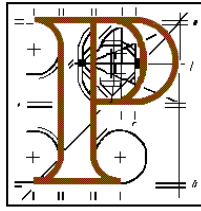


# An Bord Pleanála



## Inspector's Report

**PL06F.245641**

### **DEVELOPMENT**

Description: New roundabout and ancillary road works.  
Address: West Pier, Howth Fishery Harbour Centre,  
Howth, Co. Dublin

### **PLANNING APPLICATION**

Planning Authority: Fingal County Council  
Planning Authority Reg. Ref.: F15A/0353  
Applicant: The Minister of Agriculture, Food and the  
Marine  
Application Type: Permission  
Planning Authority Decision: Grant

### **APPEAL**

Appellant(s): Mark Wright  
Types of Appeal: 3<sup>rd</sup> Party –v- Grant  
Date of Site Inspection: 5/1/2016

**INSPECTOR: Paul Caprani**

## **1.0 INTRODUCTION**

PL06F.245641 relates to a third party appeal against the decision of Fingal County Council to issue notification to grant planning permission for the construction of a new roundabout with associated footpaths and signage on the West Pier Harbour. The grounds of appeal express concerns in relation to traffic and pedestrian safety arising from the proposal. The number of procedural issues in relation to how the application was determined are also highlighted in the grounds of appeal.

## **2.0 SITE LOCATION AND DESCRIPTION**

The proposed roundabout is located at the southern end of the Western Pier of Howth Harbour. The site is located at an existing intersection between two roads, the more westerly of which links fishing and other commercial enterprises located along the western pier to another internal road which primarily provides parking which runs along the southern promenade and accesses the middle pier within the harbour.

The western pier hosts most of the marine related commercial activity associated with Howth Harbour. Some of the activities accommodated along the Western Pier include boat repair activities and wholesale and retail fish shops and restaurants. These buildings face eastwards onto the harbour. A syncro-lift is located to the north of the proposed works on the Pier Road. Rail-lines traverse the roadway linking a boat yard on the western side of Pier Road to the syncro-lift which lifts boats into the water. A fish auction hall and an ice house are located to the north of the syncro-lift.

The roadway from the west pier runs along the southern side of the harbour to the Middle Pier and accommodates surface car parking including commercial lorry car parking as well as access to a boat club and marina area. A linear area of public open space runs along the southern boundary of the harbour area and separates the harbour from the main Howth/Harbour Road which provides access to Howth village further east. Howth Dart Station is located to the south-west of the subject site.

### 3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the replacement of the existing intersection with a new roundabout (internal diameter 14 metres). Alterations to adjacent footpaths, the incorporation of a new traffic island and pedestrian crossing on the southern approach to the roundabout together with road markings and associated signage.

It is also proposed to incorporate new traffic control barriers on the west pier road to the north of the roundabout to provide a dedicated access to the synchro lift which is located on the eastern side of the road. The barriers would be in place in order to restrict traffic when the synchro lift is operational.

### 4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged by the Department of Agriculture Food and the Marine on 31<sup>st</sup> July 2015. The application was accompanied by an application form, copies of the site notice, various drawings showing the general layout and a number of photographs depicting the site and its surroundings.

#### 4.1 Reports

A report from Irish Water stated that there was no objection to the proposed development subject to three conditions.

A report from the Planning and Strategic Infrastructure Department likewise sited no objections subject to three conditions.

A report from the **Conservation Officer** of Fingal County Council notes that the site is located outside the boundary of a designated ACA for Howth Historic Core and that there are no protected structures in the immediate vicinity. The conservation officer would however encourage measures to improve the landscaping in the vicinity and soften the level of hard surfaces and the extent of parking.

**An observation** was submitted on behalf of the current appellant by **O'Neill Town Planning and Development Consultants**, the contents of which have read and noted.

A report from the **Transportation Planning Section** states that the proposed roundabout improves traffic flow in the harbour and helps rationalise the current arrangement which is ambiguous and unclear. It is noted that currently there are no barriers at the rail lines for the boat lift. Provision of these barriers is a significant improvement from a safety perspective for a working harbour. The proposal would also result in the improvement of pedestrian facilities in providing designated and segregated pedestrian routes at specific crossing points. Therefore there is no objection subject to two conditions.

A report from the **Parks Planning Section** notes that the material chosen for the proposed footpath and seating do not appear to match the existing street furniture. The applicant's landscape architect should liaise with the Parks and Green Infrastructure Division in this regard.

The **Planner's Report** notes that the area of land associated with the proposed roundabout and associated modifications is not subject to any specific land use zoning objective although there are areas within the overall application boundary which are zoned OS "to preserve and provide for open space and recreational amenities".

In terms of visual integration and visual amenity, it is considered that the proposed development will not have an adverse impact on the character or visual appearance of the surrounding area subject to measures improving landscaping in the vicinity.

It is noted that the nature and scale of the proposed development is unlikely to have a significant effect on the Natura 2000 sites.

In terms of transport, reference is made to various issues raised in the observation submitted (see grounds of appeal below) however reference is also made to the transportation planning section report and it is considered that the proposed development is generally acceptable in terms of traffic and transportation. Finally the planning report notes some of the procedural issues raised in the observation. It is considered unreasonable to invalidate the application on foot of these issues (see grounds of appeal below). In conclusion therefore the planner's report recommended that planning permission be granted for the proposed development.

In its decision dated 23<sup>rd</sup> December 2015 Fingal County Council issued notification to grant planning permission for the proposed development subject to seven conditions.

## **5.0 PLANNING HISTORY**

No history files are attached.

Details of two applications are contained in a pouch to the rear of the file. Under 05A/1637 planning permission was granted to the Minister for Communications for the installation of a pit-mounted weighbridge and control cabin to the immediate north of the subject site. Planning permission was granted in January 2006.

Under reg. ref. F10A/0369 planning permission was granted for the installation of 37 CCTV cameras and associated works along the west pier, middle pier and east pier of Howth Harbour.

## **6.0 GROUNDS OF APPEAL**

The appeal raises a number of procedural concerns in respect of the Planning Authority's determination of the application and also raises a number of road safety concerns. Both are set out below.

### *Procedural Matters*

In respect of procedural concerns it is submitted that the proposed development does not comply with the requirements of Articles 18, 19 or 23 of the 2001 Regulations as amended.

In respect of Article 18(1), it is stated that a brief description of the nature and extent of the development was not adequately set out as required by the Regulations as most of the footpath widening and consequent road narrowing have been completed. The application in question should have been for retention of certain works and construction of other works.

Secondly Article 19 of the Regulations requires a notice to be fixed at the entrance to the site. When marginal variations from the suggested location would normally be permissible, in the present instance the site notice is located more than 100 metres from the entrance to the pier and this is deemed to be in breach of the Regulations. It is argued that the site notice in this instance was hidden from all road users and was not located in a conspicuous position.

Article 23(1)(d) requires drawings and elevations of all proposed structure contiguous to the proposed structure to be submitted with any application. The drawings showing the main features of the Pier were not submitted. The access road around the rear of the buildings and beyond the boat yard were not shown.

For all the above reasons it is argued that the proposed development should be declared invalid.

#### *Traffic, Parking and Road Safety Considerations*

It is considered that the proposed parking layout in the area to the north of the roundabout and synchro lift is unworkable. It is suggested that the spaces as configured in the application will make it impossible to enter and leave the auction hall with stocks of fish or other produce. The use of yellow boxes around the buildings is advised to ensure that neither access nor egress to the building is hindered. Proposed car parking spaces onto the pier's main access road together with the footpath widening on the other side of the road has meant that the width of the remaining roadway is less than 6 metres thereby ensuring that cars entering and exiting the car parking spaces will obstruct the entire width of the roadway creating congestion and blockages along the main thoroughfare. Long-term car parking by DART users would also exacerbate this problem.

Secondly the need for the roundabout is also questioned. Access from the angler's hall will be directly onto the roundabout which is deemed to be a traffic hazard. The reorganisation of car parking spaces outside Wrights retail restaurant and smoking house will also lead to a serious traffic hazard. The raised kerbing for access onto the middle pier will confuse and interfere with traffic, particularly HGVs and long trailers, which need to access the working pier.

It is also suggested that a controlled junction is required at the point of access to the west pier from Harbour Road. This junction is particularly busy during the tourist season. There is also a need to improve and extend the existing pedestrian walkways around the pier.

## **7.0 APPEAL RESPONSES**

### **7.1 Applicant's Response**

It appears that the applicant has not submitted a response to the grounds of appeal.

### **7.2 Fingal Co. Council's Response**

The following response was received from Fingal County Council on 20<sup>th</sup> November 2015. The proposed development was assessed having regard to the Development Plan zoning objective, integration and impact on visual amenity of the area, appropriate assessment, transportation issues, water and drainage issues as well as the points raised in the observation submitted to the Planning Authority.

Site notices were erected adjacent to the location of the proposed roundabout which is the location of significant works proposed and it is considered that it would be unreasonable to invalidate the application for this reason.

Parking already takes place around the fish auction hall in an ambiguous fashion and the proposed development will regularise this. No parking will take place opposite the main doors to the building and access and egress to the building will not be impeded. There is sufficient separation distance between the parking area and the roadway to ensure that cars using such spaces will not obstruct the roadway.

The transportation planning section raised no objection to the proposal in relation to the proposed roundabout and the proximity of parking spaces. The existing junction is excessively wide with poor control measures and it is considered that the proposed roundabout will improve traffic flow in the area and will rationalise the current arrangements. Currently cars reverse in to the middle of the junction. With regard to the creation of a signalised junction at West Pier Road and Howth Road, this matter was not raised as a concern by the transportation planning section.

## **8.0 DEVELOPMENT PLAN PROVISION**

The site is governed by the policies and provisions contained in the Fingal County Development Plan 2011-2017.

The subject site is not governed by any designated zoning objective. Lands to the south of the site is zoned OS, 'to preserve and provide for open space and recreational amenities' while lands to the west along the west pier are zoned 'to provide opportunities for general enterprise and employment'.

Section 2.12 of the Development Plan relates to fisheries, agriculture and mariculture.

Objective EE77 seeks to support continuation and where possible the expansion of marine fishing agriculture and marine culture enterprises in co-operation with relevant agencies and facilitate the development of onshore processing units, provided such developments are sustainable and are located in or adjacent to existing developed areas which are consistent with the land use zoning objective and nature conservation objectives of the area and do not pose indirect impacts on conservation objectives on Natura 2000 sites in particular those designated for the protection of sea birds.

## **9.0 PLANNING ASSESSMENT**

I have read the entire contents of the file and have had particular regard to the issues raised in the appeal. I have also visited the site in question. I consider the critical issues determining the current application and appeal before the Board relate to:

- Procedural issues
- Traffic, transport and layout considerations

### **9.1 Procedural Issues**

#### *Description of the Proposed Development*

The grounds of appeal argue that the public notice in respect of the application failed to mention the fact that elements of the proposed development had already been carried out on site and as such, the public notices should have specifically referred to the 'retention' of these



works. The grounds of appeal state that significant amount of footpath widening and the consequent reduction in road width have already been completed on site. This matter should have been referred to in the public notices.

I refer to Article 18(1)(c) which requires the public notice to state whether or not the application “is for permission for development, permission for the retention of the development ....” If works have been undertaken by the applicant for which retention of planning permission is required, this should be specified on the public notices in order to comply with Regulations. Likewise in accordance with the provisions of article 18(1)(d), any brief description of the nature and extent of the development should again refer to the elements of the development which have already been carried out for which retention of planning permission is required.

However having inspected the site I could find no evidence that recent works had been undertaken in respects of new kerbing or footpath build-outs. It is conceivable however that such works were undertaken and were not apparent during my site inspection. The Board may wish to seek clarity on this issue and decide whether a re-advertisement is necessary in relation to any works undertaken. The requirement to re-advertise the development in question should not in my view be fatal to the overall application.

#### *Location of Site Notices*

With regard to the issue of site notices, it appears from the information contained on file and the drawings submitted with the application, that two site notices were located in close proximity to proposed roundabout. The Planning Authority argued that the location of site notices were suitable and justified on the grounds that they were located in close proximity to where the substantive works were to be undertaken on site.

Notwithstanding this conclusion, it is clear from Article 19(1)(c) that site notices are required to be erected in a conspicuous position on or near the main entrance to the land or structure concerned from a public road or, where there is more than one entrance from public road, on or near all such entrances. In order to comply with the specifications set out in the above Regulations, I would consider it appropriate that in addition to the site notices erected on site, at least one or possibly two additional site notices should have been erected at the entrances to the site adjacent to the Howth/Harbour Road along the southern boundary of the

subject site. It is reasonable and conceivable, as argued by the appellant in the grounds of appeal, that the public may not have been reliably informed in respect of the proposed development by virtue of the location of the site notices and in particular the fact that site notices were not located along the Howth/Harbour Road which would accommodate higher volumes of pedestrian and vehicular traffic. Drawing no. 709/159 clearly indicates the site boundary and this includes lands contiguous to the Howth/Harbour Road in the southern portion of the site. I would therefore recommend that the Board consider requiring the applicant to erect revised public notices at the two separate points from the Howth/Harbour Road leading to the site and also on the West Pier Road at the northern boundary of the site prior to determining the application.

### *Elevations of Contiguous Buildings*

With regard to the provisions of Article 23, the grounds of appeal argue that the proposed application does not comply with the requirements of Article 23(1)(d) which requires drawings submitted with a planning application to include elevations of any contiguous structures to the proposed structure. What is proposed in this instance is the construction of a roundabout and associated pedestrian crossing facilities and slight variations in road layouts. The applicant and drawing no. 112177-006 revision P4 clearly indicates a cross section of the roundabout and carriageway etc. The Board will be aware that there are no contiguous buildings to the proposed roundabout. Therefore I do not consider that the applicant has contravened the provisions of Article 23(1)(d). The provision of contextual drawings showing the elevation of buildings in the wider vicinity would do little to inform the public as to the nature and extent of the proposed development over and above the drawings already contained on file.

## **7.2 Traffic and Transport Considerations**

### *Parking Layout in Area to the North of the Syncro Lift*

Specific concerns are raised in relation to the parking configuration and access area around the fish auction house. The fish auction house is a building located adjacent to the mooring area on the eastern side of the west pier to the immediate north of the synchro lift. As the photographs attached indicate currently no formal parking layout area is provided to the front of this building. Cars are currently parked in a haphazard manner in the forecourt area of this building. A large expansive

hardstanding area to the front of the existing building permits and encourages haphazard parking which could obstruct the free flowing circulation of traffic.

The grounds of appeal however argue that the parking as configured would be the result of a traffic hazard. The proposed car parking area in my view provides dedicated and clearly demarcated car parking bays to the front of the fish auction area while allowing an appropriate area within which traffic can circulate in and around the building. The drawings indicate that the circulation area and the roadway to the front of the parking area are a minimum 6 metres in width. This would allow the appropriate manoeuvring of vehicles in and around the fish auction area. The formal demarcation of parking and circulatory areas in my view represents a significant improvement over that which currently exists on site. If the Board consider it appropriate, it could consider omitting a number of designated car parking spaces, by way of condition in order to improve the circulation area in and around the building. However I do not consider this to be necessary, the car parking layout is adequate in my view to facilitate the circulatory flow of traffic.

With regard to the issue of long term commuter parking associated with the Dart Station, this is a parking management issue which would be most appropriately addressed by the Department of Agriculture, Food and the Marine in managing parking usage on its lands.

#### *Area at the Roundabout*

Concerns are expressed that a number of premises will access directly onto the roundabout which would result in a traffic hazard. Furthermore it is contended that access to and from the middle pier will not be improved by the addition of a roundabout at this location. The raised kerbing will confuse and interfere with traffic particularly commercial type traffic.

Having inspected the site and having regard to the excessively wide junction and haphazard car parking arrangements within the vicinity of the junction, I consider the proposed development represents a significant improvement over and above that which currently exists on site. The lack of road markings together with the width of the carriageway in and around the existing intersection facilitates and encourages traffic to travel at excessive speed along the western pier. The creation of a roundabout with restricted road widths, proper road markings and designated and segregated pedestrian facilities would

represent a significant improvement from a road safety perspective. I note the comments of the transportation planning section and I would agree with the general conclusions that the proposed roundabout and associated roads improves the traffic flow in the harbour and helps rationalise the current vehicular and parking arrangements in the vicinity of the site.

Finally I note that condition 4 will be attached to the Planning Authority's grant of planning permission requires a stage 2 road safety audit to be carried out and its recommendations implemented. This again will ensure that the overall traffic and transportation arrangements are approved as a result of the proposed layout.

I would however question the appropriateness of providing perpendicular parking in the area to the immediate north-west of the roundabout. Under the current proposal cars will be required to pull out or reverse park onto a section of roadway immediately adjacent to an egress point on the roundabout. This in my view could give rise to significant vehicular conflict. In the case where traffic is pulling out/reversing onto the carriageway in order to travel southwards, drivers may be tempted to reverse across the carriageway in order to access the southbound lane approaching the roundabout which would also give rise to traffic safety concerns. If the Board are minded to grant planning permission for the proposed development I recommend that the six car parking spaces (including the disabled car parking space to the immediate north-east of the roundabout should be omitted from the development).

#### *West Pier Road / Howth Road Junction*

The final major issue raised in the grounds of appeal relates to the access point from the West Pier Road onto the Howth Road/Harbour Road. It is argued in the grounds of appeal that the Harbour Road accommodates significant volumes of traffic and this gives rise to particular problems during the weekends and bank holidays. It is suggested that a signalised junction should be installed at this location. Whether or not a signalised junction is warranted/appropriate at this location is in my view a matter for the planning authority and not the applicant in the course of this application. The provision of any signalised junction on the public highway is a matter for the Planning Authority and must be predicated on comprehensive and robust traffic counts, road safety assessments and link capacity analysis. Periodic traffic congestion at weekends/bank holidays may not in itself justify or

warrant the provision of such facilities. The provision of any such infrastructure therefore should be determined on the basis of further investigations by the Planning Authority as opposed to been implemented by condition by way of a Board decision.

## **8. Appropriate Assessment**

The grounds of appeal also make reference to the appropriate assessment undertaken by the Planning Authority. There are a number of designated Natura 2000 sites in the vicinity the closest being the Baldoyle Bay SAC (site code 00199) which is located approximately 160 metres to the east of the site. The Howth Head SAC (site code 00202) which is located adjacent to the eastern pier of the harbour is located approximately 600 metres away. Other designated Natura 2000 sites in the vicinity include the Howth Head coast SPA (site code 004113), The Rockabill to Dalkey Island SAC (site code 003000), The Howth Head SAC (site code 00202 – on the mainland to the south of the site) and the Ireland's Eye SPA (site code 0041117) and SAC (site code 002193). All of the latter designated Natura 2000 sites are located in excess of a kilometre from the proposed roundabout. Having regard to the relatively modest nature of the works to be undertaken together with the separation distance of the site from the nearest European sites, it is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any of the European sites referred to in view of the conservation objectives associated with these sites and therefore a stage 2 appropriate assessment (and a submission of an NIS) is not therefore required.

## **10.0 CONCLUSIONS AND RECOMMENDATIONS**

Arising from my assessment above therefore I consider that subject to revised public notices, the proposed development represents an improvement in traffic circulation and safety and would otherwise be in accordance with the proper planning and sustainable development of the area. I therefore recommend that planning permission be granted subject to conditions set out below.

## 10.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

It is considered that the proposed roundabout and associated development subject to conditions set out below would represent a significant improvement in terms of traffic safety and circulation on the West Pier of Howth Harbour and would not seriously injure the residential or visual amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The 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. 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. The 6 no. car parking spaces proposed to the immediate north of the western side of the roundabout shall be omitted from the development.

**Reason:** In the interests of traffic safety.

3. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority full details of the proposed materials for the hard surfacing along with details of the style, number and positions of seating and other street furniture. Details of the management and maintenance of these features shall also be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

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

4. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works.

**Reason:** In the interest of visual amenity.

5. Details of all road signage shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety.

6. A stage 2 road safety audit shall be carried out and agreed with the Planning Authority. All recommendations agreed with the Planning Authority shall be complied with in full.

**Reason:** In the interest of traffic safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

8. The hours of operation of all construction on site shall be restricted to 8.00a.m. to 7.00p.m Monday to Friday and 8.00a.m. to 2.00p.m. on Saturdays. No activities shall take place on Sundays or bank holidays.

**Reason:** In the interest of residential amenity.

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**Paul Caprani,  
Senior Planning Inspector.**

**12th January, 2016**