



An
Bord
Pleanála

Board Direction
BD-017316-24
ABP-319264-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/08/2024.

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

In coming to its decision, the Board had regard to the following:

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) the Government of Ireland Climate Action Plan, 2024,
- (d) the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy, 2019-2031,
- (e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (f) the conservation objectives and qualifying interests for the:
 - Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), and

- Rogerstown Estuary Special Area of Conservation (Site Code: 000208),
- (g) the conservation objectives and special conservation interests for the:
- North-west Irish Sea Special Protection Area (Site Code: 004236),
 - Skerries Islands Special Protection Area (Site Code: 004122),
 - Rockabill Special Protection Area (Site Code: 004014),
 - River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), and
 - Rogerstown Estuary Special Protection Area (Site Code: 004015),
- (h) the policies and objectives of the Fingal County Development Plan, 2023-2029,
- (i) the nature and extent of the proposed works as set out in the application for approval,
- (j) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and,
- (k) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the:

- North-west Irish Sea Special Protection Area (Site Code: 004236),
- Skerries Islands Special Protection Area (Site Code: 004122),
- Rockabill Special Protection Area (Site Code: 004014),
- River Nanny Estuary and Shore Special Protection Area (Site Code: 004158),
- Rogerstown Estuary Special Protection Area (Site Code: (004015),

- Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), and
- Rogerstown Estuary Special Area of Conservation (Site Code: 000208)

are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the:

- North-West Irish Sea Special Protection Area (Site Code: 004236),
- Skerries Islands Special Protection Area (Site Code: 004122,)
- Rockabill Special Protection Area (Site Code: 004014),
- River Nanny Estuary and Shore Special Protection Area (Site Code: 004158),
- Rogerstown Estuary Special Protection Area (Site Code: (004015),
- Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), and
- Rogerstown Estuary Special Area of Conservation (Site Code: 000208)

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 appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

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.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and it would not give rise to likely effects on the environment.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and European Sites.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the European Sites and biodiversity.

4. The following nature conservation requirements shall be complied with:

- (a) the works shall be carried out in compliance with "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" issued by the Department of Arts, Heritage and the Gaeltacht in January 2014,
- (b) the works shall be carried out in compliance with the Inland Fisheries Ireland document "Guidelines on protection of fisheries during construction works in and adjacent to waters, 2016",
- (c) a pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season; any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage; and the works shall be undertaken in accordance with the Bat Conservation of Ireland document "Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010",

(d) any areas damaged by machinery or equipment shall be fully re-instated,
and

(e) prevention measures shall be put in place to prevent the introduction or
spread of invasive species.

Reason: In the interests of biodiversity and nature conservation.

5. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee the implementation of mitigation measures relating to ecology. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interests of nature conservation and the protection of biodiversity.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

7. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified underwater archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works. The mitigation measures contained in the Underwater Archaeological Impact Assessment report shall be fully implanted.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. The local authority shall prepare a mobility plan for Skerries Harbour which would serve to facilitate and enable the provision of universal access to the harbour area for persons with restricted or limited mobility.

Reason: In the interests of the proper planning and sustainable development of the area and social inclusivity.

Board Member

Eamonn James Kelly

Date: 27/08/2024

Eamonn James Kelly

Note

The Board considered that the protection of marine mammals such as Grey Seal and Harbour Porpoise from underwater sound sources associated with the proposed development, such as pile-driving and other construction activities, should adhere to the more comprehensive best practice guidance for such operations in Irish Waters as indicated in Condition 4a.