



An
Coimisiún
Pleanála

Inspector's Report

ABP-320804-24

Development

A small craft harbour. The proposed development at An Daingean Fishery Harbour Centre is located south of the west breakwater and consists of: Dredging of an area of seabed and the disposal of that material to sea; installation of anchoring piles for the marina units; installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks; and all ancillary and associated site works necessary to facilitate the development. A Natura Impact Statement will be submitted to the Planning Authority with the application.

Location

An Daingean Fishery Harbour Centre,
The Woods, An Daingean, Co. Kerry.

Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23871
Applicant(s)	The Minister of the Department of Agriculture, Food and the Marine
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Brian Farrell Frank & Maryann Heidtke John J. O'Connor
Observer(s)	Nuala Moore Eileen Lucey
Date of Site Inspection	1 st May, 2025
Inspector	Robert Speer

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1.0 Site Location and Description

1.1. The proposed development site is located at An Daingean / Dingle Fishery Harbour Centre (FHC), The Woods, An Daingean, Co. Kerry, which occupies a position on the northern shore of Dingle Harbour and serves as a base for an active fishing fleet (including trawlers and smaller fishing craft with a small fish processing plant located nearby) while also including a marina offering 100 No. berths and 20 No. visitor berths for other marine traffic along with a shallow draft anchoring area. The site itself has a stated site area of 2.64 hectares, is broadly rectangular in shape, and is situated south of the western breakwater in an area of open water beyond the existing marina. Access to the site can be obtained via the existing breakwater while the proposed development will involve the provision of a new gangway construction extending from the western end of the breakwater.

2.0 Proposed Development

2.1. The proposed development consists of the construction of an approximately 125 No. berth small craft harbour just south of the west breakwater at Dingle Inner Harbour and includes for the following:

- The dredging of an area of seabed (measuring 2.7 No. hectares) to -3m Chart Datum (CD), plus the area of the side slopes around the perimeter of the -3m CD area which will be at 5 horizontal to 1 vertical (the total seabed footprint of the works will be c. 3.2 No. hectares). This will entail the dredging of approximately 95,000m³ of material which is proposed to be disposed of to sea in Dingle Bay in an area east of the mouth of Dingle Harbour. A 'Dumping at Sea' application for the disposal of the dredged material in the vicinity of a previous disposal site has been sought by the applicant.

Dredging will be undertaken using a backhoe or grab from a floating platform to fill an adjacent barge which will then transport the material to the disposal site for deposition. It is anticipated that the dredging operation will take approximately 3-4 No. months based on c. 1,000m³ per day. This will entail approximately 350 No. trips to the disposal site based on 300m³ capacity of the disposal barge (a larger barge will generate fewer trips).

- The installation of anchoring piles for the marina units. The breakwaters and walkways will be held in position using approximately 100 No. CHS 508-610mm diameter steel piles. These piles will be driven through the seabed overburden and socketed into the underlying rock. Socketing involves drilling into the rock, the placing of concrete in the resulting hole, and the installation of the pile in the concrete which will be held in place until the concrete cures.

The piling operation will involve a jack-up barge with a drilling rig which will be towed into position and moved when required. Piles will be transported to site and placed on the barge from the quayside within the fishing harbour. For each pile a temporary pile casing will be lifted into position and driven through the overburden to refusal after which the rock socket will be drilled (likely by way of rotary percussion). Concrete will be tremmied into the hole and the pipe raised as the hole fills. The steel piles will be lifted into the concrete within the rock-socket and secured after which the casing will be removed over the pile head. Piling will be undertaken after completion of the dredging although there may be some overlapping of the operations. Piling will take 5-6 No. months to complete (based on 1 No. pile every 1-2 days).
- The installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks. Breakwater, walkway and finger units along with other items will be stored as required within a site compound on the adjacent breakwater. The breakwater units may, depending on size and road constraints, be brought to site via sea. The various units will be lifted into the water by crane from the shore and floated into position between being connected to each other and the support piles. The gangway (25m x 2m) will also be lifted into position and fixed to a concrete bank seat constructed on the existing west breakwater and allowed to move on the pontoon as the tide rises and falls.

The above-water area of the small craft harbour is c. 120m x 220m (26,400m²).

- Ancillary and associated site works necessary to facilitate the development, including the installation of power and water outlets, lighting ducting, emergency ladders, lifebuoys etc.

2.2. In response to a request for further information, it has been confirmed that rock blasting will not form part of the construction methodology. It has also been clarified that wastewater from the proposed toilet block and the pump-out facilities for small crafts will be collected and stored within a proprietary sealed double hulled holding tank on the pontoon system by the toilet block and below deck level which will be pumped out when full for disposal into the existing harbour sewer system (this will necessitate extending the existing sewer pipe located at the Marina Centre on the western breakwater c. 130m to the top of the proposed gangway). It will not be permitted to dispose of wastewater directly into the harbour waters.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 21st August, 2024 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 4 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Refers to the implementation of the environmental mitigation measures set out in the submitted plans and particulars, including those contained in the Natura Impact Statement, Ecological Impact Assessment, and the (outline) Construction Environmental Management Plan.

Condition No. 3 –

- a) Refers to the appointment of an appropriately qualified environmental manager with responsibility for ensuring that all environmental control measures are fully implemented and maintained.

- b) Requires the submission and approval of a Construction Environmental Management Plan.
- c) Refers to oil-containment facilities and prohibits the discharge of contaminants into any drain or watercourse.
- d) Refers to the provision and usage of spill kits.
- e) Requires the wastewater storage tank to be fitted with high-level visual and audio alarms. The tank is also required to be emptied and maintained on a regular basis.
- f) Refers to the appointment of an acoustic specialist in the event of noise or nuisance and the implementation of any measures required to abate said nuisance.
- g) Refers to noise monitoring at locations adjacent to the development site.
- h) Prohibits blasting activities.
- i) Specifies the hours of construction.
- j) Refers to the implementation of an agreed Construction and Demolition Resource Waste Management Plan.
- k) Requires any hazardous waste / material generated at the site to be removed to a suitably authorised facility by a suitably licensed waste collector.
- l) Refers to the provision of suitable waste management and storage facilities.

Condition No. 4 – Requires the dredging phase of the project to be monitored under licence from the National Monuments Service by a suitably qualified underwater archaeologist.

3.2. Planning Authority Reports

3.2.1. Planning Reports

An initial report details the site location, planning history, and the relevant policy considerations before providing a brief analysis of the proposal wherein it is stated

that the proposed development is not likely to negatively impact on the residential amenity of the area. In terms of visual impact, the analysis notes that the site location is within the line of views and prospects listed for protection in the County Development Plan while the proposal itself will extend the harbour area southwards into open waters and the views available south-eastwards towards the mouth of Dingle Harbour. In this regard, it is stated that further details are required as regards the potential visual impact and the justification for the selected siting as part of a visual impact assessment report. The report concludes by recommending that further information be sought in respect of a number of items, including those matters raised in the submissions received from the Environmental Services and Environmental Assessment Unit sections of the Local Authority; a Visual Impact Assessment; a justification for the site selection (and any reasonable alternatives considered); photomontages showing the development during high tide conditions with the pontoons fully occupied; flooding implications; and any parking requirement attributable to the proposal.

Following the receipt of a response to a request for additional information, a further report was prepared which states that the details provided are to the satisfaction of the Environmental Services and Environmental Assessment Unit sections of the Local Authority and that while the proposal will have a visual impact, particularly when viewed from land to the northwest (as illustrated by Photomontage Nos. 2, 4, 5 & 6), the principle of the development at the location proposed is considered acceptable. The report subsequently recommends a grant of permission, subject to conditions.

3.2.2. **Other Technical Reports**

Environmental Services: States that the Ecological Impact Assessment submitted with the application sets out the potentially significant ecological effects associated with the development. It proceeds to note that the proposal will require capital dredging and the installation of piles which will result in the release of spoil (rock particles and sediment) to the water column potentially affecting local water quality and generating sediment plumes. The report continues by referencing the analysis of water sampling conducted in Dingle Harbour in 2007 before subsequently requesting that current baseline monitoring of the local coastal waters be carried out at the proposed site for the installation of the anchoring piles / marina units and the

proposed dredging of the seabed. It is further stated that the parameters of the analysis must take into consideration the surface water quality regulations for coastal waters as outlined in the EU Environmental Objectives (Surface Waters) Regulations, as amended. Clarity is also required as regards how wastewater generated from small crafts is to be managed once berthed at the harbour.

Environment Dept.: Following consideration of the applicant's response to a request for further information, it is recommended that certain conditions be attached in the event of a grant of permission.

County Archaeologist: Refers to the Archaeological Impact Assessment submitted with the application which notes that while there are no features listed in the Record of Monuments & Places located in proximity to the proposed development site, the potential arises for underwater archaeological features, strata and / or artefacts to be encountered during the dredging phase of the project and, therefore, it is recommended that this phase of the works be monitored under licence from the National Monuments Service by a suitably qualified underwater archaeologist. Accordingly, the County Archaeologist has recommended that this mitigation be required as a condition of any decision to grant permission.

Environmental Assessment Unit: An initial report provides an overview of the proposed development and notes that a concurrent application has been made to the Environmental Protection Agency as regards the dumping at sea of dredged material (EPA Reg. No. S0036-01). It also notes that various mitigation measures are set out in the Ecological Impact Assessment and the Natura Impact Statement, including measures to reduce and avoid the potential impact of piling, dredging and dumping on Grey Seals and Harbour Porpoise (and other marine mammals).

Reference is made to the benthic ecological report which refers to the proposed removal of 100,000m³ of muddy sands and sandy muds from the area of the proposed marina supporting a biotope very common in Irish coastal waters and the deposition of the resulting sediment at the disposal site. The report subsequently states that although the main impact associated with the dredge spoil disposal will be the smothering of the benthos following the deposition of large volumes of sediment onto the seabed, the disposal site has been previously used for the same purpose and the benthic survey results submitted indicate no evident residual effects from

this level of sediment at this location. While it is considered reasonable that the benthic survey recommends the disposal of spoil in late autumn and winter to allow for larval settlement in spring and summer, this is deemed to be a matter for the EPA as the competent authority for dumping at sea applications. Notwithstanding, it is noted that the overlapping of the proposed dumping period with that of migratory salmonid fish movements, including those moving between the sea to the Milltown River, has not been addressed in the submitted environmental reports.

The report continues by stating that the Ecological Impact Assessment does not consider the operational stage impacts to any great extent. Furthermore, while it appears underwater blasting is not likely to be required, reference is made to same in some of the supporting documentation. Accordingly, it is recommended that further information be requested in relation to these matters.

With respect to appropriate assessment, it is noted that the AA Screening Report has screened in waterbirds and marine mammals from other distant European Sites for consideration in the Natura Impact Statement. In this regard, the Environmental Assessment Unit is satisfied that no European Sites have been incorrectly screened out in the AA Screening Report. However, given that some of the uncertainties previously outlined are of relevance to Appropriate Assessment, the impact on European Sites is also deemed to be uncertain at this stage.

The report concludes by recommending that further information be sought in relation to the following:

- An assessment of the potential impact on salmonid fish due to the proposed dumping at sea overlapping with migratory salmonid fish movements.
- Clarity as to whether underwater rock blasting forms part of the proposal, and if so, the submission of addenda to the environmental assessments, as necessary, to include an assessment of same.
- Clarity as to whether the proposal caters for the emptying of small craft wastewater storage tanks and details of the arrangements for the removal of waste from the proposed toilet facilities on the pontoons / breakwaters.
- Addenda to the Ecological Impact Assessment and the Natura Impact Statement identifying and assessing potential operational stage impacts of the

proposal including consideration of small craft discharges, species disturbance and any operational changes to the ecology of the area likely to occur from the provision of the marina / harbour extension (e.g. through the provision of settlement surface for flora, as well as foraging opportunities and shelter for a wide range of fauna). Details of operational stage dredging requirements should also be provided, where relevant.

- The submission of an EIA Screening Report for the proposal and an EIAR, if necessary.
- A description of the reasonable alternatives, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment including ecological, visual / landscape and amenity. This should include the consideration of alternative locations and designs (e.g. extended harbour, floating breakwaters without steel piles)

Following the receipt of a response to a request for additional information, a further report was prepared which states that the lacunae previously identified within the Ecological Impact Assessment have been addressed adequately (including those related to the overlapping with fish movements and operational stage impacts). It also notes that underwater blasting will not be required as part of the proposal. It further states that lacunae within the Natura Impact Statement have been adequately addressed and that the proposal is not likely to adversely affect any European Site. The report thus concludes by recommending the attachment of conditions in the event of a grant of permission.

3.3. Prescribed Bodies

3.3.1. *Department of Agriculture, Food and the Marine (Foreshore Section):* No comments.

3.3.2. *Environmental Health Officer:* Recommends that the proposal comply with all legal limits, as appropriate, and ensure that all necessary control measures using best available technology are undertaken during the proposed development. All measures are to be implemented to control all waste, water pollution, public health nuisance, light pollution, traffic impacts, interruptions to services, access issues, and all

associated emissions (noise, air, odour, dust etc.) in order to remediate all health impacts.

It is also recommended that measures be implemented to protect any sensitive receptors in the area from construction impacts and that a system be put in place to effectively deal with any complaints during the construction of the development (any such system should include the designation of a competent person to liaise with the local community in the event of public complaints and to ensure that remedial action is undertaken where necessary). In addition, a Construction Environmental Management Plan (CEMP) should be followed to ensure that the proposal is constructed in accordance with best practice and with minimum impact on the surrounding environment.

3.3.3. *Uisce Eireann / Irish Water*: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A total of 6 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The 'privatisation' of scenic public views and the damage of public amenities.
- The environmental impact of the proposed development on water quality, wildlife, marine ecosystems, habitats etc. in addition to the potential for increased water, light and noise pollution.
- The failure to demonstrate the socio-economic need for development or the benefits arising.
- The additional boats and marina activity will exacerbate the issues of overcrowding (particularly during the peak tourist season) in the area placing a strain on community resources and infringing on the quality of life locally as well as social sustainability.
- The increased traffic volumes and noise attributable to the proposed development will detract from the surrounding area.

- The absence of any proposed car parking provision / the additional demands expected to be placed on existing car parking and the potential for the increased traffic congestion.
- The description of the proposed development as set out in the public notices is misleading and serves to misrepresent the nature and scale of the proposal, with particular reference to use of the term 'small craft type pontoons'.
- The expansion of the marina as proposed will serve to reduce the usable area available to local private boat owners.
- The lack of a clear justification for the additional marina capacity and concerns as regards the rationale for the proposal and any potential changes to the future operation / purpose of the harbour.
- Overdevelopment of the water space currently available to harbour users and increased traffic movements to / from the harbour.
- The additional marina space will contribute to 'tourism fatigue' / over-tourism in the town with a further reduction in the quality of life of local residents due to increased traffic congestion, crowded footpaths, inadequate car parking etc.
- Water pollution concerns attributable to the likely increased discharge of untreated wastewaters ('black', 'grey' and bilge water) from boats into the harbour / marina basin.
- Clarity as to whether the proposed development requires environmental impact assessment. If the extension brings the total berthage to over 300 No. berths, the Planning and Development Regulations, 2001, as amended, would seem to indicate a requirement for an EIAR.
- The unsightly and obtrusive appearance of the proposed development, with particular reference to the steel poles rising out of the water to a height of more than 6m, will have a detrimental impact on the visual amenity of the harbour and the surrounding area.

- The siting of the proposed marina beyond the existing breakwater in an area of open water will be a most inhospitable place during easterly / southeasterly gales.
- The entrance / exit to the proposed marina leads out into the pathway for all other boat traffic and activities in the harbour and is immediately beside the entrance / exit of the existing marina. This arrangement will create a 'bottleneck' for harbour activities.
- The impact on the holding of events such as the annual Dingle regatta and (more recently) the All-Ireland Coastal Rowing Championships as well as the safety and activities of the local rowing club.
- The development will alter the suitability of the area to accommodate water-based activities.
- The extent and duration of the construction works will likely impact on the amenity and enjoyment of the existing marina walkway etc.
- The submitted plans and particulars, including the photomontages, do not give a clear impression of the scale and extent of the proposed development (with particular reference to incidences of full occupation at high tide).
- Serious concerns arise as regards the suitability of the proposed floating breakwater and its ability to withstand harsh weather. In the absence of a proper construction, the additional berths, structures, vessels and their users will be vulnerable to severe weather.
- The proposed development will obstruct the views available from the Western Breakwater which forms a viewing point along the Wild Atlantic Way.
- The construction will be out of character with its much photographed and internationally famous scenic surroundings.
- It is unclear if any less intrusive alternative options have been explored with a view to providing additional berths in a more town-friendly and environmentally friendly manner.
- There has been a lack of consultation with local residents as regards the proposed development.

- Non-compliance with several aspects of Section 2 of the Dingle Local Area Plan, 2015-2021.
- The overall design and architectural standard of the proposed development does not take adequate cognisance of the unique character and appearance of the town.
- The proposal should be subjected to flood impact assessment given that the OPW's predictive mapping shows the Western Breakwater underwater thereby isolating the proposed development.
- It will need to be established that the proposal complies with the requirements of the Local Area Plan for an Urban Design Statement that includes a site analysis and design assessment.
- There is a need for an architectural impact assessment / statement.

4.0 Planning History

4.1. On Site:

None.

4.2. Dumping at Sea Permit Application (Environmental Protection Agency):

- 4.2.1. EPA Reg. No. S0036-01. Application by the Department of Agriculture, Food and the Marine with respect to capital dredging works related to a new small craft harbour in An Daingean FHC with the loading area located just south of the west breakwater at Dingle Inner Harbour and the proposed disposal site located 250m south of the rocky cliffs of Dunshean Head, 350m from Beenbane Point, 1770m from Bull's Head and 1540m from Reenbeg Point. No decision to date.

4.3. On Adjacent Sites:

- 4.3.1. PA Ref. No. 95567. Was granted on 2nd September, 1996 permitting the Dingle Harbour Commission permission for two portable units for use as toilet and washing facilities and offices at the pier and marina, Dingle, Co. Kerry.

4.4. On Sites in the Immediate Vicinity:

- 4.4.1. PA Ref. No. 073308. Was granted on 14th November, 2007 permitting the Minister for Communications, Marine & Natural Resources permission to construct a new

slipway 10m in width and c. 50m in length, at The Wood, An Daingean, Fishery Harbour Centre, Co. Kerry.

4.4.2. PA Ref. No. 073457. Was granted on 26th November, 2007 permitting the Minister for Communications, Marine and Natural Resources permission to construct a new pontoon approximately 11m in length at The Wood, An Daingean Fishery, Harbour Centre, Co. Kerry.

4.4.3. PA Ref. No. 10341. Was granted on 5th July, 2020 permitting the Minister for Agriculture, Fisheries and Food permission to construct a single storey office building with all necessary associated site works at An Daingean Fishery Harbour Centre, Dingle, Co. Kerry.

4.5. **Other Relevant Files:**

4.5.1. PA Ref. No. 17543. Was granted on 4th September, 2017 permitting the Minister for Agriculture, Food and the Marine permission to extend the floating pontoon facilities within the eastern basin at An Daingean Fishery Harbour Centre, Farranakilla, Dingle, Co. Kerry.

4.5.2. PA Ref. No. 21822. Was granted on 15th October, 2021 permitting the Minister for Agriculture, Food and the Marine permission to remove the existing passenger pontoon facilities, install new passenger pontoon facilities, and all associated site works at the eastern basin at An Daingean Fishery Harbour Centre, Farranakilla, Dingle, Co. Kerry.

5.0 **Policy Context**

5.1. **National Policy:**

5.1.1. **Project Ireland 2040 - The National Planning Framework: First Revision (April, 2025):**

The National Planning Framework (NPF) sets out a vision for the future development of the country and includes strategic goals in respect of realising Ireland's island and marine potential. It contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) which can be summarised as follows:

- NSO 3: Strengthened rural economies and communities.

- *NSO 7*: Enhanced amenities and heritage.
- *NPO 48*: Regional, metropolitan and local development plans will take account of and integrate relevant maritime spatial planning issues.
- *NPO 49*: Support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands.
- *NPO 50*: Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance, State Fishing Harbours and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, and plans at local level to ensure the effective growth and sustainable development of the city regions and regional and rural areas, in accordance with National Ports Policy.
- *NPO 52*: Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality.
- *NPO 53*: In line with the collective aims of national policy regarding climate adaptation and the associated legislative provisions, to take account of the effects of sea level changes and coastal erosion in planning and development management and to support the implementation of adaptation responses to limit risks to communities and coastal ecosystems from the impacts of coastal change.

5.1.2. **National Marine Planning Framework, 2021:**

The National Marine Planning Framework (NMPF) is underpinned by Directive 2014/89/EU and brings together all marine-based human activities for the first time, outlining the government's vision, objectives and marine planning policies for each marine activity. The NMPF details how these marine activities, such as fisheries (Chapter 16), ports, harbours and shipping (Chapter 18), safety at sea (Chapter 19), sport and recreation (Chapter 21), tourism (Chapter 23), and wastewater treatment & disposal (Chapter 24), will interact with each other in an ocean space that is under increasing spatial pressure, ensuring the sustainable use of marine resources to 2040.

5.2. **Regional Policy:**

5.2.1. **Regional Spatial & Economic Strategy for the Southern Region, 2020-2032:**

The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. The strategy updates the South East Regional Authority Regional Planning Guidelines, 2010-2022 and supports the transition towards a low carbon economy and climate resilient society across all sectors. Relevant Policy Objectives with respect to tourism, marine & coastal assets, fisheries & aquaculture, and the region's strategic port & harbour assets, include:

- *RPO 5: Tourism:*

It is an objective to:

- a) Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure inter alia;
- b) Promote activity tourism subject to subject to appropriate site selection and environmental assessment processes;

- *RPO 76: Marine Economy:*

It is an objective to ensure alignment, and consistency between land use and ocean-based planning, and to ensure co-ordination, which supports the protection of the marine environment and the growth of the marine economy.

- *RPO 81: Fishery Harbour Centres and Local Authority Harbours:*

It is an objective to seek investment in the sustainable development of infrastructure improvements to Fishery Harbour Centres and Local Authority Harbours in the Southern Region. Robust site selection and environmental feasibility and assessment is required in advance of seeking investment.

- *RPO 142: Ports:*

It is an objective to strengthen investment to deliver actions under National Ports Policy and investment in sustainable infrastructure projects that:

- a) Strengthen and develop the strategic international, national and regional economic roles of our Tier 1 Ports (Port of Cork and Shannon-Foynes Port) and Tier 2 Ports (Port of Waterford and Rosslare Europort) and support the strategic role of our region's port and harbour assets under the National Marine Planning Framework;
- c) Strengthen and develop the strategic regional economic role of other regional fishery harbours, ports and harbours;
- d) Support the export, fisheries, marine tourism and marine economy potential of port and harbour assets in the Southern Region as listed in Table 6.2 and support investment in the transition to smart technologies of port and harbour assets.
- f) Development proposals will be subject to environmental assessment, implementation of mitigation measures outlined in applicable SEAs and AAs and feasibility studies to establish that any expansions can be achieved without adverse effects on any European sites and within the carrying capacity of the receiving environment of the ports.

5.3. Local Policy:

5.3.1. Kerry County Development Plan, 2022-2028:

Volume 1:

Chapter 4: Towns and Villages:

Section 4.4.4.1.2: Regional Towns (incl. Dingle / Daingean Uí Chúis):

KCDP 4-63: Encourage and facilitate sustainable tourism related retail developments and initiatives, of appropriate scale, in the vicinity of tourist town centres.

Chapter 6: Sustainable Communities:

Section 6.3: Community Infrastructure, Services and Facilities:

Section 6.3.1: Sporting, Leisure Facilities and Open Space:

KCDP 6-32: Facilitate the sustainable provision of sports facilities having regard to local recreational needs.

Chapter 8: Gaeltacht Areas, Culture & Heritage:

Section 8.1: Gaeltacht Areas:

Section 8.1.4.4: Dingle Peninsula 2030

KCDP 8-17: Facilitate and support the Dingle Peninsula 2030 initiative which includes the Energy master plan, Precision Farming, Marine-water Quality monitoring and Sustainable tourism & transport.

Section 8.3: Archaeological Heritage:

Section 8.3.1: Recorded Archaeological Monuments

Section 8.3.3: Underwater Archaeology:

KCDP 8-24: (i) Secure the preservation in situ of all sites, features, protected wrecks and objects of archaeological interest within the county. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service, Department of Housing, Local Government and Heritage, the National Museum of Ireland, and the County Archaeologist.

(ii) Ensure that proposed development (due to location, size, or nature) which may have implications for the archaeological heritage of the county will be subject to an Archaeological Assessment (including Underwater Archaeological Impact Assessment) which may lead to further subsequent archaeological mitigation – buffer zones/exclusion zones, monitoring, pre-development archaeological testing, archaeological excavation and/or refusal of planning permission. This includes areas close to archaeological monuments, development sites which are extensive in area (half hectare or more) or length (1km or more) or include potential impacts on underwater cultural heritage and development that requires an Environmental Impact Assessment.

KCDP 8-26: Protect and preserve and promote the underwater archaeological heritage of the county. In assessing proposals for

development, the Council will take account of the Archaeological Potential of rivers, lakes, intertidal and sub-tidal environments. Where flood relief schemes are being undertaken the Council will have regard to the Archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW 2021).

KCDP 8-30: Protect and preserve the industrial, military, maritime, riverine, lacustrine and post-medieval archaeological heritage of the county as reflected in such sites as mills, lighthouses, harbours, Valentia cable station, gun batteries, towers, and demesnes. Proposals for refurbishment, works to or redevelopment of these sites should be subject to a full architectural and archaeological assessment including, where appropriate, Underwater Archaeological Impact Assessment.

Section 8.4: *Built Architectural Heritage*

Chapter 9: Economic Development:

KCDP 9-13: Support and promote the recovery of the Tourism Sector in Kerry as it recovers from the effects of the Covid 19 pandemic and re-establishes itself as one of the county's key economic drivers.

Section 9.7.6.2.4: *Fishing / Aquaculture:*

KCDP 9-75: Support and promote the sustainable development of the marine and aquaculture sectors.

KCDP 9-79: Support the protection of water quality, key habitat, and other natural resource requirements necessary to safeguard coastal, estuarine and freshwater fisheries.

Section 9.7.9: *Marine Sector:*

KCDP 9-81: Support the existing diverse nature of the marine sector in Kerry, and identify and promote sustainable growth opportunities, while protecting European sites. This shall be achieved through engagement and partnership with the relevant agencies, sectoral representatives and local communities.

KCDP 9-82: Ensure that proposals for economic development associated with the marine sector are cognisant of the sensitivities of Kerry's coastal locations and that relevant environmental issues are appropriately considered.

KCDP 9-83: Support the sustainable growth and development of the marine sector and marine economy through the implementation of the National Marine Planning Framework and by facilitating marine related development at appropriate locations in the towns, villages, ports and harbours of the county subject to compliance with the relevant Directives, the relevant objectives in this Plan and normal planning and environmental criteria.

KCDP 9-84: Support the export, fisheries, marine tourism and marine economy potential of ports and harbours in the county. All development proposals will be subject to environmental assessment, implementation of mitigation measures outlined in applicable SEAs and AAs and feasibility studies to establish that any expansions can be achieved without adverse effects on any European sites and within the carrying capacity of the receiving environment of the ports.

KCDP 9-85: Facilitate the sustainable development of the fisheries and aquaculture and support its diversification at appropriate locations having regard to best environmental practice in order to maximise its contribution to employment and the economic well-being of rural coastal communities.

Chapter 10: Tourism & Outdoor Recreation:

Section 10.3.4: Tourism Infrastructure

KCDP 10-21: Promote and support the sustainable development of all weather and family-friendly attractions and amenities in appropriate locations that will contribute to the dispersal of tourism throughout the County.

KCDP 10-22: Facilitate the development of the necessary tourism infrastructure, visitor attractions and supporting facilities at appropriate locations in the County in a manner that does not have an adverse impact on the locality, host community and environment.

Section 10.4: *Tourism and Outdoor Recreation Categories:*

Section 10.4.1.3: *Water-Based Tourism:*

KCDP 10-48: Promote opportunities for enterprise and employment creation in marine tourism where it can be demonstrated that the development will not impact negatively on the marine environment.

KCDP 10-51: Support the sustainable expansion of non-commercial fishing activities in coastal communities and the development of complementary on-shore landing and hospitality facilities / services.

Chapter 11: Environment:

Section 11.2: *Biodiversity:*

KCDP 11-1: Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

KCDP 11-2: Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

Section 11.4: *Marine:*

KCDP 11-45: Support and facilitate the implementation of the Marine Strategy Framework (and/or any other resultant strategy) under the Marine Strategy Framework Directive (2008/56/EC).

KCDP 11-46: Take an ecosystems-based approach to the assessment of the potential impact of development proposals on coastal and maritime areas. Proposals will be required to demonstrate that there will be no likely significant adverse impact on key environmental attributes.

Section 11.4.1: *Marine Spatial Planning*

Section 11.6: *Landscape:*

KCDP 11-77: Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

KCDP 11-78: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

Section 11.6.3: *Landscape Designations*

Section 11.6.5: *Views and Prospects*

KCDP 11-79: Preserve the views and prospects as defined on Maps contained in Volume 4.

KCDP 11-81: Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

Chapter 13: Water & Waste Management:

Section 13.2: *Water Quality and Water Resources*

Section 13.2.1.1: *Water Framework Directive (WFD) and the National River Basin Management Plan*

KCDP 13-1: Ensure compliance with the Water Framework Directive.

Chapter 14: Connectivity:

Section 14.7: *Ports, Harbours & Piers:*

The establishment and maintenance of the piers, ports and harbours of the County are important to the local economic base of an area. There are many such facilities located along the length of the Kerry coastline. In particular the Shannon Estuary, Fenit Port, Dingle Fishery Harbour Centre and by extension Foynes Port are of strategic importance in terms of their fishing and commercial base. The sustainable development of these facilities offers significant economic potential both to peripheral areas of the county and the wider region. The maintenance and development of these facilities including road access is essential to ensure ongoing navigational and operational effectiveness. It is an objective of this plan therefore to facilitate ongoing dredging and maintenance works to these facilities.

County Kerry has all of the natural resources necessary to develop a vibrant and successful marine leisure and tourism sector. The sustainable establishment of a necklace of Marinas, located at appropriate and strategic locations around the coast, is important for the development of marine tourism. The protection of the environmental attributes which underpin the marine tourism industry is a key requirement of this plan and only developments that have no significant adverse effects on the environment including the integrity of the built, natural or cultural heritage will be considered.

KCDP 14-62: Facilitate and support the sustainable development and improvement (including dredging and sediment removal) of existing ports, marinas, harbour facilities, piers, slipways, and associated shore facilities to maintain navigational and operational effectiveness.

KCDP 14-63: Promote and investigate the potential for sustainably developing harbours, marinas and piers for increased usage including cruiser stopovers and greater economic benefit.

KCDP 14-64: Sustainably improve marina, port and harbour infrastructure in the County and to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long-term economic potential (including access) of the port or harbour.

KCDP 14-67: Safeguard and enhance the roles of Dingle / Daingean Uí Chuis, Fenit, Portmagee, Cahersiveen as centres of fishing fleet activity, processing and ancillary services and to facilitate the sustainable diversification of such locations into new areas of appropriate investment and employment opportunities, including marine related economic activity.

Vol. 6:

Chapter 1: Development Management Standards & Guidelines

Section 1.3: General Standards applicable to all Development Types

Section 1.12: Tourism Related Developments

Section 1.18: Marine and Coastal Management

5.3.2. **Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027:**

Section 2:

Section 2.1.3: Strategic Issues:

- The further development of Dingle / Daingean Uí Chúis' harbour / port for fishing, tourism and recreational use and as a potential service port for the maintenance of potential future offshore energy projects.

Section 3:

Part A - General Development in the Settlements

Section 3.1: Overall Policies & Objectives

Section 3.1.2: Regional Town – Dingle / Daingean Uí Chúis

WK-RT-1: Ensure that Dingle / Daingean Uí Chúis, is a driver of county and regional prosperity by harnessing its strategic location and position in the Dingle Peninsula; its strong urban structure, port facilities, existing tourism, retail, service and accommodation base; and other competitive advantages.

WK-RT-2: Promote a vibrant and culturally-rich town centre with enhanced social inclusion, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all.

Part B – Regional Town:

Section 3.2: Dingle Daingean Uí Chúis

Section 3.2.5: Sectoral Strategies and Objectives

Section 3.2.5.1: Employment and Economic Activity

D-EEA-04: Facilitate the further sustainable development of the Harbour / Waterfront / Marina area as a potential economic generator.

D-EEA-05: Support the fishing industry and marine related activities.

Section 3.2.5.2: Harbour & Marine Activity:

The Department of Agriculture, Food & Marine has identified Dingle / Daingean Uí Chúis as a major port and harbour which has an important role in the continuing success of the marine – leisure, recreation and tourism sectors in the County.

Support for the fishing industry remains the central focus of the harbour. Fishing is a significant source of income and direct employment for the area and also contributes indirectly, through fish exports, processing and restaurants.

In Dingle, Irish vessels landed almost €7million worth of fish totalling 3,915 tonnes in 2018; down from 4,853 the previous year while landings by foreign vessels increased around five-fold in 2018.

The marina within the harbour acts as a base for sailing, rowing, angling and diving. The marina centre houses on-shore facilities for these activities, and also contains a café and chandlery. A number of tourism focused boat trips operate from the harbour including interactive dolphin tours, powerboating and seasonal services to the Blasket Islands.

Shore-based activities are an integral part of the harbour's focus as a tourism destination and as a working and amenity harbour. Activities such as swimming, walking and angling along the shoreline have been enjoyed locally since well before tourism became established as a source of income for the town. With the recent increase in numbers visiting the town, such activities are popular.

Section 3.2.5.5: Tourism

The marina is a major amenity and tourism asset and capitalises on maritime tourism, which it is hoped will act as a catalyst for further development. Fishing trips,

boat tours, sailing, rowing, angling and diving provide further recreational activities. There is also an opportunity to further promote the town as a base for water activity/outdoor adventure centre of the South-West region and develop its own ecotourism brand in a sustainable manner. With the co-operation and joined up thinking the town can further capitalise on the up-surge of outdoor activities and adventure breaks in recent years. It is proposed that all new amenity developments shall reinforce the existing character with special emphasis being placed on developing new urban amenity spaces particularly capitalising on the waterfront.

The plan encourages the sustainable improvement of existing and new recreational facilities at appropriate locations which would focus on particular strengths of the town, e.g. water activity, sailing, canoeing, sea angling /fishing etc, and as a base for walking/cycling and other similar activities.

D-T-4: Encourage the sustainable improvement of existing and new recreational facilities at appropriate locations.

D-T-5: Promote the development potential of the harbour/marina area in a sustainable manner.

5.4. Natural Heritage Designations

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Mount Brandon Special Area of Conservation (Site Code: 000375), approximately 925m north of the site.
- Mount Brandon Proposed Natural Heritage Area (Site Code: 000375) approximately 925m north of the site.
- Burnham Inlet Proposed Natural Heritage Area (Site Code: 001960), approximately 1.7km southwest of the site.
- Dingle Peninsula Special Protection Area (Site Code: 004153), approximately 1.8km south of the site.
- Emlagh East Salt Marshes Proposed Natural Heritage Area (Site Code: 001961), approximately 3.4km east of the site.

6.0 EIA Screening

- 6.1. Please refer to the pre-screening and EIA screening (Forms 1 and 3) appended to this report.
- 6.2. The proposed development is sub-threshold for the purposes of Part 10 of the Planning and Development Regulations, 2001, as amended, by reference to Classes 2(d), 10(e) and 12(b) of Part 2 of Schedule 5 of those Regulations.
- Class 10(e): New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500m in length.
 - Class 12(b): Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.
- 6.3. In this regard, given the overall design and nature of the proposed development, it is my opinion that the proposal is more akin to a 'marina'-type development rather than an extension to the existing harbour, although I would acknowledge the functional relationship between the existing and proposed components.
- 6.4. The application has been accompanied by the information set out in Schedule 7A and Article 103 of the Regulations.
- 6.5. An EIA screening determination has been carried out (please refer to Appendix 2) and it is concluded that the proposed development would not be likely to have a significant effect on the environment and that an environmental impact assessment report is not required as follows:
- 6.6. Having regard to:
- a) the limited nature and scale of the proposed development, which is below the thresholds in respect of Classes 10(e) & 12(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended,
 - b) the nature of the existing site and the pattern of development in the vicinity,
 - c) the availability of mains water and wastewater services to serve the proposed development,

- d) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
- e) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- g) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the project Ecological Impact Assessment, Construction Environmental Management Plan and Natura Impact Statement,

6.7. It is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. *John J. O'Connor:*

- It is implicit in the reasoning for the decision to grant permission that some injury will accrue to the amenities of the area consequent on the proposed development. In this regard, it is submitted that the photomontages clearly demonstrate the visual intrusiveness of the proposal within the ‘highly sensitive’ landscape of Dingle Harbour (which has been designated a ‘highly sensitive’ area in the County Development Plan that is bounded by ‘visually sensitive areas’ with views and prospects listed for protection, all of which serve to highlight the scenic qualities of the harbour).

- The County Development Plan includes various provisions and objectives intended to protect landscapes and visually sensitive areas, and to preserve the scenic quality of the county and its coastline. These include the following:
 - Section 11.6.3.1: Visually Sensitive Areas;
 - Section 11.6.5: Views and Prospects; and
 - Objective Nos. KCDP 11-69, KCDP 11-70, KCDP 11-71, KCDP 11-79, KCDP 11-80 & KCDP 11-81.

With respect to the Viewpoint Location Map and the accompanying photomontages provided by the applicant in response to the request for further information, while the imagery generated from VP 4 shows the proposed marina ending (southward) at the shore downward from the lighthouse thereby leaving the harbour's mouth open to view, VP 4 is not located at the easternmost end of the prospect listed for protection in the Development Plan (i.e. those views available from that section of the R559 Sleah Head Drive extending between the Dingle Whiskey Distillery at Milltown Bridge and Brian de Staic Jewellery further east). An image generated from the 'de Staic' building at the eastern end of the prospect would show that views towards the mouth of Dingle Harbour would be completely closed off by the proposed marina. The proposed marina would 'gain' on views of the harbour's mouth when travelling from Milltown Bridge towards the 'de Staic' building eventually closing off said view. The positioning of VP 4 could give the impression that the photomontage shows the maximum injury to the view caused by the proposed marina from that point, however, on travelling further east as far as the 'de Staic' building (and beyond along the rear of residences in The Wood) the marina will gradually close off views towards the harbour mouth. Therefore, it is submitted that VP 4 avoids showing the full visual impact of the proposed development on the harbour.

- The decision to grant permission has not given adequate consideration to the following objectives of the County Development Plan:
 - KCDP 11-79: Preserve the views and prospects as defined on Maps contained in Volume 4.

- KCDP 11-81: Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.
- It is questionable whether the photomontages submitted by way of further information show the proposed development at high water as evidenced by VPs 4 & 6 where the (weed) high-water mark on the breakwater does not match the proposed floating marina.
- It is arguable whether the boats shown berthed at the proposed marina (VP 1) are of the type envisaged. No boats with high masts are shown in this viewpoint while the yachts are lacking masts. Given that none of the photomontages depict boats with tall masts, a false impression is given of the final appearance and visual impact of the proposed development.
- None of the scenic harbour views included in the Visual Impact Assessment Report (VIAR) are from the western aspect of Milltown Bridge or the prospect leading from the bridge to the 'de Staic' building notwithstanding that it is this stretch of the Sleah Head Drive and the Wild Atlantic Way which provides the fullest appreciation of Dingle Harbour. Any assessment of the proposal should address the visual impact from all aspects of the harbour, especially those available along a popular car / cycling / coach route, and this is a serious failing of the VIAR.
- The VIAR replicates much of the information available in the County Development Plan and other sources and contains few new observations other than spurious assessments of the scenic views from a list of 9 No. indexed viewpoints. The applicant's assessment of the potential visual impact at four of these viewpoints (Viewpoint Nos. 1, 4, 5 & 6) is not accepted and a higher rating should be applied although it is acknowledged that any such assessment is subjective.
- The VIAR does not support the case for the proposed marina and should not be relied upon to inform any decision to grant permission.
- A Wild Atlantic Way viewing point is situated on the breakwater overlooking Dingle Harbour and the proposed development will obstruct same.

- While it has been submitted that there are 30-40 No. vessels on a berthing waiting list, this is not a hardship and a marina berth is not an entitlement.
- The additional berthing requirement suggested is queried given that Dingle already has two marinas.
- The application alludes to service berths for the fishing industry, however, the local fishing industry is negligible. The proposed small craft harbour will be for a particular leisure demographic.
- Since the closure of Dingle Boatyard, local boats go to Valentia Island Boatyard for repairs / maintenance while the heavier class of boats go to Castletownbere or further afield. It behoves the applicant to spend money on a proper repair yard / facility in Dingle to serve existing fishing boats rather than creating another marina for a select group.
- In reference to the objective contained in the Dingle Peninsula Tourism Alliance (DPTA) as regards 'slow tourism', it should be noted that the DPTA also emphasises the need to respect the natural environment and to consider the '*carrying capacity of the local environment, seascape and landscape*' and '*enhancing the destination's natural environment*'.
- No details have been provided of the financial cost of the proposed development and it is queried whether local people would prefer their money going towards more worthwhile and needy projects.
- The Planning Authority's assessment of the subject application has failed to properly address several of the observations and / or objections raised by third parties.

7.1.2. **Frank & Maryann Heidtke:**

- The Commission is requested to consider the contents of the appellant's original objection to the planning application (*N.B.* The Commission is advised that these have been summarised in Section 3.4 of this report).
- Alternative options have not been adequately explored with the result that the subject proposal, if approved, will have a long lasting and detrimental impact on the area and its residents etc.

- Inadequate information has been provided to allow for an informed assessment of the proposal.
- The Planning Authority's assessment of the subject application has failed to properly address several of the observations and / or objections raised by third parties.
- The assessment of the application is heavily focused on the design, construction and development phase of the project and does not give adequate consideration to its operation and how it will impact on the locality, including the altered views towards the mouth of the harbour.
- The proposed development will be visually intrusive and will detract from this visually sensitive location / landscape which is a valuable asset for the local tourist economy.
- The conditions attached to the grant of permission are focused on the building and development stage of the proposal and do not relate to the operational stage of the proposed development of a 135-berth marina covering 6.5 acres.
- The construction of the proposed marina outside the breakwater of the existing harbour will have a significant detrimental impact on the landscape, character and views of the town and harbour when approached from the water / sea.
- The proposed development will encroach on the views and prospects available from many areas while the detrimental visual impact on this scenic harbour will be further exacerbated during high tide conditions and full occupancy of the berths / marina.
- The photomontages do not provide for an accurate representation of the visual impact of the proposed development given the failure to account for high tide conditions and vessels occupying the proposed berths / marina. Furthermore, no account appears to have been made for the visual impact attributable to larger and masted vessels.
- The County Development Plan includes various policies and objectives intended to protect landscapes and visually sensitive areas. It is considered that the proposed development would be contrary to these provisions.

- The additional boats travelling to and from the proposed marina will be particularly disruptive given the narrow nature of the harbour and will detract from its overall character and setting.
- The proposed development will obstruct views of the entrance to Dingle Harbour, the lighthouse, Beenbawn Head, and the wider harbour area from various vantage points.
- Given the scale and impact of the proposed development, including the dredging works, public consultation should have been required as part of the application process.
- Environmental concerns, including noise nuisance, light pollution, visual impact, and the ability of the development to withstand inclement weather (such as sustained winds from the south and west), have not been adequately addressed.
- The preparation of this appeal has been undermined by the failure of the Planning Authority to make certain information / documentation pertinent to the planning application readily available e.g. a complete copy of the planner's report.
- Safety concerns arise as regards the additional harbour traffic consequent on the proposed development.
- The existing harbour / marina serves as a public amenity and should not be permitted to be destroyed by the 'industrial-type' planning proposed.
- The scale and expanse of the proposed development (c. 100+ berths over 6.5 acres) is out of character with the existing structures and is an unsuitable design for this location.
- The existing marina is situated within a well-constructed breakwater which affords berthed vessels shelter while also limiting their visual impact. If the demand for additional berths is of the level stated, alternative proposals / options to increase the berth size / numbers within the existing breakwater and marina amenities should be explored e.g. more efficient use of the marina to the east and west of the pier.

- There will be a loss of amenity to the town due to the interference caused by the proposed development with usage of the existing walkway / open space along the breakwater. The proposal will obstruct views from the walkway / breakwater and its presence will serve to effectively 'privatise' the end of the marina to the detriment of this otherwise tranquil and publicly accessible civic / amenity space.
- The siting of the proposed development within that area presently used by the local rowing club will force its activities into deeper waters.
- The proposed development, along with the increased number of boats, masts and people etc., will change the dynamic of the marina to the detriment of the local area.
- There are notable omissions and concerns with respect to the VIAR as regards the landscape designations and protected views and prospects listed in the County Development Plan.
- The VIAR has failed to consider the appearance and visual impact of a working marina with moored vessels, masts, full occupancy etc.
- Clarity is required as regards the determination of the magnitude of the visual impacts assessed in the VIAR.
- Consideration must be given to the impact of the proposal on the recently designated marine national park, Pairc Naisiunta na Mara.
- The nature and volume of the additional documentation provided by the applicant in response to the request for further information should have been declared 'significant' pursuant to the Planning and Development Regulations, 2001, as amended, so as to afford third parties the opportunity to make an informed assessment of same.
- Concerns arise as regards the adequacy of the environmental impact and visual amenity reports submitted by way of further information.
- The environmental report has not addressed the impact on residential amenity attributable to noise and visual impact.

- The increased noise levels consequent on the proposed development (attributable to the higher levels of human activity, social interactions, the clacking of masts etc.) could give rise to nuisance and detract from the residential amenity of nearby properties, with particular reference to dwellings in 'The Wood' area of the town.
- The area proposed for the development is dark and no consideration has been given to the potential impact of light pollution on harbour wildlife and birds.
- The environmental report has failed to consider the exposed nature of the proposed development and its vulnerability to sustained westerly and southerly winds, storm surges, and other severe weather conditions.

7.1.3. Brian Farrell:

- The type of development proposed is unsuitable, unsightly, unsafe and a far inferior form of construction when compared to the extant rubble breakwaters which protect the existing harbour.
- The proposed development will be visually intrusive and will detract from the safe harbour and its landscape as constructed and developed by the Department of the Marine (since superseded by the Department of Agriculture, Fisheries and the Marine) engineers.
- The assessment by Kerry County Council has not taken sufficient cognisance of the scale of the project and its potential impact on the surrounding sensitive area.
- The response to the request for further information does not accurately reflect the impact of the proposal and includes questionable statements in relation to the need for the new berths.
- There is no basis to the claim that visitors to the development will use a low-carbon method of travelling as over 50% of leisure craft are non-sailing power boats which use large quantities of hydrocarbons.
- The proposed development will occupy that area previously used for rowing events which could be viewed from the western breakwater. Given that the

proposed floating breakwaters will not be accessible to the public, the proposed development, should it proceed, will isolate spectators from events thereby rendering the harbour area less attractive for such events.

- There has been a decline in angling boats and charters in recent years.
- The existing breakwater is a tourist attraction which affords visitors access to the harbour. The proposed development will impinge on the landscape, seascape and panoramic views presently enjoyed by visitors to the town.
- The application has only examined three options for the mooring of the marina and two locations for the berths. A project with such a potential impact on an important visitor town should not accept the cheapest option for the development of the berths. There are other potential sites that deserve further examination.
- The option of using a rubble form of construction in keeping with existing structures does not appear to have been fully considered. A breakwater with public access similar to that already in place at the harbour would be safer and more visually acceptable.
- The conditions attached to the grant of permission have failed to avail of the developer's proposal that the gate to the *'pontoon could be located on the floating pontoons or towards the lower end of the gangway'*.
- The VIAR does not report on the significance of the effects on the landscape and does not include a projection of the view from the Wild Atlantic Way viewing point.
- The photomontages submitted with the application are selective and do not reflect the visual impact of the new construction as follows:
 - They are inaccurate and do not represent normal high tide conditions.
 - The depictions detail craft which are smaller than those for which the pontoons have been designed.
 - The pontoons do not appear to be shown as fully occupied.

- Although the stated demand is for vessels in excess of 10m, the photomontages do not depict the expected masts of any sail boats or the high superstructures of modern power boats.
- The compatibility of the proposal with the aims of the newly created Pairc Naisiunta na Mara, Ciarrai, should be examined as this new marine national park only evolved subsequent to the lodgement of the subject application.
- The construction of the proposed development will detract from the character of the existing breakwaters and harbour environment.

7.2. Applicant's Response

- With respect to the assertion that the Visual Impact Assessment Report does not include an assessment of the significance of effects, it should be noted that the report is a '*Landscape and Visual Appraisal*' (LVA) and does not form part of an Environmental Impact Assessment Report (EIAR). However, it is the case that the process used remains broadly the same, with a slight difference in some of the terminology used.

The assessment of effects is contained in Sections 1.2.3 & 1.2.4 of the LVA with the report describing landscape and visual effects in terms of the 'Levels' of visual effect, as opposed to 'Significance' which is only used in the context of an EIAR.

It is best practice pursuant to the '*Guidelines on Landscape and Visual Assessment (2013)*' to distinguish an LVIA carried out as part of an EIAR from a Landscape and Visual Appraisal (LVA) such as that submitted.

- The assessment criteria are explained in Sections 1.2.3 & 1.2.4 of the LVA wherein it is detailed that the sensitivity of visual & landscape receptors is categorised as 'Low' to 'High' while the magnitude of the change is defined as 'Negligible' to 'High'. These judgments are then combined to reach an overall 'Level of Effect'. For example, the description of Viewpoint 1 judges the visual receptor sensitivity to be 'High', and the magnitude of change of be 'Medium-High' which combine to give a 'High' level of visual effect.

- While there may be disagreement with some of the visual assessment of the viewpoints, this is not uncommon with the *'Guidelines on Landscape and Visual Assessment'* noting the following:

'Even with qualified and experienced professionals there may be differences in the judgements made. This may result from different approaches or different criteria, or from variation in judgement based on the same approach and criteria'.

The guidance also notes that judgements need to be based on clear and transparent methods so that the reasoning applied at different stages may be evident to others. The submitted LVA clearly sets out the methodology and assessment criteria used given the need for professional judgment.

- It is standard practice in the compilation of an LVA and LVIA to include a policy context (e.g. the relevant County Development Plan). It would be an omission if relevant policies were not included as the Development Plan reflects the values which society places on views and landscapes.
- Contrary to the grounds of appeal of Mr. O'Connor, the section of the Sleah Head Drive between Milltown Bridge and the 'de Staic' building and the scenic views available from same are referenced several times in the LVA with the area being considered so important as to warrant 2 No. viewpoints (Viewpoint Nos. 4 & 5) as illustrated in the Photomontage Booklet.
- The appeal of Mr. O'Connor includes a photograph (Viewpoint C) which appears to be from beyond the 'de Staic' building (and thus not along the Scenic Route) with a mark-up of where the proposed development is considered to be visible. This appears to have been taken from close to the water's edge along the shore of the 'de Staic' building. While it is accepted that there is likely to be increased visibility from this location, Viewpoint C is beyond the end of the mapped scenic route. It is not possible to provide a photomontage from every location where a development may be visible and thus the focus was to capture views from the scenic route where viewers are considered to be of high sensitivity (as was referenced in the request for further information).

- The LVA includes a number of viewpoints from areas designated as Scenic Routes and ‘Visually Sensitive’, including the Esk Tower view, and a view from the breakwater at the access point to the development. Other views include locations in the town both close to the development and where open views are available.

These viewpoints were carefully considered having regard to the relevant selection criteria set out in the ‘*Guidelines on Landscape and Visual Assessment*’, including accessibility to the public; the potential number and sensitivity of viewers; the viewing direction & distance; and the nature of the viewing experience (e.g. static views, views from settlements, and views from sequential points along routes). Therefore, the process of selecting viewpoints along this stretch of Scenic Route needed to take account of the following:

- Accessibility: Where the greatest number of people would be likely to access the viewpoint (the road and footpath as opposed to the shoreline).
 - Number of viewers: Where the greatest number of people would be likely to see the view (from the road which is a Scenic Route or immediately adjacent footpath) and their sensitivity (deemed to be ‘High’ due to the Scenic Route designation).
 - Sequential views: Where more than one view can be used to represent the route (i.e. Viewpoints 5 & 6).
 - A view taken from the shoreline and away from the scenic route would concern far fewer viewers and would not be representative of viewers on the Scenic Route.
- The LVA acknowledges that Viewpoint 1 from the breakwater is located approximately 130m from the Wild Atlantic Way viewpoint. It was selected as not only are the viewer numbers and sensitivity considered the same, but the viewpoint shows more of the proposed development as well as the mouth of the harbour.
 - Section 1.3.2 of the LVA comprehensively covers the new Pairc Naisiunta na Mara, Ciarrai. There are no new landscape or visual designations and the

Park is based on a number of existing designations (SAC, SPA). The OPW press release for the park as referenced in the LVA further states '*. . . there will be no additional regularity burden or restriction on activities resulting from the creation of the Pairc*'.

- Some of the concerns raised with respect to the photomontages are contradictory.
- The photomontages have been prepared by a consultancy that provides high quality photomontages, visualisations, mapping & Virtual Public Consultation services for Community Engagement and EIARs.
- The photomontages submitted by way of further information were re-taken by the appointed consultants on 18th February, 2024. In order to capture the views and travel between the viewpoints, not all could be taken at the same time, at exactly high tide.

Distant viewpoints or views which are not of the open water (Viewpoints 7 & 8) were taken between 10:20 and 11:06 and 10:35, approximately 2 hours before high tide.

Viewpoint 2 was taken at 11:05, while Viewpoints 1, 3, 4, 5 & 6 (including the closest, Viewpoint 1) and the views from the closest section of the scenic route, 4 & 5 were all taken between 12:16 and 13:29 within an hour of high tide.

Therefore, the suggestion that the montages were taken at low tide or mid-tide are incorrect. The visibility of some seaweed may be explained that the highest tide was 3.10m, and having reviewed the tide tables throughout the year, may be higher at other times of the year.

- The booklet of photomontages shows boats occupying the pontoons. The closest views show the boats, while the boats are not as easily distinguishable in some of the more distant views. The most important views, the closest views, clearly show the marina with a high number of boats (Viewpoints 1 & 2). The type of boat is likely to vary and the number of boats is likely to change as would be expected.

- The applicant has carefully evaluated the need for additional small craft berthing within the harbour, which has included an examination of existing waiting lists and projected future use, and has concluded that an increase in berthing capacity is essential to meet the harbour needs.
- A cost estimate for the project has been completed and the applicant bases its decisions regarding capital works projects on a number of criteria such as need, priority of development, economic benefits as well as cost. This matter was addressed in Section 10 of the response to the request for further information.
- With respect to the consideration of alternatives, while the locations suggested in the appeal of Mr. John J. O’Conor were considered, they were deemed unsuitable due to their use for vessel manoeuvring. Larger vessels such as Navy vessels, cargo ships and small cruise liners use the main pier at Dingle while large fishing craft visiting the harbour also use the open areas of the western basin and the eastern area just outside the inner harbour to turn.

In addition, swing moorings are not considered as advantageous as the proposed small craft harbour for a number of reasons, including:

- Shorter usable seasonal period: swing moorings outside the inner harbour would have no protection, limiting their availability.
- Requires a greater area within the harbour: swing moorings occupy a significantly larger area compared to fixed berths.
- Requirement for a storage area for tenders, used to access the mooring points, within the inner harbour.
- Safety of persons coming ashore and returning to their vessels, especially in difficult weather conditions.

Alternative locations were previously addressed in Section 10 of the response to the request for further information.

- The accompanying correspondence from the Irish Coastal Rowing Federation (which was responsible for the holding of the 2019, 2023 & 2024 ‘All-Ireland Coastal Rowing Championships’ in Dingle Harbour) is fully supportive of the planned small craft harbour works and is confident that the proposals will

enhance the facilities available to the organisation should it be permitted to bring its event back to Dingle Harbour in the future.

- With respect to the suitability of the proposed floating breakwaters from a technical / engineering perspective, a preliminary design assessment of the suitability of floating breakwaters, piles and pontoons in relation to the coastal processes and ground conditions was conducted.

Coastal Process Aspects:

- Tidal currents and waves in the vicinity of the proposed development were recorded and used in an initial assessment of conditions and likely impacts and in the calibration of wave and tidal modelling. It has been determined that tidal currents in the area are low (less than 0.1m/s) and that design wave conditions relate to those generated within the harbour. Modelling of wave penetration into the harbour area from Dingle Bay has been undertaken to demonstrate that locally generated waves are dominant at the proposed site.

Accordingly, the use of floating breakwaters is proposed to provide shelter to the small craft area. The width and draft of the units required will depend on:

- The required conditions within the harbour area.
 - The height, period and direction of the locally generated waves just outside the small craft area.
 - Water depths at the breakwater units.
- Water levels at the site have been derived from astronomical tide data and extreme water level estimates.
 - Admiralty charts provide seabed depths at different areas around the harbour which allow for an estimation of locally generated waves. A bathymetric survey of levels at the application site indicates that present levels are in the vicinity of or slightly below 0.0m Chart Datum (Chart Datum in Dingle Harbour is -2.7mODMalin).
 - Design wind conditions are based on EN 1991 1-4 which gives a design wind velocity of 27.5m/s with a 50-year return period for the

area. This value is reduced by directional factors as appropriate while wind speeds for other return periods were also estimated and wave conditions considered.

A range of wind speeds of varying return period were used with water levels of varying return periods based on a joint probability method outlined in Section 4.2.5 of the Rock Manual, CIRIA report C683.

Waves relating to different return periods have been estimated using the 10-minute average wind speeds of different return periods.

- Wave conditions in the harbour were estimated using the Sverdrup Munk Bretschneider (SMB) formulae. This has allowed for a calculation of a set of wave conditions for various wind speeds and wind directions within the harbour.

Waves developed over the longer fetch distance of 3.8km from the South-East direction (140°) through the harbour mouth entrance were found to be largest and determined the design limits.

The limiting wave conditions for allowable transmitted wave height through a breakwater were derived from the PIANC Guidelines for Marina Design (2016) and the Australian Standard AS 3962.

- Wave conditions have been modelled using Mike 21 SW by MaREI of UCC. They were modelled for locally generated waves for the 50-year wind conditions for a range of directions. In addition, wave conditions at the site were modelled for a wave from 140°N generated in Dingle Bay for the 50-year wind from 140°N, 22m/s and for the 50-year wind speed from any direction, 27.5m/s. These model runs were used to confirm the analysis undertaken using the SMB hindcasting method for waves generated within the harbour.

Further wave disturbance modelling will be undertaken at detailed design stage, however, the likely location of the entrance towards the northeast of the site is unlikely to allow significant penetration into the small craft area.

- Modelling (2022) of the tidal current at the dredge site and the disposal site has been carried out. Tidal currents within the proposed site are low.
- Tidal modelling undertaken in 2008 in relation to the proposed dredging of the harbour channel concluded that tidal currents in the proposed disposal area were low.

Ground Conditions:

- Site investigations were carried out at Dingle Fisheries Harbour in 1988 and 2016. Although the boreholes from these surveys were not located within the development site, they are adjacent and provide background information to the ground conditions in the area. Those investigations found the bed to be typically composed of soft silt on silty gravel layers ranging in depth from 1.5m to 4m below seabed. The overburden sits on a bedrock of sandstone.
- Bathymetric and geophysical surveys of the harbour channel and the proposed disposal site were carried out in 2016. A bathymetric and geophysical survey of the application site was undertaken in early 2020.
- Detailed ground investigations were undertaken in 2020 / 2021 to inform and assess the geotechnical and environmental characteristics of the soils, sediments and rock at the proposed site.
- Ground conditions at the site are characterised by a soft organic sandy SILT, being on average c. 4m thick. This SILT is underlain by a silty sandy GRAVEL with medium to high cobble and boulder contents to depths between 5.7m to 12.75m before rock is encountered.

The depth of overburden to be removed will vary between 2.6m to 3.85m with an average of 3.16m and a median depth of 3.14m.

Bedrock was found to comprise weak to strong sandstone with interbeds of siltstone. Rock levels vary between 3.08m and 9.79m below design dredge level and such depths (unless in very dense / stiff material) will not be sufficient on average to provide the required lateral

stability to the piles anchoring the berthing and breakwater pontoons in place. Such piles will have to be socketed into the rock under the overburden.

Harbour Wave Condition Requirements:

- The floating breakwaters have been designed to provide wave conditions within the small craft area classified as “good” conditions in accordance with AS3962 Guidelines for the Design of Marinas. It may be noted that “moderate” conditions are considered acceptable in more extreme events.

Orientation of berths should also be such that “good” conditions are provided.

The limiting wave conditions for the allowable transmitted wave heights through a breakwater were derived from the PIANC Guidelines for Marina Design (2016), and the Australian Standard AS 3962.

7.3. Planning Authority Response

7.3.1. None received.

7.4. Observations

7.4.1. *Eileen Lucey:*

- The proposed development poses significant risks to the unique character, environment, and long-term wellbeing of Dingle town.
- Dingle is already experiencing difficulties with increased tourism pressures, and it is anticipated that the proposed development will worsen the situation by placing further strain on local infrastructure and eroding the qualities which make the town so special.
- There are concerns as regards the environmental impact of the proposed development as follows:
 - Disruption to marine life: Habitat destruction, including vital seagrass beds that help sequester carbon.

- Water quality degradation: Increased runoff pollution and sedimentation which can degrade water quality harming local wildlife and contributing to coastal erosion.
 - Impact on coastal ecosystems: Altered water flows and erosion can lead to long-term damage to the shoreline and the loss of habitats that absorb carbon and support biodiversity.
 - Climate change considerations: The construction phase and increased boat traffic will contribute to carbon emissions. The loss of carbon-sequestering habitats will reduce the environment's ability to absorb carbon dioxide.
- The proposed marina does not align with the principles of sustainable development as it prioritises immediate economic interests over long-term environmental sustainability and the wellbeing of the local community.
 - The proposal caters to a narrow, affluent demographic, promoting an elitist form of tourism that excludes the broader community. It will severely limit access to the views and walks along the existing marina which locals and visitors presently enjoy.
 - The funding allocated for the proposed development could be better spent on enhancing the infrastructure and livelihood of those living in Dingle. Projects that directly benefit the community, such as improved public amenities or facilities that provide shelter and recreation during bad weather, would contribute more to the long-term wellbeing of Dingle's residents.
 - The proposal amounts to overdevelopment and does not accord with the principles of sustainable development.

7.4.2. *Nuala Moore:*

- Consideration should be given to the climatic challenges posed by the site location and the risks associated with same, including the potential for future damages. Concerns arise as regards the exposed nature of the proposed development in the absence of a breakwater and its vulnerability to climate change along with sustained westerly and southerly winds, storm surges, and other severe weather conditions.

- The Planning Authority has failed to address the legitimate concerns of local residents (e.g. car parking provision, the privatisation of the existing public walkway / amenity space, obstruction of views, visual impact etc.) and has not engaged with several of the observations and / or objections raised by third parties. It is not accepted that the proposed development will not have a negative impact on residential amenity.
- The proposed development will have a negative visual impact and will detract from the landscapes, views and prospects listed for protection in the County Development Plan.
- No consideration has been given to the impact of the proposal on views from the water, including from the harbour mouth towards the town and from the townland of Burnham East (to the southwest) looking across to the town.
- The siting of the proposed development outside the breakwater will ruin the landscape and result in the obstruction of views from Milltown Bridge over the harbour.
- The photomontages do not provide for an accurate representation of the visual impact of the proposed development and do not address the concerns initially raised by the Planning Authority and others. Furthermore, they do not account for high tide conditions or vessels occupying the proposed berths / marina.
- There is uncertainty as to the methodology employed in the VIAR by which the magnitude of the visual impacts has been calculated / assessed.
- The reports submitted with the application as regards visual, climatic and noise considerations are not independent and have not objectively informed the decision-making process.
- There has been no proper assessment of credible alternatives to the proposed development site contrary to good planning practice.
- The conditions attached to the grant of permission focus on the building and development stage of the proposal and do not relate to the operational stage of the development or the impacts arising.

- Kerry County Council's assessment of the application shows a lack of insight into the magnitude of the development proposed.
- The proposal is incompatible with the National Marine Reserve (Pairc Naisiunta na Mara, Ciarrai) in terms of traffic and environmental considerations.
- Inadequate consideration has been given to the operational impact of the proposed development.
- No reference has been made to the appearance and impact of the floating pontoons when fully occupied by moored vessels.
- The proposed development is not in keeping with the broader character of Dingle / Dingle Harbour and will be visually obtrusive to the detriment of the area.
- The size and location of the proposed development will detract from the amenity of the existing harbour area and marina.
- There are concerns as regards the absence of any marine expertise in informing the decision-making process.
- The alternatives suggested by the developer as regards the gateway and the approach to the floating pontoons were not taken up by the Planning Authority.
- Concerns arise as regards the access arrangement to the proposed marina and the intrusion onto the walkway along the existing breakwater / harbour wall.
- The potential impact on fish migration within the harbour (including salmon and sea trout) was not considered in the assessment of the application.

7.5. Further Responses

7.5.1. *Response of Brian Farrell (third party appellant) to circulation of the applicant's response to the grounds of appeal:*

- In light of the significant volume of additional information lodged, and in order to afford interested parties the opportunity to consider same, the applicant

should have been required to erect a new site notice regarding this further information submission.

- Given the applicant's assertion that the demand for additional berths arises from vessels in the 10m plus category, it is reasonable to surmise that the proposed development will be occupied by those types of larger vessels and not the various sizes of boats shown in the photomontages.
- Despite the assertion that vessels using the proposed berths will have travelled using low-carbon methods i.e. the vessels in question will be yachts with high masts, the photomontages do not reflect this type of vessel, particularly during high tide conditions.
- The examination of alternative locations has been limited to those suggested in the objections and has not considered the full range of possible alternatives. The option of developing breakwaters for the proposed small craft harbour using dredged spoil, similar to the existing breakwaters, deserves further attention.
- With respect to the technical / engineering considerations:
 - *Wave action and sea level rise*: It should be confirmed that the modelling has adequately accounted for locally generated wave action incorporating projections for sea level rise due to climate change.
 - *Reference to ICPSS 2018 report*: Although the applicant has cited the ICPSS 2018 report as providing input to its modelling, the figures used would seem to have been obtained from an ICPSS report conducted in 2013. These discrepancies in the data source are of concern and require clarification, particularly as the 2018 figures show higher water levels.
 - *Comparison with ICWWS 2018 data*: There are discrepancies between the figures provided by the applicant and those available in the ICWWS 2018 report. The applicant's figures seem to reflect "present-day" conditions without accounting for projected sea level rise. OPW data from the 2018 report suggests that sea levels are expected to rise by 0.5m in a mid-range scenario and 2m in a high-end scenario.

- It should be clarified if the applicant is using the most up-to-date data, specifically from the ICWWS 2018 report which has higher water levels than the ICPSS report.
 - It is unclear if sea level rises have been incorporated into the wave and wind models and what climate change scenarios have been considered.
 - The overall design and access to the marina needs to take into account future sea level rises especially considering that the edges of the existing breakwater (where access to the marina will be gained) are indicated as being liable to flooding on the OPW flood map viewer.
- *Wave modelling and detailed design:* It has been indicated that further wave modelling will be required at detailed design stage. It is unclear why this detailed analysis cannot be conducted at this stage. Clarity is also required as to whether a revised cost-benefit analysis will be undertaken in the event of adjustments being required.
 - *Lateral stability of piles:* Concerns have been raised as regards the lateral stability of the piles which may require socketing into rock beneath the overburden. The results of site investigations should be reviewed in relation to the initial cost estimates for the project to ensure that the cost-benefit ratio remains favourable.
 - *Water depth and sea level rise:* It is queried whether the water depth which has informed the analysis has accounted for expected sea level rise.
- Clarification of the foregoing points is fundamental to ensuring that the project is both technically sound and resilient to future climate impacts (including sea level rise).

7.5.2. *Response of John J. O'Connor (third party appellant) to circulation of the applicant's response to the grounds of appeal:*

- There is considerable variation in the height of high tides in Dingle throughout the year with instances of high tides being below the 3m tide height and up 4.2m above same.
- The photomontages dated 19th February, 2024 do not technically represent high tide conditions (with the high tide on the day shown being one of the lowest possible high tide conditions) and thus do not give a fair representation of the view at other times. During spring tides, when tide heights can reach 4.3m, the proposed marina will be floating 1.2m higher than is depicted on the resubmitted photomontages.
- Tall masts from yachts will block off views of the harbour's mouth from Viewpoint 1 as well as views of the lighthouse and the land mass around Beenbawn Head from Viewpoint 4.
- It is reiterated that the boats (without masts) shown in the photomontages serve to misrepresent the impact of the proposed development and give the false impression that no tall-masted vessels will be berthed in the proposed marina.
- Seasonal swing moorings and designated areas where boats can drop anchor are common in harbours throughout Ireland. They are used where marinas are not available and also serve to complement any marina capacity by providing additional mooring area. Consideration should be given to the use of same as an alternative to the proposed development.
- With regard to the safety of persons coming ashore and returning to their vessels in tenders in difficult weather, a similar situation arises for berth holders within the shelter of the present breakwater who are fearful of accessing the marina during storm conditions.
- While it is accepted that the various components of the proposed small craft harbour will be designed to withstand extreme weather conditions on the basis of the necessary calculations and computer modelling, any boats moored at the structure will expose their own intrinsic vulnerabilities during an extreme weather event. The vulnerability of boats is greatly exacerbated when they are in a marina in open water with no protection from storm-force winds. For example, the leaning-over of yacht masts in stormy winds is a condition

that cannot be remedied when tying up a yacht to a marina while roller-reefed head sails can unfurl and become shredded.

- It is accepted that 'Viewpoint C' as shown in the appellant's grounds for appeal is not sited along the scenic route listed in the Development Plan. This view was included to illustrate how the proposed marina will close-in on the harbour's mouth as the viewer travels east.
- Viewpoints 4 & 5 along the 'A'-'B' prospect are particularly important with the most injurious impact to the protected view occurring along this route in the vicinity of the 'de Staic' building.
- It is apparent that the area previously used to host the coastal rowing championship will be taken over by the proposed development, however, it is unclear where the author of the letter provided by the Irish Coastal Rowing Federation envisages the competition being run in the future should the proposed development proceed.

7.5.3. *Response of Frank & Maryann Heidtke (third party appellant) to circulation of the applicant's response to the grounds of appeal:*

- With respect to the technical / engineering data provided by the applicant, consideration must be given to the implications of climate change, including the frequency / potential for storm surges and high winds. Averages are not necessarily indicative of future events and decision-makers should be wary of placing an over reliance on data-driven analysis before common sense.
- All of Dingle and its surrounds are categorised as 'high' sensitivity in the Development Plan and the provision of 6 No. acres of ocean development can only impact on the landscape and views available.
- Given the nature and scale of the development proposed, an independent Environmental Impact Assessment should have been prepared.
- There has been a lack of transparency in the application (as previously mentioned in relation to the accuracy of the photomontages, the lack of public consultation, and the need for new public notices).
- The plans and particulars have not discussed the impact to the harbour as an amenity, cultural heritage considerations, the impact on human beings,

interactions with the area's seafaring history, or how the proposal integrates with the local landscape.

- To err on the side of caution and in the interests of transparency, the photomontages should only have been prepared for the highest tide of the month.
- It is notable that a photomontage of the walkway on the southern section of the breakwater was not submitted to show the actual impact of the proposal at high tide or its obstruction of the available views.
- The photomontages should have included boats with high masts in the interests of transparency.
- The application appears to be focused on very few selected viewpoints despite the proposed development having a visual impact from any location that offers a view of the existing breakwater structure. Although many of these locations may not be accessible by road, there are a considerable number of recreational walking routes in the surrounds of Dingle Harbour.
- The proposed development will be visible from the two approach roads to Dingle i.e. the Conor Pass Road (Regional Road R560) and the Tralee Road (National Road N86).
- The local rowing club is not affiliated with the Irish Coastal Rowing Federation.
- The proposed development will occupy that area previously used for rowing events and will serve to isolate spectators from events thereby rendering the harbour area less attractive for such events.
- The cumulative effect of the proposed development has not been properly assessed.
- The proposed development involves the expanded business operation and privatisation of the harbour to the detriment of local people.
- It is questionable whether the proposed development will be of any benefit to Dingle or if it will amount to overdevelopment to the detriment of those qualities which contribute to the character and popularity of the town.

7.5.4. *Response of Eileen Lucey (observer) to circulation of the applicant's response to the grounds of appeal:*

- Notwithstanding the applicant's response, critical concerns remain unaddressed, particularly regarding the environmental and community impacts of the project.
- There continues to be a lack of justification for the proposed development and concerns arise as regards the implications of prioritising development over sustainability. Dingle must not become an example of reckless expansion at the expense of the environment and future resilience.
- An Environmental Impact Assessment is required to evaluate the project's long-term impact on pollution, emissions, and overall sustainability.
- The development of the marina will detract from views of the unspoilt natural beauty of Dingle's coastline forever altering the character and charm of the town.
- It appears that there has been no tidal assessment of the project and thus questions arise as to how the construction will affect natural water flows and tidal patterns in the area. Given that marinas often result in altered water dynamics, without a detailed study there is no guarantee that ecosystems will not be negatively impacted. The absence of such an assessment suggests that the project lacks the scientific scrutiny needed to understand its actual impact on the area's hydrology.
- The proposal threatens to disrupt marine habitats and wildlife, the wellbeing of which is already threatened by rising pollution and increased boat traffic.
- Incidences of pollution have already been recorded in the marina and additional boat traffic could potentially exacerbate the issue and place a further strain on the vulnerable marine environment.
- The recent extension of the marina building remains vacant and was completely unnecessary. Expanding infrastructure at significant cost when recent additions remain unused raises serious questions as regards the necessity of the proposed development and the effective use of public funds.

- The proposal could set an undesirable precedent for further unwarranted development in the town.

7.5.5. *Response of Nuala Moore (observer) to circulation of the applicant's response to the grounds of appeal:*

- The volume and technical nature of much of the information submitted in relation to the planning application is such as to be difficult to be understood by the members of the general public.
- The size and location of the proposed development is inappropriate to the needs of the area.
- The applicant's response has not approached the points of discussion in a way that allows the landscape to be understood as per the definitions contained in the European Landscape Convention and the National Landscape Strategy, 2015-2025, which includes reference to its public interest role and its functioning as a basic component of natural and cultural heritage contributing to human wellbeing as well as a key element of individual and social well-being.
- Screening for Environmental Impact Assessment should have been undertaken for the proposed development.
- Without suitably defining the landscape or seascape, the particulars do not accord with proper planning.
- The LVA is not the appropriate report to inform the assessment of the application as it fails to address the impact and effects on the environment etc., including landscapes, and views and prospects listed in the Development Plan.
- Notwithstanding the applicant's assertions as regards the specifics of an LVA and an LVIA, Kerry County Council sought the submission of a Visual Impact Assessment Report which was not provided.
- The LVA omits any insight into significant impacts on visual amenity and includes the following failings:

- It does not consider the preservation of the distinct visual identity of the landscape of Dingle town.
 - By not presenting the visual impacts of the development, local communities / residents were unable to transparently assess how the proposal could affect their surroundings.
 - The applicant has not complied with the requirements of the Planning Authority as part of the application process.
 - The positioning of the proposed marina outside the breakwater will have a detrimental impact on visual amenity over a wide area. Any economic benefit deriving from the proposed development would be to the cost of local residents and the landscape by devaluing the Dingle product and destroying it for future generations.
- The submission of an LVA as opposed to a more thorough LVIA prevented a balanced development and failed to preserve the aesthetic and cultural value of the landscape. Moreover, it fails to identify the genuine and significant effects arising and how the development will affect the overall visual harmony of the area.
 - The photomontages do not reflect high tide conditions.
 - The details presented do not demonstrate a need for the proposed development.
 - There has been no examination of credible alternatives and the suggestion that occasional / infrequent visits by larger vessels serves to render those areas of the harbour as unavailable or unsuited to the proposed development is rejected.
 - The proposed development will impinge on the holding of activities such as the coastal rowing championships and the Dingle regatta while views of any such events will no longer be available to audiences from the existing breakwater.
 - Silt disturbed during the construction works will settle at Milltown Bridge giving rise to an increased risk of flooding which has not been addressed.

- Inadequate consideration has been given to the implications of climate change for the proposed development and the safety risks etc. arising from its vulnerability to severe weather conditions.

8.0 **Assessment**

8.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- The need for the proposed development and the consideration of alternatives
- Impact on the surrounding landscape, established character & visual amenity
- Ecological considerations
- Design and safety considerations
- Impact on residential amenity
- Other issues

These are assessed as follows:

8.2. **The Principle of the Proposed Development:**

- 8.2.1. The proposed development comprises the construction of an approximately 125 No. berth small craft harbour just south of the western breakwater at Dingle Inner Harbour. In this regard, the Commission is advised that Dingle Harbour is one of six Fishery Harbour Centres in Ireland managed in accordance with the Fishery's Harbour Centres (FHC) Act, 1968, as amended, which provides for the establishment and operation of these harbours to promote, develop and carry on sea fishing, fish processing, fish related activities and matters connected with the fish industry as well as any other purpose, including the provision, improvement and development of leisure or amenity facilities or for facilitating or promoting social or economic development of the area in which the Fishery Harbour Centre is located.
- 8.2.2. The rationale for the proposed development derives from an identified need for additional summer berthing space for small craft in the harbour and policy support for such a proposal can be found at national, regional and local level. At the outset, it is

to be noted that the 'National Planning Framework: First Revision (April, 2025)' sets out a vision for the future development of the country and includes strategic goals in respect of realising Ireland's island and marine potential with NPO 49 supporting the sustainable growth and development of the maritime economy along with further investment in the Fishery Harbour Centres while NPO 50 aims to ensure that the strategic development requirements of key identified ports, State Fishing Harbours and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, and plans at local level, to ensure the effective growth and sustainable development of the city regions and regional and rural areas, in accordance with National Ports Policy. The parallel provisions of the National Marine Planning Framework, 2021 set out the Government's vision, objectives and marine planning policies for all marine-based human activities and lend further support to the development of the wider maritime economy with several key sectoral / activity policies (such as those pertaining to fisheries, ports, harbours & shipping, sport & recreation, and tourism) relevant to the proposed development. The Regional Spatial & Economic Strategy for the Southern Region, 2020-2032 also includes various Regional Policy Objectives with respect to tourism, marine & coastal assets, fisheries & aquaculture, and the region's strategic port & harbour assets, which serve to support the proposed development, with particular reference to RPO 81: '*Fishery Harbour Centres and Local Authority Harbours*' which aims '*to seek investment in the sustainable development of infrastructure improvements to Fishery Harbour Centres and Local Authority Harbours in the Southern Region*', and RPO 142: '*Ports*' which seeks to strengthen investment to deliver actions under National Ports Policy and investment in sustainable infrastructure projects that support the export, fisheries, marine tourism and marine economy potential of port and harbour assets in the Southern Region, including Daingean Úi Chúis.

- 8.2.3. In a local context, the Kerry County Development Plan, 2022-2028 acknowledges the importance of harbours such as Daingean Úi Chúis to the economic base of the local area and further states that the sustainable development of these facilities offers significant economic potential while their continued maintenance and development is essential to ensure ongoing navigational and operational effectiveness. The plan contains multiple policy provisions in support of the sustainable growth and development of the marine sector and economy by

facilitating marine related development at appropriate locations in the towns, villages, ports and harbours of the county, including tourism and recreational uses (e.g. Objective Nos. KCDP- 9-83, KCDP 9-84, KCDP 10-48 & KCDP 10-51), however, I would draw particular attention to Objective No. KCDP 14-63 which aims to *‘Promote and investigate the potential for sustainably developing harbours, marinas and piers for increased usage’* and Objective No. KCDP 14-64 which seeks to *‘Sustainably improve marina, port and harbour infrastructure in the County and to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long-term economic potential (including access) of the port or harbour’*.

8.2.4. Within the Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027, the further development of Dingle / Daingean Uí Chúis harbour / port for fishing, tourism and recreational use is identified as a strategic issue for the wider electoral area. In response, the Plan includes Objective No. D-EEA-04 which refers to the need to facilitate the further sustainable development of the harbour / waterfront / marina area as a potential economic generator while Objective No. D-EEA-05 affords support to the town’s fishing industry and marine related activities. The Plan further acknowledges the important contribution of Dingle Harbour to the continuing success of the marine-leisure, recreation and tourism sectors in the County and specifically refers to the existing marina is a major amenity and tourism asset which is hoped will act as a catalyst for further development. It proceeds to encourage the sustainable improvement of existing and new recreational facilities at appropriate locations (Objective No. D-T-4) that focus on the particular strengths of the town, including water activities, sailing, canoeing, and sea angling / fishing etc, and also seeks to promote the development potential of the harbour / marina area in a sustainable manner (Objective No. D-T-5).

8.2.5. With respect to the specifics of the application site, it should be noted that the majority of the proposed development will occur in an area of open water to the south of the western breakwater which is not the subject of any specific land use zoning. The only ‘terrestrial’ element of the works will involve the construction of the proposed gangway and security gate etc. (along with the extension of mains services, including the existing sewer pipe located at the Marina Centre, to the top of the gangway) all of which will be carried out on the western breakwater on lands

zoned as '*G1: Open Space / Park*' in the Local Area Plan with the stated land use zoning objective '*To preserve and provide for open space and recreational facilities*'. Regrettably, neither the zoning matrix included at Table 2.6 of the Local Area Plan nor that contained in Chapter 2: '*Land-Use Zoning*' of Volume 6 of the Kerry County Development Plan, 2022-2028 makes any reference to the acceptability or otherwise of 'gangway access' to proposed marina / harbour construction. Accordingly, I would refer the Commission to Section 1.3.7: '*Uses not listed in the Indicative Zoning Matrix*' of Chapter 2 of Volume 6 of the Development Plan wherein it is stated that land uses not listed in the matrix will be considered on a case-by-case basis. In this regard, following consideration of the description of the '*G1: Open Space / Park*' land use zoning as set out in the Development Plan which states that it is intended to '*provide recreational and amenity resources for the community including parks, amenity areas and natural areas*', it is my opinion that as the intent of the proposed works on the landward side of the proposal will be to accommodate access to a development primarily intended for recreational / leisure / tourism orientated use, and as the development itself provides for an expansion of the existing harbour facilities (of which the breakwater forms part) in accordance with the relevant policy objectives, and noting that '*public facilities & infrastructure*' would be 'open to consideration' on such lands within both the Local Area Plan and Development Plan, those works proposed to be carried out on the western breakwater on lands zoned as '*G1: Open Space / Park*' are compatible with the stated land use zoning objective and the continued use of that green space.

- 8.2.6. Therefore, in view of the foregoing, with particular reference to the broader policy support for the proposed development at national, regional and local level, and noting that the proposal effectively amounts to an expansion of the established use of Dingle Inner Harbour, it is my opinion that the proposed development is acceptable in principle, subject to normal planning considerations.

8.3. The Need for the Proposed Development and the Consideration of Alternatives:

- 8.3.1. Concerns have been raised as regards the need for the proposed development given the availability of berthing within the harbour's existing marina and whether any alternative proposals were considered as part of the design process. In this regard, I would refer the Commission to the documentation received by the Planning Authority

on 27th June, 2024 in response to a request for further information wherein it is stated that the applicant's operation of the existing harbour facilities has identified a demand for additional summer berthing space for small craft. It has been submitted that the existing floating infrastructure in Dingle is at full capacity with 35-40 No. vessels currently on a waiting list for a berth (with some vessel sizes waiting for over 5 years). Reference is made to a particular demand for larger 10m plus sized berths in the southwest of Ireland with Dingle Harbour having limited numbers of these larger berth sizes. The submission continues by stating that over 320 No. boats visit Dingle Harbour annually and that a significant number of berths must be set aside to cater for these visitors while further noting that these boats are generally increasing in size and thus the harbour is in need of larger sized berths to allow continued access for visiting vessels. It is also noted that the applicant's two other Fishery Harbour Centres along the west coast have significantly increased the number of floating berths in recent years. In addition to the need to accommodate the demands of the leisure / tourism sector, it has been suggested that the proposal will also support the needs of the local fishing industry.

8.3.2. With respect to the consideration of alternatives, it should be noted at the outset that the proposed development is not of a class requiring environmental impact assessment or the consideration of alternatives in such a context. Nevertheless, with regard to the alternative methods by which to address the apparent berthing shortage, it has been submitted that operational constraints within the existing harbour breakwaters mean that there is very little space remaining for additional berthing and thus any further berths must be located outside the breakwaters. These constraints include the following:

- Additional berthage must be located adjacent to the harbour's West Pier to make use of existing harbour facilities (e.g. storage, cleaning facilities, and mains services) and to stay within the FHC boundary.
- The Middle Pier is used exclusively for fisheries operations and sufficient space around same must be maintained for vessel movements and berthing.
- The East Basin area is fully developed and includes a heavy-duty small fisheries craft pontoon system, berthing quay face for larger vessels and a ferry pontoon for sea tourism.

- The additional berths must be located adjacent (or as close as possible) to the existing navigation channel to allow for safe navigating (while also reducing the dredging volumes).
- The additional berths will require protection from wave action.
- The inner harbour currently provides facilities for multiple business varying from paddle boarding, kayaking, self-drive boats, boat tours, and sailing & rowing clubs. Due to the potential safety hazards associated with usage of the inner harbour by larger fishing vessels and novice water users on small crafts, the siting of the proposed development will allow less experienced users such as self-drive boats to access harbour facilities without conflicting with larger and less manoeuvrable vessels.

8.3.3. The applicant has also referred to the environmental and archaeological constraints identified and discussed in the Ecological Impact Assessment, Natura Impact Statement, and the Archaeological Impact Assessment (e.g. identified timbers, anchors & iron artefacts, and known wreck sites).

8.3.4. In terms of locational considerations, reference is made to the sheltered waters of Dingle Harbour and that the present extent of the FHC was developed in the early 1990s and included the construction of and dredging within the area comprising the existing harbour and marina facilities. Moreover, it has been emphasised that much of Dingle Harbour comprises relatively shallow water with less than 1m of water depth on low tides with the result that fishing craft with drafts exceeding 1m access the FHC along a dredged channel which provides more than 3m of water depth on a low tide (as can be derived from a review of Figure 10: 'Bathymetry of Dingle Inner Harbour' of the '*An Daingean Small Craft Harbour: Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves*' provided with the initial application documentation). It has been submitted that small craft harbours require water depths that are approximately 3m minimum at low tide (Lowest Astronomical Tide: LAT) and that chart datum for Dingle Harbour shows much of the sheltered waters as having insufficient water depth for a small craft harbour unless the depths are increased by dredging by 2-3m. Accordingly, given the necessity to site the proposed development as close as possible to existing facilities and to undertake as little dredging as possible the case has been put forward that the only feasible

location for a small craft harbour within Dingle Harbour but outside the existing inner harbour area is in the immediate vicinity of the western breakwater. In this regard, Figure 5 of the response to the request for further information identifies the subject site and an area to the west of the western breakwater as potentially feasible options outside the existing harbour basins. Other locations outside the harbour are considered too far from existing facilities to be feasible from an operational standpoint; would require greater capital dredging due to being further from the navigational channel; and are considered to be more visually impactful.

- 8.3.5. In assessing the overall suitability of the two locational options, it was determined that the area to the west of the breakwater would require additional dredging works to connect it to the navigation channel thereby impacting on cost and the environment. Furthermore, in the event the small craft harbour was to be sited to the west of the breakwater, this would necessitate the relocation of an existing outfall pipeline. Therefore, it has been submitted that the overall cost of locating the small craft harbour as proposed at the subject site would be less than the alternative location to the west. The proposed location was thus selected as the preferred option due to its position adjacent to existing facilities, a lower dredging requirement, lower cost, and lower potential impact on the environment.
- 8.3.6. With respect to possible design alternatives, the applicant has indicated that as wave action within the sheltered harbour area is locally generated and relatively small and short, floating breakwaters were chosen as the most cost-effective method of providing protection against wave action. Alternatives such as a rubble mound similar to the existing western breakwater or a sheet piled wall or a piled screen were considered to be less cost effective and less useful in terms of potential berthage use than the proposed floating breakwater arrangement. Fixed piles were then chosen as the construction methodology for anchoring the floating structures in place as they offered certain advantages over anchor chains & blocks and “Seaflex” elasticated rope, including greater restriction of the movement of the pontoons etc. and lower maintenance costs.
- 8.3.7. Notwithstanding the foregoing, several of the third-party submissions, including the grounds of appeal, have asserted that there has been an inadequate exploration of the full range of credible alternatives to the location and design of the proposed development. In particular, reference has been made to possible provision of

seasonal swing moorings and / or designated areas where boats can drop anchor as other options that should have been examined as an alternative to the subject proposal. In response, the applicant has directed the Commission to the aforementioned rationale for its selection of the chosen option while also outlining its reasons why swing moorings are not considered as advantageous as the proposed small craft harbour (e.g. shorter usage season, the increased harbour area required, the additional requirement to accommodate tenders within the inner harbour, and the overall safety of persons coming ashore and returning to their vessels, particularly in difficult weather conditions).

- 8.3.8. Having reviewed the available information, while I would acknowledge that certain parties may dispute the case for the development as put forward by the applicant, in the absence of any clearly discernible evidence to the contrary, it is my opinion that the applicant has established a demonstrable need for the proposed development in terms of addressing an identified shortage of berthing space at Dingle Harbour. Furthermore, I am satisfied that a rational explanation has been provided to support the selection of the subject site and the overall design / construction methodology to be employed. In this regard, I would submit that it is not incumbent on the applicant to provide a detailed exploration of all possible development options. Instead, the details provided amount to an adequate investigation of reasonable alternatives which have taken account of various site selection criteria, including costs, which serve to support the development proposal as submitted.

8.4. Impact on the Surrounding Landscape, Established Character & Visual Amenity:

- 8.4.1. Particular concerns have been raised by interested parties as regards the overall visual impact of the proposed small craft harbour on the setting, character and amenity of the wider Dingle Harbour area. These relate not only to the broader visibility and appearance of the construction when viewed from surrounding vantage points but also concern the physical obstruction of certain views / vistas as a result of the proposed development to the detriment of both the local populace and visitors.
- 8.4.2. By way of context, the wider surrounds of Dingle Harbour are well recognised for their highly scenic landscape qualities as well as the dramatic coastal views afforded over the harbour area. In this regard, it is of relevance at the outset to note that the

landward side of Dingle Harbour is located within Landscape Character Area 13: *'Ventry and Dingle Harbours'* of the *'Landscape Review'* contained at Appendix 7 of the County Development Plan and is considered to be of *'High'* overall (visual) sensitivity. Moreover, this designation has informed the identification of those *'Visually Sensitive Areas'* which encompass the entirety of the coastline surrounding Dingle Harbour, save for the built-up area of Dingle town itself (including the existing inner harbour (FHC) / port area), with the importance of protecting these visually sensitive areas from inappropriate development being emphasised in the Development Plan wherein it is stated that development will only be considered in these areas subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. At this point, I would advise the Commission that although the proposed development site is not actually situated within a *'Visually Sensitive Area'* by reason of its location in an area of open water beyond the landward confines of the existing inner harbour / marina, it is only reasonable in my opinion that cognisance should be taken of these wider visual and landscape sensitivities in the assessment of the subject proposal given the obvious contribution made by the water body known as Dingle Harbour to the scenic qualities of the area which in turn have informed the designation of surrounding *'Visually Sensitive Areas'*.

- 8.4.3. In addition to the foregoing, I would draw the Commission's attention to Map H: *'Landscape Designations'* of Volume 4 of the Development Plan which shows several views and prospects proximate to the application site as having been listed for preservation by way of Objectives KCDP 11-79 & KCDP 11-81. Regrettably, these views / prospects have not been individually labelled for identification purposes, however, it is apparent that views of the proposed development will be readily available from that listed view / prospect shown as extending along the section of the R559 Regional Road / Sleah Head Drive / Wild Atlantic Way between the *'Brian de Staic'* (jewellers) building to the east and Dingle Distillery / Milltown Bridge to the west. In this respect, and for the purposes of clarity, although the directionality of the aforementioned view is shown on Map H: *'Landscape Designations'* as being broadly south / south-westwards and is also stated to be *'South'* on the Local Authority Development Plan Map Browser, I am inclined to suggest that this description of the directionality has been somewhat generalised for

simplicity purposes and the actual intention likely seeks to preserve the broader views over the entirety of Dingle Harbour to the south. To interpret the directionality as relating solely to views southwards from the roadway would serve to deny a comparable level of protection from being afforded to those views over approximately half of Dingle Harbour, including the harbour mouth at Reenbeg Point. By way of further comment, I am satisfied that the proposed development will not be readily visible from those views / prospects listed for preservation along the R560 Regional Road and the N86 National Road due to the directionality of same and the obstruction caused by intervening features such as topography, vegetation and existing structures.

8.4.4. In support of the proposed development, the initial application was accompanied by a series of photomontages taken from a number of vantage points (i.e. positions along the R559 Regional Road / Sleah Head Drive and at Cooleen Business Centre (beyond the east harbour basin) as well as the existing western breakwater) which aim to demonstrate the visual impact on the views available from same with the development in place. However, these details have been supplemented through the submission of a '*Landscape and Visual Impact Appraisal*' (LVIA) and additional photomontages by way of the further information received by the Planning Authority on 27th June, 2024 (*N.B.* The LVIA has also been described as a 'Landscape and Visual Appraisal' and a 'Visual Impact Assessment Report' in Appendix 'E' of the further information submission). In this regard, various concerns have been raised by third parties as regards the adequacy and accuracy of the applicant's analysis of the landscape and visual impact of the proposed development and whether the photomontages provide for a fair representation of the finished construction. In particular, it has been asserted that the photomontages fail to show the proposed development during high tide conditions, nor do they accurately depict its visual impact once operational in terms of full occupancy of the proposed berths / marina as well as the types of vessels (including larger and masted vessels) expected to avail of the facility.

8.4.5. With regard to the assertion as regards the reliability of the photomontages submitted in support of the application, while I would acknowledge the concerns raised, it is my opinion that the photomontages should not be interpreted as a definitive depiction of the completed development given the fluidity of any visual

impact due to variations in the occupancy of the facility, including the numbers and types of vessels berthed, and as the development itself will rise and fall with the tide. Instead, I would suggest that the photomontages should be used for more illustrative purposes in terms of providing a general depiction of the proposed development so as to inform the decision-making process.

- 8.4.6. Having undertaken a site inspection, and following a review of the available information, at the outset it is apparent that the proposed development will inevitably change the overall appearance of the harbour area, however, this must be balanced against the demonstrated need for the development and the wider policy provisions in support of the harbour expansion. Indeed, while it would perhaps be preferable from a visual amenity perspective to provide the berthing facilities within the confines of the existing breakwaters and the inner harbour, the demand for additional capacity coupled with the explanation provided as regards the site selection and adopted design / construction methodology requires consideration to be given to the subject proposal.
- 8.4.7. The overall visibility and impact of the proposed development will vary depending on the vantage point and directionality of view, however, particular consideration needs to be given to those views of most significance. In this regard, I am generally satisfied that the LVIA and photomontages provided by the applicant have identified and assessed the views of most concern.
- 8.4.8. Perhaps the most direct and significant impact of the proposed development will be on the expansive views over Dingle Harbour and its surrounds presently available from the western breakwater which serves as a popular walkway and civic / amenity space enjoyed by local residents and visitors. This is identified as Viewpoint 1 in the LVIA wherein it is noted that the breakwater offers an almost uninterrupted view of the harbour, including the harbour mouth with the sea beyond, as well as the southern headland / ridge with Eask Tower at its highest point. Although some concerns have been raised as regards the positioning and directionality of Viewpoint 1 with the suggestion being made that the view should have been taken from a vantage point located at the eastern end of the breakwater looking west - southwest, it is my opinion that the information provided, when taken in combination with my on-site observations which account for views from the entirety of the breakwater, is sufficient to allow for an objective assessment of any impact arising. On this basis, it

is to be noted that due to the siting of the proposed small craft harbour immediately south of the breakwater, it will appear prominently in the foreground of southward views along much of the breakwater while the presence of any moored vessels and masts etc. will further impinge on views of the wider harbour backdrop. In this regard, noting the sensitivity of the location given its popularity with walkers & sightseers etc., I would concur with the analysis set out in the LVIA wherein it has been concluded that the level of the visual effect will be both 'high' and 'adverse'. The significance of this visual impact is of further relevance given the presence of a 'Wild Atlantic Way Discovery Point' as well as a viewpoint of Eask Tower towards the eastern end of the breakwater, however, the degree of effect will depend somewhat on the position of the vantage point and the directionality of the view e.g. open unobstructed views southeast towards the mouth of Dingle Harbour will remain from the easternmost end of the breakwater while views of the wider harbour area will remain available (albeit with the development in the foreground to the south and southwest). While the adverse impact on views from the breakwater is regrettable, any such loss of amenity must be balanced against the established need and policy support for the proposed development, the rationale for the selected site location and design, the expectation that berthing facilities such as that proposed would form part of harbour development, and the wider benefits likely to accrue to the locality in terms of economic development, employment creation etc.

8.4.9. The LVIA continues by assessing the visual impact from several other viewpoints which afford varying views towards the proposed development. Viewpoint 2 is located at Cooleen Business Park to the east of the eastern harbour basin and affords views west towards the proposed development. This view encompasses a small section of the shoreline and looks over the entrance to the inner harbour with water forming the dominant feature in the foreground and middleground and the western shore of Dingle Harbour and the higher ground beyond providing a distant backdrop. While the LVIA has focused on the views from the business park and some private residential properties, a narrow walkway also extends along the shoreline at this point with access available to the shore itself, although I would concede that this area is unlikely to be frequented by visitors given the popularity and ease of access to other viewpoints. The proposed small craft harbour will extend across the middleground of the view partially obscuring longer distance views,

however, I am in broad agreement with the LVIA that the overall visual effect will be 'moderate' and 'neutral' given the less sensitive nature of the visual receptor and as the expanse of water in the foreground will remain unchanged while the proposed development will appear as an extension of the existing harbour facilities against a backdrop of the land beyond.

8.4.10. Viewpoint 3 of the LVIA is located along that section of the R559 Regional Road / Sleah Head Drive to the west of Dingle Harbour which has been identified as a view / prospect listed for preservation in the Development Plan. Although the directionality of this view is shown on Map H: '*Landscape Designations*' as being south-westwards and is also stated to be 'South' on the Local Authority Development Plan Map Browser, the LVIA has considered the view eastwards to include the proposed development site and I would accept that this approach provides for a fuller assessment of the potential visibility and visual impact of the proposal. In this regard, the pertinent views are clearly eastwards over Dingle Harbour and the surrounding coastline which dominate the vista. Although Dingle town and the inner harbour are visible to some extent, they do not form a dominant feature given the wider expanse of the view and the distances involved. In turn, the proposed development site is located at considerable remove from the roadway and only occupies a comparatively small proportion of the listed view / prospect. Moreover, views of the proposed development will be largely limited to positions towards the southernmost extent of the prospect given that the intervening coastline causes increased obstruction on travelling northwards along the roadway. Therefore, in view of the foregoing, and having reviewed the contents of the LVIA, I would concur with the applicant that the visual effect of the proposed development on the views available from this location will be 'low' and 'neutral'.

8.4.11. With respect to Viewpoints 4 & 5, these are intended to be representative of the publicly accessible views available from that section of the R559 Regional Road / Sleah Head Drive / Wild Atlantic Way between the 'Brian de Staic' (jewellers) building to the east and Dingle Distillery / Milltown Bridge to the west (with the views / prospect from this roadway having been listed for preservation in the Development Plan). This approach to the town affords open views across Dingle Harbour towards the harbour mouth at Reenbeg Point but also allows the viewer to gauge the relationship between the town, the open water, and the southern shoreline /

coastline. Particular concerns have been raised as regards the potential impact on the views available from this location with specific reference being made to the fact that on travelling east the change in directionality will see the new harbour facility gradually encroach into the views towards the harbour mouth. While the LVIA has acknowledged the high sensitivity of this view / prospect, the case has been put forward that as the proposed development will only occupy a limited horizontal and vertical extent, will not obstruct views across the harbour, and will not 'fill up' the harbour as an 'expanse of sea' will remain, the magnitude of the change arising will be 'low' or 'low-medium' thereby resulting a 'Moderate' level of visual effect with a 'Neutral' quality. In this respect, I am inclined to suggest that the LVIA has understated the significance of the visual effect arising and I would concur with third parties that the introduction of the small craft harbour beyond the confines of the existing breakwater / inner harbour will result in noticeable changes to the views towards the harbour mouth while travelling along this approach to the town. In my opinion, the magnitude of the visual impact on these views would be more akin to 'low-medium' to 'medium' while the visual effect would be 'moderate' and 'slight adverse', however, this must be considered in context given that the affected direction of view only forms part of the wider prospect listed for preservation while the loss of visual amenity must be measured against other relevant considerations, including the need and policy support for the proposed development.

8.4.12. In relation to the impact of the proposed development on those views southeast from the minor road serving the Milltown area of Dingle (as represented by Viewpoint No. 6), the proposed construction will appear as a continuation of the existing inner harbour set against a backdrop of the outskirts of Dingle town and the elevated lands beyond. In this respect, I would concur with the analysis set out in the LVIA that the level of the visual effect will be 'moderate' and 'neutral'.

8.4.13. The full extent of the proposed small craft harbour will be visible from the crest of Local Road No. L4100 / Goat Street / Sraid na nGabher (also known as 'The High Road') to the north of the town as shown in Viewpoint 7. However, while this location offers expansive views over Dingle Harbour, the intervening lands to the immediate south are zoned for new residential development and, therefore, the need to ensure that the efficient use of these zoned and serviced lands for housing purposes is not undermined has likely informed the decision not to list the views from this stretch of

roadway for preservation. Accordingly, I would suggest that a sensitivity rating less than the 'High' classification applied in the LVIA would be more appropriate for this viewpoint with the result that the level of visual effect predicted would in turn be reduced proportionately.

- 8.4.14. With regard to views of the proposed development from Strand Street (please refer to Viewpoint 8 of the LVIA), when taken in conjunction with the existing harbour and marina complex, I am satisfied that any additional visual impact will be of minimal significance.
- 8.4.15. The remaining vantage point (Viewpoint 9) considered in the LVIA has been taken from the elevated position of Eask Tower on the prominent ridge of Carhoo to the south of Dingle Harbour where the uninterrupted view looks north over the harbour to the town and the Brandon Mountain group and Conor Pass uplands beyond. Slightly less dramatic but comparable views in the same direction are also available at a lower elevation from the minor public road which extends west to east through Carhoo West. The views from these positions allow for an appreciation of the stunning panorama that encompasses much of Dingle Harbour and the mountainscape to the north with the town of Dingle and its harbour at the centre. Although the full extent of the proposed small craft harbour will be apparent from vantage points in the area, in my opinion, it will appear as an orderly extension of the existing harbour set in line with the western breakwater and within the developed confines of the town. In this context, the visual impact of proposed development will be within tolerable limits and will not unacceptably detract from the wider appreciation of the scenic views.
- 8.4.16. In relation to the concerns raised by some parties as regards the appearance of the proposed development when viewed from a seaward approach, while I would acknowledge that the new construction differs from the characteristic western breakwater that serves to enclose much of the inner harbour area, it must be viewed against the backdrop of the existing functioning harbour and the built-up fabric of the town. In this regard, I am unconvinced that the proposal could be held to detract from the inherent character or setting of Dingle town.
- 8.4.17. Having considered the available information, I have sought to undertake an impartial and objective assessment of the likely visual impact of the proposed development,

although I would concede that some parties are likely to disagree with elements of this analysis. By way of summary, there are certain viewpoints / vantage points (such as from the western breakwater and along that section of the R559 Regional Road / Sleah Head Drive / Wild Atlantic Way between the 'Brian de Staic' building to the east and Dingle Distillery / Milltown Bridge to the west) where the proposed small craft harbour will appear more prominently in the foreground or middle-distance views and thus the associated visual impact and change in the composition of a particular view could be considered an adverse effect. However, there must be an acceptance that places and landscapes evolve and change over time and that consideration should be given to other factors, including the demonstrated need for the development, the policy support lent to the proposal, and the rationale for the selected design and location. Therefore, on balance, it is my opinion that while the proposed development will negatively impact on the enjoyment of certain views over Dingle Harbour, most notably, those available from the breakwater, the proposal will be of broader benefit and can be accommodated without undue detriment to the overall scenic quality, character and setting of the wider Dingle Harbour area.

8.5. Ecological Considerations:

- 8.5.1. In assessing the potential impact of the proposed development on ecological / biodiversity considerations, I would refer the Commission to the Ecological Impact Assessment and the Natura Impact Statement submitted with the application (as updated by way of further information received on 27th June, 2024) as informed by the accompanying 'Ecological Survey' prepared by Goldcrest Environmental Services (which includes habitat, otter and bird surveys) and the 'Benthic Ecological Report' compiled by the Aquatic Service Unit (UCC).
- 8.5.2. By way of summation, the Ecological Impact Assessment (EclA) has determined that the proposed development will not result in any significant effects (subject to mitigation) on any key ecological features / receptors while the Natura Impact Statement has concluded that the proposal, with the implementation of mitigation measures, does not pose a risk of adversely affecting (either directly or indirectly) the integrity of any European Site, either alone or in combination with other plans or projects, and that there is no reasonable scientific doubt in relation to this conclusion.

- 8.5.3. The assessment and description of the baseline environment for ecological receptors (within the relevant zones of influence for the harbour area and along the coastline) in the EclA have been informed by a review of available records of protected species and habitats as well as biodiversity site visits / surveys and desk-based studies. The 'Ecological Survey' prepared by Goldcrest Environmental Services includes the results of wintering and breeding bird surveys which have identified those species present in the area along with their conservation (BoCCI) status and whether they are Species of Conservation Interest (SCI) for any Special Protection Area in Ireland. Surveys were also undertaken for specific species (i.e. Black Guillemot, Chough, and Herring Gull) as well as cliff-nesting seabirds (which recorded Fulmar, Shag, Great Back-backed Gull, Herring Gull, Lesser Black-backed Gull, Razorbill & Black Guillemot) while a vantage point survey allowed for counts of those bird species flying over or feeding / foraging with the proposed dredge spoil disposal area.
- 8.5.4. The entirety of the Dingle Harbour area was also specifically surveyed for signs of otters using a walkover technique and through the inspection of likely habitats. This was followed by the deployment of trail cameras at those coastal locations where otters may have accessed the shoreline, such as at resting places on or adjacent to the shore. Evidence of otter activity was initially found at two locations on the south shore of Dingle Harbour while four sightings were also made during the survey work which included the observation of otter swimming close to shore near Milltown Bridge as well as just off the southwest corner of the marina in Dingle. Records were also made of those instances when other species of mammal, bird and insect triggered the trail cameras (e.g. mink, badger, fox, brown rat etc.)
- 8.5.5. Surveys of the coastal habitats of the inner Dingle Harbour area recorded much of the littoral habitats being composed of mixed substrate shore, sheltered rocky shore and moderately exposed rocky shore, with small areas of mud and sand shores on the eastern side of Dingle Harbour, and at the seaward side of Burnham Inlet. A small area of salt marsh and tidal river was noted at Milltown (proximate to Milltown Bridge) while the area encompassing the port and marina is characterised by manmade habitats – sea walls, piers and jetties – apart from a small area of mixed substrate shore on the eastern side around the small breakwater to the southwest of the port entrance. A more complex system of habitats was evident at Burnham Inlet

in a relatively small area while the area around Milltown Bridge was also considered to show a variety of habitat types.

8.5.6. The results of the 'Benthic Ecological Report' identified the presence of a single biological community in the area of the proposed marina which can be characterised as *Arenicola marina* in infralittoral fine sand or muddy sand. This biotope is very common in Irish coastal waters. Within the dredge spoil disposal location, the sediment distribution recorded was found to mirror that of a previous INFOMAR survey conducted in 2011 which classified the area as consisting of a mosaic of soft and hard benthos across the site. Analysis of faunal data identified the presence of a single biotope complex in the soft sediment part of the disposal area and its surrounds although three further discrete faunal assemblages were apparent within this biotope. The biological communities identified are considered similar to those recorded during earlier survey work in 2007 which is thought to reflect the stable nature of the benthos in the vicinity of the disposal site. Overall, the benthic habitats identified are considered common to Irish coastal waters with no protected species having been recorded.

8.5.7. The Ecological Impact Assessment also takes cognisance of a mammal risk assessment of Dingle Harbour completed by the Irish Whale and Dolphin Group (IWDG) which has aimed to consider the following based on NPWS guidance: 1) Source, 2) Species, and 3) Environment:

- Source: Where the source of anthropogenic noise will come from the dredging and piling activities while in the vicinity.
- Species: Based on assessment from various data sources on the species of marine mammals occurring within the proposed dredging and piling locations as well as surrounding areas
- Environment: Where the dredging and piling is proposed to take place, and marine mammal occurrence within this area.

8.5.8. This risk assessment is based on original data collected by the Irish Whale and Dolphin Group and is further informed by data extracted from the IWDG sightings dataset which confirms that the following species have been recorded as present off the south coast of Ireland: Harbour or Common Seal, Grey Seal, Bottlenose Dolphin, Common Dolphin, Minke Whale, Harbour Porpoise, Risso's Dolphin, Humpback

Whale, and Sei & Fin Whale. It has also been noted that Basking Sharks are frequently sighted within Dingle Bay and occasionally in the vicinity of the entrance to Dingle Harbour but not within the harbour.

8.5.9. With regard to the likelihood of the proposed development giving rise to significant effects on European Sites, I would refer the Commission to the 'Stage 2 Appropriate Assessment' set out elsewhere in this report. However, for the purposes of completeness, the Ecological Impact Assessment has also taken account of the need to consider these designations and has adopted a zone of influence of 15km for the evaluation of likely significant effects on European Sites (given the scale and nature of the proposed work) resulting in the identification of the following sites:

- Mount Brandon SAC
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC
- Blasket Islands SAC
- Castlemaine Harbour SAC
- Dingle Peninsula SPA
- Blasket Islands SPA

8.5.10. Having established the baseline environment for ecological receptors (including the Qualifying Interests and species of Special Conservation Interest for those European Sites within the zone of influence), Section 4 of the EclA details how a geographic frame of reference has been used to apply a value to those ecological features so as to determine impact significance having regard to the characteristics of ecological impacts by reference to the parameters set out in Table 4.14.1 (positive or negative, extent, magnitude, duration, frequency and timing, reversibility) as well as the importance (Table 4.2) of the ecological feature in question (e.g. International and European, National, Regional, County, and Local Importance). The ecological value of important ecological features was subsequently assessed pursuant to the relevant guidance with ecological resources of 'Negligible' or 'Local Importance (Lower Value)' being scoped out from the EclA on the basis that they are not considered to comprise 'Important ecological features'. A summary evaluation of all significant ecological features identified within the Zone of Influence of the proposed development is provided in Table 4.3 of the EclA (which should be read in

conjunction with the updated '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' received by the Planning Authority on 27th June, 2024 by way of further information).

8.5.11. Section 6 of the EclA sets out the assessment of potential effects on those ecological receptors listed in Table 4.3 by reference to the following impact mechanisms:

- Impact Mechanism 1: Displacement from foraging habitat
- Impact Mechanism 2: Release of pollutants and sediments
- Impact Mechanism 3: Noise disturbance
- Impact Mechanism 4: Loss of habitat

8.5.12. With regard to the magnitude, scale and significance of any construction and operational impacts potentially affecting European Sites within the Zone of Influence, the Commission is referred to the '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' provided by way of further information wherein it has been concluded, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted impacts from the proposed development, and with the implementation of the mitigation proposed, that the proposed development does not pose a risk of adversely affecting (either directly or indirectly) the integrity of any European Site, either alone or in combination with other plans or projects, with no reasonable scientific doubt in relation to this conclusion.

8.5.13. In relation to bird species, Section 6.3 of the EclA states that the screening exercise contained within the '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' resulted in the identification of 10 No. qualifying interests (seabird species of Special Conservation Interest) of both the Dingle Peninsula SPA and the Blasket Islands SPA for which significant effects could not be excluded. Additionally, it was determined that of 29 No. SCI bird species (identified as qualifying interests of other Special Protection Areas) recorded during surveys of the proposed development site and the dredge spoil disposal area, potential significant *ex situ* effects arose for 9 No. SCI bird species and their associated Special Protection Areas (please refer to Table 6.2 of the EclA).

Accordingly, the assessment proceeds to consider the potential for effects on those bird species by reference to the applicable impact mechanisms as follows:

- *Impact Mechanism 1: Displacement:*

During the construction phase there may be some temporary displacement from foraging areas as a result of noise disturbance caused by the drilling and dredge disposal activities. Similarly, it is anticipated that the requirement to undertake dredging works every 20-30 No. years for maintenance purposes could result in some temporary displacement due to noise disturbance. However, it has been submitted that due to the relatively small scale of the potential impact relative to the large expanse of suitable foraging habitat available elsewhere within Dingle Bay, and as any effect would be both temporary and short term, the impact in question will not be significant and will not affect the conservation objectives of the QI species.

- *Impact Mechanism 2: Discharges:*

It is acknowledged that dredging can result in short-term and long-term damage to the biological environment through changes to benthic habitats with subsequent effects on prey distribution & abundance and impact on marine predators. It is further accepted that birds may also be affected by the release of sediment through the consumption of contaminated prey items resulting from contaminants entering the food chain. Therefore, in the absence of best practice construction and suitable mitigation, the potential arises for the proposed construction works to result in the uncontrolled release of sediment material to Dingle Bay thereby affecting the availability of food items targeted by foraging birds. More specifically, the capital dredging works and piling operations will release spoil to the water column potentially affecting local water quality and resulting in the generation of sediment plumes extending beyond the immediate works area.

The EclA proceeds to refer to contaminant analysis of dredged sediment from Dingle Harbour in 2007 (contained in the '*An Daingean Dredging Studies Report*' prepared by RPS and appended to the EclA submitted with the initial application) which concluded that the level of contaminants in the dredge spoil was negligible and thus was not expected to pose any significant threat to the

benthos within the then proposed disposal area. The report continues by referencing sediment dispersal modelling undertaken at the disposal site in 2007 as well as the results of further modelling set out in the accompanying *'An Daingean Small Craft Harbour: Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves'* wherein it has been determined that an increase in Suspended Sediment Concentration will only occur in the immediate vicinity of the disposal site and will not persist beyond the cessation of the disposal, with the resulting dredge plume dispersing after each dredging operation. Although it is accepted that dumping at the disposal site is likely to cause some local smothering of the benthos, the benthic fauna in question typically has a high recovery rate and thus the negative impact will have relatively short-term consequences. The assessment subsequently refers to the mitigation measures and general construction practices required to prevent adverse effects as detailed in Section 6.7 of the EclA which includes adherence to the Construction Environmental Management Plan. In this respect, I would draw the Commission's attention in particular to the measures set out in EMP 1: *'Management of Dredging'* and EMP 2: *'Management of Piling'* as appended to the CEMP.

In relation to operational phase impacts, any maintenance dredging will give rise to similar concerns as regards changes to benthic habitats, however, it should be noted that siltation levels in and around Dingle FHC are low with no maintenance dredging having been required since the inner harbour and navigation channel were first dredged in the 1990s. While capital dredging was carried on the navigation channel in 2018 to lower the bed to allow for a longer access time over the tides for larger vessels, the bed levels measured prior to those works had not shown noticeable change since the original 1990s dredging. Based on suspended sediment sampling, it is anticipated that maintenance dredging of the site will be carried out at most every 20-30 years (but at likely less than that). Therefore, it has been submitted that maintenance dredging will not have a significant effect on the surrounding environment due to the presently low levels of siltation within Dingle Bay and the lack of a requirement for maintenance dredging to occur at a rate greater than every 20 to 30 years.

With regard to the potentially negative effect on water quality attributable to any release of untreated wastewater from vessels entering the harbour, it has been emphasised that wastewater will not be discharged directly into the water from vessels and that a wastewater pump-out facility located at the harbour will allow for wastewater to be pumped onto the mainland where it will be discharged to the public mains sewerage system for treatment at the Dingle Wastewater Treatment Plant which has adequate capacity to cater for the additional loadings consequent on the proposed development.

Accordingly, there is no potential to cause negative environmental damage through wastewater discharge to the surrounding waters of Dingle Harbour.

- *Impact Mechanism 3: Noise:*

In assessing the potential impact by way of noise disturbance (with particular reference to that attributable to dredging, piling and vessel noise) on each of those bird species of note identified in Table 4.3 of the EclA, the assessment has applied a scoring system to the criteria examined (i.e. species risk of disturbance; species population sensitivity; proposed development area habitat suitability; and species habitat flexibility) with a view to determining the level of impact. The culmination of the results of this assessment are set out in Table 6.6: '*Level of Impact*' of the EclA which has concluded that the overall level of impact for the individual bird species is between 'Minor' and 'Negligible' with the potential impact significance ranging from 'imperceptible' to 'slight' thus amounting to a 'Not Significant' impact.

8.5.14. With respect to those terrestrial mammals recorded along the harbour shore during the ecological surveys (e.g. American Mink, Badger, Vole, Brown Rat etc.) it has been put forward that as all of these species are common throughout the area no significant impact is likely on their populations.

8.5.15. Potential impacts on benthic habitats have been assessed by reference to the following impact mechanisms:

- *Impact Mechanism 2: Release of pollutants and sediments:*

Given that dredging will be required at both the construction and operational phases of the development, the potential for significant adverse effects

through the disposal of dredged material on benthic habitats requires consideration.

In terms of the potential for contamination, the EclA reiterates that the results of survey work undertaken in 2007 and 2021 serve to demonstrate the stable nature of the benthos in the vicinity of the dredge disposal site in Dingle Bay. Moreover, the benthic habitats identified are considered common in Irish coastal waters while no protected species were recorded in the survey area. Additionally, it is emphasised that previous testing of sediment dredged from Dingle Harbour has concluded that the level of contaminants in the dredge spoil were negligible and thus were not expected to pose any significant threat to the benthos within the then proposed disposal area.

In reference to the potential for the smothering of the benthos following the deposition of large volumes of sediment onto the seabed, while cognisance has been taken of sediment dispersal modelling undertaken in 2007 at the dump site for the disposal of 300,000m³ of sediment dredged from Dingle Harbour, further modelling was undertaken at the proposed site in 2021 (please refer to the '*Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves*' submitted with the application) which has determined that an increase in Suspended Sediment Concentration will only occur in the immediate vicinity of the disposal site and will not persist beyond the cessation of disposal with each resulting dredge plume dispersing after each dredging operation. The modelling has also established that while the projected increase in seabed thickness (>0.14m) at the disposal site is likely to cause some local smothering of the benthos, the affected benthic fauna typically has high recovery rates and so the negative impact of the increased seabed thickness is predicted to have a relatively short-term consequence.

In addition, it should be noted that the proposed disposal site has been used sporadically for such purposes and that the results of the '*Benthic Ecological Report*' found the sediment distribution recorded to mirror that of a previous INFOMAR survey conducted in 2011 which classified the area as consisting of a mosaic of soft and hard benthos across the site. The biological communities identified were also noted to be similar to those recorded during earlier survey work in 2007 which is considered to reflect the stable nature of

the benthos in the vicinity of the disposal site and further suggests a benthic community which is adapted to recover from significant sedimentation. This is further supported by the OSPAR Commission which notes that benthic fauna can survive rapid sediment deposition up to depths of 100mm (i.e. 20 times the maximum depth predicted by the 2021 numerical modelling) with negative impacts to marine life only expected when sediment deposition depths exceed 150mm. Accordingly, given that the deposition rates consequent on the proposed development will not exceed 150mm, no significant adverse effects to marine benthic habitats are anticipated.

- *Impact Mechanism 4: Loss of habitat:*

It is accepted that the proposed construction works along with future maintenance, with particular reference to dredging and disposal operations, will potentially have a temporary effect upon the supported marine habitats, which provide opportunities for marine animals and birds, however, it is not considered that the effects arising would equate to a permanent loss of habitat for such species given the large expanse of suitable foraging habitats available.

8.5.16. In assessing the potential for impacts on otter, cognisance has been taken of the evidence of otter activity recorded in the wider Dingle Harbour area, and the possibility that individuals from the Tralee Bay and Magharees Peninsula, West to Cloghane SAC may occur at the project area in Dingle Harbour (given the relatively wide ranging habits of otter). In response, construction activities are likely to be carried out in daylight hours as otters are primarily active in the early morning and / or late evening.

8.5.17. The operational phase of the proposed development will involve increased lighting around the harbour, however, this is considered unlikely to have a significant effect on the species as any otter in the area is likely habituated to existing lighting levels in the area. Given such behaviour, it is not thought that otter will be active in the project area during operations and that interactions are likely to be minimal. In addition, otters are considered quite tolerant of human disturbance so any impact is unlikely to be significant.

8.5.18. With respect to those marine mammals identified in Table 4.3 of the EclA, the report analyses the potential for effects by way of the relevant impact mechanisms as follows:

- *Impact Mechanism 1: Displacement:*

There may be some temporary disturbance and displacement from foraging areas as a result of noise disturbance caused by the drilling and dredge disposal activities. In this regard, specific reference can be made to the small number of Grey Seals that regularly occur within Dingle Harbour, especially during the piling operations, however, they are accustomed to human activities and are unlikely to be significantly affected by the dredging activities or the increase in vessel traffic. There is also some evidence that dredging may provide foraging opportunities for seals.

At the disposal site, while a larger range of marine mammal species may occur, the works are considered unlikely to lead to any significant disturbance. It is expected that animals would habituate to vessels during the dredging and dumping operations and would be unlikely to be disturbed or displaced for long periods (noting the previous use of the dump site for disposal activities). Nevertheless, given the species diversity and proximity of the Blasket Islands SAC, mitigation measures to reduce and avoid the potential impact of piling, dredging and dumping on Grey Seals and Harbour Porpoise (and other marine mammals) are proposed.

More broadly, the disposal site is very small relative to the available foraging habitats with the result that any impact will be localised and not significant. Furthermore, the dredging activity will be of short duration and thus any displacement will be short term. While sound levels from the dredging and disposal operations will be below that able to cause injury to a marine mammal, disturbance from the noise generated by the piling and dredging, and the physical presence of the dredger, has the potential to cause low level disturbance, masking or behavioural impacts, although the presence of an additional vessel and the associated noise produced is considered very unlikely to have any significant impact on marine mammals.

It is accepted that the dredging and disposal activities will potentially lead to a temporary effect upon foraging opportunities for marine mammals as they may be displaced from the area, however, any such effect would be short term given the expanse of suitable foraging habitat available. Similar conclusions can be drawn with respect to any subsequent maintenance dredging and disposal operations.

The increased vessel activity in the area consequent on the operation of the proposed development could potentially pose a threat to the displacement of species, however, this must be viewed in the context of the existing busy port and marina. The increase in activity is not considered significant and all vessels will follow the same navigation lines as have been traditionally used and thus there will be no additional impacts on the marine environment.

- *Impact Mechanism 2: Release of pollutants and sediments:*

Sedimentation and any increases in turbidity attributable to the works are considered unlikely to affect marine mammals which use echolocation.

It is reiterated that sediment dispersal modelling undertaken in 2021 (please refer to the '*Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves*' submitted with the application) has determined that an increase in Suspended Sediment Concentration will only occur in the immediate vicinity of the disposal site and will not persist beyond the cessation of disposal with each resulting dredge plume dispersing after each dredging operation. The modelling has also established that while the projected increase in seabed thickness (>0.14m) at the disposal site is likely to cause some local smothering of the benthos, the affected benthic fauna typically has high recovery rates and so the negative impact of the increased seabed thickness is predicted to have a relatively short-term consequence.

Any maintenance dredging will give rise to similar concerns as regards changes to benthic habitats, however, siltation levels in and around Dingle FHC are low with no maintenance dredging having been required since the 1990s. While capital dredging was carried on the navigation channel in 2018 to lower the bed to allow for a longer access time over the tides for larger

vessels, the bed levels measured prior to those works had not shown noticeable change since the original 1990s dredging.

Based on suspended sediment sampling, it is anticipated that maintenance dredging of the site will be carried out at most every 20-30 years (but at likely less than that). Therefore, maintenance dredging will not have a significant effect on the surrounding environment due to the presently low levels of siltation within Dingle Bay and the lack of a requirement for maintenance dredging to occur at a rate greater than every 20 to 30 years.

Wastewater will not be discharged directly into the water from vessels. A wastewater pump-out facility located at the harbour will allow for wastewater to be pumped to the mains sewerage system for treatment at Dingle Wastewater Treatment Plant which has adequate capacity to cater for the additional loadings consequent on the proposed development.

- *Impact Mechanism 3: Noise disturbance:*

Dredging:

Dredging typically produces continuous, broadband, low frequency sound below 1kHz with sound pressure levels between 168dB and 186dB re 1µPa at 1m (depending on the nature / methodology of the dredging activity).

It has been submitted that there will be very little noise associated with the proposed dredging operation as a long reach excavator and barge is to be used. Furthermore, increased noise associated with the dredging will be very local to the harbour.

It is proposed to implement various mitigation and monitoring measures during the project construction and operation which will include the use of qualified marine mammal observers during sub-tidal piling operations with the commencement of piling to be delayed if there is any sight of marine mammals within 1,000m of the site for 30 minutes prior to the planned start of piling. Since impact piling cannot always be stopped immediately, some potential for impacts remains.

Piling:

Pile driving is classed as a multi pulse source of impulsive sound. Potential impacts on marine mammals from piling activity include Permanent Threshold Shift, Temporary Threshold Shift, and behavioural disturbance; each of which have varying degrees of severity for exposed individuals.

Given that the likelihood of any cetaceans being in the vicinity of the construction site is extremely low there is an insignificant risk of sound exposure and impact, however, the likelihood of seals being in the water close to the site is high.

Vessel Noise:

There is the possibility that marine mammals may be impacted by vessel noise associated with the construction and operational phases of the development, however, research has shown that various species show considerable tolerance to vessel traffic.

Ambient noise levels in Dingle Harbour are expected to be dominated by shipping noise, and to a lesser extent by environmental noise, with some noise contributed by shore-based port activities and heavy traffic. It is likely that an operational dredger will lead to a small increase in noise, although this should be considered in the context of the existing harbour usage. In the operational phase, vessels will follow the same navigation lines as have been traditionally used and thus there will be no additional impacts on the marine environment.

- 8.5.19. Having undertaken an assessment of potential effects on those ecological receptors listed in Table 4.3, Section 6.7 of the EclA sets out those mitigation measures proposed to obviate the likelihood of significant effects attributable to Impact Mechanism 2: '*Release of pollutants and sediments*' and Impact Mechanism 3: '*Noise disturbance*'. With regard to the prevention of pollutants and sediments, it is proposed to adhere to an agreed Construction Environmental Management Plan that provides for the implementation of standard construction best practice to manage the risk of potential for loss of concrete or hydrocarbons such as fuels and oils during the construction phase. In order to mitigate any potential impact to marine mammal species, the applicant and the appointed contractor propose to implement the relevant impact mitigation and monitoring measures set out in the '*Guidance to*

Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols.

- 8.5.20. It is therefore anticipated that with the employment of the specific mitigation measures, no significant effects on key ecological features of conservation concern will occur for the duration of the proposed development. It has also been concluded that there is no potential for significant effects from the proposed development in combination with other plans or projects (in reference to the deployment of 5 No. Acoustic Doppler Current Profiler frames on the seabed in Castlemaine Harbour and Dingle Bay for a duration of 35 days).
- 8.5.21. On balance, and following a review of the available information, including the plans and particulars submitted in support of the planning application and in response to the grounds of appeal, I would concur with the conclusions of the EclA that provided the proposed works are carried out in accordance with the design, best practice and mitigation measures prescribed, significant effects on key ecological features are unlikely.

8.6. Design and Safety Considerations:

- 8.6.1. The proposed development consists of the construction of an approximately 125 No. berth small craft harbour just south of the west breakwater at Dingle Inner Harbour and will involve the dredging of an area of seabed followed by the installation of c. 100 No. CHS 508-610mm diameter steel anchoring piles which will be used to hold in position floating breakwaters, small craft type pontoons, walkways & fingers, and a gangway from the western breakwater to the small craft area. At this point, I would refer the Commission to my earlier acceptance of the broader rationale for the design and siting of the proposed development, including the need for its positioning proximate to the navigable channel (and the associated lower dredging requirement) and as floating breakwaters were deemed to be the most cost-effective and useful method of providing protection against wave action.
- 8.6.2. In response to the concerns raised in the grounds of appeal as regards the exposed nature of the proposed development and its vulnerability to sustained westerly and southerly winds, storm surges, and other severe weather conditions, the applicant

has provided a summary of a preliminary design assessment undertaken with respect to establishing the suitability of the proposed floating breakwaters, piles and floating pontoons from a technical / engineering perspective in relation to local coastal processes and ground conditions. This includes details of the coastal processes of relevance to the design of the proposed small craft harbour, including tide and extreme water levels, tidal currents, wave conditions and water depths, which were used to inform wave and tidal current modelling at the application site, while ground conditions were established by way of various borehole investigations and bathymetric & geophysical surveys. It has thus been submitted that the floating breakwaters have been designed to provide wave conditions within the small craft area classified as “good” in accordance with Table 4.2 of AS3962 ‘*Guidelines for the Design of Marinas*’ (while noting that “moderate” conditions are considered acceptable in the more extreme events).

8.6.3. While I would acknowledge the concerns of some parties as regards the technical design parameters employed by the applicant and the need to ensure the overall safety of the proposed development, having reviewed the information provided in support of the adopted design, and in the absence of any evidential basis to the contrary, I am amenable to accepting the position of the applicant that the subject proposal satisfies the necessary design and safety standards.

8.7. Impact on Residential Amenity:

8.7.1. With regard to the potential impact of the construction of the proposed development on the amenity of surrounding properties, while I would acknowledge that the construction works, with particular reference to the dredging and piling operations, could give rise to the disturbance / inconvenience of local residents due to increased noise and traffic etc., given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition, including through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

8.7.2. In relation to concerns that the completed development could detract from the residential amenity of nearby properties, with particular reference to dwellings in ‘The

Wood' area of the town, due to the increased levels of noise and general disturbance attributable to the higher levels of human activity, social interactions, and the 'clacking' of masts etc. consequent on the additional berthing facilities, I am inclined to suggest that the operational impact of the proposal must be considered in context. In this respect, there must be an acknowledgment that the proposed development is located at a remove from nearby housing and involves the extension of an existing functional harbour which adjoins a busy built-up area frequented by locals and visitors alike that is characterised by a notable number of late-night leisure / entertainment orientated uses, including hotels, public houses, restaurants and takeaways. Accordingly, it is my opinion that the overall operational impact of the proposed development on the wider amenity of the area will be somewhat limited and will not give rise to such discernible additional levels of noise and disturbance as to be detriment to the amenity of surrounding properties. Furthermore, issues pertaining to excessive noise or anti-social behaviour would in all likelihood be matters for resolution by the responsible authorities (e.g. the Harbour Master, the Marina Superintendent, and An Garda Síochána) in the first instance.

8.8. Other Issues:

8.8.1. Impact on Harbour Usage and Other Activities:

Due to the siting of the proposed development in an area of open water to the immediate south of the western breakwater, it has been submitted by several third parties that the works will impinge on, or otherwise interfere with, the established use of the harbour and its surrounds for certain activities. More specifically, it has been asserted that the small craft harbour will occupy that area presently used by the local rowing club as well as for the holding of sailing and rowing events including the Dingle Regatta and the All-Ireland Coastal Rowing Championships with the result that any such activities will be forced into deeper waters away from the harbourside. Additionally, given that the proposed harbour / berthing area will not be accessible to the general public, concerns arise that the proposed development will isolate spectators on the western breakwater from being able to view any such events thereby rendering the harbour less attractive for the holding of same. In turn, it has been suggested that the broader impact of the proposed development effectively amounts to a 'privatisation' of the existing breakwater which is presently used as an amenity area by the wider populace and visitors alike.

- 8.8.2. By way of reply, the applicant's response to the grounds of appeal is accompanied by correspondence from the Coastal Rowing Federation of Ireland (which previously held its national championships, the 'All-Ireland Coastal Rowing Championships', in Dingle Harbour in 2019, 2023 & 2024) wherein it is stated that the organisation is aware of and fully supports the planned small craft harbour works (noting that the proposed development would likely enhance the facilities available should its events return to Dingle Harbour in the future).
- 8.8.3. In addition to the foregoing, some concerns have been raised as regards the siting of the proposed development at the entrance to the inner harbour and the potential for conflict with other water-based activities or boat movements. More broadly, reference has been made to the increased number of boats and people consequent on the proposed development and the potential for a detrimental impact on the overall character and dynamic of the marina along with the added strain on local services.
- 8.8.4. With respect to the concerns raised, I would suggest that cognisance should be taken in the first instance of the fact that Dingle is a working harbour and that there is broader policy support at national, regional and local level for its expansion. Secondly, it is apparent from a review of the available information that a variety of factors informed the selection of the subject site as a suitable / viable location for the development proposed with notable criteria including direct access to the navigable channel of the inner harbour and the minimisation of dredging works. This evaluative process is also likely to have taken account of the potential implications of the proposed development for any water-based activities historically conducted from within the site confines and the need to ensure the safe operation of both the development in question and the harbour surrounds. In this regard, I would suggest that the culmination of the site selection and design process has sought to achieve a balance between the demands for the expansion of harbour activities (i.e. the additional berthing requirements) and the desire to preserve the existing character, dynamics and setting of its surrounds.
- 8.8.5. Clearly, the siting of the proposed development beyond the existing breakwater will necessitate the relocation of any existing water-based activities from within the site area, however, there would seem to be no overt reason as to why such activities cannot be accommodated elsewhere in the wider harbour area. Furthermore, the

provision of the small craft harbour will not impact on public access to the existing breakwater or its use as an amenity space. While I would acknowledge that the proposal will impinge on the foreground views south / southwest from the breakwater, wider views will continue to be available over the harbour area, including from the southeastern end of the breakwater towards the mouth of Dingle Harbour. With regard to the operational changes to the harbour attributable to the increased numbers of boats and people visiting the area and the added demand for local services, I would suggest that these should be viewed in the broader context of the Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027 which advocates for the further development of Dingle / Daingean Uí Chúis harbour / port for fishing, tourism and recreational use, with particular reference to Section 3.2.5.5: *'Tourism'* and Objective No. D-T-5: *'Promote the development potential of the harbour/marina area in a sustainable manner'*, and the opportunities afforded by the proposal in terms of business development and employment creation etc.

8.8.6. *The Appropriate Use of Public Funds:*

Within the grounds of appeal, it has been suggested that the proposed development does not represent an appropriate use of public funds and that the monies involved should instead be directed towards other more worthwhile projects of greater benefit to the area. In this regard, specific reference has been made to the need for local boats to travel to Valentia Island Boatyard, Castletownbere or further afield for repairs / maintenance since the closure of Dingle Boatyard and that it behoves the applicant to spend money on a proper repair yard / facility in Dingle to serve existing fishing boats rather than the provision of another marina for a select group.

8.8.7. In response the applicant has submitted that the need for additional small craft berthing within the harbour has been carefully evaluated with an examination of existing waiting lists and projected future use concluding that an increase in berthing capacity is essential to meet the harbour's needs. It is further stated that a cost estimate for the project has been completed and that decisions regarding capital works projects are based on a number of criteria, including need, priority of development, and economic benefits as well as cost.

8.8.8. In my opinion, it is not within the remit of the Commission to undertake a cost-benefit analysis of the proposed development or to engage in any critical evaluation as to

the merits or otherwise of the direction of public funding. Such matters are the responsibility of the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation with the Capital Works Management Framework providing a set of guidelines and tools used by the Irish Government to ensure that public construction projects are delivered efficiently, cost-effectively, and to a high standard. In any event, I would suggest that the allocation of funding towards a particular project would not necessarily impact on any future decision-making as regards the use of public monies on other worthwhile or needed projects in the area.

8.8.9. *Flooding Implications:*

In relation to the concerns raised as regards the possible flooding implications of the proposed development, the additional information received by the Planning Authority on 27th June, 2024 includes a flood risk assessment which has identified tides as a potential source of flooding (with inflows to Dingle Harbour from the Milltown River and other streams considered insignificant in terms of the change to water levels in the harbour when compared to tidal influences). This assessment provides an estimation of the predicted extreme water levels for the 0.5% and 0.1% Present Day Scenarios at the site of 2.68mODM and 2.85mODM respectively (to OSGM15) as derived from the Irish Coastal Wind Wave Study, 2018. It proceeds to state that the proposed development (i.e. the floating breakwater and pontoons) will rise and fall with the tide and have been designed to cope with extreme high and low tides with allowances for wave action, an allowance for sea level rise, plus a freeboard. It is further noted that the proposed small craft harbour constitutes a water-compatible form of development as per Table 3.1: '*Classification of Vulnerability of Different Types of Development*' of '*The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009*' and thus is considered appropriate in Flood Zones A, B & C. The analysis also acknowledges that while access to the development will be unavailable from the western breakwater for a short period of time during extreme high tides in the 0.5% and 0.1% Mid Range Future Scenarios, the access ramp land level can be adapted for sea level rise. Operationally, any such extreme events are considered more likely to occur during storms in the winter period when there would be a lower occupancy of berthed craft. It has also been submitted that while the risk to occupants of the development is acceptable in the

context of the guidelines, it can be mitigated by way of normal design and operational risk reduction measures.

8.8.10. In further support of the proposal, I would advise the Commission that the entirety of the application site could be considered to be located within Flood Zone 'A' (where the probability of flooding is highest i.e. greater than 0.5% or 1 in 200 for coastal flooding as established by National Coastal Flood Hazard Mapping 2021 – Present Day 0.5% AEP (1 in 200) flood extents) by reference to '*The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009*' although this classification is more typically applied to flood events on land. Nevertheless, considering the nature of the proposed development and its siting in an area of open water, it is apparent that the proposed small craft harbour would constitute a water-compatible form of development which would be appropriate within Flood Zone 'A' pursuant to Table 3.2 of the Guidelines.

8.8.11. With respect to the suggestion that silt disturbed during the dredging and construction phase of the works will settle at Milltown Bridge giving rise to an increased risk of flooding at that location through the displacement of flood waters, I would refer the Commission to the additional information received by the Planning Authority on 27th June, 2024 as regards the baseline monitoring of local waters and potential impacts on salmonoid fish wherein it is detailed that the proposed development is located approximately 1km from the mouth of the Milltown River and that tidal currents at the application site are relatively low meaning that any elevated suspended sediment concentrations will remain in the vicinity of the operations while lowering away from the location of the dredging operations. In this regard, it has been submitted that modelling of sediment concentrations in the vicinity of the dredge site (please refer to the '*Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves*' provided with the initial application documentation) indicate that elevated levels will rapidly fall with distance from the dredger and that at high tide, when the dredge plume would be furthest northwest and closest to Milltown Bridge, the elevated concentrations would be several hundred metres southeast of the bridge. The analysis further states that heavier sediment particles will fall back to the seabed within c. 100m of the dredge site while only the fine particles will stay in suspension for c. 500m with the result that little or no suspended sediment from the dredging operation will reach the Milltown River

during flood tides. In addition, during ebbing tides, it is anticipated that sediments suspended during dredging will be transported away from the mouth of the Milltown River. It is also noted that while the sediment plume will travel towards the mouth of the Milltown River on flood tides, due to differences in densities (sea water is c. 3% heavier than freshwater), the small amount of sediment still in suspension will be restricted to deeper waters.

8.8.12. Having reviewed the available information, it is my opinion that the nature and scale of the proposed development is appropriate to the location from a flood risk management perspective and will not give rise to any significant disturbance of floodwaters elsewhere.

8.8.13. *Potential Impact on Páirc Náisiúnta na Mara, Ciarraí:*

Páirc Náisiúnta na Mara, Ciarraí is Ireland's first marine National Park and includes islands off the coast of Co. Kerry, the World Heritage o Sceilg Mhichíl, the Kerry Head Shoal, Inch Sand Dunes, the uplands of Mount Brandon, and the Conor Pass. The primary objective of Páirc Náisiúnta na Mara, Ciarraí is the conservation and sustainable use of biodiversity although several locations within the Park are also very significant for language, literature and cultural heritage purposes.

8.8.14. Although concerns have been raised as regards the overall compatibility of the proposal with the aims of the Park, having regard to the nature, scale and design of the proposed development, in addition to the site location at a considerable remove from Páirc Náisiúnta na Mara, Ciarraí, I am satisfied that there is no reasonable prospect of the proposed small craft harbour giving rise to any significant adverse impact on the integrity or objectives of the park. In my opinion, the subject proposal will serve to strengthen the service offering of Dingle / An Daingean and its broader contribution to the wider area, including the national park.

8.8.15. *Procedural Issues:*

8.8.16. *The Adequacy of the Submitted Plans and Particulars:*

Concerns have been raised as regards the adequacy of the documentation submitted with the planning application, however, it is my opinion that there is sufficient information on file to permit a balanced and reasoned assessment of the proposed development and that procedural matters, such as a determination as to

the adequacy of the plans and particulars provided, and the subsequent validation (or not) of a planning application, are generally the responsibility of the Planning Authority which in this instance took the view that the submitted documentation satisfied the minimum regulatory requirements.

8.8.17. Lack of Public Consultation:

With respect to the suggestion that there has been a lack of consultation with the wider public as regards the development proposal, it should be noted that there is no mandatory requirement for public consultation to be undertaken by a prospective applicant in advance of the lodgement of a planning application for the type of development proposed. It is the statutory planning process that expressly allows for input by the general public and interested third parties with the relevant legislative provisions allowing for submissions / observations to be made on individual planning applications. On this basis, I am satisfied that local residents and other parties have been afforded the opportunity to comment on the proposed development.

8.8.18. The Unavailability of Certain Information from the Planning Authority:

It has been alleged that certain information was not made available in a timely manner by the Planning Authority to the third-party appellants (Frank & Maryann Heidtke) thereby undermining their ability to appeal the decision. More specifically, it has been submitted the 'Planner's Report' which informed the decision-making process was not available online and was only emailed to the appellants upon request shortly before the lodgement of their appeal.

Regrettably, I am not in a position to verify the appellants' claims as to the unavailability of certain documentation online at any given time although I can confirm that the 'Planner's Report' in question is currently available for viewing on the Council's website. In any event, the Board is not empowered to correct any such irregularity, however, the stated delay in the appellants' ability to access certain information would not appear to have prejudiced their ability to lodge the subject appeal.

8.8.19. The Significance of the Applicant's Response to the Request for Further Information:

It has been submitted that the nature and volume of the additional documentation provided by the applicant in response to the request for further information should

have been determined to be 'significant' so as to afford interested third parties the opportunity to make an informed assessment of same. This would appear to be in reference to Article 35 of the Planning and Development Regulations, 2001, as amended, which states that where a planning authority considers the further information received to contain significant additional data, it can require the applicant to publish notice in an approved newspaper marked "Further Information" or "Revised Plans" (and to erect a new site notice) advising that submissions or observations in relation to the further information may be made in writing to the planning authority on payment of the prescribed fee within a specified time limit.

In the subject instance, it appears that the Planning Authority was satisfied that the additional details provided in response to the request for further information were not of such significance as to warrant the publication of revised notices pursuant to Article 35 of the Regulations. In this regard, I am inclined to concur with the Council given that no significant changes were proposed to the overall design or construction of the proposed development and as the additional details provided serve to supplement the particulars already submitted. However, should the Commission disagree with the foregoing, it may wish to seek new notices accordingly.

8.8.20. Inadequate Consideration of Third-Party Observations:

Contrary to the grounds of appeal, it is apparent from a review of the planner's reports held on file that the contents of those third-party submissions / observations received by the Planning Authority during its assessment of the subject application were given due consideration as evidenced by the fact that several of the issues raised served to inform the request for further information. In any event, cognisance has been taken of these considerations in the assessment of this appeal.

9.0 AA Screening

9.1.1. Finding of likely significant effects:

In accordance with Section 177U of the Planning and Development Act, 2000 (as amended) and on the basis of information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development could result in significant effects on the Blasket Islands Special Area of Conservation (Site Code: 002172), the Dingle Peninsula Special Protection Area (Site Code: 004153)

and the Blasket Islands Special Protection Area (Site Code: 004008), along with the more distant SACs & SPAs listed in Tables 2.25 & 2.26 of the *'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement'* submitted by way of further information, in view of the sites' conservation objectives of a number of qualifying interest features of those sites.

9.1.2. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act, 2000, as amended, of the proposed development is required.

9.2. **Stage 2 Appropriate Assessment:**

9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the following European Sites in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U / 177AE was required:

- Blasket Islands SAC
- Dingle Peninsula SPA
- Blasket Islands SPA
- Kenmare River SAC
- Glengarriff Harbour and Woodland SAC
- Kilkieran Bay and Islands SAC
- Galway Bay Complex SAC
- Clew Bay Complex SAC
- Roaringwater Bay and Islands SAC
- Inishbofin and Inishshark SAC
- Duvillaun Islands SAC
- Inishkea Islands SAC
- Saltee Islands SAC
- Slieve Tooley / Tormore Island / Loughros Beg Bay SAC
- Lambay Island SAC

- Horn Head and Rinclevan SAC
- Lower River Shannon SAC
- Slyne Head Peninsula SAC
- Slyne Head Islands SAC
- West Connacht Coast SAC
- Rockabill to Dlakey Island SAC
- Tralee Bay Complex SPA
- Magharees Islands SPA
- Castlemaine Harbour SPA
- The Gearagh SPA
- River Shannon and River Fergus Estuaries SPA
- Courtmacsherry Bay SPA
- Inner Galway Bay SPA
- Blacksod Bay / Broad Haven SPA
- Donegal Bay SPA
- Skelligs SPA
- The Bull and The Cow Rocks SPA
- Saltee Islands SPA
- Iveragh Peninsula SPA
- Loop Head SPA
- Cliffs of Moher SPA
- Inishmore SPA
- Old Head of Kinsale SPA
- Clare Island SPA
- Ireland's Eye SPA
- Lambay Island SPA

- Slyne Head to Ardmore Point Islands SPA
- Illaunnaon SPA
- Cross Lough (Killadoon) SPA
- Carrowmore Lake SPA
- Lady's Islands Lake SPA
- Lough Swilly SPA
- Greers Isle SPA.

9.2.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on the site integrity of the European Sites set out above can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the European Sites set out above.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures if permission is granted.

9.2.4. (Please refer to Appendix 3 of this report).

10.0 **Water Framework Directive**

10.1. I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (please refer to Appendix 5 for details).

11.0 Recommendation

11.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of the Fishery's Harbour Centres (FHC) Act, 1968, as amended, the National Planning Framework: Project Ireland 2040: First Revision (April, 2025), the National Marine Planning Framework 2021, the Regional Spatial & Economic Strategy for the Southern Region, 2020-2032, the Kerry County Development Plan, 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027, the nature and scale of the proposed development, and the site location relative to an existing functioning harbour, it is considered that the proposed development, subject to compliance with the conditions set out hereunder, would not seriously injure the visual and residential amenities of the area, nor have an unacceptable impact on the character of the landscape or archaeological heritage, would not have an unacceptable impact on ecology, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of June, 2024, 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 mitigation measures contained in the Natura Impact Statement received by the planning authority on the 27th day of June, 2024 shall be implemented in full.

Reason: To protect the environment and the integrity of European Sites.

3. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, the Construction Environmental Management Plan, Underwater Archaeological Impact Assessment, and other particulars submitted with the application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all dredging works. Prior to the commencement of such works the archaeologist shall consult with and forward to the Planning Authority and National Monuments Service a method statement for written agreement. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required

archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

5. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority, design details of the wastewater proprietary sealed double hulled holding tank to be sited on the pontoon system by the toilet block and below deck along with details for connection to the existing harbour sewer system.

Reason: In the interest of clarity, protection of the environment, and public health.

6. Prior to commencement of development, a detailed Construction and Environmental Management Plan for the construction phase shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the Construction Environmental Management Plan submitted with the further information documentation. The Construction and Environmental Management Plan shall incorporate all the mitigation measures indicated in the Ecological Impact Assessment, Natura Impact Statement, Construction Environmental Management Plan, Underwater Archaeological Impact Assessment, and other particulars submitted with the application. The finalised CEMP shall be placed on file and retained as part of the public record.

Reason: In the interest of amenities, public health and safety and environmental protection.

7. A suitably qualified and experienced ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology as set out in the Ecological Impact Assessment, Natura Impact Statement and Construction Environmental Management Plan, in addition to adherence to the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of

Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring 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 terrestrial and marine biodiversity.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authorities.

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

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.

Robert Speer
Senior Planning Inspector

11th December, 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

Case Reference	ABP-320804-24
Proposed Development Summary	A small craft harbour. The proposed development at An Daingean Fishery Harbour Centre is located south of the west breakwater and consists of: Dredging of an area of seabed and the disposal of that material to sea; installation of anchoring piles for the marina units; installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks; and all ancillary and associated site works necessary to facilitate the development.
Development Address	An Daingean Fishery Harbour Centre, The Woods, An Daingean, Co. Kerry.
In all cases check box /or leave blank	
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - The execution of construction works or of other installations or schemes, 	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.

<p>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p>	
<p>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	<p>State the Class here.</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class</p>	

<p>and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p><u>Class 10(e):</u></p> <ul style="list-style-type: none"> - New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500m in length. <p>The proposed development includes for the installation of a small craft harbour with an above-water area measuring approximately 120m x 220m and equating to 26,400m² (2.64 hectares).</p> <p><u>Class 12(b):</u></p> <ul style="list-style-type: none"> - Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100. <p>The proposed development will provide for 125 No. berths within Dingle Bay.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>

No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____

Date: _____

Form 3 – Environmental Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-320804-24	
Development Summary	A small craft harbour. The proposed development at An Daingean Fishery Harbour Centre is located south of the west breakwater and consists of: Dredging of an area of seabed and the disposal of that material to sea; installation of anchoring piles for the marina units; installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks; and all ancillary and associated site works necessary to facilitate the development.	
Sub-threshold – development class referred to under Schedule 5 of the Planning and Development Regulations, 2001 (as amended) or Article 8 of the Roads Regulations, 1994:	<p>Class 10(e) of Part 2 of Schedule 5: <i>New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500m in length.</i></p> <p>Class 12(b) of Part 2 of Schedule 5: <i>Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.</i></p>	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes.	An initial report (Biodiversity Assessment) prepared by the Local Authority's Environmental Assessment Unit sought the submission of an EIA Screening Report and an EIAR, if necessary. Following consideration of the applicant's 'Screening for Environmental Impact

		Assessment Report' received on 27 th June, 2024 a subsequent report recommended conditions in the event of a grant of permission.
2. Has Schedule 7A information been submitted?	Yes.	Provided in response to a request for further information issued by the Planning Authority (please refer to Appendix 'C': Screening for Environmental Impact Assessment Report' (June, 2024) prepared by MWP, Engineering and Environmental Consultants, received by the Planning Authority on 27 th June, 2024).
3. Has an AA screening report or NIS been submitted?	Yes.	'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement (Vol. 1: 'Main Report' & Vol. 2: 'Appendices') submitted with the initial planning application. An updated 'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement (Vol. 1: 'Main Report') was received by way of further information on 27 th June, 2024.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No.	However, a concurrent application has been made to the Environmental Protection Agency as regards the dumping at sea of dredged material (EPA Reg. No. S0036-01).
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes.	<p>Kerry County Development Plan, 2022-2028 was subject to:</p> <ul style="list-style-type: none"> - Strategic Environmental Assessment - Strategic Flood Risk Assessment - Appropriate Assessment Natura Impact Report <p>Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027 was subject to:</p> <ul style="list-style-type: none"> - Strategic Environmental Assessment - Strategic Flood Risk Assessment - Appropriate Assessment Natura Impact Report

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	No.	<p>The proposed development includes for the dredging of material from the seabed and the construction of a small craft harbour providing up to 125 No. additional berths as an extension of the existing harbour / marina.</p> <p>The seabed in the surrounding area has previously undergone dredging, particularly as part of routine harbour maintenance. The small craft harbour / marina will function as an extension of the existing Dingle Fishery Harbour Centre which serves as a base for an active fishing fleet and includes a marina offering 100 No. berths and 20 No. visitor berths for other marine traffic along with a shallow draft anchoring area.</p>	No.

		There is a clear consistency in the nature and scale of the development relative to the receiving environment.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes.	<p>The proposed dredging operations (involving the removal of c. 95,000m³ of material) will reduce the level of the seabed over an area of 2.7 hectares to -3mChart Datum (CD) with the side slopes around the perimeter increasing the seabed footprint of the works to c 3.2 hectares. This element of the works will occur below water level and will not result in any visible change to the locality when viewed from the shoreline or above sea level. Dredging has previously been undertaken in the surrounding area, particularly as part of routine harbour maintenance.</p> <p>Dredged material will be disposed of at sea (subject to licence) in an area previously used for such purposes.</p> <p>The installation of the small craft harbour (including the support piles, floating breakwaters, small craft type pontoons, walkways and fingers etc.) will extend the physical construction of the harbour and its associated activities into a previously open area of water.</p> <p>The physical impact of the piling operations, although permanent, will be relatively minor, while the floating breakwaters and pontoons etc. can be removed / dismantled comparatively easily.</p> <p>Standard construction best practice measures, as set out in the Construction</p>	No.

		Environmental Management Plan and the Natura Impact Statement, address potential impacts on water quality (such as from the loss of concrete or hydrocarbons) on the locality.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes.	<p>Construction will require the use of conventional materials including concrete (aggregates, cement etc.) and steel. Other items such as the breakwater, walkway and finger units etc. will be manufactured off-site before being transported to the site for installation. The natural resources required are typical for a project of the scale / type proposed.</p> <p>Operational activities will include the use of existing mains services (e.g. electricity & water services) while small craft users may use conventional hydrocarbons as a fuel source.</p>	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes.	<p>Plant / machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for the activities proposed.</p> <p>Construction works will require concrete to be tremmied into the pile holes using a hopper and pipe. No on-site concrete batching will be permitted with concrete transported to the site within a concrete truck. An additive will be used to reduce the risk of wash-out. Concrete trucks will be washed down to a</p>	No.

		<p>mortar bin / skip examined in advance for any defects.</p> <p>Any construction impacts would be local and temporary in nature and the implementation of standard best practice construction measures as outlined would satisfactorily mitigate potential impacts. Mitigation measures with respect to work practices are included in the Construction Environmental Management Plan (which includes a number of environmental management plans relating to various aspects of the construction activities e.g. Dredging, Piling, Fuel & Oils Management, Waste Management) and the Natura Impact Statement.</p> <p>No significant operational impacts are likely.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes.</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydrocarbons, and concrete / cementitious materials, giving rise to waste for disposal. Noise, air and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan and Natura Impact Statement (including a Construction & Demolition Resource Waste Management Plan with material deemed unsuitable for re-use in the works to be transported off site and disposed of under licence) would satisfactorily mitigate the potential impacts.</p>	<p>No.</p>

		<p>An analysis of sediment sampling has classified the material to be dredged as suitable for disposal at sea (subject to licence) in an area previously used for such purposes.</p> <p>During the operational phase wastewater will be generated from the proposed toilet block and the pump-out facilities for small crafts. This will be collected and stored within a proprietary sealed double hulled holding tank on the pontoon system below deck level and will be pumped out when full for disposal into the existing harbour sewer system (with the existing sewer pipe located at the Marina Centre on the western breakwater being extended c. 130m to the top of the proposed gangway). It will not be permitted to dispose of wastewater directly into the harbour waters.</p> <p>Operational waste can be managed by way of a waste management plan.</p> <p>Other operational impacts in this regard are expected to be significant.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		<p>The dredging of material from the seabed and disposal at sea (subject to the receipt of a 'Dumping at Sea' permit) will result in an increase in suspended sediment concentration through disturbance with an adverse effect on water quality. These works will be localised with visual and water turbidity monitoring conducted at both the dredge and disposal locations. A short-term imperceptible impact on water quality due to</p>	<p>No.</p>

	<p>suspended sediment within the water column is associated with the proposal (which has been assessed in the analysed in supporting application documentation, including the 'Numerical Modelling of Output of Tidal Currents, Dredge and Disposal Plumes, and Waves', the 'Dingle Harbour Marina Development & Dredge Spoil Disposal Benthic Ecological Report', and the Natura Impact Statement').</p> <p>The drilling and piling activities could also potentially give rise to sediment disturbance while the use of concrete for the installation of steel piles and berths, lubricants and other such substances within or in close proximity to the marine zone could potentially lead to pollution of the aquatic environment and subsequent water quality impairment.</p> <p>The implementation of the Construction Environmental Management Plan, which includes method statements / environmental management plans for various aspects of the construction activities, including the dredging and piling operations, will satisfactorily mitigate emissions and spillages during the construction works.</p> <p>The operational development will connect to mains services with wastewater collected and directed to the public sewer. It will not be permitted to dispose of wastewater directly into the harbour waters.</p> <p>The increased number of vessels in the harbour consequent on the project could</p>	
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		increase the risk contamination from any fuel / oil spillage, however, this will be mitigated by adherence to good practice maintenance and fuelling by individual operators and is unlikely to be of significance.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes.	<p>There is the potential for construction activity, with particular reference to the dredging and piling operations, to give rise to noise and vibration emissions. The use of socketing of the majority of the piles and the dampening effect provided by the water will reduce the noise from this aspect of the works.</p> <p>Such construction impacts would be temporary and localised in nature, and their impacts would be suitably mitigated by the implementation of the standard measures listed in the Construction Environmental Management Plan (including Environmental Management Plan 7: 'Construction Noise Management').</p> <p>Operational noise will be comparable to that associated with the existing harbour activities and the wider urban context and at an increased distance from the shoreline.</p>	No.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes.	<p>Construction activity is likely to give rise to dust & noise emissions. such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks in human health.</p>	No.

		The potential for water pollution can be mitigated as previously detailed. No risk is posed through to the contamination of potable / drinking water sources and as such the development will not pose a significant risk to human health.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No.	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction works will be localised and temporary in nature.	No.
1.10 Will the project affect the social environment (population, employment)	Yes.	The proposed development may result in a limited and short-term increase in employment and spending locally during the construction phase. Once operational, the potential arises for an increase in the number of visitors to the area.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.		No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC / SPA / pSAC / pSPA) - NHA / pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation / 	Yes.	The nearest European Sites are listed in Section 5.4 of this report and other designated sites are referenced in the submitted 'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement'. The closest other natural heritage designations are also listed in Section 5.4 of this report (i.e. Mount Brandon pNHA, Burnham Inlet pNHA & Emlagh East Salt Marshes pNHA). The	No.

<p>conservation / protection of which is an objective of a development plan / LAP / draft plan or variation of a plan</p>		<p>development site is located outside of the new marine national park, Pairc Naisiunta na Mara, Ciarrai.</p> <p>The proposed development would not result in significant impacts to any protected sites.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p>Yes.</p>	<p>The ‘Ecological Impact Assessment’ and the ‘Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement’ have been informed by the results of ecological surveys, including field surveys of habitats, birds and otter as well as desk-top studies. No significant effects on key ecological features are expected as a result of the proposed development. Mitigation measures are to be employed on a precautionary basis to protect key ecological features of conservation concern throughout the duration of the project.</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes.</p>	<p>Previous dredging works in the harbour channel have identified timbers, wreck sites, anchors and iron artefacts and the proposed works area has been determined by way of an ‘Underwater Archaeological Impact Assessment’ to have the same high potential to retain archaeological material within the seabed.</p> <p>The dredging and piling works are the only works that will have a direct impact on the seabed. Accordingly, all dredging works are to be monitored by an underwater archaeologist under licence. Given that the piling works will occur after the dredging and</p>	<p>No.</p>

		have a very small footprint, no monitoring is recommended for these works.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Yes.	The proposed development will be located in an area of open water outside the western breakwater of Dingle Harbour and will function as an extension of the existing harbour and marina area. It will not impact the wider role of Dingle Fishery Harbour Centre.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes.	The proposed development will function as an extension of the existing Dingle harbour and marina area. It will be located in an area of open water and comprises a water-compatible form of development which would be considered 'Appropriate' in this flood-prone area as per the 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities'. The potential for water pollution can be satisfactorily mitigated as previously detailed.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.		No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	Dingle is accessible via the N86 National Road while the harbourside is served by an adjacent regional road. Land-based construction traffic will include the importation of materials to the site and the removal of drilled rock / soil and other excess & offcuts by truck. Boat transport may be used for the delivery of larger breakwater units. Although construction traffic will have a negative impact on surrounding streets, the	No.

		effects arising will be localised and of comparatively short duration over a construction period of 9-12 months. Operational traffic volumes will be limited and localised.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No.		No.
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative effects with the subject project.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.		No.
3.3 Are there any other relevant considerations?	No.		No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Agreed	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to:			

- a) the limited nature and scale of the proposed development, which is below the thresholds in respect of Classes 10(e) & 12(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the nature of the existing site and the pattern of development in the vicinity,
- c) the siting and appearance of the proposed development in the context of the existing Dingle Fishery Harbour Centre and port,
- d) the availability of mains water and wastewater services to serve the proposed development,
- e) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
- f) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- h) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan and Natura Impact Statement,

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case File: ABP-320804-24

Brief description of project

Normal Planning Appeal (Third Party v. Decision).

The construction of an approximately 125 No. berth small craft harbour just south of the west breakwater at Dingle Inner Harbour which includes for the following:

- The dredging of an area of seabed (measuring 2.7 No. hectares) with the removal of approximately 95,000m³ of material for disposal at sea in Dingle Bay in an area east of the mouth of Dingle Harbour. A 'Dumping at Sea' application for the disposal of the dredged material in the vicinity of a previous disposal site has been sought.
- The installation of anchoring piles for the marina units. These piles will be driven through the seabed overburden and socketed into the underlying rock. Socketing involves drilling into the rock, the placing of concrete in the resulting hole, and the installation of the pile in the concrete which will be held in place until the concrete cures.
- The installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks.

The above-water area of the small craft harbour is c. 120m x 220m (26,400m²).
- Ancillary and associated site works necessary to facilitate the development, including the installation of

	<p>power and water outlets, lighting ducting, emergency ladders, lifebuoys etc.</p> <p>Wastewater from the proposed toilet block and the pump-out facilities for small crafts will be collected and stored within a proprietary sealed double hulled holding tank on the pontoon system by the toilet block and below deck level which will be pumped out when full for disposal into the existing harbour sewer system (this will necessitate extending the existing sewer pipe located at the Marina Centre on the western breakwater c. 130m to the top of the proposed gangway). It will not be permitted to dispose of wastewater directly into the harbour waters.</p> <p>Please refer to Section 2.0 of the Inspector’s Report.</p>
<p>Brief description of development site characteristics and potential impact mechanisms</p>	<p>The proposed development site is located at An Daingean / Dingle Fishery Harbour Centre (FHC), The Woods, An Daingean, Co. Kerry, which occupies a position on the northern shore of Dingle Harbour and serves as a base for an active fishing fleet (including trawlers and smaller fishing craft with a small fish processing plant located nearby) while also including a marina offering 100 No. berths and 20 No. visitor berths for other marine traffic along with a shallow draft anchoring area. The site itself has a stated site area of 2.64 hectares, is broadly rectangular in shape, and is situated south of the western breakwater in an area of open water beyond the existing marina. Access to the site can be obtained via the existing breakwater while the proposed development will involve the provision of a new gangway construction extending from the western end of the breakwater.</p> <p>The nearest European Sites are listed in Section 5.4 of this report and further designated sites are referenced in the submitted ‘<i>Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement</i>’. The closest such site is the Mount Brandon Special Area of Conservation (Site</p>

	<p>Code: 000375), approximately 925m north of the site, while the Dingle Peninsula Special Protection Area (Site Code: 004153) is located c. 1.8km to the south.</p> <p>Foul water services are available via connection to the existing harbour sewer system (this will necessitate extending the existing sewer pipe on the western breakwater to the top of the proposed gangway).</p> <p>Given the water-compatible nature of the proposed development surface water will be permitted to drain directly into Dingle Harbour.</p> <p>The impact mechanisms of concern regarding effects to conservation features of European Sites are associated with the proposed construction and operational phases of the development and potentially comprise:</p> <ul style="list-style-type: none"> - Displacement from foraging habitat. - The release of pollutants and sediments. - Noise disturbance.
Screening report	Yes - Prepared by AQUAFAC T International Services Ltd.
Natura Impact Statement	Yes - Prepared by AQUAFAC T International Services Ltd.
Relevant submissions	<p><i>Environmental Assessment Unit (Kerry County Council):</i></p> <p>Following a review of the updated '<i>Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement</i>' received by way of further information, it was concluded that lacunae previously identified within the Ecological Impact Assessment and the Natura Impact Statement originally submitted had been adequately addressed and that the proposal would not be likely to adversely affect any European Site.</p>
<p>The planning application was accompanied by the following documentation:</p> <ul style="list-style-type: none"> - 'Ecological Survey (2021) for the New Small Craft Harbour at An Daingean Fishery Harbour Centre, Dingle Harbour' (prepared by Goldcrest Environmental Services Ltd.) 	

- 'An Daingean Small Craft Harbour: Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves' (prepared by MWP & conducted by MaREI, UCC).
- 'Underwater Archaeological Impact Assessment of Dingle Small Craft Harbour, Co. Kerry' (prepared by Mizen Archaeology).
- 'Dingle Harbour Marina Development & Dredge Disposal: Benthic Ecological Report' (prepared by MWP and carried out by Aquatic Service Unit, UCC).
- 'An Daingean Small Craft Harbour: Ecological Impact Assessment', Vol. 1: 'Main Report' & Vol. 2: 'Appendices' (prepared by AQUAFAC International Services Ltd.).
- 'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement' (prepared by AQUAFAC International Services Ltd.).

The response to a request for further information includes the following:

- 'An Daingean Small Craft Harbour: Ecological Impact Assessment', Vol. 1: 'Main Report' & Vol. 2: 'Appendices' (prepared by AQUAFAC International Services Ltd.).
- 'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement' (prepared by AQUAFAC International Services Ltd.).
- 'An Daingean FHC Small Craft Harbour, Screening for Environmental Impact Assessment Report' (prepared by MWP).
- 'Construction Environmental Management Plan, An Daingean FHC Small Craft Harbour, Co.Kerry' (prepared by MWP).
- 'Landscape and Visual Impact Appraisal, Dingle Small Craft Mooring' (prepared by Cunnane Stratton Reynolds, Land Planning & Design).

Step 2. Identification of relevant European sites using the Source-Pathway-Receptor model

The site is not located within or directly adjacent to any designated European Sites.

The screening exercise included in Section 2.3 of the updated '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' received by the Planning Authority by way of further information on 27th June, 2024 considers the potential connectivity to European Sites within a 15km radius of the project along with potential effects to highly mobile species and protected conservation features of more distant European Sites that may occur in the development area and thereby be affected. It has utilised the 'Source-Pathway-Receptor' model of impact assessment and has identified the following potential impact mechanisms associated with the construction and

operational phases of the project: Displacement from foraging habitat; release of pollutants and sediments; and noise disturbance.				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Mount Brandon SAC (Site Code: 000375)	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain</p>	c. 0.9km north of the site.	None.	No.

	<p>areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> <p>ConservationObjectives.rdl</p>			
<p>Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code: 002070)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Annual vegetation of drift lines [1210]</p>	<p>c. 12.3km northeast of the site.</p>	<p>None.</p>	<p>No.</p>

	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p>			
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	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>ConservationObjectives.rdl</p>			
<p>Blasket Islands SAC (Site Code: 002172)</p>	<p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> <p><i>Halichoerus grypus</i> (Grey Seal) [1364]</p> <p>ConservationObjectives.rdl</p>	<p>c. 12.5km west-southwest of the site.</p>	<p>Harbour Porpoise occur frequently and at high densities off the Kerry coast. Although there have been no sightings of porpoises within Dingle Harbour, the species has been frequently recorded at the harbour entrance. Given proximity of the SAC and the relatively wide-ranging habits of the species, there is the potential that porpoise may occur within or adjacent to the proposed development and could be affected by way of displacement from foraging habitat, the discharge of pollutants and</p>	<p>Yes.</p>

			<p>sediments, and noise disturbance.</p> <p>The Blasket Islands have one of the largest populations of Grey Seal in Ireland. Given the proximity of the SAC and the relatively wide-ranging habits of the species, there is the potential for Grey Seal to occur within or adjacent to the proposed development and could be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	
<p>Castlemaine Harbour SAC (Site Code: 000343)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	<p>c. 14.9km east of the site.</p>	<p>None.</p>	<p>No.</p>

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>			
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	<p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Site specific cons obj</p>			
<p>Dingle Peninsula SPA (Site Code: 004153)</p>	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p>CO004153.pdf</p>	<p>c. 1.8km south of the site.</p>	<p>Ecological surveys have recorded Fulmar within a 500m buffer and a 100m buffer of the proposed small craft harbour and the species was also noted to be flying over and foraging at the dredge disposal site. Given the close proximity of the SPA and the relatively wide-ranging habits of Fulmar, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	<p>Yes.</p>
<p>Blasket Islands SPA</p>	<p>Fulmar (Fulmarus glacialis) [A009]</p>	<p>c. 14.9km west of the site.</p>	<p>Ecological surveys have recorded Fulmar within a 500m buffer and a</p>	<p>Yes.</p>

<p>(Site Code: 004008)</p>	<p>Manx Shearwater (Puffinus puffinus) [A013]</p> <p>Storm Petrel (Hydrobates pelagicus) [A014]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Razorbill (Alca torda) [A200]</p> <p>Puffin (Fratercula arctica) [A204]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p>CO004008.pdf</p>		<p>100m buffer of the proposed small craft harbour and the species was also noted to be flying over and foraging at the dredge disposal site. Given the close proximity of the SPA and the relatively wide-ranging habits of Fulmar, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Manx Shearwater adjacent to the dredge spoil disposal area and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Manx Shearwater, there is the potential that individuals from the SPA may</p>	
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			<p>occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Storm Petrel adjacent to the dredge spoil disposal area and within a 500m buffer and 100m of the proposed small craft harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Storm Petrel, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	
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			<p>Ecological surveys have recorded Shag adjacent to the dredge spoil disposal area and along coastal areas in Dingle Harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Shag, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Lesser Black-backed Gull adjacent to the dredge spoil disposal area and along coastal areas in Dingle Harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of</p>	
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			<p>Lesser Black-backed Gull, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Herring Gull within 2km of the dredge spoil disposal area and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Herring Gull, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	
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			<p>Ecological surveys have recorded Kittiwake adjacent to the dredge spoil disposal area and along coastal areas in Dingle Harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Kittiwake, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Arctic Tern adjacent to the dredge spoil disposal area and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Arctic Tern, there is the</p>	
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			<p>potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p> <p>Ecological surveys have recorded Razorbill adjacent to the dredge spoil disposal area and along coastal areas in Dingle Harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Razorbill, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	
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			<p>Ecological surveys have recorded Puffin adjacent to the dredge spoil disposal area and along coastal areas in Dingle Harbour and, therefore, there is a pathway for interaction. Given the close proximity of the SPA and the relatively wide-ranging habits of Puffin, there is the potential that individuals from the SPA may occur at the project sites and thereby be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.</p>	
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In addition to the foregoing, the screening exercise has noted that the baseline environment at the project site includes a range of protected wide-ranging species designated for distant SPAs and SACs and thus the potential arises that these protected (marine mammal and bird) species may occur in the project area and be affected by the proposed development. In the interests of conciseness, I would draw the Commission's attention to the consideration of same as set out in Sections 2.3.3.5 & 2.3.3.6 of the *'Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement'*.

In summary:

- Given the wide-ranging habits of *Harbour Seal, Grey Seal, Bottlenose Dolphin, and Harbour Porpoise*, there is the potential for individuals from distant SACs (as listed in Table 2.14 of the submitted screening exercise) to occur at the project area and be affected by way of

displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.

- Due to the project site being within the relevant foraging range and / or the species having been recorded during the ecological surveys undertaken for the project, there is the potential for individuals of *Black-headed Gull, Mew / Common Gull, Wigeon, Cormorant, Red-throated Diver, Great Northern Diver, Gannet, Guillemot, and Sandwich Tern*, from distant SPAs (as listed in Tables 2.16, 2.17, 2.20 & 2.24) to occur at the project area and be affected by way of displacement from foraging habitat, the discharge of pollutants and sediments, and noise disturbance.

For brevity, the Qualifying Species and SACs screened in for consideration are set out in Table 2.25 of the submitted screening exercise. Similarly, the species of Special Conservation Interest and SPAs screened in for consideration are set out in Table 2.26 of that document.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><i>Blasket Islands SAC:</i> Phocoena phocoena (Harbour Porpoise) [1351] Halichoerus grypus (Grey Seal) [1364]</p> <p><i>Dingle Peninsula SPA:</i> Fulmar (Fulmarus glacialis) [A009]</p> <p><i>Blasket Islands SPA:</i></p>	<p><i>Direct:</i> None.</p> <p><i>Indirect:</i> <i>Displacement from foraging habitat:</i> Dredging, drilling and the disposal of dredged material during construction may drive foraging species away from the area and result in complete avoidance. Additional vessel activity and human presence in the harbour during the operational stage may also displace foraging species.</p>	<p>There may be temporary displacement from foraging areas as a result of noise disturbance caused by the drilling and dredging / disposal activities.</p> <p>There are documented examples of marine mammals (including gray whales, grey seals, minke whales and bottlenose dolphin) exhibiting displacement behavior from dredging activities.</p>

<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Storm Petrel (<i>Hydrobates pelagicus</i>) [A014]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p><i>Other:</i></p> <p>Harbour Seal, Grey Seal, Bottlenose Dolphin, and Harbour Porpoise (please refer to Table 2.25 of the submitted screening</p>	<p><i>Discharge of pollutants and sediments:</i> There is a risk that construction activities may result in the accidental release of chemical pollutants or other waste material pollution to nearby habitats and waterbodies.</p> <p>Unless properly treated, the wastewater discharges from vessels using the facility during the operational stage have the potential to cause significant harm to the surrounding environment.</p>	<p>The ecological surveys have recorded important feeding events in the dredge spoil disposal area. These occurred when a fishing vessel entered the area and attracted a number of species, including Herring Gulls, Manx Shearwater and Fulmar.</p> <p>The operational phase of the development has the potential to displace fish, cetacean, and bird species from the area through increased levels of human disturbance resulting in the displacement of foraging habitat.</p> <p>The accidental release of construction materials, including chemical pollutants and concrete, or other contaminants, can impact on habitat and water quality. The capital dredging and piling operations will result in the generation and release of spoil (rock particles and sediment) to the water column potentially affecting local water quality and resulting in sediment plumes extending beyond the immediate works area.</p> <p>There is a potential risk to water quality if wastewater discharges from vessels using the facility</p>
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<p>exercise for the relevant SACs).</p> <p>Black-headed Gull, Mew / Common Gull, Wigeon, Cormorant, Red-throated Diver, Great Northern Diver, Gannet, Guillemot, and Sandwich Tern (please refer to Table 2.26 of the submitted screening exercise for the relevant SPAs).</p>	<p><i>Noise disturbance:</i> Construction activity, including the construction, piling operations, capital dredging and the installation of floating breakwaters, small craft type pontoons, walkways, fingers & gangway, can result in noise emissions.</p> <p>During the operational stage, there is the potential that mobile conservation species (e.g. marine mammals, bird species) may occur in the area where the vessels are operating and thereby be affected.</p>	<p>during the operational stage are not adequately treated.</p> <p>Construction activity will result in the generation of noise emissions.</p> <p>During the operational stage, increased vessel activity in the area will increase the level of noise disturbance.</p>
	<p>Likelihood of significant effects from proposed development (alone): Yes.</p>	
<p><u>Further Comments:</u></p> <p>None.</p>		
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Blasket Islands Special Area of Conservation (Site Code: 002172), the Dingle Peninsula Special Protection Area (Site Code: 004153) and the Blasket Islands Special Protection Area (Site Code: 004008), along with the more distant SACs & SPAs listed in Tables 2.25 & 2.26 of the ‘<i>Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement</i>’ submitted by way of further information (in reference to specifically identified Qualifying Species and species of Special Conservation Interest), from effects associated with displacement from foraging habitats, the discharge of pollutants and sediment, and noise disturbance.</p>		

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment of in-combination with other plans and projects is not required at screening stage.

Appendix 4 – Stage 2 Appropriate Assessment

Stage 2: Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of an approximately 125 No. berth small craft harbour just south of the west breakwater at Dingle Inner Harbour in view of the relevant conservation objectives of the Blasket Islands SAC (Site Code: 002172), the Dingle Peninsula SPA (Site Code: 004153) and the Blasket Islands SPA (Site Code: 004008), along with the more distant SACs & SPAs listed in Tables 2.25 & 2.26 of the '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' submitted by way of further information (in reference to specifically identified Qualifying Species and species of Special Conservation Interest), based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- '*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*' (prepared by AQUAFAC International Services Ltd.).
- '*An Daingean Small Craft Harbour: Ecological Impact Assessment*', Vol. 1: 'Main Report' & Vol. 2: 'Appendices' (prepared by AQUAFAC International Services Ltd.).
- Ecological Survey (2021) for the New Small Craft Harbour at An Daingean Fishery Harbour Centre, Dingle Harbour' (prepared by Goldcrest Environmental Services Ltd.)
- '*An Daingean Small Craft Harbour: Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves*' (prepared by MWP & conducted by MaREI, UCC).
- '*Dingle Harbour Marina Development & Dredge Disposal: Benthic Ecological Report*' (prepared by MWP and carried out by Aquatic Service Unit, UCC).
- '*Construction Environmental Management Plan, An Daingean FHC Small Craft Harbour, Co. Kerry*' (prepared by MWP).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and

assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions / Observations

Environmental Assessment Unit (Kerry County Council):

Following a review of the updated ‘*Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement*’ received by way of further information, it was concluded that lacunae previously identified within the Ecological Impact Assessment and the Natura Impact Statement had been adequately addressed and that the proposal would not be likely to adversely affect any European Site.

European Sites:

- **Blasket Islands SAC (Site Code: 002172)**
- **Dingle Peninsula SPA (Site Code: 004153)**
- **Blasket Islands SPA (Site Code: 004008)**
- **SACs & SPAs listed in Tables 2.25 & 2.26 of the ‘Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement’**

Summary of Key issues that could give rise to adverse effects (from screening stage):

- i. **Displacement from foraging habitats**
- ii. **The discharge of pollutants and sediment**
- iii. **Noise disturbance.**

See Section 3.4 of the NIS.

Blasket Islands SAC

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary) Section 3.6 of the NIS
Phocoena phocoena (Harbour Porpoise) [1351]	Maintain the favourable conservation condition.	<p><u>Displacement: Construction Phase:</u></p> <p>Temporary displacement from foraging areas as a result of noise disturbance caused by the drilling and dredge disposal activities.</p> <p>Local disturbance and temporary displacement of some individuals of the small number of Grey Seals that regularly occur within Dingle Harbour, especially</p>	Adherence to an agreed Construction Environmental Management Plan that provides for the implementation of standard construction best practice to manage the risk of the uncontrolled release of pollutants

		<p>during the piling operations. However, these individuals are acclimatised to human activities and are not likely to be significantly affected by dredging activities of increased vessel traffic.</p>	<p>or contaminants during the construction phase.</p>
<p>Halichoerus grypus (Grey Seal) [1364]</p>	<p>Maintain the favourable conservation condition.</p>	<p>It is expected that animals would habituate to vessels during the dredging and dumping operations and would be unlikely to be disturbed or displaced for long periods (noting the previous use of the dump site for disposal activities).</p> <p>Nevertheless, given the species diversity and proximity of the SAC, mitigation measures to reduce and avoid the potential impact of piling, dredging and dumping on Grey Seals and Harbour Porpoise (and other marine mammals) are proposed.</p> <p>Knowledge of preferred prey of cetaceans and seals in Dingle Bay is not known. Pelagic species are known to be important seasonally and those such as sprat, herring and mackerel will move through the waters in the area depending on the season. The disposal site is very small in relation to available foraging habitats and any impact will be local and not significant.</p> <p>Dredging activity is of short duration and displacement will be short term.</p> <p>While sound exposure levels are well below those able to cause injury to a marine mammal, noise generated by piling and dredging, and the physical presence of the dredger, have the potential to cause low level disturbance, masking or behavioural impacts. The presence of an additional vessel and the associated noise produced, is very unlikely to have any significant impact on marine mammals.</p> <p>The dumping of silt in the immediate vicinity of natural (bait bail) activity could be detrimental to feeding cetaceans and crew should be advised to avoid dumping any sediment close to any such feeding activities.</p> <p>The proposed works, which involve the dredging of sediments and subsequent disposal with the licensed disposal site in Dingle Bay, would potentially lead to a temporary effect upon the foraging opportunities for marine mammals as they may be displaced from the area. However, it is not considered that such an effect would be long term for the species given the large expanse of suitable foraging habitats for mammals.</p>	<p>The implementation of the relevant impact mitigation and monitoring measures set out in the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols.</p>

		<p><u>Displacement: Operational Phase:</u></p> <p>Additional vessel activity poses a threat to species through encroachment into potential foraging habitats. However, given the busy nature of Dingle FHC and marina, any increase in vessel traffic consequent on the proposed development will not be significant. All vessels will follow the same navigation lines as have been traditionally used and thus there will be no additional impact on the marine environment.</p> <p>Siltation levels in and around Dingle FTC are low. The inner harbour and navigation channel were first dredged in the 1990s and have not required maintenance dredging since. Although capital dredging of the navigation channel was carried out in 2018 to allow for a longer access time over the tides to the harbour for larger vessels, the bed levels measured prior to that dredging had not shown noticeable change since the original dredging works in the 1990s.</p> <p>Maintenance dredging for the proposed development will occur every 20/30 years with a chance that the timeline could be longer. This would have a temporary effect upon the foraging opportunities for marine mammals as they are displaced from the area, however, as the disposal site is very small in relation to available foraging habitat any impact will be local and not significant, Precautionary mitigation measures for the dredging activity are recommended.</p> <p>While sound exposure levels from operations are well below those able to cause injury to a marine mammal, noise generated by the dredging and the physical presence of the dredger have the potential to cause low level disturbance, masking or behavioural impacts. The presence of an additional vessel and the associated noise produced is very unlikely to have any significant impact on marine mammals.</p> <p>During maintenance dredging, care should be taken to avoid dumping any material into identified foraging areas for marine mammals, including around trawlers or natural shoal activity such as 'bait bails'.</p> <p>Maintenance dredging would potentially lead to a temporary effect upon the foraging opportunities for marine mammals as they may be displaced from the area. However, it is not considered that such an effect would be long term for the species given the large expanse of suitable foraging habitats for mammals.</p>	
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		<p><u>Discharged Pollutants and Sediments:</u> <u>Construction Phase:</u></p> <p>Dredging can result in significant short-term and long-term damage to the biological environment. It will alter the characteristics of benthic habitats with subsequent effects on prey distribution and abundance and impact on marine predators. Marine mammals may also be affected by the release of sediment by consumption of contaminated prey items resulting from contaminants entering the food chain (where contaminated substrates are disturbed).</p> <p>In the absence of construction best practice and mitigation measures, construction activities could result in the uncontrolled release of sediment material to Dingle Bay affecting the availability of food items targeted by foraging marine mammals. Dredging and piling operations will result in the generation and release of spoil (rock particles and sediment) to the water column potentially affecting water quality (e.g. turbidity) and result in the generation of sediment plumes in the water column extending beyond the immediate works area.</p> <p>Ground investigations have been conducted to inform and assess the geotechnical and environmental characteristics of the soils, sediments and rock at the proposed site. Following a review of the sample results and discussions with the Marine Institute, the dredge spoil has been determined to be suitable for disposal at sea.</p> <p>Sedimentation and any increases in turbidity are unlikely to affect marine mammals which use echolocation.</p> <p>Sediment dispersal modelling undertaken in 2021 (please refer to the 'Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves' submitted with the application) has determined that an increase in Suspended Sediment Concentration will only occur in the immediate vicinity of the disposal site and will not persist beyond the cessation of disposal with each resulting dredge plume dispersing after each dredging operation. The modelling has also established that while the projected increase in seabed thickness (>0.14m) at the disposal site is likely to cause some local smothering of the benthos, the affected benthic fauna typically has high recovery rates and so the negative impact of the increased seabed thickness is predicted to have a relatively short-term consequence.</p>	
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		<p><u>Discharged Pollutants and Sediments: Operation Phase:</u></p> <p>Dredging can result in significant short-term and long-term damage to the biological environment. It will alter the characteristics of benthic habitats with subsequent effects on prey distribution and abundance and impact on marine predators. Marine mammals may also be affected by the release of sediment by consumption of contaminated prey items resulting from contaminants entering the food chain (where contaminated substrates are disturbed).</p> <p>Siltation levels in and around Dingle FHC are low. The inner harbour and navigation channel were first dredged in the 1990s and have not required maintenance dredging since. Although capital dredging of the navigation channel was carried out in 2018 to allow for a longer access time over the tides to the harbour for larger vessels, the bed levels measured prior to that dredging had not shown noticeable change since the original dredging works in the 1990s.</p> <p>Based on suspended sediment sampling, it is anticipated that maintenance dredging of the site will be carried out at most every 20-30 years (but at likely less than that). Therefore, maintenance dredging will not have a significant adverse effect on the surrounding environment due to the presently low levels of siltation within Dingle Bay and the lack of a requirement for maintenance dredging to occur at a rate greater than every 20 to 30 years.</p> <p>Wastewater will not be discharged directly into the water from vessels. A wastewater pump-out facility located at the harbour will allow for wastewater to be pumped to the mains sewerage system for treatment at Dingle Wastewater Treatment Plant which has adequate capacity to cater for the additional loadings consequent on the proposed development.</p> <p><u>Noise Disturbance: Construction Phase:</u></p> <p>Dredging typically produces continuous, broadband, low frequency sound below 1kHz with sound pressure levels between 168dB and 186dB re 1µPa at 1m (depending on the nature / methodology of the dredging activity). There will be very little noise associated with the proposed dredging operation as a long reach excavator and barge is to be used. Increased noise associated with the dredging will be very local to the harbour.</p>	
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		<p>Pile driving is classed as a multi pulse source of impulsive sound. Potential impacts on marine mammals from piling activity include Permanent Threshold Shift, Temporary Threshold Shift, and behavioural disturbance; each of which have varying degrees of severity for exposed individuals.</p> <p>Given that the likelihood of any cetaceans being in the vicinity of the construction site is extremely low there is an insignificant risk of sound exposure and impact, however, the likelihood of seals being in the water close to the site is high.</p> <p>Monitoring and mitigation measures would include the use of qualified marine mammal observers to monitor sub-tidal piling operations.</p> <p><u>Noise Disturbance Operation Phase:</u></p> <p>There is the possibility that marine mammals may be impacted by vessel noise associated with the construction and operational phases of the development, however, research has shown that various species show considerable tolerance to vessel traffic.</p> <p>Ambient noise levels in Dingle Harbour are expected to be dominated by shipping noise, and to a lesser extent by environmental noise, with some noise contributed by shore-based port activities and heavy traffic. It is likely that an operational dredger will lead to a small increase in noise, although this should be considered in the context of the existing harbour usage. In the operational phase, vessels will follow the same navigation lines as have been traditionally used and thus there will be no additional impacts on the marine environment.</p>	
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Dingle Peninsula SPA

<p>Fulmar (Fulmarus glacialis) [A009]</p>	<p>To restore the favourable conservation condition</p>	<p><u>Displacement: Construction Phase:</u></p> <p>Temporary displacement from foraging areas as a result of noise disturbance caused by the drilling and dredge disposal activities.</p> <p>It is expected that animals would habituate to vessels during the dredging and dumping operations and would be unlikely to be disturbed or displaced for long periods (noting the previous use of the dump site for disposal activities).</p> <p>Dredging activity is of short duration and displacement will be short term.</p> <p>The numbers of feeding and foraging birds recorded in the dredge spoil disposal area were influenced by three local events – a trawler (1) and fish shoal activity (2). The dumping of silt in the immediate vicinity of</p>	<p>Adherence to an agreed Construction Environmental Management Plan that provides for the implementation of standard construction best practice to manage the risk of the uncontrolled release of pollutants or contaminants during the construction phase.</p>
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		<p>natural (bait bail) activity could be detrimental to feeding seabirds and crew should be advised to avoid dumping any sediment close to any such feeding activities.</p> <p>The proposed works, which involve the dredging of sediments and subsequent disposal with the licensed disposal site in Dingle Bay, would potentially lead to a temporary effect upon the foraging opportunities for birds as they may be displaced from the area. However, it is not considered that such an effect would be long term for the species given the large expanse of suitable foraging habitats for birds.</p> <p><u>Displacement: Operational Phase:</u></p> <p>Additional vessel activity poses a threat to species through encroachment into potential foraging habitats. However, given the busy nature of Dingle FHC and marina, any increase in vessel traffic consequent on the proposed development will not be significant. All vessels will follow the same navigation lines as have been traditionally used and thus there will be no additional impact on the marine environment.</p> <p>Siltation levels in and around Dingle FHC are low. The inner harbour and navigation channel were first dredged in the 1990s and have not required maintenance dredging since. Although capital dredging of the navigation channel was carried out in 2018 to allow for a longer access time over the tides to the harbour for larger vessels, the bed levels measured prior to that dredging had not shown noticeable change since the original dredging works in the 1990s.</p> <p>Maintenance dredging for the proposed development will occur every 20/30 years with a chance that the timeline could be longer. This would have a temporary effect upon the foraging opportunities for birds as they are displaced from the area, however, as the disposal site is very small in relation to available foraging habitat any impact will be local and not significant. Precautionary mitigation measures for the dredging activity are recommended.</p> <p>During maintenance dredging, care should be taken to avoid dumping any material into identified foraging areas for birds, including around trawlers or natural shoal activity such as 'bait bails'.</p> <p>Maintenance dredging would potentially lead to a temporary effect upon the foraging opportunities for birds as they may be displaced from the area. However, it is not</p>	
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		<p>considered that such an effect would be long term for the species given the large expanse of suitable foraging habitats for birds.</p> <p><u>Discharged Pollutants and Sediments:</u> <u>Construction Phase:</u></p> <p>Dredging can result in significant short-term and long-term damage to the biological environment. It will alter the characteristics of benthic habitats with subsequent effects on prey distribution and abundance and impact on marine predators. Birds may also be affected by the release of sediment by consumption of contaminated prey items resulting from contaminants entering the food chain (where contaminated substrates are disturbed).</p> <p>In the absence of construction best practice and mitigation measures, construction activities could result in the uncontrolled release of sediment material to Dingle Bay affecting the availability of food items targeted by foraging birds. Dredging and piling operations will result in the generation and release of spoil (rock particles and sediment) to the water column potentially affecting water quality (e.g. turbidity) and an result in the generation of sediment plumes in the water column extending beyond the immediate works area.</p> <p>Ground investigations have been conducted to inform and assess the geotechnical and environmental characteristics of the soils, sediments and rock at the proposed site. Following a review of the sample results and discussions with the Marine Institute, the dredge spoil has been determined to be suitable for disposal at sea.</p> <p>Sediment dispersal modelling undertaken in 2021 (please refer to the 'Numerical Modelling Output of Tidal Currents, Dredge and Disposal Plumes, and Waves' submitted with the application) has determined that an increase in Suspended Sediment Concentration will only occur in the immediate vicinity of the disposal site and will not persist beyond the cessation of disposal with each resulting dredge plume dispersing after each dredging operation. The modelling has also established that while the projected increase in seabed thickness (>0.14m) at the disposal site is likely to cause some local smothering of the benthos, the affected benthic fauna typically has high recovery rates and so the negative impact of the increased seabed thickness is predicted to have a relatively short-term consequence.</p>	
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		<p><u>Discharged Pollutants and Sediments: Operation Phase:</u></p> <p>Dredging can result in significant short-term and long-term damage to the biological environment. It will alter the characteristics of benthic habitats with subsequent effects on prey distribution and abundance and impact on marine predators. Birds may also be affected by the release of sediment by consumption of contaminated prey items resulting from contaminants entering the food chain (where contaminated substrates are disturbed).</p> <p>Siltation levels in and around Dingle FTC are low. The inner harbour and navigation channel were first dredged in the 1990s and have not required maintenance dredging since. Although capital dredging of the navigation channel was carried out in 2018 to allow for a longer access time over the tides to the harbour for larger vessels, the bed levels measured prior to that dredging had not shown noticeable change since the original dredging works in the 1990s.</p> <p>Based on suspended sediment sampling, it is anticipated that maintenance dredging of the site will be carried out at most every 20-30 years (but at likely less than that). Therefore, maintenance dredging will not have a significant adverse effect on the surrounding environment due to the presently low levels of siltation within Dingle Bay and the lack of a requirement for maintenance dredging to occur at a rate greater than every 20 to 30 years.</p> <p>Wastewater will not be discharged directly into the water from vessels. A wastewater pump-out facility located at the harbour will allow for wastewater to be pumped to the mains sewerage system for treatment at Dingle Wastewater Treatment Plant which has adequate capacity to cater for the additional loadings consequent on the proposed development.</p> <p><u>Noise Disturbance: Construction & Operation:</u></p> <p>In assessing the potential impact by way of noise disturbance (with particular reference to that attributable to dredging, piling and vessel noise) on bird species, the assessment has applied a scoring system to the criteria examined (i.e. species risk of disturbance; species population sensitivity; proposed development area habitat suitability; and species habitat flexibility) with a view to determining the level of impact. The culmination of the results of this</p>	
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		assessment are set out in Table 3.10: ' <i>Potential impacts on bird populations</i> ' of the NIS which has concluded that the overall level of impact for Fulmar is 'Negligible' with the potential impact significance being 'Not Significant'.	
Blasket Islands SPA			
Fulmar (Fulmarus glacialis) [A009]	To restore the favourable conservation condition	As set out above.	As set out above.
In the interest of conciseness, please be advised that the foregoing assessment of potential adverse effects in respect of Fulmar (Fulmarus glacialis) [A009] also applies to the following bird species, with the exception of noise disturbance considerations which are detailed below.			
Manx Shearwater (Puffinus puffinus) [A013]	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	As set out above.
Storm Petrel (Hydrobates pelagicus) [A014]	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	
Shag (Phalacrocorax aristotelis) [A018]	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Lesser Black-backed Gull (Larus fuscus) [A183]	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	
Herring Gull (Larus argentatus) [A184]	To restore the favourable conservation condition	The overall level of impact is 'Minor' with the potential impact significance being 'Not Significant'.	
Kittiwake (Rissa tridactyla) [A188]	To restore the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Arctic Tern (Sterna paradisaea) [A194]	To restore the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	
Razorbill (Alca torda) [A200]	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Puffin (Fratercula arctica) [A204]	To restore the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	

SACs & SPAs listed in Tables 2.25 & 2.26 of the ‘Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement’

<p>Harbour seal (Phoca vitulina): <i>Kenmare River SAC</i> <i>Glengarriff Harbour and Woodland SAC</i> <i>Kilkieran Bay and Islands SAC</i> <i>Galway Bay Complex SAC</i> <i>Clew Bay Complex SAC</i></p>	<p>To maintain the favourable conservation condition</p>	<p>In the interest of conciseness, please be advised that the previous assessment of potential adverse effects in respect of the Qualifying Interests for the Blasket Islands SAC also applies to these species of marine mammal.</p>	<p>In the interest of conciseness, please be advised that the mitigation measures previously set out in respect of the Qualifying Interests for the Blasket Islands SAC also apply to these species of marine mammal.</p>
<p>Grey seal (Halichoerus grypus): <i>Roaringwater Bay SAC</i> <i>Slyne Head Islands SAC</i> <i>Inishbofin and Inishshark SAC</i> <i>Duvillaun Islands SAC</i> <i>Inishkea Islands SAC</i> <i>Saltee Islands SAC</i> <i>Slieve Tooley / Tormore Island / Loughros Beg Bay SAC</i> <i>Lambay Island SAC</i> <i>Horn Head and Rinclevan SAC</i></p>	<p>To maintain the favourable conservation condition</p>		
<p>Harbour Porpoise (Phocoena Phocoena): <i>Roaringwater Bay SAC</i> <i>Rockabill to Dalkey Island SAC</i></p>	<p>To maintain the favourable conservation condition</p>		

<p>Bottlenose Dolphin (Tursiops truncatus):</p> <p><i>Slyne Head Islands SAC</i></p> <p><i>Duvillaun Islands SAC</i></p> <p><i>Lower River Shannon SAC</i></p> <p><i>Slyne Head Peninsula SAC</i></p> <p><i>West Connacht Coast SAC</i></p>	<p>To maintain the favourable conservation condition</p>		
<p>In the interest of conciseness, please be advised that the previous assessment of potential adverse effects in respect of Fulmar (<i>Fulmarus glacialis</i>) [A009] also applies to the following bird species, with the exception of noise disturbance considerations which are detailed below.</p>			
<p>Storm Petrel (Hydrobates pelagicus):</p> <p><i>Magharees Islands SPA</i></p>	<p>To maintain the favourable conservation condition</p>	<p>The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.</p>	<p>As set out above.</p>
<p>Shag (Phalacrocorax aristotelis):</p> <p><i>Magharees Islands SPA</i></p>	<p>To restore the favourable conservation condition</p>	<p>The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.</p>	
<p>Arctic Tern (Sterna paradisaea):</p> <p><i>Magharees Islands SPA</i></p>	<p>To restore the favourable conservation condition</p>	<p>The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.</p>	
<p>Wigeon (Anas penelope):</p> <p><i>The Gearagh SPA</i></p> <p><i>Tralee Bay Complex SPA</i></p> <p><i>Castlemaine Harbour SPA</i></p> <p><i>River Shannon and River Fergus Estuaries SPA</i></p>	<p>To restore / maintain the favourable conservation condition</p>	<p>The overall level of impact is 'Minor' with the potential impact significance being 'Potential Slight' and 'Not Significant'.</p>	
<p>Gannet (Morus bassanus):</p> <p><i>Skelligs SPA</i></p> <p><i>The Bull and The Cow Rocks SPA</i></p>	<p>To restore / maintain the favourable conservation condition</p>	<p>The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.</p>	

<i>Saltee Islands SPA</i>			
Guillemot (<i>Uria aalge</i>): <i>Skelligs SPA</i> <i>Iveragh Peninsula SPA</i> <i>Loop Head SPA</i> <i>Cliffs of Moher SPA</i> <i>Inishmore SPA</i> <i>Old Head of Kinsale SPA</i> <i>Clare Island SPA</i> <i>Ireland's Eye SPA</i> <i>Lambay Island SPA</i> <i>Saltee Islands SPA</i>	To restore / maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	
Sandwich Tern (<i>Sterna sandvicensis</i>): <i>Slyne Head to Ardmore Point Islands SPA</i> <i>Illlaunnanoon SPA</i> <i>Cross Lough (Killadoon) SPA</i> <i>Carrowmore Lake SPA</i> <i>Lady's Island SPA</i> <i>Greers Isle SPA</i> <i>Blacksod Bay / Broad Haven SPA</i> <i>Lough Swilly SPA</i>	To restore / maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Black-headed Gull (<i>Larus ridibundus</i>): <i>Tralee Bay Complex SPA</i>	To maintain the favourable conservation condition	The overall level of impact is 'Minor' with the potential impact significance being 'Potential Slight' and 'Not Significant'.	

Mew / Common Gull (Larus canus): <i>Magharees Islands SPA</i> <i>Tralee Bay Complex SPA</i>	To restore / maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Cormorant (Phalacrocorax carbo): <i>Castlemaine Harbour SPA</i>	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Not Significant'.	
Red-throated Diver (Gavia stellata): <i>Castlemaine Harbour SPA</i>	To maintain the favourable conservation condition	The overall level of impact is 'Negligible' with the potential impact significance being 'Potential Imperceptible'.	
Great Northern Diver (Gavia immer): <i>Courtmacsherry Bay SPA</i> <i>Inner Galway Bay SPA</i> <i>Blacksod Bay / Broad Haven SPA</i> <i>Donegal Bay SPA</i>	To maintain the favourable conservation condition	The overall level of impact is 'Minor' with the potential impact significance being 'Potential Slight' and 'Not Significant'.	

The above table is based on the documentation and information provided on the file, as well as information contained on the NPWS website, and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

The discharge of pollutants or contaminants with a deterioration in water quality during construction:

In the absence of construction best practice and mitigation measures, construction activities could result in the uncontrolled release of sediment material to Dingle Bay affecting the availability of food items targeted by foraging marine mammals and bird species. Dredging and piling operations will result in the generation and release of spoil (rock particles and sediment) to the water column potentially affecting water quality (e.g. turbidity) and result in the generation of sediment plumes in the water column extending beyond the immediate works area. The potential also arises for the discharge of pollutants or contaminants to result in a deterioration in water quality during the construction phase.

Good water quality is necessary to maintain the populations of Annex II (Habitats Directive) marine mammal species and Annex I (Birds Directive) bird species. A decrease in water quality would compromise conservation objectives for the populations of Annex II (Habitats Directive) marine mammal species and Annex I (Birds Directive) bird species listed above.

Noise disturbance:

The nature of the construction activities, including the dredging and piling operations, will result in noise disturbance with the potential to result in physical injury, such as permanent or temporary auditory damage, to identified marine mammals, along with the possible disruption of animal behaviour.

Mitigation Measures:

Measures to avoid the release of pollutants or contaminants and to protect water quality during the construction and operation phases:

Construction:

Adherence to an agreed Construction Environmental Management Plan that provides for the measures presented in the outline Construction Environmental Management Plan (CEMP) regarding dredging activities, installation of piles and component parts of the small craft harbour. Measures will also include standard construction best practice used to manage the risk of potential for the loss of concrete or hydrocarbons such as diesel and hydraulic fluids during the construction phase. Careful supervision of concrete handling, curing times and general construction practice will reduce the risk from concrete-related impacts. The implementation of general construction practice will ensure that the likelihood of pollution in a well-equipped, maintained and managed construction site is low.

Measures presented in the CEMP include:

- All machinery fuel on site will be stored in appropriate bunded containers during the works.
- No on-site concrete batching will be permitted at the proposed works areas. Concrete will be transported to the site by concrete truck. Quick setting concrete mixes will be used to reduce the risk of wash-out. Concrete trucks will be washed down to a mortar bin / skip which has been examined in advance for any defects. The wash-down area will not be located within 50m of any waterbody or drainage.
- Oil spill accident response equipment will be held on the jack-up barge, floating pontons and dredge spoil barge. At a minimum the response equipment will include the following: absorbent mats, waste bags, oil splash goggles, gloves and vinyl or rubber show covers to protect the user from the harmful effects of the spilled material.

- A Construction Waste Management Plan which will provide for the segregation of all wastes into recyclable, biodegradable and residual wastes. All operations at the site will be managed and programmed in such a manner to minimise waste production and maximise recycling in order to prevent potential ground pollution. Waste sent off site for recovery or disposal will only be conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery / disposal in a manner which will not adversely affect the environment.
- Where necessary, bunds for the storage of chemicals will be lined or constructed of materials resistant to damage by the materials stored therein. Additionally, the capacity of such bunds will be a minimum of 110% of the volume of the largest container stored therein. Bunds will be designed in accordance with Environmental Protection Agency guidance in relation to the storage of potentially polluting liquids ('IPC Guidance Note on Storage and Transfer of Materials for Scheduled Activities', 2004).
- Where refuelling is to take place, it will where possible be within a designated impermeable, bunded area, away from all drains. Where machinery requires refuelling outside of this area, fuel will be transported in a mobile double skinned tank. An adequate supply of spill kits and hydrocarbon absorbent packs will be stored in this area. All relevant personnel will be fully trained in the use of this equipment.
- Drip trays will be used where hydrocarbons are being used for machinery maintenance / refuelling.
- Portable chemical toilets will be provided for the duration of the works and all waste material will be removed from site and disposed of to an appropriately licensed facility.

Operational Phase:

All wastewater discharge from vessels using the proposed development will be connected to the mainland and treated at Dingle Wastewater Treatment Plant. There will be no wastewater discharge directly to the water.

It can be reasonably concluded based on the 2023 Annual Environmental Report that the Dingle WWTP has sufficient capacity to treat the wastewater discharge from the additional vessels that will use the proposed development. As a result of appropriate wastewater treatment, there is no potential to cause environmental damage through wastewater discharge to the surrounding waters of Dingle Harbour.

Measures to mitigate noise disturbance:

Construction and Operational Phases (incl. Dredging):

The implementation of the relevant impact mitigation and monitoring measures set out in the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols.

Having reviewed the mitigation measures set out in Section 3.6 of NIS, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of European sites.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the following sites:

- Blasket Islands SAC
- Dingle Peninsula SPA
- Blasket Islands SPA
- Kenmare River SAC
- Glengarriff Harbour and Woodland SAC
- Kilkieran Bay and Islands SAC
- Galway Bay Complex SAC
- Clew Bay Complex SAC
- Roaringwater Bay and Islands SAC
- Inishbofin and Inishshark SAC
- Duvillaun Islands SAC
- Inishkea Islands SAC
- Saltee Islands SAC

- Slieve Tooley / Tormore Island / Loughros Beg Bay SAC
- Lambay Island SAC
- Horn Head and Rinclevan SAC
- Lower River Shannon SAC
- Slyne Head Peninsula SAC
- Slyne Head Islands SAC
- West Connacht Coast SAC
- Rockabill to Dlakey Island SAC
- Tralee Bay Complex SPA
- Magharees Islands SPA
- Castlemaine Harbour SPA
- The Gearagh SPA
- River Shannon and River Fergus Estuaries SPA
- Courtmacsherry Bay SPA
- Inner Galway Bay SPA
- Blacksod Bay / Broad Haven SPA
- Donegal Bay SPA
- Skelligs SPA
- The Bull and The Cow Rocks SPA
- Saltee Islands SPA
- Iveragh Peninsula SPA
- Loop Head SPA
- Cliffs of Moher SPA
- Inishmore SPA
- Old Head of Kinsale SPA
- Clare Island SPA
- Ireland's Eye SPA
- Lambay Island SPA
- Slyne Head to Ardmore Point Islands SPA
- Illaunnaon SPA
- Cross Lough (Killadoon) SPA
- Carrowmore Lake SPA
- Lady's Islands Lake SPA
- Lough Swilly SPA
- Greers Isle SPA.

No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to avoid the release of pollutants or contaminants and to mitigate noise disturbance during the construction and operation phases. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the European Sites set out above. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the European Sites set out above in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on the site integrity of the European Sites set out above can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the European Sites set out above.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures if permission is granted.

Appendix 5: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-320804-24	Townland, address	An Daingean Fishery Harbour Centre, The Woods, An Daingean, Co. Kerry.
Description of project		The construction of an approximately 125 No. berth small craft harbour. The proposed development consists of: Dredging of an area of seabed and the disposal of that material to sea; installation of anchoring piles for the marina units; installation of floating breakwaters, small craft type pontoons, walkways and fingers; a gangway from the west breakwater to the small craft area; trolley bays, toilet facilities, power and water kiosks; and all ancillary and associated site works necessary to facilitate the development. A Natura Impact Statement has been submitted with the application.	
Brief site description, relevant to WFD Screening,		The proposed development site is located at An Daingean / Dingle Fishery Harbour Centre (FHC), The Woods, An Daingean, Co. Kerry, which occupies a position on the northern shore of Dingle Harbour and serves as a base for an active fishing fleet (including trawlers and smaller fishing craft with a small fish processing plant located nearby) while also including a marina offering 100 No. berths and 20 No. visitor berths for other marine traffic along with a shallow draft anchoring area. It is situated south of the western breakwater in an area of open water within Dingle Harbour sited beyond the existing marina and inner harbour area. Access to the site can be obtained via the existing breakwater while the proposed development will involve the provision of a new gangway construction extending from the western end of the breakwater. Foul water services are available via connection to the existing harbour sewer system (this will necessitate extending the existing sewer pipe located at the Marina Centre on the western breakwater c. 130m to the top of the proposed gangway).	
Proposed surface water details		N/A - This is a marine site and given the nature of the development proposed surface water will be permitted to drain directly into Dingle Harbour.	

Proposed water supply source & available capacity	A water supply is available from the public mains and no capacity issues have been identified.
Proposed wastewater treatment system & available capacity, other issues	Foul water will be discharged via connection to the existing harbour sewer system (this will necessitate extending the existing sewer pipe located at the Marina Centre on the western breakwater c. 130m to the top of the proposed gangway) which drains to the public mains sewerage network and no capacity issues have been identified. The Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027 confirms that Dingle has adequate wastewater infrastructure.
Others?	Not applicable.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
Coastal Waterbody	Underlying and surrounding the site.	Dingle Harbour IE_SW_240_0000	Good	Review	None identified.	Surface water runoff from the development directly to Dingle Harbour. In-water works, including dredging & spoil disposal and piling activities.

							Foul water disposal.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Coastal	Dingle Harbour IE_SW_240_0000	In-water works and surface water runoff	Siltation & sediment, spillages & accidental release of hydrocarbons.	Standard best practice construction and implementation of an agreed Construction and Environmental Management Plan. Receipt of and adherence to a 'Dumping at Sea' permit.	Yes. Proximity of monitoring stations, habitats & protected species	Screened in.
OPERATIONAL PHASE							
2.	Coastal	Dingle Harbour IE_SW_240_0000	Foul water disposal	Release of untreated wastewater.	Wastewater from the proposed toilet block and the pump-out facilities for small crafts will be collected and stored within a proprietary sealed double hulled holding tank on the pontoon system by the toilet block and below deck level which will be pumped out when full for	No.	Screened out.

					disposal into the existing harbour sewer system (this will necessitate extending the existing sewer pipe located at the Marina Centre on the western breakwater c. 130m to the top of the proposed gangway). It will not be permitted to dispose of wastewater directly into the harbour waters.		
			In-water works	Siltation & sediment from any future maintenance dredging works.	Receipt of and adherence to a 'Dumping at Sea' permit.	Yes. Proximity of monitoring stations, habitats & protected species	Screened in.
DECOMMISSIONING PHASE							
3.	N/A						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Coastal Waters					
Development/Activity e.g. culvert, bridge,	<u>Objective 1: Surface Water</u>	<u>Objective 2: Surface Water</u>	<u>Objective 3: Surface Water</u>	<u>Objective 4: Surface Water</u>	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if
		Protect, enhance and restore all bodies of surface water	Protect and enhance all artificial and heavily	Progressively reduce pollution from priority	

other crossing, diversion, outfall, etc	Prevent deterioration of the status of all bodies of surface water	with aim of achieving good status	modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	substances and cease or phase out emission, discharges and losses of priority substances	answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Dredging, spoil disposal and piling activities.	Best practice construction mitigation methods as set out in the submitted plans and particulars. Implementation of a Construction Environmental Management Plan and all applicable Environmental Management Plans, including EMP 1: 'Management of Dredging' and EMP 2: 'Management of Piling'. Receipt of and adherence to a 'Dumping at Sea' permit.	Best practice construction mitigation methods as set out in the submitted plans and particulars. Implementation of a Construction Environmental Management Plan and all applicable Environmental Management Plans, including EMP 1: 'Management of Dredging' and EMP 2: 'Management of Piling'. Receipt of and adherence to a 'Dumping at Sea' permit.	N/A	N/A	Yes.