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54, Strategic Housing Development Section  
An Bord Pleanála  
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Application Ref. Number: ABP- 305828  
Application Website: [www.rennieplaceshd.ie](http://www.rennieplaceshd.ie)  
Address of Site: Former Baily Court Hotel, Main Street, and at lands  
located south of the Martello Tower on Balcadden Rd., Howth, County Dublin

A chairde,

I refer to the above development and would like to make the following observations:

1. The SHD process is not compliant with the Aarhus Convention

The decision-making process in the Strategic Housing Development category is contrary to the Aarhus Convention, in particular as it fails to meet the requirement of Article 6(4) to “provide for early public participation, when all options are open and effective public participation can take place.”

The process established for Strategic Housing Developments ends up, as in this instance, pre-determining and pre-deciding choices and decisions about many elements of the development before any public participation happens. That this is so is evident from the record in the planning file of pre-application discussions with both Fingal County Council and An Bord Pleanála. The fact that there is no appeal from this decision makes this failing considerably more significant from the point of view of the public’s ability to have an impact on the final decision and the quality of the decision-making process.

The above comment is identical to one I made in relation to the previous SHD application on this site (PL06F.300879). The failings in practice of the truncated SHD process have been demonstrated clearly by developments since. The previous application and decision effectively ignored the concerns of local residents about ground stability, and naturally those concerns led to a legal challenge which although not yet complete, has led to this second application.

The previous permission allowed the use of Balcadden Road as the construction access route to the site, while Fingal County Council has now correctly identified that a route south from the site is the least damaging and dangerous route for construction traffic.

## 2. Need for Environmental Impact Assessment and oral hearing

The development is in an important, difficult and complex site from a range of perspectives. It is in an important location in a heritage town, beside a national monument (the Martello Tower on the site of the Norman castle, a location chosen for its natural visual prominence), partly within an Architectural Conservation Area, on a steep sand ridge with a history of instability and landslides, in one of the busiest tourism destinations in Dublin, with difficult construction access. Given the potential for negative consequences and the complexity of the interaction of the above factors, it should be subject to Environmental Impact Assessment.

Local residents adjacent to the site, and the wider community, have profound and valid concerns as to the risks the proposed excavation, construction, and associated truck movements could pose to neighbouring buildings and the public road. The previous application documents were entirely inadequate in addressing these risks. The current application goes into much more detail. It is an area of professional expertise with great consequences and it is vital that local people and independent experts have the ability to question and challenge the analysis now presented. In these circumstances, there should be a public oral hearing into the proposal.

Additionally, the Board should ensure that it deploys the relevant expertise to address this aspect of the proposed development.

## 3. Geology, hydrogeology, civil engineering and access

In the last application I commented:

You will have received detailed evidence in other submissions of the history of landslides in the vicinity and the overall difficulty of developing on the sandy ground. This causes great concern to local residents, both those living immediately around the site and the rest of us, given the threat to adjacent houses, to the adjacent road, and to the Martello tower. It is vital that the Board ensures that the proposed development can be built safely and will not interfere with groundwater movement in a manner which would destabilise the sandy ground on or off site.

I make the same comment in relation to this application.

In the last application on this site I commented:

The proposal to use Balscadden Road as a construction access is very worrying. Balscadden Road is a busy pedestrian route, giving access to the Howth Cliff Path looped walks, visited by over 250,000 walkers a year. A visit to the Road will demonstrate its importance for pedestrians. Sand regularly falls onto the road from Tower Hill. The developer has stated that they propose 30 to 35 trucks a day for 6 months to remove the sand plus a few years of construction access along Balscadden Road. This risks destabilising the road and Tower Hill as well as the Asgard Apartments.”

Despite this, the Board allowed the use of Balscadden Road as a construction access. In the current application, the developer accepts that Balscadden Road is the worst of the three possible options. The developer proposes the use of Main St and Harbour Road, to the north of the construction site. Fingal County Council advocates Main St. and Thormanby Road, to the south of the site. Clearly the Council is correct in this identification of the least worst option and I urge the Board to accept Fingal County Council's assessment.

#### 4. Visual and landscape impacts

In relation to the last application I commented:

The visual aspect of the development is a major concern. Subject to construction and ground stability problems mentioned above, it is welcome that the development proposes to lower the ground level in order to reduce the visual impact. I'm concerned that the photomontages may not accurately reflect the visual impact of the development and I would ask the Board to verify their accuracy. I have asked the developer to put poles on site indicating the intended building heights. If they have not yet done so when the Board's Inspector comes to read this, I recommend that the Board request that this be done to enable it and the public to estimate the nature of the likely visual impact.

The most concerning visual elements are the impact on the view from Tower Hill, the impact on the context for the Martello Tower, and the impact on the view for people walking on Balscadden Road.

The current application is much worse in visual terms than the previous application and the Board should require that it be scaled back substantially. The proposed heights and elevations are not in keeping with the area and are contrary to the Local Objective placed on the site in the County Development Plan.

#### 5. Scaling back to meet Public Open Space requirements and reduce visual impact

In relation to the last application I commented;

The development is objectively oversized as it fails to provide sufficient Public Open Space to meet the County Development Plan requirements. Reductions in height or setting back of elements of the proposed development in order to bring the accommodation in line with the open space provision should occur at the locations above which would reduce its visual impact.

With the increase in development in the current application, this comment is even more relevant.

## 6. Loss of Baily Court Hotel and development incompatible with Architectural Conservation Area

The Baily Court Hotel, one of the oldest and most prominent buildings in the Howth Architectural Conservation Area has been subject to a decade of neglect and dereliction. Permission is being sought to demolish the building on the basis that it is no longer in good condition and that its architectural heritage value has been diminished. It would be bad public policy to reward dereliction by approving this element of the application.

The building proposed to replace the hotel building makes no attempt to fit into the Architectural Conservation Area. It presents a gable end to the street, in a manner inconsistent with the street. The two buildings on either side, more modern than most of the buildings, have hipped roofs. It proposes to have asymmetrical windows, unlike almost every building on the street, and is of an overbearing scale.

This comment which I made in relation to the previous application remains relevant and I again ask the Board to take it into account.

## 7. New pedestrian street and opportunity for a view out to sea

The provision of a pedestrian street from Main Street to Balcadden Road is a very welcome element of the proposal. This new street should be aligned so that there is a view, even just a glimpse of the sea down the new street from some point on Main Street. With the varying heights on Main Street this must be possible if the correct analysis is done to align the road accordingly.

This comment which I made in relation to the previous application remains relevant and I again ask the Board to take it into account.

## 8. Layout of buildings at west end of new pedestrian street and Main Street

The proposed layout of buildings at Main St. is hard to understand. It is proposed to put a new large building on the Baily Court Hotel site with a pedestrian area behind it, cut off by the way the building juts out. The layout in front of this building doesn't prioritise the pedestrian route up and down Main St. The way this new development interacts with Main Street is a vital element of the design, which really doesn't seem to have been worked out at all. Even the photomontage of this location differs significantly from the landscape drawings (which is one of the factors giving rise to my concern mentioned under 4. above.)

This comment which I made in relation to the previous application remains relevant and I again ask the Board to take it into account.

9. This mixed use development should include a hotel

In this area of high tourism demand which lost significant hotel accommodation over the last decade, in a town centre zoning, the development should include a hotel to replace the derelict hotel on the site.

This comment which I made in relation to the previous application remains relevant and I again ask the Board to take it into account.

I hope the above is of benefit to the Board in considering this application and that the local community and neighbours of the site will have the opportunity to engage with this application at an oral hearing.

Best regards,

Cllr. David Healy

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