

An  
Bord  
Pleanála

**Board Direction**  
**BD-017047-24**  
**ABP-314487-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/07/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Fishery Harbour Centres Act 1968, the National Marine Planning Framework 2021, the National Planning Framework and the Fingal County Development Plan 2023 – 2029, the nature and scale of the proposed development, the sites location with the existing functioning harbour, it is considered that the proposed development, subject to the conditions set out hereunder would not be seriously injurious to the residential and visual amenities of the area or property in the vicinity of the site, would be acceptable in terms of pedestrian and traffic safety and built heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following are the European Sites for which there is a likelihood of significant effects:

North-West Irish Sea c.SPA (004236)

Baldoyle Bay SAC (000199)

Rockabill to Dalkey Island SAC (003000)  
Lambay Island SAC (000204)  
Rogerstown Estuary SPA (004015)  
Lambay Island SPA (004069)  
Malahide Estuary SPA (004025)  
North Bull Island SPA (004006)  
Baldoyle Bay SPA (004016)  
Irelands Eye SPA (004117)  
South Dublin Bay and River Tolka Estuary SPA (004024)

**Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the European Sites in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the above referenced European Sites.

- i. Mitigation measures which are included as part of the current proposal,
- ii. Conservation objectives for these European Sites, and
- iii. Views of prescribed bodies in this regard.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

**Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted with the application,
- the submissions received during the course of the application, and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application and appeal.

**Reasoned Conclusion for Environmental Impact Assessment:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

- **Population and Human Health:** Neutral impact to the local economy during the construction phase due to the increase in local construction workers and associated benefits and the temporary loss of car parking spaces. Potential significant health and safety impacts during construction that would be mitigated through the implementation of the measures set out in the Environmental Impact Assessment Report, including the Construction Environmental Management Plan and best practice construction methods.
- **Biodiversity:** Potential significant effects on habitats, birds, marine mammals and aquatic ecology during the construction and operational phases would be mitigated by the implementation of the mitigation measures contained in the Environmental Impact Assessment Report, including the Construction Environmental Management Plan, good practice construction measures, timing of vegetation removal, water pollution prevention measures, provision of bird boxes, use of buffer zones, biosecurity measures and the appointment of an Ecologist. Further pre-commencement biodiversity surveys are also proposed.
- **Land, Soils, Water, Air and Climate:** Potential positive significant effects on hydrology, hydrogeology and soils by the removal of contaminated sediments from the harbour any potential negative impacts hydrology, hydrogeology and land and soils during the construction and operational phase would be mitigated by a series of best practice construction management and pollution prevention measures and other specific measures outlined in the Environmental Impact Assessment Report, including the Construction Environmental Management Plan, surface water management plan, use of buffer zones and pollution prevention measures. Construction noise will be mitigated by the measures outlined in the CEMP, however, it should be noted that evening time construction noise at West Pier would likely exceed the recommended limits for short periods of time throughout the construction phase (24 months).
- **Material Assets, Cultural Heritage and the Landscape:** Traffic impacts would be short-term and temporary and will be mitigated during construction by the measures set out in the Environmental Impact Assessment Report, including the CEMP, Traffic Management Plan. Traffic and transportation impacts during the operational stage would be positive due to the provision of

additional car parking spaces, the introduction of the one-way traffic system and pedestrian facilities. Potential impacts on unknown cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features/deposits that may be identified. Landscape and visual impacts are likely, however, given the context and characteristics of the existing harbour environment they are considered acceptable and compatible with the existing uses. Impacts on architectural heritage can be further mitigated to an acceptable level by way of condition (reference condition no. 5 hereunder).

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the Environmental Impact Assessment Report complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6<sup>th</sup> July 2021 as amended by the further plans and particulars submitted on the 2<sup>nd</sup> June 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment, the Natura Impact Statement and the Construction Environmental Management Plan shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development the applicant shall submit to, and agree in writing with, the planning authority a 'Howth Harbour Bird Conservation Plan'. This plan shall include:

- (a) details of the locations, fencing and screening of the roosting sites for waders and other water birds it is proposed to establish at the south west and northern ends of the area to be reclaimed at the rear of the West Pier, Howth, as part of the proposed works;
- (b) details of the locations, design and methodology and timing of installation six Black Guillemot nesting boxes / tunnels to be installed in or on the existing pier structures at Howth Harbour before the commencement of the proposed works, and similar details relating to the installation of at least 6 no. additional boxes / tunnels in the reclaimed area to the rear of the West Pier on completion of these works.
- (c) details of the timings and methodologies of the bird surveys to be carried out during the proposed works, and for at least three winters and three summers subsequent to these works' completion, to monitor the bird populations utilising the Howth Harbour area.

**Reason:** In the interest of protecting bird species.

4. Prior to commencement of development the applicant shall submitted for the written agreement of the planning authority the design, operation and function of the water channel between West Pier and the reclamation area, including details of any fencing or security measures to prevent public access to the water channel.

**Reason:** In the interest of clarity.

5. Prior to commencement of development the applicant shall submit final detailed design proposals of the proposed reclamation area for the written agreement of the planning authority. The information submitted shall include:

- a. A landscape plan prepared by a professional landscape designer including a 5 year landscape maintenance schedule.
- b. details of boundary treatments
- c. details of street furniture and safety measures, including lifebouys

- d. details and images (or samples) of the proposed finish and the capping for the parapet wall to the new area
- e. Details of the break being formed in the wall on the West Pier to provide a connection to the reclamation area and any subsequent related alterations to the layout of the area on the West Pier.

**Reason:** In the interest of visual amenity and to protect the architectural heritage of West Pier.

- 6. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the reclamation area. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity

- 7. Site development and building works shall be carried out only between the hours of 0700 to 2100 Mondays to Fridays inclusive, between 0700 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

- 8. A minimum of 10% of all new car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date unless otherwise agreed with the planning authority.

**Reason:** To facilitate the use of electric vehicles

- 9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.

10. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

11. Prior to commencement of development, the developer shall enter into water connection agreements with Uisce Eireann.

**Reason:** In the interest of public health.

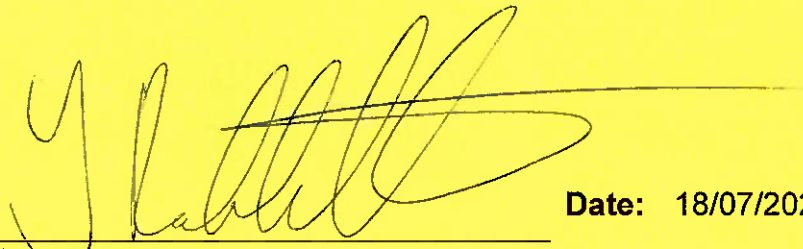
12. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of public safety and residential amenity.

**Board Member**

A handwritten signature in black ink, appearing to read 'Tom Rabbette', is written over a horizontal line. The signature is stylized with large, sweeping loops.

**Date:** 18/07/2024

Tom Rabbette