<sup>th</sup> of August 2024.

In order to establish further viewpoints for the purposes of preparing an additional verified view (**View 24** – See Appendix 2) by 3D Design Bureau (their team of photographers and surveyors), we chose a route from behind the Howth Golf Course Hotel and up through the Rhododendron Gardens to gauge accessibility and further viewpoint locations.

Access to the location of **Viewpoint 19** on the north face of **Muck Rock** was reasonable but involved a climb up timber sleeper steps and climbing over rocky outcrops. The Rhododendron vegetation cover en route up the north face is dense and screens most of the views north, but there are some occasional gaps in vegetation allowing views out.

There are views out from more open locations as the rhododendron clears and one can see the extent of the Golf Course, Deerpark Hotel and Claremont Apartments on the shoreline more clearly. Refer to Appendix 2: Sequential views, Muck Rock and Dun Hill).

It was not considered feasible to go further beyond the location of **Viewpoint 19** as there was no pathway around the large rocky outcrops. We walked south through some woodlands, but pathways began to peter out in the denser vegetation.

On further review of mapping, we accessed the south of Howth Head and followed a rough path through heather (to the west of the Ben of Howth and off Windgate Road). As one moved north views of the north-east of the harbour area opened up. Further north, we arrived at a point known as Dun Hill, located on the approx. 150+ OD contour line and overlooking Muck Rock (100.00+ OD contour line).

The views from this point on the headland are panoramic with views down to the Sugarloaf, Ringsend Towers, the metropolitan area of Dublin, Dublin Bay, the Irish Sea and islands. The eye is drawn nearly 360 degrees (view to east are screened by topography).

The urban fabric of Howth is visible from Sutton, along the Howth Road, the harbour to the northeast of the Howth landscape/townscape.

An additional photomontage has been undertaken from this viewpoint on Dun Hill that is another representative view of others on Howth Head with *'Footpaths and Roads with views to be protected'* as per the SAAO for Howth Head. (See Appendix 2 -**Viewpoint 24**).

## **Responses to individual department reports**

### ***Parks and Green Infrastructure Page 29 of the Planners Report***

*Following review of the proposed development by the Parks and Green Infrastructure Division, the report concludes that the proposed development conflicts with several landscape objectives and may generate significant negative impacts on existing & future residential amenities, biodiversity and the designated Special Amenity landscape (Howth SAAO). It is noted that the proposal encroaches into the High Amenity zoning and proposes tree removals within the Howth SAAO buffer zone in order to accommodate temporary works, which is unacceptable.*

*In relation to the Howth Special Amenity Order, Howth SAAO Policy 1.3.1 states 'in considering planning applications within the buffer zone it will be Council policy:*

*In respect of natural beauty, to preserve prospects of the Special Amenity Area and to preserve open views from the Special Amenity Area,'*

*Part of this site includes the Howth SAAO Buffer Zone as shown on Sheet 1 O Baldoyle-Howth within the Fingal Development Plan. It is noted that public footpaths on elevated ground are located to the south of this site, it is unclear how the proposed buildings of up to 5 storeys will impact on the Preserve Views marked on these paths in particular those on Muck Rock hill.*

*It is noted that many of the submitted Verified Views are reliant on existing vegetation for screening, the viability of existing vegetation external to the site for future screening is uncertain and therefore unreliable.*

*A Visual Impact Assessment with Verified Views from locations on pathways with the 'Views to Protect' that give a direct line of sight to the proposed development is required. The submitted images must provide an accurate and realistic view rather than any partially obscured or reliance on vegetation for screening. Concern was also raised in relation to the location of Block D so close to the existing treeline in the southeastern corner of the site.*

*In any grant of permission, the applicant would be levied as per the Howth SAAO levy in accordance with Objective 1.6 and Policy 1.6.1.*

### **Response:**

We respectfully submit that the above statement is inaccurate in its opinion that the 23 verified views are inadequate as they utilise existing vegetation both within and outside the proposed scheme for screening.

It would be considered very unusual to disregard intervening existing vegetation, as it would be, to disregard intervening topography or built environment in an assessment of the visibility of a proposed development in the landscape.

It is highly unlikely that a significant loss of tree coverage would occur to such an extent as is suggested that would open up clear views to the lower levels of the proposed development.

The photomontages (verified views) methodology by 3D Design Bureau clearly states the process of producing the verified view from baseline photography, surveys and modelling who stand over the accuracy and realism of the verified views produced.

The verified **View No. 19** is an accurate reflection of the proposed development as it would appear when complete along with the cumulative view of the completed Claremont development.



**Viewpoint 19 Existing**



**Viewpoint 19 Proposed**



**Viewpoint 19 Proposed (red line)**

A red line has been added to locate the proposed development within the view. Some of the built fabric of the upper levels of the proposed development are visible from this viewpoint. The majority of the scheme however is visually contained within its landscape setting. The proposed development will not have a significant effect on this view.

As stated previously, there were no concerns raised or requests made by the Parks and Landscape Department regarding additional views from higher elevations than the most accessible point that we could find on the north face of Muck Rock, or any other location on the Howth Head SAO.

Please see Appendix 2 for an additional photomontage taken from a higher elevation than Muck Rock that was accessible – **Dun Hill, Viewpoint 24.**

## **Appendix 1: Site Visit: Saturday 10<sup>th</sup> August 2024**

Howth is part of the Dublin Metropolitan area. Where the gateway to Howth Village begins and ends is a matter of opinion given the current expansion of the built urban and suburban environment of Howth and the transition that is currently underway on the north side of Howth Road on lands opposite the Howth Castle grounds as far as Howth Dart Station, as well as the existing suburban development on either side of Howth Road as one approaches from Sutton to the west.

In order to establish how the built environment and approach to Howth Town have changed since the initial site visit undertaken in November 2023, an additional site visit was undertaken on Saturday 10<sup>th</sup> August 2024.

The following images reflect the nature of the existing public realm on Howth Road, the entrance to Howth Castle and progression of the construction works of Claremount scheme on the north of Howth Road.

The following images are sequential as one experiences the arrival into Howth along Howth Road from the west and leaving Howth town from the east.



*View looking east from the south of Howth Road outside the entrance area to Howth Castle*



*View looking southeast from the north of Howth Road*



*View looking south from the north of Howth Road*



*View looking east from the north of Howth Road outside the entrance area to Howth Castle*



*View looking west from the south of Howth Road at the entrance area to Howth Castle*



*View looking west from the south of Howth Road east of the entrance area to Howth Castle*



*View looking west from the south of Howth Road*



*View looking west from the south of Howth Road as one moves towards Howth Town*



*View looking west from the south of Howth Road as one moves towards Howth Town*



*View looking west from the Howth Road from the edge of Howth Town*

The above photographs show the extent of the transition underway on Howth Road with the progressed construction of the Claremont development on the north side of the road from the western edge of Howth Town as far as the lands north of the subject site. The tree canopy visible to the left of view is part of the wider Howth Castle Demesne. The public realm locally is in poor condition. Round stone bollards are being using to prevent parking and there is some dereliction of properties to the left of view. The construction works, crane infrastructure and pedestrian barriers are visually dominant to the right of view, with overhead wire infrastructure visible to the left of view along with road lighting in an urban setting.

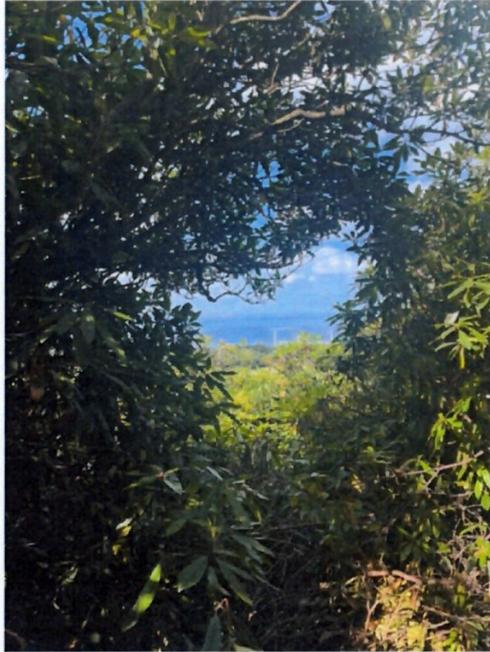
## **Appendix 2:**

*Sequential photos of hike up north face of Muck Rock and from the south towards Dun Hill*

### **Muck Rock – North Face**



*Access to Muck Rock via steps from the Rhododendron Gardens to the north.*



*View through gaps in the Rhododendron to the Irish Sea.  
The golf course lands, tree coverage within the demesne and construction infrastructure is visible on Howth Road*



*View through gaps in the Rhododendron to the Irish Sea.  
The golf course lands, tree coverage within the demesne and construction infrastructure is visible on Howth Road*



*View from open area adjacent to Viewpoint 19 (LVIA) on the northern face of Muck Rock looking northeast.*

*The urban fabric along Howth Road is visible along with taller buildings such as the Claremont Apartments. The Howth Castle is visible nestled within the demesne tree plantings. The golf course, golf course car park and Golf Course Hotel are visible to the right of view. The Claremont development is visible beneath the cranes on the Howth Road. The built fabric of Howth Harbour and town is visible to the right of view.*



*View from a higher elevation further south and west on Muck Rock.*

*There are many locations with views out towards the site and wider urban fabric of Howth. However, due to access difficulties, this location was not considered suitable as a location for a verified view due to health and safety concerns for the photographer, surveyor and surveying equipment as there is no level pathway.*



*View further south at a higher elevation on Muck Rocks north face. Changes on topography along with vegetation screen views to the north. No pathways. Rugged terrain. Not suitable for a location for verified view.*



*View further south and east at a higher elevation on Muck Rocks north face. Changes on topography along with vegetation screen views to the north. No pathways. Rugged terrain. Not suitable for a location for verified view.*



*View of woodland pathway on Muck Rock, no views out due to vegetation cover*

***Dun Hill – Accessed via off road track from Windgate Road, south of the Ben of Howth***



*View of the access point to the track leading to Dun Hill from Windgate Road*



*View of the track leading to the south face of Dun Hill*



*View from the track looking northeast to the aerial masts on the Ben of Howth*



*View through the track and heather on the south face of Dun Hill.  
Views begin to open up of the Irish Sea and north Dublin coastline.*



*View on approach to Dun Hill from the south*



*Panoramic view from Dun Hill to the south, west, north and northeast from Dun Hill.*



*View from Dun Hill looking northeast. The urban fabric in Sutton, along Howth Road, tree canopy within Howth Demesne, Claremont construction site and cranes are visible within the view set against the backdrop of the Irish Sea and coastline.*



*View from Dun Hill looking north/northeast. The urban fabric along Howth Road, tree canopy within Howth Demesne, Clarendon construction site and cranes, as well as Howth Harbour and urban fabric of Howth Town and Howth are visible within the view set against the backdrop of the Irish Sea, Ireland's Eye, Lambay Island and coastline.*



*View from Dun Hill looking northeast. The urban fabric of Howth Harbour and urban fabric of Howth Town to the east are visible within the view set against the backdrop of the Irish Sea and coastline.*

**This location was considered accessible and was chosen as a suitable location for an additional verified view. There will be other viewpoints with similar views out to the north over Howth**

Castle and Demesne and the wider landscape of Howth. This is an additional representative view of 'Footpaths and Roads with views to be protected' within the SAAO for Howth Head.



**Viewpoint Map – Dun Hill, Howth Head**



**View 24- Existing**

View No. 24	Landscape Character Type	Landscape Character Sensitivity	Visual Sensitivity	Overall Landscape Sensitivity	Landscape Value	Landscape Capacity
	Coastal/Historic	High	High	High	Exceptional	Low

This view is taken from an accessible area on Dun Hill, at approximately 150m OD contour, south of Muck Rock. This is representative view of those views to be preserved from footpaths and roads within the Howth Head SAAO. The view is panoramic. The eye is drawn to the wider landscape, seascape, islands and coastline.

The urban and suburban built fabric of Sutton to the left of view continues east along the Howth Road and into Howth Town and harbour to the left of view. The upper roof level of Howth Castle is visible in the middle distance, the remainder is screened from view by the wider tree canopy in the landscape. The four storey Howth Lodge apartments are visible against the shoreline as is the construction works and crane infrastructure on Howth Road. However, none of these built elements appear dominant in the wider landscape setting.

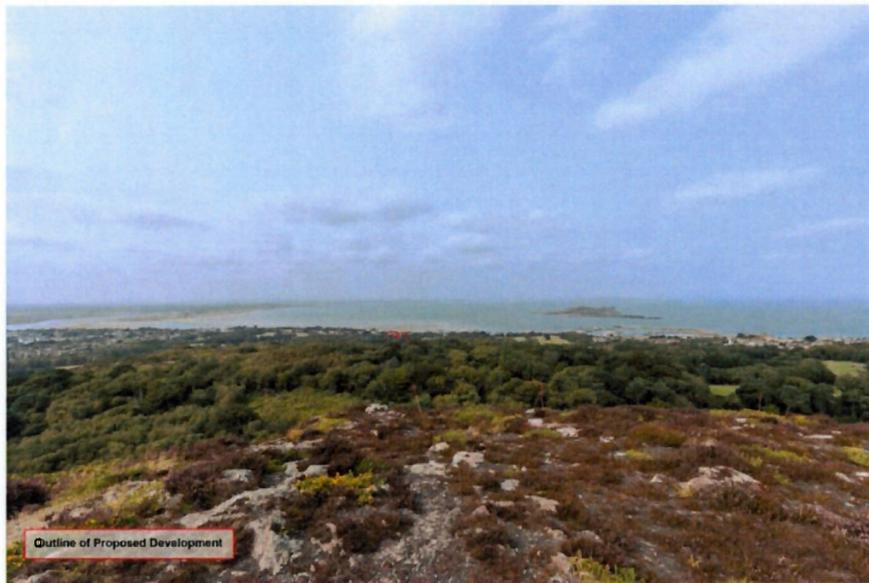


***View 24 -Proposed***

The upper levels of the 3-5 storey development are partially visible from this viewpoint. Given the distance from the site, intervening topography, tree and vegetation cover, there will be no views to the lower levels of the proposal from this location. The proposed development will be largely visually contained within its landscape setting.

View No. 19	Quality of Effects	Significance of Effects	Duration Of Impact
	Neutral	Slight – Not Significant	Permanent

The proposed development will not have a significant effect on this preserved view.



***View 24-Proposed (Red Line)***

*This view is redlined to indicate the location of the proposed development in the landscape.*



***View 24-Proposed (Cumulative)***

This view is a cumulative view showing the proposed development along with the completed Claremont scheme on the north of Howth Road. From this elevation and distance, both developments do not dominate the skyline. They appear as part of the wider urban and suburban built fabric of Sutton and Howth in the middle distance. The proposed development will not have a significant effect on this preserved view.



***View 24-Proposed (Cumulative- Red & Blue Line)***

This view is a cumulative view showing the proposed development along with the completed Claremont scheme on the north of Howth Road with blue and red line to assist in identifying their locations in the wider landscape. Again, from this elevation and distance, both developments do not dominate the skyline. They appear as part of the wider urban and suburban built fabric of Sutton and Howth in the middle distance.

**Appendix 4 – Response prepared by Landscape Architect - Áit**

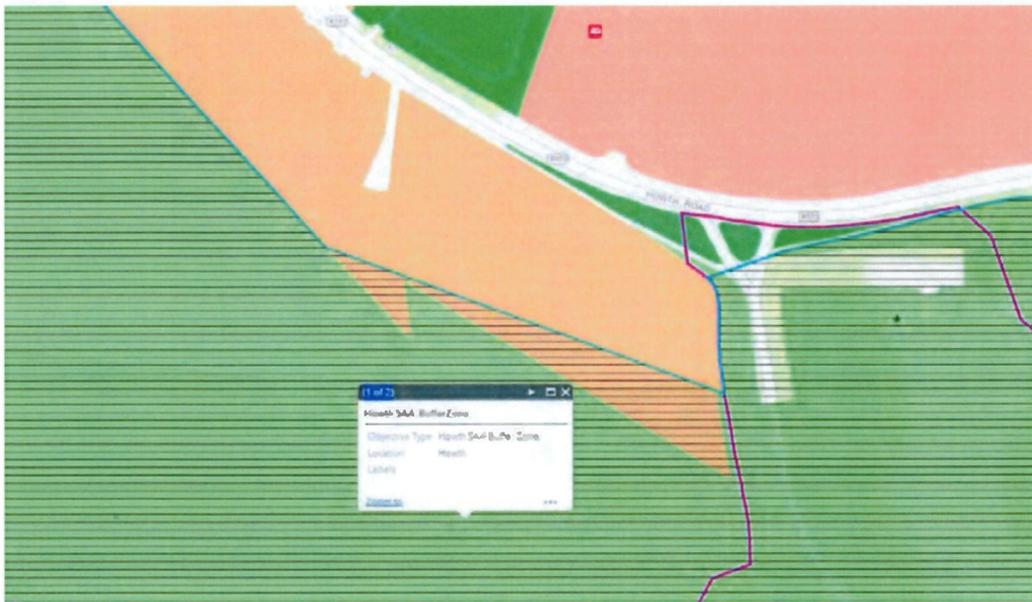
**Project:** Deer Park, Howth,  
**Client:** GLL PRS Holdco Limited  
**Date:** 09.08.2024  
**Revised:** 20.08.2024  
**Final issue:** 22.08.2024  
**Issued by:** D. Mac Domhnaill MILI

**Response to Decision to Refuse Permission by Fingal County Council; Reg. Ref.: LRD0035/S3**

**1.0 Response to comments from Fingal, Parks and Green Infrastructure**

**1.1 Conflicts with landscape objectives, significant negative impacts on existing & future residential amenities, biodiversity**

There are two single dwellings to the west of the development. The most proximal apartment block (Block A) is 25.9 metres from the gable of the nearest dwelling. Substantial hedgerow and tree planting is proposed along this boundary as additional screening. There are presently no other dwellings adjacent the site. A large mixed-use development is presently under construction on the opposing side of the Howth Road (Techcrete site). The lands to the south are zoned High Amenity and thus no impact on future residential amenity would be expected. The development was designed with the input of Ecologists Enviroguide and no significant impacts on Flora and Fauna were identified



SAAO Buffer shown in horizontal dashed lines. Fingal Development Plan 2023-2029.

The only development works proposed with the High Amenity Zoning are a section of reinforced grass for emergency access, undergrounding of electrical cables, a gas main realignment, grass swales for stormwater attenuation and some timber play and callisthenic fitness equipment. We submit that none of these works are injurious to the character of the High Amenity Zoning and represent a sustainable long term use of this land. We also note that the area of High Amenity zoning is north of a substantial belt of Trees being retained that separates this area from the adjoining golf course.



Landscape plan with below ground services for the area within the High Amenity zoning.

Part of the existing tree belt falls within the SAO Buffer zone. Tree removal in this area is limited to 5no.young Scots Pine trees on the northern edge of the tree belt. The loss will be mitigated with a row of new Scots Pine. The proposed removal of the 5no. trees was outlined in detail in correspondence to Fingal County Council prior to finalisation of the design (March 11th 2024). No reply was received to this correspondence. We include some excerpts from this correspondence identifying the trees proposed for removal.





Tree Belt viewed from Golf Course, mixed deciduous trees in foreground to be retained.



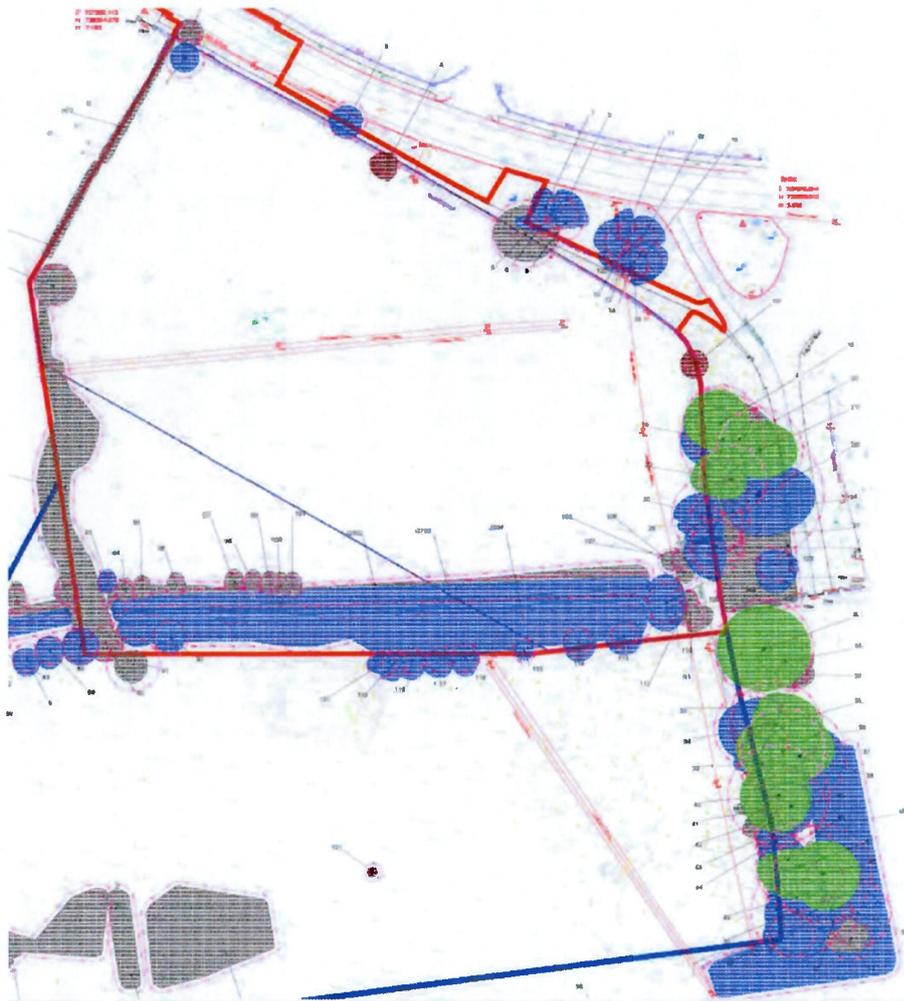
Tree Belt viewed from north (within site), 5 no. Scots Pine proposed for removal indicated with redlines.



From inside the tree belt looking east, 5 no. Scots Pine proposed for removal indicated with redlines, tree to RHS to be retained.

## 1.2 Reliance on existing vegetation for screening.

We do not accept that existing vegetation on neighbouring lands cannot be relied upon to contribute to the setting and screening of the proposed development. The vegetation that provides screening is located on lands zoned High Amenity in the Fingal Development Plan and thus it is not expected that future development would require their removal. The tree cover is not commercial forestry and it is not expected that the trees would be the subject of a felling licence. Also the trees on the adjoining High Amenity lands consist of a mix of species and ages and it is highly unlikely that all of the trees would succumb to storms or pathogens within a condensed timeframe. The trees to the north and east of the development were surveyed by Arborist John Morris and were found to be healthy; and the majority being classified as Category A and B; trees of high and moderate quality respectively.



Excerpt from the Tree Constraints Plan; note Category A (green hatching) and Category B trees (blue hatching).

### 1.3 Open space provision

The Public Open Space (Class II) proposed complies with National planning Policy as set out in the Compact Growth Guidelines (2024); that being an on-site requirement of 12-15% of the site area.

The Communal Open Space proposed complies with the requirement as set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022).

The developer will accept the conditioning of a financial contribution in accordance with the Fingal Development Plan in lieu of the provision of Class I Open Space.

### 1.4 Tree Retention and Protection.

Áit Urbanism + Landscape Limited. Registered in Ireland. Company No: 596158. Directors: Margaret Egan and Daibhí Mac Domhnaill

VAT No: 3510401QH

The proposed tree retention strategy has been developed by the design team in close collaboration with consultant Arborist John Morris and we submit that these are robust and functional and have a significant likelihood of success. The trees being retained are identified within Construction Exclusions Zones (CEZ). The CEZs will be protected by temporary protective fencing; this is well established practice on development sites. The Planners Report states that there are *finished ground level difference of several metres*; we submit that this is factually incorrect there are no basements proposed as part of the development and building floor levels and road levels have been set to minimize the need for excavation and filling. The arborist in assessing the impact on existing trees has assessed proposed finished levels. For clarity the line on the topographical survey noted as treeline has levels marked; these levels refer to the top of vegetation rather than existing ground levels.

The undergrounding of the ESB power lines crossing the tree belt can be undertaken by trenchless methods; boring, hand digging and/or air spade method; as set out in the Arboricultural Impact Assessment and Method Statements. We submit that works within the Root Protection Areas of existing trees be supervised by an Arborist and that a detailed method statement can be agreed with the Local Authority prior to commencement.

There is only one residential block (Block D) in close proximity to the existing trees located to the south of the site. The working space to construct the block has been determined by Arborist John Morris in consultation with the design team and is set out in the Executive Summary of the Arboricultural Impact Assessment and Method Statements. The replacement Scots Pine trees will be planted 6.0 metres from the façade of Block D. Scots Pine have a narrow canopy and as they mature drop their lower limbs and the setback is considered appropriate and a good fit with the proposed development. The Scots Pine and tree belt are located within the ownership of the Owners Management Company and can thus in the unlikely event of any future occupier – tree conflicts; be managed with tree surgery works. Please see the landscape section (DR-281) appended to this document for illustration.



Extract from landscape section (DR-281) illustrating relationship of Block D to the existing tree belt and proposed Scots Pine trees.

With regard to shading by existing trees. The majority of the tree belt comprises deciduous trees and Scots Pine (that have narrow and open canopies) and in Winter and early Spring when the Sun is low in the sky there will be no substantial shading. As stated above the only block in proximity to the existing trees is Block D. The residential units on the façade facing the trees is dual aspect with windows oblique (at an angle) to the tree belt. Daylight and sunlight modelling software models trees and vegetation as dense blocks. This would not accurately reflect the complexity of the existing tree belt; which by virtue of the species mix and open under storey and ground layer permits significant levels of light penetration.



Dual aspect apartment units in Block D in closest proximity to the existing Tree Belt, excerpt from Landscape Plan.

**Appendix 5 - Conservation Response - Flynn Architects**

**Re: LRD 0035/S3 Lands adjoining Howth Demesne, Deerpark, Howth, Co. Dublin**

Date: 22.08.2024

Our Reference: 1175-4.3-20240822-sf

## 1.0 INTRODUCTION

This statement is prepared by Sinéad Flynn, B.Arch, MUBC, MRAI, and Grade 1 Conservation Architect of FLYNN Architects, as part of a first party appeal to An Bord Pleanála by GLL PRS Holdco Ltd against the decision by Fingal County Council to refuse permission for the above development. It should be read with: the *Architectural Heritage Impact Assessment*; the *Howth Castle Designed Landscape Appraisal*; and Chapter 16 of the Environmental Impact Assessment Report *Cultural Heritage : Built Heritage*, prepared by FLYNN Architects, and the Verified Views and CGIs prepared by 3D Design Bureaux, and submitted with the planning application.

Reason one of the decision to refuse permission was given as follows:

- 1 Having regard to its scale, form, massing and overall height, the proposed development would fail to respond to the baseline environment and surrounding historical and natural environment of the site which is located within a designated Highly Sensitive Landscape, the Buffer Zone for the Howth Special Amenity Area Order, adjoins Howth Castle Architectural Conservation Area and lands zoned for High Amenity in the Fingal County Development Plan 2023-2029, is part of the historic demesne lands of Howth Castle, a Protected Structure, and is in the vicinity of a number of other Protected Structures. The proposed development would be wholly inconsistent with the established character of this area, would be seriously injurious to the visual amenities of the area and would be detrimental to the character, setting and special interest of a number of protected structures including Howth Castle and St. Marys Church. The development would be contrary to Policy CSP22-Howth and Objective HCA024 of the Fingal County Development Plan 2023-2029 and to the 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Residential Development and Compact Settlement Guidelines, and the 'Architectural Heritage Protection Guidelines for Planning Authorities' which were issued under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would set a poor precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.*

Policy CSP22-Howth states:

*Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.*

Objective HCA024 of the Fingal County Development Plan relates to Alteration and Development of Protected Structures and ACAs as follows:

*Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features*

A Departmental Report was prepared by Fingal County Council Conservation Officers, which also referred to HCAP12, HCAP18, HCAP19, DMS0183 and Table 14.21.

Policy HCAP12 relates to interventions to Protected Structures, Policy HCAP14 refers to the protection of Architectural Conservation Areas, while Objective HCA024 states requirements for alteration and development of Protected Structures and ACAs. Policy HCAP18 relates to Designed Landscape Features, Settings and Views, and Policy HCAP19 states requirements for Development and Historic Demesnes.

Objective DMS0183 and Table 14.21 also refer to development affecting Protected Structures or their settings and requires certain documents to be provided to facilitate the assessment of development proposals.

The development plan policies, referred to in the Conservation Officer's report are provided in Appendix 1 for ease of reference.

The Conservation Officer's Report also raised the following points in the assessment of the proposed development:

- Impact on the setting of Howth Castle gate and on approaches from Howth Road
- Scale and massing of the proposed development
- Impact on the historic boundary wall
- Inappropriateness of parallels with the former Techcrete site opposite.

## 2.0 RESPONSE

### 2.1 Fingal County Development Plan Policy and Objectives

The built heritage characteristics of the receiving environment, including the protected structures and ACAs are comprehensively identified and described in the Architectural Heritage Impact Assessment Report, the Designed Landscape Appraisal and in Chapter 16 of the EIAR where they are set into their correct architectural context. A detailed impact assessment is provided demonstrating how the proposed development will impact on them, taking account of the proposed design and construction phase mitigations. The suitability of the architectural heritage impact assessment is acknowledged on page 32 of the Planner's Report:

*The EIAR is considered to provide an adequate description of baseline information used to identify and assess the significant effects on the environment.*

The quality, magnitude and significance of the anticipated impacts were judged using established methodologies set out in the EIAR, following the Environmental Protection Agency's guidelines for carrying out EIAs, and taking account of best practice conservation provisions and principles defined in the '*Architectural Heritage Protection Guidelines for Planning Authorities*'. The impact assessment takes account of the identified sensitivities, and was carried out using verified views and CGIs, the locations of which were agreed in advance with Fingal County Council.

There are no protected structures on the proposed site. Indirect visual impacts are anticipated on the settings of FCC RPS 0556 Howth Castle and Howth Castle Gate, and on the setting FCC RPS 0594 St. Mary's Church, and on the setting of Howth Castle ACA. The impacts are described and assessed in Chapter 16 of the EIAR as follows:

The proposed development will have a visual impact on the views on approach to FCC RPS 0556 Howth Castle Gates, and on the setting of FCC RPS 0594 St. Mary's Church. This is described in VWM 6 where the proposed new buildings will be viewed behind the historic wall, and existing and proposed planting. The proposed pedestrian entrance will also have a visual impact. Incorporated Design Mitigation includes: the set-back between the proposed buildings and the proposed site boundary, the step-down to three storeys at the southeast end of the proposed Block D; the existing planting along the entrance avenue to Howth Castle, which will be supplemented with new trees on the subject site the repair and retention of the historic demesne boundary wall; and the high quality buildings which will make a positive contribution to the contemporary characteristics of the streetscape to the west. The predicted residual impact is neutral, significant and long-term.



Proposed WM 6

The visual impact on the setting of FCC RPS 0594 St. Mary's Church is shown in WM 7 which describes views on approach to Howth Village. As above, the proposed new buildings will be viewed behind the historic wall, screened by the existing and proposed planting. Incorporated Design Mitigation includes: the set-back between the proposed buildings and the existing boundary wall, the landscaping proposal for the open spaces inside the demesne wall; the repair and retention of the historic demesne boundary wall; high quality buildings which will make a positive contribution to the contemporary characteristics of the streetscape to the west. The predicted residual impact is neutral, significant and long-term.



Proposed WM 7

The proposed development will have a visual impact on views towards the castle gate from the Howth Castle entrance avenue (WM 12). The proposed development will be screened from view of the avenue by the existing wall, and by existing and proposed planting. The existing undergrowth is thick and in the 'worst case scenario' where it was cleared, the visual impact of the proposed buildings would be increased. The proposed additional planting at the east site boundary reduces the 'worst case' impact. Incorporated design mitigation includes: the set-back between the proposed buildings and the proposed site boundary, the step-down to three storeys at the southeast end of the proposed Block D; the existing planting along the entrance avenue to Howth Castle, which will be supplemented with new planting and trees on the subject site; and high quality buildings which will make a positive contribution to the contemporary characteristics of the streetscape to the west. The predicted residual impact is neutral, moderate and long-term.

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Proposed WM 12

The proposed development will have a visual impact on the view looking across the Howth Castle ACA, towards the proposed site from Muck Rock (WM19). The proposed development will be screened by existing and proposed planting both on and around the proposed site. The proposed buildings are visually separated from the castle buildings by the existing planting including the band of semi-mature trees within the proposed site boundary, which are proposed for retention. In the 'worst case scenario' where the existing trees are lost, the impact would be increased. The retention of the semi-mature trees on the proposed site, reduces the 'worst case' impact. Incorporated design mitigation includes: the set-back between the proposed buildings and the existing site boundary, the retention of the existing semi-mature trees within the proposed site and to the south of the proposed buildings; the setback of the proposed fourth floor and the change of material of the top level; green roofs, with services (except PV panels) to be housed inside the buildings; and high quality buildings, materials and details.



Proposed WM 19

Taking account of the incorporated design mitigations, no significant negative impacts were identified on the protected structures or the ACA in the receiving environment as a result of the proposed development.

## 2.2 Impact on the setting of Howth Castle gate and on approaches from Howth Road

In their report on the proposed development, the conservation officer commented:

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*The unusual Indo-Gothic ashlar limestone gateway forming the entrance to Howth Castle to the designs of Sir Richard Morrison, is a protected structure, specifically identified within the entry of RPS No. 566 for Howth Castle. The character formed by the tree-lined entrance, the random rubble masonry boundary walls and the highly stylised gate design is a fundamental part of the sense of place of Howth, contributing significantly to the attractiveness and character of the settlement. The entrance area to Howth Castle, as it currently exists, serves as the landmark for the entry point to Howth, just as Malahide Castle Demesne creates the distinctive entry point from Dublin City to Malahide.*

The Conservation Officer's assessment draws a parallel between the historic character of demesne landscapes at the entrances to Howth and Malahide, and asserts that the entrance area and castle gate is a landmark for the entry point to Howth. The gates to the demesne landscape at Malahide open directly off Dublin Road, while Howth Castle Gates are more than 80m set back from Howth Road, approximately 70m behind the demesne wall. Because of the setback and screening, the gates do not directly feature on views on approach to Howth Village from Howth Road, as demonstrated in the submitted VVM 7, VVM 8, VVM 9 and VVM 10.

The primary architectural features on approach to Howth are the spire of St. Mary's Church, and the demesne boundary wall. As demonstrated in the proposed VVM 7, due to the positioning of the proposed buildings, the retention of existing planting and the provision of the new trees, the impact of the proposed new buildings on views on approach to Howth is neutral.

Similarly the gate is screened from view when leaving Howth village, by the steep topography and its recessed position [See VVM 2, VVM 3 and VVM 5]. At street level, the protected structure not visible unless you look directly at it, when you pass around the entrance road to St. Mary's Church at VVM 6.

The castle entrance, as experienced from VVM 6, is undoubtedly of a space of high architectural sensitivity, but its character is significantly compromised by recent developments. These include visual clutter resulting from haphazard signage and planters, uncontrolled parking along St. Mary's, traffic islands, temporary and permanent road markings, surfaces in varied condition and overhead wired services. The space as experienced today has a modern roadside character.

The application acknowledges the architectural sensitivities of the site, and the importance of this location historically and in the modern context. The proposal is to insert high-quality buildings, behind the repaired boundary wall, demonstrated in the proposed VVMs, and specifically in VVM 6. Existing and proposed planting along the castle avenue, along with the reduced massing of the buildings at the east side provide visual separation between the new buildings and the gates.

Taking account of the incorporated design mitigations, no significant negative impacts were identified on the setting of Howth Castle Gate as a result of the proposed development.

### **2.3 Scale and massing of the proposed development**

The justification for the height of the proposed buildings is addressed in the Architectural Design Statement, the Statement of Consistency and LRD Opinion response which was submitted as part of the planning application. The architectural heritage impact assessment report and the designed landscape appraisal identified no significant negative impacts as a result of the proposed development.

### **2.4 Impact on the historic boundary wall**

*The northern part, [of the site], has been zoned residential for at least two decades. It is possibly the original intention of the residential zoning to provide for the continuation of the low scale individual residential plots that adjoin the site to the west. While there have been changes to local and national policy on residential density and heights since the portion of the site was originally zoned residential it does not mean that large-scale development is appropriate in this sensitive location.*

The historic deer park wall ran from Offington Park to the Castle Gate. Except for the section of wall at the front of the proposed site, only isolated fragments of old wall survive, reduced in height, interrupted by gates, piers and railings, rendered or replaced in large sections. Between the Presbyterian Church and Tig Bhride, it is altered almost beyond recognition. The current condition of the former demesne boundary demonstrates the problem with the linear pattern of piecemeal development on the fabric and character of the wall, and the threat that the continuation of this type of development would pose.

Detailed drawings showing the proposed entrance details have been prepared by John Fleming Architects. Refer to drawings DPK-00-XX-DR-JFA-AR-P6001 and P6002. The proposed interventions are the minimum required to connect the development into the existing community, and to provide safe access for people and vehicles. The openings have

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been carefully detailed, and will be legible, high-quality, modern interventions into the historic fabric in line with best conservation practice. The remainder of the wall will be repaired and consolidated, securing it in the medium term. The wall will be retained as the boundary of communal spaces and gardens, protecting it from future piecemeal interventions. The minor alteration and careful repair of the demesne wall will have a positive, significant and long-term impact.

## 2.5 Inappropriate parallels drawn with the former Techcrete site opposite.

*There are substantial differences between the two sites so that what has been permitted under a SHD on one is not appropriate on the other. Techcrete is a former industrial complex that contained large vacant buildings of no particular architectural merit and the condition and appearance of the disused site negatively impacted on the surrounding environment. The Howth Urban Centre Strategy had identified the Techcrete site for a landmark building. No such direction exists for the lands at Howth Castle and two opposing tall developments would be out of place and incongruous as the entry/gateway markers to a historic village or suburb. The Former Techcrete site is located on the opposite side of the Howth Road so that the main road provides separation and a physical break from the historic demesne.*

A comprehensive analysis of the historic development of the Howth Castle Demesne was carried out to properly identify its historic associations and visual relationships, and how it has been impacted by historic and modern developments. The analysis has informed the development proposal which is a considered design response to the specificity of the site, making use of unique built heritage and landscape features to enhance the sense of place for the existing and proposed new community.

The development under construction and the proposed development are not of the same scale, this is best demonstrated in proposed VVM19. There is no suggestion in the architectural heritage impact assessment report that the two sites should be treated the same. Nevertheless, a large scale development is under construction on the former Techcrete site, and the proper analysis of the impacts of the proposed development took account of this development.



Proposed and Neighbouring VVM 19

## 03 CONCLUSION

Successful environments must evolve and develop over time, and best practice conservation includes the management of necessary change including development which is recognised as being of positive value to the appearance of an area. Sustainable development balances the requirements to conserve and to develop. At the core of the design vision for the proposed development is a commitment to communicate heritage values and to conserve and make accessible this heritage for existing and new communities.

Impacts on the setting of Howth Castle Gate, St Mary's Church and the Howth Castle ACA are acknowledged. As demonstrated in the submitted Verified Views and CGIs, the introduction of carefully positioned, high-quality modern buildings, combined with the repair of the demesne wall, the retention of existing planting and the proposed landscape scheme can have a neutral or positive impact. No significant negative impacts were identified on the built heritage resource as a result of the proposed development.

## APPENDIX 1

### Policy HCAP12 – Interventions to Protected Structures

*Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.*

#### Response

No direct impacts on any protected structures are anticipated as a result of the proposed development. As described above, indirect visual impacts are anticipated on the settings of FCC RPS 0556 Howth Castle and Howth Castle Gate, and on the setting FCC RPS 0594 St. Mary's Church. Taking account of the incorporated design mitigations, no significant negative impacts were identified on a protected structure as a result of the proposed development.

### Policy HCAP14 – Architectural Conservation Areas

*Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.*

#### Response:

The proposed site is largely outside of the Howth Castle ACA, with the exception of a small piece of land which is outside of the boundary wall, but inside the red-line boundary. The proposed development will have a direct impact on Howth Castle ACA where alterations are proposed within a small area of the site which is included in the ACA boundary. The nature of the proposed works inside the ACA is minor.

Indirect visual impacts are anticipated on the settings of Howth Castle ACA. This includes views on approach to the main entrance gates, views from the entrance avenue, looking north towards the main gate, the view of Howth Castle from Muck Rock and certain views towards the proposed site from inside the ACA boundary. The proposed development will not impact on views in the immediate vicinity of Howth Castle, views towards the castle from the east lawn, views from the castle entrance or views along the north side of the castle building complex.

Taking account of the incorporated design mitigations, no significant negative impacts were identified on the Howth Castle ACA as a result of the proposed development.

### Policy HCAP18 – Designed Landscape Features, Settings and Views

*Protect the setting, significant views, and built features of historic designed landscapes and promote the conservation of their essential character, both built and natural.*

#### Response:

The designed landscape is described and appraised in the Designed Landscape Appraisal which was submitted with the planning application documentation. One feature of built-heritage interest was identified which is part of the fabric of the designed landscape. This is the former demesne wall the alteration of which is addressed in Section 3.4 below.

The design for the site, and the layout of the proposed buildings has been carefully considered with regard to the impact of the proposed works on the designed landscape features, setting and views. The proposed buildings are set as far from the site boundaries as possible which will facilitate the retention of existing significant trees. Existing boundary planting will be supplemented with new planting, especially along the east boundary, and to the south of the proposed buildings, to add to the existing screening between the site and the

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castle entrance, gates and avenue. The proposed building forms are cranked and stepped in plan and section to respond to the existing topography, breaking up the blocks, allowing a through view on approach to the site, creating visual interest and providing relief, especially along Howth Road. The proposed Block D, which is on the east side of the proposed development, and is closest to the castle gate, steps down to three storeys, and will be completely screened from view by the existing walls and mature trees. The fifth storey is generally set back from the road, breaking up the mass and reducing the impact.

The design intention is for buildings of high-quality architectural design, coupled with precision detailing, using modern materials and a natural colour palette drawn out of the context. Elevations will be finished in selected brick, which is an attractive, hard-wearing and robust solution appropriate to the maritime context. Railings will be painted metal with high-performing metal windows. Projecting balconies have been eliminated from the front of Blocks A and C and from the end elevations. Green roofs are proposed for both blocks where they will be viewed from the above and to the south. Except for solar panels, plant will be housed inside the blocks and will not feature on views of the roof.

The proposed development will have an indirect and visual impact on the historic designed landscape associated with Howth Castle. Taking account of the incorporated design mitigations, no significant negative impacts were identified on the Howth Castle ACA as a result of the proposed development.

#### Policy HCAP19 – Development and Historic Demesnes

*Resist proposals or developments that would lead to the loss, or cause harm to the character, principal components or setting of historic designed landscapes and demesnes of significance in the County.*

#### Response:

As above, the designed landscape is described and appraised in the Designed Landscape Appraisal which was submitted with the planning application documentation. Taking account of the incorporated design mitigations, no significant negative impacts were identified on the Howth Castle ACA as a result of the proposed development.

#### Objective DMS0183 – Works to a Protected Structure

*All planning applications for works to a Protected Structure shall have regard to the direction in Table 14.21 and provide the documentation set out in Table 14.22.*

Within Table 14.21: Directions for Proposed Development of Protected Structures the following is stated: *A sensitive design approach is required for development that adjoins or is in close proximity to a Protected Structure as it could have a detrimental visual impact on it, adversely affecting its setting and amenity. The scale, height, massing, building line, proportions, alignment and materials of any development proposed within the curtilage, attendant grounds or in close proximity to a Protected Structure need to respect and compliment the structure and its setting. A statement should be provided as to how the proposal responds to the special interest and the setting of the Protected Structure.*

#### Response:

An architectural heritage impact assessment report, with drawing showing the existing and proposed site, and a photographic record of the demesne wall, is provided with the planning application submission in accordance with the requirements of Table 14.22.

There are no protected structures on the proposed site. Indirect impacts are anticipated on the settings of FCC RPS 0556 Howth Castle and Howth Castle Gate, and on the setting FCC RPS 0594 St. Mary's Church, and on the setting of Howth Castle ACA. As described above, taking account of the incorporated design mitigations, no significant negative impacts were identified on the Howth Castle ACA as a result of the proposed development.

**Appendix 6 – Breeding Bird Survey July 2024 – Altemar Marine and Environmental Consultancy**

# ALTEMAR

Marine & Environmental Consultancy

## Breeding Bird Assessment for a proposed residential development at Deer Park, Howth, Co. Dublin



21<sup>st</sup> August 2024

Prepared by: Gayle O'Farrell of Altemar Ltd.  
On behalf of: GLL PRS Holdco Limited

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<b>Document Control Sheet</b>			
Client	GLL PRS Holdco Limited		
Project	Breeding bird assessment for a proposed residential development on lands adjoining Howth Demesne, Deer Park, Howth, Co. Dublin.		
Report	Breeding Bird Assessment		
Date	21 <sup>st</sup> August 2024		
Version	Author	Reviewed	Date
Final	Gayle O'Farrell	Bryan Deegan	21 <sup>st</sup> August 2024

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## Summary

<b>Structure:</b>	There is a boundary wall along the northern and eastern boundaries of the survey area. Following assessment, this was determined to be of poor nesting value for breeding birds.
<b>Location:</b>	Howth Demesne, Deer Park, Howth, Co. Dublin
<b>Bird species breeding:</b>	Wren.
<b>Proposed work:</b>	Residential development.
<b>Impact on breeding birds:</b>	The survey area contains confirmed breeding habitat for one green-listed species: wren. Given the historical precedence for various species (23 amber & 8 red BoCCI), habitats of highest habitat value will be retained: hedgerows and tree lines along the west, south and east site boundaries, as well as standalone trees throughout.
<b>Surveys by:</b>	Gayle O'Farrell
<b>Survey date:</b>	26 <sup>th</sup> July 2024

## Receiving Environment

### Project description

The description of the proposed project is as follows:

*“GLL PRS Holdco Limited intends to apply to Fingal County Council for permission for a Large-scale Residential Development on lands adjoining Howth Demense, Deer Park, Howth, Co. Dublin.*

The development will consist of:

- I. two offset blocks ranging in height from 4-5 storeys providing 140 residential units comprising:
  - a. 64 one-bedroom units
  - b. 76 two-bedroom units
- II. a public open space area of 1,840 sq.m and communal open space with an area of 870 sq.m;
- III. the provision of 64 surface car parking spaces, including 4 accessible parking spaces and 13 ;
- IV. the provision of 424 bicycle parking spaces, including 336 secure bicycle spaces, 18 cargo bicycle spaces and 70 visitor spaces;
- V. demolition of 3 sections of the existing demesne northern boundary wall, which fronts Howth Road to facilitate vehicular access in the northwestern corner and two separate pedestrian/cyclist access points along the centre and eastern side of the northern boundary wall;
- VI. undergrounding and relocation of existing ESB overhead lines and diversion of existing distribution gas pipe around the site;
- VII. VII. ESB substation, kiosk, rooftop solar photovoltaics, waste storage and plant rooms, drainage, boundary treatment, public lighting and all ancillary site and development works.”

The proposed site outline, location, and tree constraints, impact and protection plans are demonstrated in figures 1 – 4.

### Arborist

An Arboricultural Impact Assessment and Method Statements report has been prepared by John Morris Arboricultural Consultancy to accompany this planning application. The report summarises the Arboricultural characteristics of the subject site:

*“The main arboricultural features of the site include a mature avenue of trees to the east located along the entrance road to Howth Castle (outside the application Site), and a younger woodland shelter belt to the south that forms a boundary between the Site and Deer Park Golf Course. A mature linear hedgerow wraps around the western boundary of the Site.*

*Those trees located on land east of the Site at Howth Castle comprise a mix of mature beech (*Fagus sylvatica*) and sycamore (*Acer pseudoplatanus*) with an understorey of ash (*Fraxinus excelsior*), elder (*Sambucus nigra*), holly (*Ilex aquifolium*) and laurel (*Laurus sp.*). These trees are located on land that is around 840mm above the Site beyond the stone boundary wall and have collectively been identified as an important mature arboricultural feature in the local landscape that offers high visual amenity, and a connection of the wider woodlands surrounding Howth Castle. The mature tree line is illustrated on an OSNI First Edition Black & White Map (1829-1842) indicating some of trees may be over 150 years old, or that there has been continuous tree cover through natural regeneration for since at least 1842 (Figure 2).*

*The early mature shelter belt across the southern boundary of the Site comprises a mix of native species that include Scots pine (*Pinus sylvestris*), Downey birch (*Betula pubescens*), Silver birch (*Betula pendula*) and oak (*Quercus petraea*) with occasional beech. The absence of the trees on the aerial orthophotography Mapgenie Imagery taken in 1995 indicates these trees have been planted sometime in the last 28 years (Figure 3) and are likely to be around 30 years old.*

*The shelter belt along the northern boundary of the golf course has been densely planted to provide visual screening and shelter to the golf course and would benefit from thinning to allow those species of better quality to develop and attain full size and form of their species. As a collective group of native species trees, they offer ecological and biodiversity benefits that provide green connections to other tree and hedgerows in the local*

landscape. The trees are partially visible from beyond the site due to their elevated position in the local landscape.

To the immediate south along the edge of the shelter belt and running parallel to the Deer Park Golf Course fairway is a linear tree line of early mature alder (*Alnus glutinosa*). To the west of the Site is a sparse and unmanaged hawthorn (*Crataegus monogyna*) hedgerow with gaps that separates the Site from residential dwellings to the west and provides a degree of immediate mature screening to the Site and neighbouring properties."

This report also outlines the following arboricultural impact of the proposed development:

"The proposal will require the removal of one early mature sycamore (T63) to facilitate underground attenuation. A combined total of 199m<sup>2</sup> of three tree groups (G102 – 89m<sup>2</sup>, G103 – 83m<sup>2</sup> & G104 – 27m<sup>2</sup>) comprising birch, beech, oak and Scots pine will require removal to facilitate accommodation Block D (see summary below).

Chart 1 summarises the combined total number of trees, groups and hedgerows proposed for removal by BS5837 retention category.

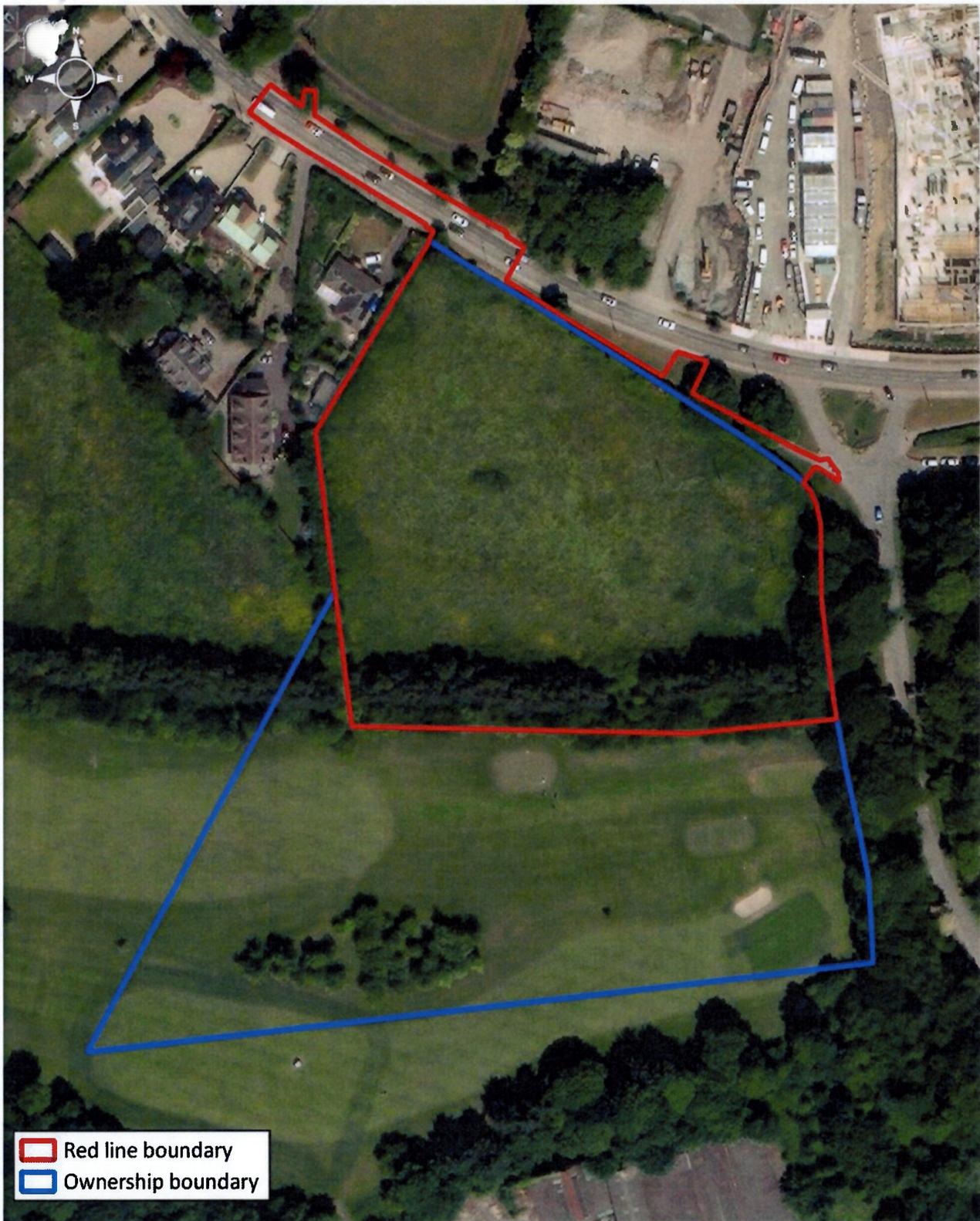
Chart 2 summarises the combined total number of trees, groups and hedgerows proposed for removal by age class.

The trees to be removed are illustrated on the Tree Impact & Protection Plan by a red shaded canopy.

Details for each tree or group can be found in the Tree Schedule attached to this report.

A total of three trees (T4, T5 & T17) are recommended for removal irrespective of the proposal because they are growing from the base of the stone boundary wall and are likely to cause future structural damage to the wall."

The proposed tree constraints plan, and impact and protection plan, are demonstrated in figures 3 – 4.



  Red line boundary  
  Ownership boundary

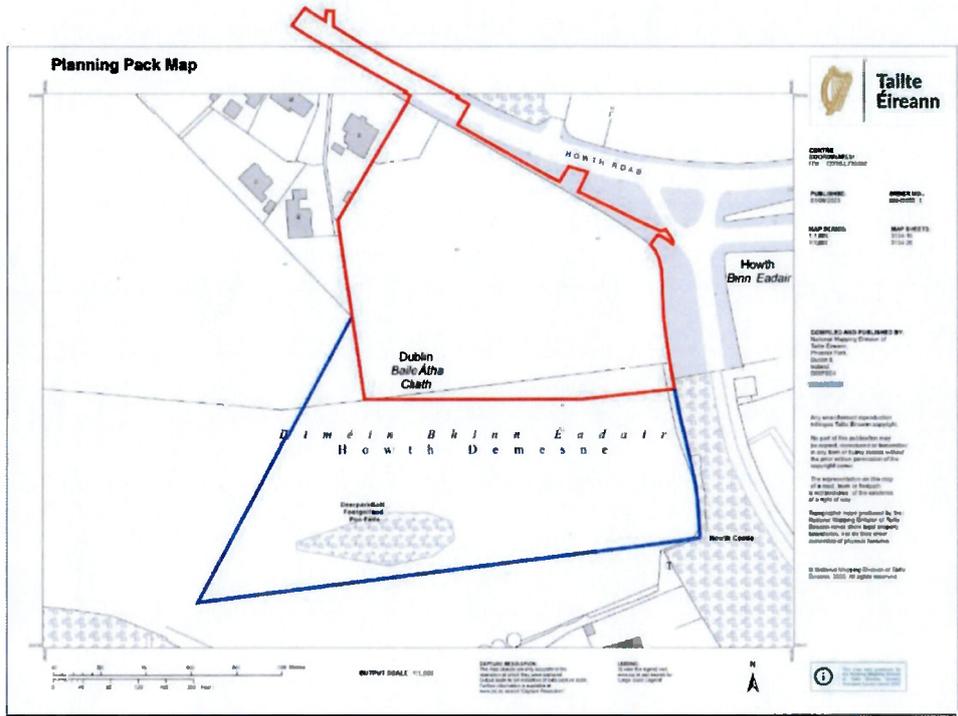
0 20 40 60 80 100 m

Project: Deer Park  
 Location: Howth, Co. Dublin  
 Date: 26<sup>th</sup> July 2024  
 Drawn By: Gayle O' Farrell

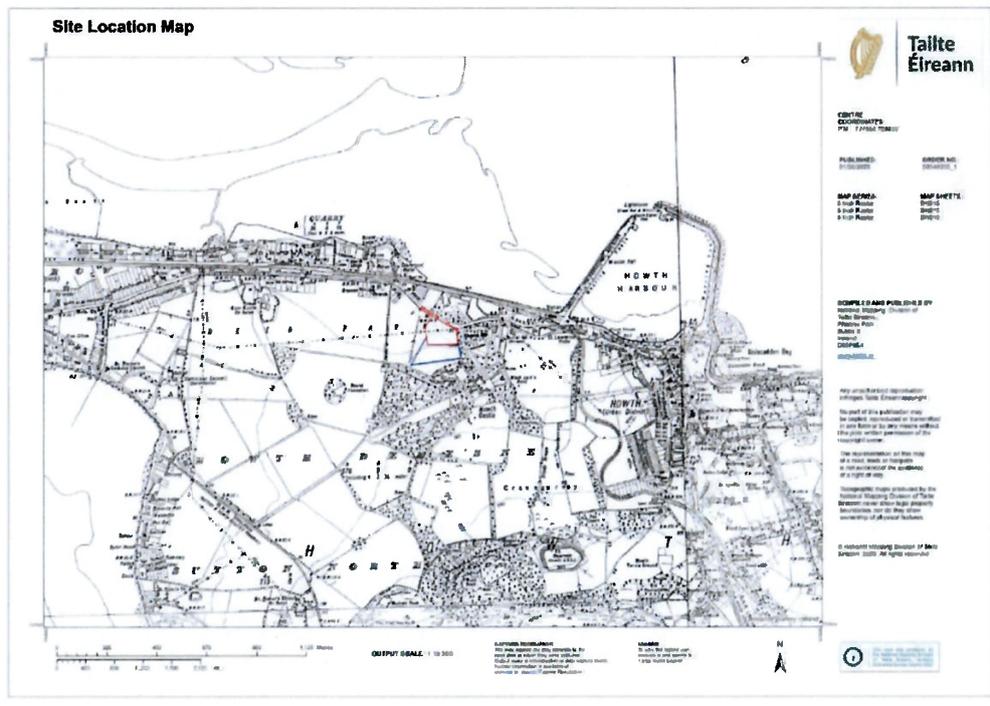
**ALTEMAR**  
 Marine & Environmental Consultancy



Figure 1. Site outline and ownership boundary



DATE	TIME	DESCRIPTION	BY



**JOHN FLEMING ARCHITECTS**

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

**PRE-PLANNING**

Figure 2. OS map and site location map.





## Competency of Assessor

This report has been prepared by Gayle O'Farrell (BSc (Hons.) Agri-Environmental Sciences). Gayle has previous experience in carrying out breeding bird surveys covering a wide range of habitats and species, as well as bat detection through static detector surveys, dusk emergence, and dawn re-entry surveys, flora and habitat mapping. The desk and field survey was carried out having regard to the guidance: 'Bird Survey Guidelines for assessing ecological impacts' (2023), as well as BTO Common Bird Census (Bibby *et al.*, 2000 and Gilbert *et al.*, 1998) and following CIEEM guidelines.

## Legislative Context

The Wildlife Act 1976 protects wild birds in Ireland. Based on this legislation it is an offence to wilfully interfere with or destroy wild birds and their nests and eggs (other than the wild species mentioned in the Third Schedule of this Act). Under this legislation it is an offence for any person who "*wilfully takes or removes the eggs or nest of a protected wild bird otherwise than under and in accordance with such a licence, wilfully destroys, injures or mutilates the eggs or nest of a protected wild bird, wilfully disturbs a protected wild bird on or near a nest containing eggs or unflown young.*"

Habitats Directive- Council Directive 92/43/EEC 1992 on the conservation of natural habitats and of wild fauna and flora has been transposed into Irish Law, including, via, *inter alia*, the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

Council Directive 2009/147/EC 2010 on the conservation of wild birds provides for the conservation of wild birds by, among other things, classifying important ornithological sites as Special Protection Areas. The Directive relates to the conservation of all species of naturally occurring birds in the wild state, their eggs, nests and habitats in the European territory of the Member States. The Directive prohibits in particular:

- deliberate killing or capture by any method;
- deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- taking their eggs in the wild and keeping these eggs even if empty;
- deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
- keeping birds of species the hunting and capture of which is prohibited.

Under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), notwithstanding any consent, statutory or otherwise, given to a person by a public authority or held by a person, except in accordance with a licence granted by the Minister under Regulation 54, a person who in respect of the species referred to in Part 1 of the First Schedule:

- deliberately captures or kills any specimen of these species in the wild,
- deliberately disturbs these species particularly during the period of breeding, rearing, hibernation and migration,
- deliberately takes or destroys eggs of those species from the wild,
- damages or destroys a breeding site or resting place of such an animal, or
- keeps, transports, sells, exchanges, offers for sale or offers for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive, shall be guilty of an offence.

## Breeding bird survey

This report presents the results of one site visit by Gayle O'Farrell on the 26<sup>th</sup> July 2024. A breeding bird transect survey was carried out. Previous breeding bird surveys on site were carried out in July 2023.

### Limitations

The survey was conducted outside optimal breeding bird survey season (April-June) however, it still follows CIEEM guidelines for bird surveys.

### Survey methodology

This Breeding bird survey was carried out based on the BTO Common Bird Census (Bibby *et al.*, 2000 and Gilbert *et al.*, 1998) and following CIEEM guidelines.

A 15-minute settlement period was given following arrival to allow resumption of bird activity after any possible disturbance caused by arrival to the site. Various features such as hedgerows, tree lines, grasslands, a single transect following the full perimeter of the site outline and ownership boundary was carried out, covering all areas and features available for breeding activity within and adjacent to the survey area. The survey was carried out by a single surveyor.

The transect began in the south of the site on the southern end of the adjacent fairway, taking an anti-clockwise direction, following the contours of hedgerows/tree lines along the outer perimeter, while further circumnavigating features such as woods, trees, tree lines, scrub, and hedgerows. Movements were carried out slowly, with pauses every few meters as appropriate to identify and locate birds through movements & calls, continuing once all birds within an area/feature had been recorded. The transect took 1-2 hours to complete, ending once the transect was completed. Care was taken not to double count any observations.

## Survey Results

### Habitats of breeding bird potential

A desk and ground level breeding habitat assessment were carried and used to examine the structures and vegetation on site for features that could provide breeding habitat. Potential nesting features include heavy ivy growth, tree canopies, scrub, hedgerows, grassland, buildings/sheds with openings, rooftops etc. All vegetated areas on site were assessed for breeding bird potential.

Areas of high breeding bird potential included the treelines and hedgerows throughout the site and its boundaries, and scrub and long grass within the grassland to the north of the golf course.

### Breeding activity survey

A total of 10 species were recorded on site during the survey.

Two amber-listed bird species of conservation concern were recorded on site: herring gull and goldcrest. Herring gulls were observed taking flight paths across the site, none of which landed or persisted over the site for the purpose of foraging, resting, or breeding. Goldcrest were observed in the southern tree line within a Scots Pine.

Breeding activity was confirmed for one green-listed species: wren. A wren pair showed persisted breeding behaviour within the tree line along the southern boundary between the proposed development land and the golf course.

**Table 1. Total species recorded on site**

Common name	BTO	Latin name	BoCCI
Blackbird	B.	<i>Turdus merula</i>	Green
Blue Tit	BT	<i>Cyanistes caeruleus</i>	Green
Chaffinch	CH	<i>Fringilla coelebs</i>	Green
Goldcrest	GC	<i>Regulus regulus</i>	Amber
Goldfinch	GO	<i>Carduelis carduelis</i>	Green
Great Tit	GT	<i>Parus major</i>	Green
Herring Gull	HG	<i>Larus argentatus</i>	Amber
Robin	R.	<i>Erithacus rubecula</i>	Green
Woodpigeon	WP	<i>Columba palumbus</i>	Green
Wren	WR	<i>Troglodytes troglodytes</i>	Green

**Table 2. Species recorded on site**

Common name	BTO	Latin name	BoCCI
Wren	WR	<i>Troglodytes troglodytes</i>	Green



Project: Deer Park  
 Location: Howth, Co. Dublin  
 Date: 26<sup>th</sup> July 2024  
 Drawn By: Gayle O' Farrell

**ALTEMAR**  
 Marine & Environmental Consultancy



Figure 5: Bird breeding locations indicated by crosses coloured according to BoCCI status.

## Breeding Bird Assessment Findings

### Review of local bird records

The review of existing bird records (sourced from NBDC Database) within a 2 km<sup>2</sup> grid (Reference grid O23U) encompassing the study area reveals that 71 known bird species have been observed locally, of which 23 are currently amber and 8 are red listed BoCCI (Table 2).

**Table 2: Status of bird species within 2 km<sup>2</sup> (grid O23U)**

Species Name	Record Count	Date of Last Record	BoCCI Status
Arctic Tern ( <i>Sterna paradisaea</i> )	1	24/05/2014	Amber
Barn Swallow ( <i>Hirundo rustica</i> )	5	23/05/2014	Amber
Bar-tailed Godwit ( <i>Limosa lapponica</i> )	1	13/01/2018	Red
Black-billed Magpie ( <i>Pica pica</i> )	7	24/05/2014	Green
Blackcap ( <i>Sylvia atricapilla</i> )	3	23/05/2014	Green
Blue Tit ( <i>Cyanistes caeruleus</i> )	5	24/05/2014	Green
Branta bernicla subsp. hrota	1	31/12/2011	Amber
Brent Goose ( <i>Branta bernicla</i> )	2	31/12/2011	Amber
Chaffinch ( <i>Fringilla coelebs</i> )	5	23/05/2014	Green
Coal Tit ( <i>Periparus ater</i> )	6	17/02/2023	Green
Common Blackbird ( <i>Turdus merula</i> )	5	23/05/2014	Green
Common Bullfinch ( <i>Pyrrhula pyrrhula</i> )	5	12/01/2017	Green
Common Buzzard ( <i>Buteo buteo</i> )	1	26/01/2018	Green
Common Chiffchaff ( <i>Phylloscopus collybita</i> )	4	24/05/2014	Green
Common Greenshank ( <i>Tringa nebularia</i> )	1	13/01/2018	Green
Common Guillemot ( <i>Uria aalge</i> )	1	24/05/2014	Amber
Common Kestrel ( <i>Falco tinnunculus</i> )	1	31/12/2011	Red
Common Linnet ( <i>Carduelis cannabina</i> )	2	24/05/2014	Amber
Common Moorhen ( <i>Gallinula chloropus</i> )	3	23/05/2014	Green
Common Pheasant ( <i>Phasianus colchicus</i> )	2	23/05/2014	Green
Common Shelduck ( <i>Tadorna tadorna</i> )	1	24/05/2014	Amber
Common Starling ( <i>Sturnus vulgaris</i> )	2	31/12/2011	Amber
Common Swift ( <i>Apus apus</i> )	2	24/05/2014	Red
Common Tern ( <i>Sterna hirundo</i> )	1	24/05/2014	Amber
Common Whitethroat ( <i>Sylvia communis</i> )	1	31/07/1991	Green
Common Wood Pigeon ( <i>Columba palumbus</i> )	5	24/05/2014	Green
Eurasian Collared Dove ( <i>Streptopelia decaocto</i> )	2	24/05/2014	Green
Eurasian Curlew ( <i>Numenius arquata</i> )	2	03/03/2014	Red
Eurasian Jackdaw ( <i>Corvus monedula</i> )	5	23/05/2014	Green
Eurasian Oystercatcher ( <i>Haematopus ostralegus</i> )	4	24/05/2014	Red
Eurasian Sparrowhawk ( <i>Accipiter nisus</i> )	3	24/05/2014	Green
Eurasian Treecreeper ( <i>Certhia familiaris</i> )	3	23/05/2014	Green
European Bee-eater ( <i>Merops apiaster</i> )	1	15/05/1961	n/a

European Goldfinch (Carduelis carduelis)	4	23/05/2014	Green
European Greenfinch (Carduelis chloris)	4	24/05/2014	Amber
European Robin (Erithacus rubecula)	8	24/05/2014	Green
Goldcrest (Regulus regulus)	4	23/05/2014	Amber
Great Black-backed Gull (Larus marinus)	2	24/05/2014	Green
Great Spotted Woodpecker (Dendrocopos major)	2	26/11/2007	Green
Great Tit (Parus major)	4	23/05/2014	Green
Grey Heron (Ardea cinerea)	3	23/05/2014	Green
Hedge Accentor (Prunella modularis)	4	24/05/2014	Green
Herring Gull (Larus argentatus)	3	24/05/2014	Amber
Hooded Crow (Corvus cornix)	6	23/05/2014	Green
House Martin (Delichon urbicum)	2	23/05/2014	Amber
House Sparrow (Passer domesticus)	1	31/07/1991	Amber
Little Egret (Egretta garzetta)	1	24/05/2014	Green
Long-tailed Tit (Aegithalos caudatus)	1	31/12/2011	Green
Mallard (Anas platyrhynchos)	2	23/05/2014	Amber
Meadow Pipit (Anthus pratensis)	1	31/07/1991	Red
Mistle Thrush (Turdus viscivorus)	5	23/05/2014	Green
Northern Gannet (Morus bassanus)	1	30/12/2022	Amber
Peregrine Falcon (Falco peregrinus)	2	24/05/2014	Green
Red-backed Shrike (Lanius collurio)	1	26/05/2012	Green
Redwing (Turdus iliacus)	1	31/12/2011	Red
Reed Bunting (Emberiza schoeniclus)	1	24/05/2014	Green
Ringed Plover (Charadrius hiaticula)	1	31/07/1991	Amber
Rock Pigeon (Columba livia)	4	23/05/2014	Green
Rook (Corvus frugilegus)	6	24/05/2014	Green
Ruddy Turnstone (Arenaria interpres)	1	16/01/2016	Amber
Sand Martin (Riparia riparia)	1	24/05/2014	Amber
Sandwich Tern (Sterna sandvicensis)	1	24/05/2014	Amber
Sky Lark (Alauda arvensis)	1	31/12/2011	Amber
Song Thrush (Turdus philomelos)	5	23/05/2014	Green
Spotted Flycatcher (Muscicapa striata)	1	31/07/1991	Amber
Stock Pigeon (Columba oenas)	2	31/12/2011	Red
Stonechat (Saxicola torquata)	2	24/05/2014	Green
Whimbrel (Numenius phaeopus)	1	13/01/2018	Green
White Wagtail (Motacilla alba)	3	31/12/2011	Green
Willow Warbler (Phylloscopus trochilus)	2	31/12/2011	Amber
Winter Wren (Troglodytes troglodytes)	7	24/05/2014	Green

## Mitigation

In the interest of preserving both confirmed and potential breeding bird habitat on site, the following mitigation measures will be applied:

- The hedgerow/tree line along the western boundary of the site dividing the proposed development from an adjacent residential area will be retained (as outlined in the tree protection plan).
- As there is precedence for over 71 species historically recorded in the surrounding area (23 amber & 8 red BoCCI), trees and tree lines along the northern, eastern and southern red line boundary, as well scrub/hedgerow along the west of the site boundary, shall be retained (as outlined in the tree protection plan) due to their potential as breeding habitat.
- Out of precaution, any large deciduous trees, hedgerows or other vegetation subject to removal should be inspected individually by the site ecologist prior to ensure no nesting activity has been established in the time after these surveys were conducted.
- A tree protection plan will be in operation during the construction phase.
- Any works involving removal of vegetation on site shall be undertaken outside of the breeding bird season (March-July).
- Where any habitats such as hedgerows, standalone trees, tree lines and woodlands must be removed, replacement habitats will be incorporated into the landscape design for the proposed development using similar plant species to those removed and/or native species. However, retention of existing habitats is the preferred option (as outlined in the tree protection plan).

## Conclusion

One breeding bird survey was carried out at this site in 2024. The bird survey complies with bird survey guidance documentation including BTO Common Bird Census (Bibby *et al.*, 2000 and Gilbert *et al.*, 1998) and following CIEEM guidelines. Weather conditions were favourable on each occasion.

A total of 10 species were recorded on site during the survey. One of these species was confirmed breeding during the survey.

Breeding activity was confirmed for one green-listed species: wren. A wren pair showed persisted breeding behaviour within the tree line along the southern boundary between the proposed development land and the golf course.

To mitigate the impact of this development on breeding birds, the hedgerow/tree line along the eastern, southern, and western site boundary, as well as a number of standalone trees throughout, will be retained.

## References

- Bibby, C.J., Burgess, N.D., Hill, D.A. & Mustoe, S.H. (2000)** Bird Census Techniques. Academic Press, London
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- Chartered Institute of Ecology and Environmental Management (2018).** *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal, and Marine*. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collated by the National Biodiversity Data Centre from different sources, General Biodiversity Records from Ireland,** National Biodiversity Data Centre, Ireland, accessed 17 October 2023, <<https://maps.biodiversityireland.ie/Dataset/7>>
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 1982**
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979**
- Department of Housing, Planning and Local Government (December, 2018).** *Urban Development and Building Heights Guidelines for Planning Authorities*.
- EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive) 1992**
- EU Directive on the Conservation of Wild Birds 2009**
- Gilbert, G., Gibbons, D.W., & Evans, J. (1998)** Bird Monitoring Methods: A Manual of Techniques for UK Key Species. The Royal Society for the protection of Birds, Sandy, Bedfordshire, England.
- Gilbert G, Stanbury A and Lewis L (2021),** "Birds of Conservation Concern in Ireland 2020 –2026". Irish Birds 9: 523—544
- Wildlife Act 1976 and Wildlife [Amendment] Act 2000.** Government of Ireland.



Parapet level  
+23.275m

Parapet level  
+20.875m

3no Swift Brick Boxes

Block D



Proposed Scots Pine:  
anticipated height 10 years  
approx. post development.

Existing Tree Belt:  
present height and extent approx.

Tree Belt retained:  
anticipated height 10 years  
approx. post development.

Proposed Footpath  
Existing ground profile

**AN BORD PLEANALA**

LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

26 AUG 2022

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
By: \_\_\_\_\_  
Time: \_\_\_\_\_

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NOTES:

DATE	REV.	DESCRIPTION	DRAWN BY:	CHECKED BY:

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**ISSUE STATUS:**

Planning

DRAWING NO: 23FG04-DR-281

REVISION: -

CLIENT: GLL PRS Holdco Ltd.

PROJECT: Deer Park Howth LRD

DRAWING: Landscape Section - Southern end of Block D

DRAWN BY: DMaD

PROJECT NO: 23FG04

SCALE: 1:100

SHEET SIZE: A3

CHECKED BY: DMaD

**Preliminary Viewpoint Locations  
Landscape + Visual Impact Assessment  
Proposed Development at Deerpark, Howth  
Nov. 2023**

<b>AN BORD PLEANALA</b>	
LDG- <u>320660-25</u>	
ABP- _____	
26 AUG 2022	
Fee: € _____	Type: _____
Time: _____	By: _____

AIT Urbanism + Landscape have been appointed by GILL PRS Holdings Ltd. to undertake a Landscape + Visual Impact Assessment (EIA/R) of the proposed LRD at Deerpark, Howth.

Our brief is to review the viewpoint locations previously submitted in 2021 as part of the SHD submission. A site walkabout was undertaken in October 2023.

As requested by Helena Bergin, Senior Executive Architectural Conservation Officer, (FCC) at the S247 meeting, we have adjusted VP 18 in order to capture any potential cumulative impacts of an adjacent application at Howth Castle which includes an overflow car park at the transport museum (Planning Ref: F22A/0046).

As suggested by ABP's inspector, VP6 has also been adjusted to capture a wider perspective to assess any potential impacts on the entrance to the demesne and church. We have subsequently adjusted the locations of VP5 and VP7 also. One additional view (VP21) is proposed to be added to the list of views from Baltray Park, a public open space to the north-west of the site.

Based on our assessment of all viewpoints, we feel the viewpoints are acceptable as representative locations to assess any potential impacts on local and wider sensitive receptors. Viewpoints along Howth Road, will also capture the cumulative impacts of the ongoing constructions works at the former Techrcrete site.

VP19, VP20

No change



VP 1 Howth Pier  
No change



**VPs 2-18**

**Views in Yellow :**

**Location +/-angle to change :**

**V5, V6, V7, V18.**

**New View VP21 : Baltray Park**



View Point Locations for Landscape + Visual Impact Assessment  
November 2023

Notes :

View Point Locations in Red  
- No change

Viewpoints in Yellow - amend as follows :

- V5-Move slightly to the east
- V6-Slight adjustment to the angle W/SW -Move slightly to the east
- V7-Slight adjustment to the angle to the SE
- V18 -Move north - adjust angle to the NE
- V21 - New View - Baltray Park - Public Domain