



An
Bord
Pleanála

Inspector's Report ABP-319264-24

Development	Works at existing harbour pier.
Location	Skerries Harbour Pier, Skerries, Co. Dublin.
Local Authority	Fingal County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	DAU / NMS Inland Fisheries Ireland Commissioners of Irish Lights
Observer(s)	Skerries Sailing Club
Date of Site Inspection	19 th May 2024
Inspector	Karla Mc Bride

1.0 Introduction

- 1.1. Fingal County Council is seeking approval from An Bord Pleanála to refurbish the existing pier at Skerries Harbour which is located in N Co. Dublin. The existing harbour and pier are located adjacent to the North-West Irish Sea SPA and close to the Skerries Islands SPA. The Rockabill SPA and Rockabill to Dalkey island SAC are located further E and there are several other European sites in the wider area along the coast. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the development.

2.0 Site and Location

- 2.1. Skerries Harbour is located to the E of Skerries town. The coastal area is characterised by a mix of rocky outcrops and sandy beaches, and the surrounding area comprises a mix of maritime and recreational uses, commercial properties and dwelling houses. The harbour comprises the original 18th century masonry pier (70m x 5m) which is a Protected Structure, and the sheet pile extension (c.60m x 9m) which dates from the late 1960s. The overall pier is defined by a seawall along the S boundary, with a lighthouse at the easternmost tip. The 1960s sheet pile section has undergone significant weathering and corrosion and needs to be replaced.
- 2.2. Access is off Harbour Road. The harbour serves a local small to medium sized fishing fleet and leisure craft. The lifeboat service is served by a slipway to the S beyond the harbour walls.

- 2.3. The project site is adjacent to the North-West Irish Sea SPA and close to the Skerries Islands SPA to the SE, and the harbour and environs may also be important for mobile species from other further afield European sites.
- 2.4. Photographs & maps in Appendix 1 describe the site & surroundings in more detail.

3.0 **Proposed Development**

Fingal County Council proposes to refurbish the 1960s pier at Skerries Harbour to improve harbour infrastructure. The proposed works would comprise:

- New sheet pile pier with 3m offset to replace the existing sheet pile structure.
- Encase new sheet pile structure in an impermeable concrete façade.
- All ancillary site works (incl. excavation & pile driving).

Accompanying documents

The application was accompanied by the following documents:

- Planning report:
 - Visual Inspection Photos
 - Outline CEMP
 - Photomontages
 - Underwater Archaeological Impact Assessment
- Maps & drawings
- AA Screening & NIS
- EIA Screening
- Structural Assessment, Underwater Survey & Core Hole Investigation
- CEMP
- List of Prescribed Bodies
- Copies of Public Notices.

4.0 Planning History

Several small-scale planning cases in the surrounding area, none of note.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.4. European sites located within the Zone of Influence (10km) of the site include: -
- North-West Irish Sea SPA
 - Skerries Islands SPA
 - Rockabill SPA
 - Rockabill to Dalkey Island SAC
 - Rogerstown Estuary SPA & SAC
 - River Nanny Estuary and Shore SPA

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.6. National and Regional Planning Policy

Climate Action Plan, 2024: seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels & extreme weather, and increased chance & scale of river and coastal flooding.

National Marine Planning Framework Plan, 2021: brings together all marine-based human activities and outlines the vision, objectives and marine planning policies for each marine activity. It seeks to set a clear direction for managing our seas, clarify objectives and priorities, and direct decision makers, users and stakeholders towards strategic, plan-led, and efficient use of marine resources.

National Planning Framework, 2018-2040: sets out a high-level strategic plan for shaping future growth & development to 2040. It seeks to develop a region-focused strategy to manage growth & environmentally focused planning at local level.

National Development Plan, 2018-2027: underpins the NPF.

Marine Planning Policy Statement: seeks to support sustainable growth and development in the maritime economy, invest in the seafood sector, ensure the sustainable management of coastal resources and address the effects of climate change & coastal flooding.

Biodiversity Action Plan: sets out actions through which a range of government, civil & private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the first and second National Biodiversity Action Plans.

Regional Economic & Spatial Strategy: supports the delivery of the programme for change set out in the NPF & NDP. It sets out a strategic vision and policy objectives for urban, rural and coastal areas, people, the economy, the environment, connectivity, amenities and utilities. It seeks to support the maritime economy by enhancing the functionality and safety of Skerries Harbour as a vital piece of maritime infrastructure supporting the local fishing & sailing community, develop fishery harbour centres by improving the berthing facilities for fishing vessels & contribute to the economic viability of coastal communities.

5.7. Fingal County Development Plan, 2023-2029

Core Strategy: Skerries is a Self-Sustaining Town.

Pol. CSP34: seeks to consolidate growth in Skerries.

Pol. CSP38: seeks to consolidate development & protect Skerries unique identity.

Obj. CSO55: seeks to facilitate the development and growth of Skerries as primary service, social, cultural and local tourist centre.

Obj. CSO57: seeks to preserve & improve access to harbours, seashores & beaches while protecting environmental resources including water, biodiversity & landscape sensitivities.

Chapter 4: Marine areas

S.7.5.1.4: states that Skerries Harbour is a key asset in the marine sector and that it is necessary to invest in the harbour to ensure its continued economic success.

Obj. EEO41: seeks to support the existing diverse nature of the marine sector, and identify & promote sustainable growth opportunities, while protecting European sites.

Obj. EEO42: seeks to ensure that proposals for economic development associated with the marine sector are cognisant of the sensitivities of coastal locations and that relevant environmental issues are appropriately considered.

Chapter 9: Green Infrastructure & Natural Heritage

(incl. nature conservation, protected sites, landscapes, coastal areas & views).

Objs. GINHO68 to 70: deal with coast erosion & coastal defence & protection works.

Pol. GINHP31: seeks to enhance & promote access to the coast and harbours ... while also prioritising and protecting the coastal environment.

Obj. GINHO82: seeks to protect bathing waters.

Chapter 10: Heritage, Culture & Arts

(incl. archaeology, underwater archaeology & architecture).

Protected Structures: Skerries Harbour is a designated Protected Structure.

Obj.HCAO47: seeks to ensure that repairs and new insertions to the historic harbours, piers and quays are appropriate in the materials used and, in the design, and scale of any new structures or equipment.

Preserved Views: coastal views from along Harbour Road and Skerries Harbour.

6.0 Consultations

6.1. Prescribed Bodies:

The Council circulated the project details to the following Prescribed Bodies: -

- Minister for Agriculture, Food & the Marine
- Environmental Protection Agency
- Inland Fisheries Ireland
- Commissioner for Irish Lights
- Irish Coast Guard
- NPWS & DAU/NMS
- Bord Iascaigh Mhara
- MARA & Marine Institute
- Iarnrod Eireann, NTA & Eirgrid
- Failte Ireland & An Taisce

IFI: -

- Environs support a regionally significant Atlantic salmon populations (& other fish) along with important elasmobranch habitats. and many species of sharks & rays have threatened or endangered status.
- Take measures to ensure protection of local aquatic ecological integrity.
- Mitigation measures should aim to reduce intensity & duration of sound.
- CEMP should ensure adherence to best construction practice.
- Appoint an Ecological Clerk of Works during set up & for monitoring.
- No direct plumbing of contaminated water to the harbour.
- Contact SFPA to ensure avoidance of spawning periods for commercial fish.
- Discharges must comply with EU (Surface Water) Regs2009 & EU (Groundwater) regs. 2010.

DAU/NMS (Archaeology):

- Satisfied with findings of the Underwater Archaeological Impact Assessment subject to compliance with standard conditions.
- All mitigation measures shall be undertaken.
- Commission an Underwater Archaeological Impact Assessment (UAIA).
 - Full desktop assessment.
 - Dive/wade assessment, metal detection survey & method statement.
 - Submit final written report to NMS (UAIA & AIS).
- CEMP shall include location of any archaeological or cultural heritage.
- Undertake archaeology monitoring:
 - Archaeologist to monitor works that may impact the seabed / foreshore.
 - Cease works upon discovery of archaeological materials.
 - Record all identified findings.
 - Final copy of report to FCC & NMS & costs borne by developer.

Commissioners for Irish Lights:

- Seek consent for any works to navigational aids from appropriate authority.
- Lighthouse must remain intact & operational during the works.

6.2. Public Submissions:

One submission received from Skerries Sailing Club: -

- Strong support for works at Skerries Harbour.
- Recommend incorporating additional and /or alternative access points such as gangway access, to ensure that that people with mobility issues can safely and easily access & egress from the water, to ensure inclusivity.
- Consider extending the pier to create a 24-hour tidal harbour to align with long term sustainability & tourism projects.
- Adhere to environmental regulations & promote sustainable practices.

7.0 Assessment

7.1. The likely consequences for the proper planning and sustainable development of the area:

The proposed works at Skerries Harbour would comply with national, regional and local policy in respect of climate change, residential amenity, cultural and natural heritage, and the environment.

Skerries Harbour comprises a masonry pier which dates from the 18th Century with a late 1960's steel pile extension. The 1960's section is in a poor state of repair as confirmed in the submitted documentation (incl. Structural Assessment & Underwater Steel Pile Surveys). The Council states that the works, which would include a new sheet pile wall, are justified as they will provide for increased safety, enhanced functionality, controlled access, extended service life, future proofing of the harbour, operational efficiency and technological integration, all of which would ensure economic growth and competitiveness, and sustainable service provision and the works would enable the continued use of public infrastructure.

The Prescribed Bodies submissions are summarised in section 6.0 above. One submission was received a member of the public (Skerries Sailing Club) who raised concerns in relation to the universal access to the harbour. These concerns will be addressed in the following sections of the report.

Design and layout:

The location and design of the proposed works are described in sections 2.0 and 3.0 above. The existing masonry pier is a designated protected structure which dates from the 18th Century and no works are proposed at this section. The proposed development would comprise new sheet pile walls constructed parallel to the existing late 1960's pier extension which is c.9m wide. The c.3m gaps between the pier wall and the new concrete encapsulated sheet pile walls would be filled with rocks. The improved pier would be c.15m wide and c.60m long with a new c.3m high seawall to the S following the demolition of the existing sea wall. The existing lighthouse would be retained, and the additional works include a new fenced access, improved lighting, new bollards and mooring rings, and ladder access to the harbour to the N.

The new structures would be low rise and set back from the existing historic 18th Century pier, and the character and setting of the protected structure would not be adversely affected in line with Development Plan built heritage objectives (Obj.HCAO47). I am satisfied that there would be minimal disturbance to the visual amenities of the area, the works would settle into its coastal environs over time, and the design and layout are therefore considered acceptable.

Visual and residential amenity:

In relation to visual amenity, Skerries Harbour and the surrounding area is characterised by a mix of commercial, residential, recreational, amenity and coastal uses. Skerries harbour serves a small to medium sizes fishing fleet and leisure vessels, and the lifeboat slipway is located to the S of the harbour. The overall lands are located within a coastal zone, seas views from along Harbour Road and Skerries Harbour are protected, and the original 18th Century Pier is a designated protected structure. Skerries Harbour and environs contribute to the overall coastal character of the area. Several Development Plan policies (incl. CS057) seek the protection of features which contribute to landscape character. Given the small scale, low profile and linear nature of the works adjacent to the existing late 1960's pier, the project would not have an adverse impact on visual amenities.

In terms of general residential amenity, the proposed works would not overlook, overshadow, result in a loss of privacy or otherwise adversely affect the amenity of any nearby houses.

The concerns raised by Skerries Sailing Club in relation to universal access for people with varying levels of mobility are noted. These concerns could be addressed by a planning condition which requires the Council to prepare an accessibility plan for the harbour.

Biodiversity:

- 7.2. The site is located within a coastal area and the surrounding area is characterised by a mix of rocky outcrops, sandy beaches, rocky shores and public open space (amenity grassland). The proposed works would be located parallel to the existing late 1960's sheet pile pier extension to Skerries Harbour which is c.60m long, and the waters within the harbour are characterised by marine water habitats with and

muddy sands on the seabed. Skerries Harbour is located adjacent to the boundary of the North-West Irish Sea SPA and close to the Skerries Islands SPA which are designated for a wide variety of sea birds. The harbour and environs may also be important for mobile species from other further afield European sites that are designated for a variety of coastal habitats (incl. Reefs, Estuaries, Salt meadows, Dunes & Mudflats), sea birds, and marine mammals (incl. Harbour porpoise).

The harbour and surrounding area may also provide a habitat, refuge, foraging area or resting place for a variety of terrestrial and aquatic animal species (incl. birds, seals, fish & aquatic invertebrates), which have been described in the submitted documents. This includes an Appropriate Assessment Screening Report and Natural Impact Statement which examined the relationship between the site and its environs, and several European sites. The AA Screening and NIS reports were informed by desk top studies and field surveys which described the ecological characteristics of the receiving environment and identified the potential impacts on European Sites and biodiversity, and the NIS also contains mitigation measures. Potential adverse impacts European sites (incl. SCI species & SAC habitats & species) is addressed in the following sections of this report.

In relation to current ***Development Plan policies and objectives***, several marine and coastal policies and objectives seek to protect biodiversity and support the development of appropriate land-based infrastructure which facilitates marine activity subject to the protection of coastal features, habitats, and species, while several biodiversity policies and objective seek to ensure the protection of designated ecological sites, promote biodiversity and habitat connectivity.

A wide variety of ***bird*** species were noted in the surveys of the harbour, nearby seashore and surrounding coastal area (incl. waterbirds, common species & passerines). Although none were recorded nesting at or close to Skerries Harbour, the harbour walls, nearby rocky outcrops and seashore may have foraging, nesting and roosting potential. Although there would be some disturbance during the construction works, given the small scale, low profile and linear nature of the works adjacent to an existing pier, it is unlikely that the proposed development would cause a long-term disturbance to birds.

The existing harbour, seashore and surrounding coastal environs may provide suitable foraging and/or roosting habitat for **bats** given the characteristics of the harbour structures. It is noted that that the old masonry walls associated with the harbour and surrounding structures may have bat roost potential due to the presence cracks and crevices, and a bat survey should be undertaken as the works have the potential to cause disturbance to bat roosts. However, having regard to the urban character of Harbour Road and environs, and to the notable absence of trees and hedgerows in the nearby public open space, it is unlikely that bats would forage in significant numbers. Given that no Bat species are designated QIs for any of the SACs, I am satisfied that this concern could be addressed by a pre-construction bat survey which should be undertaken before the works commence. In the event that a roost is recorded the applicant should be required to either or avoid works during the nesting season and / or seek a Derogation Licence to enable the safe and humane relocation of any specimens to another suitable nearby habitat, as considered necessary. This could be addressed by way of a planning condition.

The surrounding coastal and estuarine waterbodies may provide suitable support habitat for **marine mammals** and several species of **fish**, including prey species of aquatic invertebrates which form part of the food supply for fish species, marine mammals and seabirds in the wider area. The proposed works have the potential to release and convey deleterious construction materials into the water in the absence of appropriate safeguards which could adversely affect water quality, aquatic invertebrates, benthic and intertidal communities, and fisheries (incl. contamination and habitat loss & degradation), along with general noise and disturbance. However, the mitigation measures contained in the NIS report would ensure that appropriate protection measures are put in place during the works (incl. no concrete mixing or vehicle washing on site, protection of the waterbodies from silt & chemical contamination). The works should adhere to the IFI publication “Guidelines on protection of fisheries during construction works in and adjacent to waters”, works should only take during periods of low tide and water quality should be protected. Noisy construction activities (incl. pile driving) should have a soft start and be ramped up, and a Marine Observer should be engaged during the construction phase to ensure that marine mammals (incl. Seals & Porpoises) are protected during the works. I note that Harbour porpoise is a QI species for the nearby and extensive

Rockabill to Dalkey Island SAC. These concerns could be addressed by way of a planning condition.

No **invasive plant species** were recorded at or in the vicinity of Skerries Harbour during the surveys, however a biosecurity condition should be attached to ensure that the works (and vehicles) do not introduce or contribute to the spread of invasive plant and animal species.

The proposed works would require the removal of a narrow linear section of **intertidal habitat** parallel to the existing pier structure which would have a short-term localised impact on biodiversity in terms of habitat loss and disturbance to fish foraging areas, resting places and refuges during the works, however no adverse long-term impacts are anticipated after the repair works are completed.

It is proposed to appoint an **Ecological Clerk of Works** to oversee the works and the mitigation measures contained in the NIS report would protect sensitive species (incl. birds). The works should be conducted in accordance IFI guidance, and pre-construction surveys for Bats should be required.

In conclusion, having regard to all of the above, the predicted impacts on biodiversity would be temporary and short term as most species will return to the area after the works are complete. It is noted that IFI and NPWS did not raise any objections subject to compliance with recommended conditions (IFI).

Coastal processes & hydrodynamics:

The proposed development would be constructed of sheet piles encased in concrete to withstand the effects of wave action and provide durability in the marine environment, and the harbour seawall would prevent overtopping by waves during storm surges. Given the small scale of the proposed works relative to the overall extent of the wider coastal environment, the locally sheltered location, and the presence of an existing harbour, I am satisfied that the works would not have a

significant impact on coastal processes or tidal patterns in the vicinity. It would not interfere to any noticeable extent with prevailing patterns of sediment transport and deposition, give rise to or exacerbate coastal erosion or excessive levels of deposition in the vicinity or along coast and nearby estuaries.

Cultural heritage:

The original masonry pier at Skerries Harbour is a designated protected structure which dates from the 18th Century. As previously stated, given that the new structures would be low rise and set back from the existing historic pier, the character and setting of the protected structure would not be adversely affected to any significant extent in line with Development Plan built heritage objectives (incl. Obj.HCAO47). The immediately surrounding area is not covered by any sensitive built heritage designations, and the proposed development would not adversely affect the character or setting of any Recorded Monuments or NIAH features in the wider area, nor several buildings in the vicinity that may be of historic interest. The concerns raised by the National Monuments Service and the contents of the Underwater Archaeological Impact Assessment (UAIA) report are also noted. Notwithstanding the conclusions of the UAIA report in relation to the underwater archaeological potential of the site, given the historical evolution of Skerries Harbour since the Early Medieval period, it is possible that the underwater environment may contain historical artefacts that may be uncovered during the works, and archaeological monitoring and recording should be required. These heritage concerns could be addressed by way of a planning condition which requires the implementation of the UAIA mitigation measures and NMS recommended conditions.

Need, effectiveness & alternatives:

I am satisfied that the applicant has provided adequate background information to justify the need for the proposed works which seek to refurbish marine infrastructure, which is in a poor state of repair, as confirmed in the submitted documentation (incl. Structural Assessment & Sheet Pile Surveys), and that the proposed works will function effectively. The Council states that the works are justified as they will provide for increased safety, enhanced functionality, controlled access, extended service life, operational efficiency and technological integration, all of which would ensure economic growth and competitiveness, and sustainable service provision,

and the works would enable the continued use of public infrastructure. I am satisfied, based on my examination of the submitted documents and assessment of the area, that the proposed works constitute an appropriate and proportionate response to the prevailing environmental conditions within the harbour and its environs and that the works would future proof a valuable piece of maritime infrastructure which makes a positive contribution to the economic and tourism base of the area.

As previously stated, the concerns raised by Skerries Sailing Club in relation to universal access for people with varying levels of mobility are noted. These concerns could be addressed by a planning condition which requires the Council to prepare an accessibility plan for the Harbour.

Conclusions:

Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle and that the pier works are justified.

7.3. The likely effects on the environment

The applicant provided an Environmental Impact Assessment Screening Report and Schedule 7 information. The project is not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended) or in the Road Act 1993 (as amended). Furthermore, it does not meet any of the criteria set out in Schedule 7 of the Regulations for determining whether a sub-threshold development would be likely to have significant effects on the environment, with regard to the characteristics of the works, its location and the characteristics of potential impacts.

Having regard to the small scale, low profile and linear nature of the proposed development, which would comprise the installation of sheet piling and concrete encasement adjacent to the existing late 1960's pier, and the characteristics of the receiving environment which is not densely developed or covered by a locally sensitive landscape designations, and notwithstanding its location adjacent to an SPA and proximity to the original 18th Century pier, I am satisfied that the proposed works would not have any significant adverse effects on population and human

health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

Notwithstanding this conclusion, the Council should ensure that the NIS ecological mitigation measures are fully implemented, that pre-construction Bat surveys are undertaken before works commence, that the works do not take place during the bird nesting or fish spawning seasons and that noisy construction activities are diligently controlled.

7.1. The likely significant effects on a European site:

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

7.2. Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

7.3. The Natura Impact Statement

The application was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed works and European sites which was informed by desk top studies and field surveys.

The desk top studies and field surveys described the site and surrounding area. This included details of potential connections between the proposed works and several European sites (incl. North-West Irish Sea SPA). The reports assessed the surrounding coastal environs for Qualifying Interest (QI) habitats and species and Special Conservation Interest (SCI) species for the European sites. The ecological and tidal characteristics of the coastal environs were described. No scheduled invasive species were recorded.

The AA Screening report identified 7 x European sites located within the Zone of Influence (10km radius) of the proposed works, it examined connectivity and characterised the possible effects of the proposed development on these sites. It concluded that significant effects could not be ruled out for any of the sites, and that the preparation of an NIS was required.

The NIS report described the receiving environment and the proposed development. It described the 7 x European sites, listed their QI habitats and species, and SCI species, and described the nature of the connection between the proposed works and the European sites. It characterised the potential effects on the European sites including in-combination effects in view of the site's Conservation Objectives.

The NIS contained 4 x Technical Appendices: -

- A. Marine Birds Distribution Maps
- B. 1km Marine Bird counts (NPWS, 2023)
- C. Harbour Porpoise Observations (2018-2023)
- D. Assessment of in-combination Effects.

The identified effects related to: - potential loss of habitat and prey species; water pollution (incl. sedimentation & contaminated run-off); construction and demolition dust; accidental hydrocarbon spills; noise and vibration; and cumulative impacts. The main mitigation measures include: - site management; dust suppression; and noise control. The NIS formally concluded that the proposed development will not, either alone or in combination with other plans and projects, adversely affect any of the constituent interests of the European sites, in light of their conservation objectives.

7.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge, and details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

7.5. **Appropriate Assessment**

7.6. The proposed development, which would comprise the installation of sheet pile walls encased within concrete at an existing pier. The works would be located adjacent to the boundary of and partly within 1 x European site, in close proximity to 2 x European sites, and within c.10km of 4 other European sites. The project is not directly connected with or necessary to the management of these or any other European sites in the surrounding area.

7.7. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

7.8. The potential likely significant impacts that could arise during the construction and operational phases of the proposed development on the European site's QI habitats and QI and SCI species are:

- Release of sediment & pollutants to surface water during construction.
- Loss of or damage to habitat/resting/nesting/foraging places.
- Noise, disturbance and displacement of species during construction.
- Changes to coastal processes & tidal patterns with resultant impacts on habitats & species.
- Dispersal of invasive species with resultant impacts on habitats & species.

Stage 1 Screening Assessment

The European sites within the Zone of Influence (i.e the area over which an impact can have a potential effect in relation to proximity of European sites and the mobility of faunal species from further afield sites) of the proposed works and approximate separation distances are set out below.

European Site	Special Conservation Interests & Qualifying Interests	Distance	Link
North-West Irish Sea SPA (Site code: 004236)	Red-throated & Great Northern Divers Fulmar, Manx Shearwater & Kittiwake Cormorant, Shag & Common Scoter Little Gull & Herring Gull Black-headed & Common Gulls Lesser & Great Black-backed Gulls Roseate, Common, Arctic & Little Terns Guillemot, Razorbill & Puffin	0km	Yes Mobile & aquatic
Skerries Islands SPA (Site code: 004122)	Cormorant, Shag & Purple Sandpiper Light-bellied Brent Goose Turnstone & Herring Gull	c.0.9km	Yes Mobile & aquatic
Rockabill SPA (Site code: 004014)	Purple Sandpiper Roseate, Common & Arctic Terns	c.3.3km	Yes Mobile & aquatic
River Nanny Estuary and Shore SPA (Site code: 004158)	Oystercatcher Ringed & Golden Plovers Knot, Sanderling & Herring Gull Wetland and Waterbirds	c.13.3km	Yes Mobile & aquatic
Rogerstown Estuary SPA (Site code: (004015)	Greylag Goose, Knot & Dunlin Light-bellied Brent Goose Shelduck, Shoveler & Oystercatcher Ringed & Grey Plovers Black-tailed Godwit & Redshank Wetland and Waterbirds	c.8.0km	Yes Mobile & aquatic
Rockabill to Dalkey Island SAC (Site code: 00300)	Reefs Harbour Porpoise	c.3.0km	Yes Mobile & aquatic

European Site	Special Conservation Interests & Qualifying Interests	Distance	Link
Rogerstown Estuary SAC (Site code: 000208)	Estuaries and White & Grey dunes Mudflats & sandflats not covered by seawater at low tide Salicornia & other annuals colonizing mud and sand Atlantic & Mediterranean salt meadows	c.8.0km	Yes Aquatic

Based on my examination of the NIS report and supporting information (incl. the desktop studies & field surveys), NPWS website, aerial and satellite imagery, the scale of the proposed works and nature of the likely effects, the narrow separation distances, tidal patterns and mobile relationship between the proposed works and the European sites, taken in conjunction with my assessment of the harbour site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the proposed development.

7.9. Stage 2 Appropriate assessment

European sites: SACs

Rockabill to Dalkey Island SAC:

This site includes a range of dynamic inshore and coastal waters in the W Irish Sea. These include sandy and muddy seabed, reefs, sandbanks and islands. This site extends southwards, in a strip c.7km wide and 40km in length, from Rockabill, running adjacent to Howth Head, and crosses Dublin Bay to Frazer Bank in S Co. Dublin. The site encompasses Dalkey, Muglins and Rockabill islands.

Rogerstown Estuary SAC:

Rogerstown Estuary is situated about 2km N of Donabate in Co. Dublin. It is a relatively small, narrow estuary separated from the sea by a sand and shingle bar. The estuary is divided by a causeway and narrow bridge, built in the 1840s to carry the Dublin-Belfast railway line.

SAC Qualifying Interest habitats and species:

These SACs are designated for their importance to a wide variety of habitats and 1 x species, and the full list of QI habitats and species is set out in the table above.

SAC Conservation Objectives:

The Conservation Objectives for the various habitats and species seek to maintain or restore the favourable conservation condition of the habitats and species in the SACs, which are defined by a specific list of attributes and targets.

SAC Qualifying Interests, attributes & targets:

The QIs for the habitats and species, and their attributes & targets are set out below.

Qualifying Interests	Conservation Objectives	Attributes & targets
Estuaries	Maintain	Habitat area (stable or increasing); Community extent (maintain); Community structure (conserve high quality species); and Community distribution (conserve community types).
White & Grey dunes	Restore	Habitat area (increasing): distribution (no decline); Physical structure (maintain sediment supply); Vegetation structure (maintain range of coastal habitats); and Vegetation composition (maintain health of dune grasses & limit non-natives).
Mudflats & sandflats	Maintain	Habitat area (stable or increasing); Community extent (maintain); Physical structure (maintain sediment supply, creeks & pans, and flooding regime); Community structure (maintain range, structure & cover); Vegetation composition (maintain species poor communities); and Vegetation structure (no significant expansion of Cordgrass).
Salicornia & other annuals	Maintain	Habitat area (stable or increasing); Community extent (maintain); Physical structure (maintain sediment supply, creeks & pans, and flooding regime); and Vegetation structure (maintain range of coastal habitats, variation, height & cover).
Atlantic salt meadows & Mediterranean salt meadows	Restore Maintain	Habitat area & distribution (No decline); Physical structure (maintain sediment supply, creeks & pans, and flooding regime); Vegetation structure (maintain range of saltmarsh habitats, structural variation & cover); Vegetation composition (maintain); and Vegetation structure (no significant expansion of Cordgrass).
Reefs	Maintain	Habitat area & Distribution (stable or increasing); and Community types (conserve intertidal reef community complexes).
Harbour porpoise	Maintain	Access to suitable habitat (no artificial barriers to movement); and Disturbance (Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site).

Consideration of potential impacts:

The proposed development would not be located within either of the SACs and it is not relevant to the maintenance of any of the sites, however, there is potential for indirect effects on the SACs during the ***construction and operational phases***.

Potential direct effects: There is no significant potential for direct effects on the SACs during the ***construction and operational phase*** as the proposed development would not be located within either of the European sites.

Potential indirect effects: There is potential for indirect effects on the SACs during the ***construction phase*** as a result of: - disturbance, loss of prey species, water pollution from the unmitigated release of fine sediments in runoff during the works and hydrocarbons by way of accidental spillages from machinery which could give rise to water pollution and chemical contamination, and sediment transfer and siltation, with resultant impacts on habitats and constituent species. This could, in turn, affect the attributes and targets for the QI habitats and constituent species, in the absence of mitigation. Further potential indirect effects relate to the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of habitats by invasive plant and animal species, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. Any resultant impacts on water quality could have a knock-on effect for Harbour porpoise which is a QI for the Rockabill to Dalkey Island SAC in terms of general disturbance, construction related noise and loss of prey species. There is no potential for any significant additional indirect adverse effects during the ***operational phase*** as the proposed works comprise refurbishing an existing pier at Skerries Harbour which has been used by fishing and other vessels since the 18th Century.

Mitigation measures: The NIS report contains a full list of mitigation measures which would serve to protect the European sites and their QI habitats and species from adverse effects, and these include: -

- Site management & best construction practice:
 - No concrete mixing or washing out on site.
 - Designated storage for fuels & waste.

- Protection from siltation & contamination & spill kits.
- Avoid amenity grassland areas (bird foraging).
- Dust suppression
- Adherence relevant guidelines (incl. IFI, CIRIA & SEPA)
- Noise controls.
- Post construction monitoring.

Rogerstown Estuary SAC (Estuaries, White & Grey Dunes, Mudflats & sandflats, Salicornia & other annuals, and Atlantic & Mediterranean salt meadows): is located c.8.0km to the S of the site, and is unlikely to be affected by the project, having regard to the substantial separation distance and the high degree of tidal and estuarine mixing in the surrounding area relative to the extensive size of these habitats and taking account of the small scale of the proposed works and the degree of shelter provided by the existing intervening harbour wall. In the event of any minor disturbances, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. management of sediments & accidental spills, and control of invasive species), the proposed works would not have an adverse impact on the habitats or introduce invasive species during the construction and operational phases. There would be no resultant adverse effects on these QI estuarine and coastal habitats with respect to their attributes and targets (incl. Distribution, Habitat area, Species density, Community Structure & Extent, Physical structure, Vegetation structure or Negative indicator species).

Rockabill to Dalkey Island SAC (Reefs): is located within c.3km to the E of Skerries Harbour at its closest point, and this habitat has the potential to be adversely affected by the proposed works by way of surface water contamination and the introduction or spread of invasive species. However, there would be no loss or contamination of Reef habitat, given that records indicate that it is located a significant distance from the proposed works. Having regard to extensive size of this SAC and Reef habitat relative to the small scale of the proposed works, adjacent to an existing long-established harbour the potential for adverse impacts is unlikely. However, in the event of any disturbance, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (refer

above) the proposed works would not have an adverse impact on this habitat or introduce invasive species to the surrounding area during the construction and operational phases. There would be no resultant adverse effects on this QI coastal habitat with respect to its attributes and targets (incl. Habitat area, Habitat distribution & Community types).

Rockabill to Dalkey Island SAC (Harbour porpoise): the W boundary of this site is located within c.3.0km to the E of the site is it possible what Skerries Harbour lies within the foraging range of Harbour porpoise. The proposed development would not introduce a barrier to movement or interfere with breeding sites on the islands within the SAC given the substantial separation distance to the islands. However, the proposed construction works (incl. pile driving & excavations) could give rise to a short-term noise disturbance, diminution in water quality, and the introduction and spread of invasive species with resultant adverse impacts on prey species for Harbour porpoise. I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. water quality management, control of invasive species, soft-start & ramping up of noisy activities & a Marine Mammal Observer), the proposed works would not have an adverse impact on Harbour porpoise during the construction and operational phases. There would be no resultant adverse effects on this QI species with respect to its attributes and targets (incl. Access to suitable habitat & Human disturbance).

Potential in-combination effects: Potential in-combination effects relate to damage to QI habitats and species because of accidental spillages and sediment run off during the slipway works, and the poorly managed removal of or introduction of invasive species, in-combination with agricultural, fisheries, shipping, recreational, commercial and residential works in the wider area. This could give rise to pollution, contamination and/or colonisation by invasive species, with resultant impacts on water quality, fisheries, and the availability of prey species for Harbour porpoise, having regard to the various plans, projects and activities in the wider area, in the absence of mitigation. However, having regard to the implementation of the mitigation measures, I am satisfied that there would be no adverse cumulative effects on these European sites and their QI habitats and species.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested conditions: 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. IFI requirements should be adhered to in relation to the works. A pre-construction survey for Harbour porpoise should be undertaken, construction noise should have a soft-start and be gradually ramped-up and a Marine Observer should be appointed. Having regard to the location of the works within a maritime environment, the works should be carried out under the supervision of an underwater archaeologist and all discoveries should be recorded.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites (SACs) in light of their Conservation Objectives, subject to the implementation of mitigation measures outlined above.

European sites: SPAs

North-West Irish Sea SPA: constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging & other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

Skerries Islands SPA: are a group of 3 x small uninhabited islands situated between 0.5km and 1.5km off the N Co. Dublin coast. This SPA comprises the 3 x islands and the seas surrounding them, to a distance of 200m from the shore. They are all low-lying with maximum heights ranging from 8m to 13m above sea level. The SPA is of high ornithological importance for both breeding seabirds and wintering

waterfowl. Internationally important populations of breeding Cormorant and nationally important populations of two other breeding seabirds occur on the islands. The wintering population of Light-bellied Brent Goose is of international importance and four other species occur in nationally important numbers during the winter.

River Nanny Estuary & Shore SPA: comprises the estuary of the River Nanny and sections of the shoreline to the N and S of the estuary (c.3 km in length), in Co. Meath. The estuarine channel, which extends inland for almost 2km, is narrow and well sheltered. Sediments are muddy in character and edged by saltmarsh and freshwater marsh/wet grassland. The saltmarsh is best developed in the E portion of the estuarine channel. The shoreline, which is approximately 500m in width to the low tide mark, comprises beach and intertidal habitats. It is a well-exposed shore, with coarse sand sediments. The well-developed beaches, which are backed in places by clay cliffs, provide high tide roosts for the birds. The SPA is of ornithological importance as it supports 5 x species of wintering waterbirds and 1 x gull species in numbers of national importance.

Rockabill SPA: consists of 2 x small, low-lying, granitic islets situated c.7km off the Co. Dublin coast which are separated by a narrow channel, though are connected at low spring tides. This SPA is of ornithological importance as it supports the most important Roseate Tern colony in Europe. It also supports nationally important breeding populations of Common Tern and Arctic Tern, and a nationally important wintering population of Purple Sandpiper. Owing to its international and national importance, Rockabill is a designated Refuge for Fauna.

Rogerstown Estuary SPA: As for Rogerstown Estuary SAC above. This SPA is an important link in the chain of estuaries on the E coast. It supports an internationally important population of Light-bellied Brent Goose and nationally important populations of a further 10 species. It is also a Ramsar Convention site, and part of the SPA is designated as a Statutory Nature Reserve and a Wildfowl Sanctuary.

SPA Special Conservation Interest species:

These SPAs are designated for their importance to a wide variety of sea bird species and the full list of SCI species is set out in the table above.

SPA Conservation Objectives:

The Conservation Objectives for the various bird species seek to maintain and/or restore the favourable conservation condition of the species in the SPAs, which are defined by a specific list of attributes and targets.

SPA Special Conservation Interests, attributes & targets:

The relevant SPA SCIs are summarised the tables above, and their Attributes and Targets relate to the Maintenance or Restoration of Population trends (Long term population trend stable or increasing) and Distribution (No significant decrease in the range, timing or intensity of use of areas other than that occurring from natural patterns of variation).

Consideration of potential impacts:

The proposed development would be located adjacent to the W site boundary of the North West Irish Sea SPA, and the S and E sections of the pier works would be located within this SPA. The proposed development would be located close to Skerries Islands SPA, and at a distance from the Rockabill, River Nanny Estuary & Shore, Rogerstown Estuary & River Nanny and Shore SPAs. The proposed development is not relevant to the maintenance of any of these sites. I note that the desktop and site surveys (incl. NPWS data) did not record the presence of breeding sea birds in significant numbers in the vicinity of the harbour, however the nearby, rocky shores, sandy beaches and amenity grassland areas provide good foraging opportunities for several species.

Potential direct effects: There is potential for direct effects on the North West Irish Sea SPA during the **construction and operational phase** as the S and E sections of the proposed development would be located adjacent to, and partly within the boundary of this extensive European site. The potential direct effects are similar to

the potential indirect effects which are addressed in more detail below. There is no significant potential for direct effects on the other SPAs during the **construction and operational phase** as the proposed development would not be located within any of the European sites.

Potential indirect effects: There is potential for indirect effects on the SPAs and their SCI seabird populations during the **construction phase** as a result of: - water pollution from the unmitigated release of fine sediments in runoff during the works and hydrocarbons by way of accidental spillages from machinery which could give rise to ground and water pollution and chemical contamination, with resultant impacts on food supplies for SCI bird species, and general disturbance, with resultant impacts on the attributes and targets for the SCI bird species, in the absence of mitigation. Further potential effects relate to disturbance to foraging habitat (incl. the nearby rocky shore, sandy beaches & amenity grassland areas), and the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of foraging habitats by invasive plant and animal species, with resultant impacts on the attributes and targets for the SCI species, in the absence of mitigation. There is no potential for any additional indirect adverse effects during the **operational phase** as the proposed works comprise the refurbishment of an existing pier within a long-established harbour, which is already surrounded by commercial and recreational uses.

Mitigation measures: As for SACs above.

Potential in-combination effects: As for the SACs above.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested conditions: As for the SACs above.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in light of their Conservation Objectives, subject to the implementation of mitigation measures outlined above.

7.10. **Appropriate Assessment Conclusions:**

Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the following European sites or any other European site, in view of the site's Conservation Objectives.

- North-West Irish Sea SPA (Site code: 004236)
- Skerries Islands SPA (Site code: 004122)
- Rockabill SPA (Site code: 004014)
- River Nanny Estuary and Shore SPA (Site code: 004158)
- Rogerstown Estuary SPA (Site code: (004015)
- Rockabill to Dalkey Island SAC (Site code: 00300)
- Rogerstown Estuary SAC (Site code: 000208)

8.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including those requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2024,
- (d) the Regional Economic & Spatial Strategy, 2020 - 2032,
- (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 SAC (Site code: 00300)
 - Rogerstown Estuary SAC (Site code: 000208)
- (g) the conservation objectives and special conservation interests for the:
 - North-West Irish Sea SPA (Site code: 004236)
 - Skerries Islands SPA (Site code: 004122)
 - Rockabill SPA (Site code: 004014)
 - River Nanny Estuary and Shore SPA (Site code: 004158)
 - Rogerstown Estuary SPA (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:

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

- North-West Irish Sea SPA (Site code: 004236)
- Skerries Islands SPA (Site code: 004122)
- Rockabill SPA (Site code: 004014)
- River Nanny Estuary and Shore SPA (Site code: 004158)
- Rogerstown Estuary SPA (Site code: (004015)
- Rockabill to Dalkey Island SAC (Site code: 00300)
- Rogerstown Estuary SAC (Site code: 000208)

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

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 SPA (Site code: 004236)
- Skerries Islands SPA (Site code: 004122)
- Rockabill SPA (Site code: 004014)
- River Nanny Estuary and Shore SPA (Site code: 004158)
- Rogerstown Estuary SPA (Site code: (004015)
- Rockabill to Dalkey Island SAC (Site code: 00300)
- Rogerstown Estuary SAC (Site code: 000208)

in view of the site's 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 Site.

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 Site/s, having regard to the site's 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 Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development and 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 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 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 Site and biodiversity.

4. The following nature conservation requirements shall be complied with:
- (a) A pre-construction survey for Harbour porpoise shall be carried out by a suitably qualified marine ecologist, construction noise should have a soft-start and be gradually ramped-up, and a Marine Observer should be appointed.
 - (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.”
 - (c) The works should not take place during the bird breeding or fish spawning seasons.
 - (d) All works (including the use of concrete) shall be undertaken during periods of low tide.
 - (e) 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”.
 - (f) Any areas damaged by machinery or equipment shall be fully reinstated.
 - (g) Prevention measures shall be put in place to prevent the introduction or spread of invasive species.

Reason: In the interest of biodiversity and nature conservation.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

6. The County Council 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 County Council 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 County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works. The mitigations measures contained in the Underwater Archaeological Impact Assessment report shall be fully implemented.

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 County Council shall prepare an 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 interest of the proper planning and sustainable development of the area and social inclusivity.

Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Karla Mc Bride

Senior Planning Inspector

31st May 2023