



An  
Bord  
Pleanála

## Inspector's Report ABP-321112-24

<b>Development</b>	Change of use of existing industrial unit to a new fish & chips restaurant.
<b>Location</b>	16A West Pier, Howth Fishery Harbour, Howth, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0522
<b>Applicant(s)</b>	O'Flaherty Brothers Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	O'Flaherty Brothers Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> January 2025
<b>Inspector</b>	Emma Gosnell

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the West Pier in Howth, Co. Dublin, north of the village centre and c. 120m northeast of the DART station. The West Pier is a working pier comprised of marine related industry together with shops and restaurants.
- 1.2. The c. 0.0206ha site is occupied by a 2-storey building with a shallow hipped roof, an east facing orientation and 2 no. opes on its front elevation at ground floor level. The property forms part of a terrace of mixed commercial and industrial premises which front onto the pier's access road. The property is adjoined by the Beshoff's seafood shop & restaurant to the south and by an ESB substation and the Howth Angling Centre to the north, various industrial/ commercial premises associated with the Howth Shipyard are located to the west (rear). The opening hours of the existing restaurants on the pier range from 9am to 10pm seven days a week.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the change of use of an existing industrial unit to a new fish & chip restaurant, together with internal and external alterations to provide for (a) new prep and kitchen area, (b) new bi fold door system entrance, (c) series of new velux roof lights, (d) new external signage, (e) new internal seating and mezzanine, (f) external seating, and all associated site works.
- 2.2. Further information (FI) which consisted of a planning report which provided further details on the nature and clientele of the proposed restaurant, and revised plans and elevations omitting the projecting signage on the front elevation, was submitted on the 4<sup>th</sup> September 2024 and was not deemed to be significant.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for 1 no. reason:

*“ 1. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that the proposed change of use to a restaurant, would serve the local working population only and in the absence of any established links to the local marine industry*

*to justify the location on the West Pier, the development would be contrary to the GE Zoning Objective of the Fingal Development Plan 2023-2029 which seeks to 'Provide opportunities for general enterprise and employment' and restricts the use of restaurants/ cafe to serve the local working population only".*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

##### Planner's Report (30/07/2024) – Initial Application Stage

The report sets out the relevant planning history, policy context, issues raised in the observations by prescribed bodies and in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Points of note raised include, inter alia:

- **Compliance with zoning objective** – restaurant use acceptable at this location where it serves the local working population only as per the zoning objective and applicants have provided no justification for business location/ connection to existing marine businesses on pier/ evidence of intention to serve local working population only. FI sought on matter.
- **Impact on visual amenity** – proposed alterations to front of building deemed acceptable with exception of projecting sign which should be omitted. Uncertainty over the proposals for external seating adjacent to unit entrance which are described in statutory notices and illustrated on visuals, but not shown on plans or as being within the applicant's red line. FI sought on matter.
- **Transportation/ water services** – proposals for zero car parking deemed acceptable on basis of sites proximity to Howth Village centre and DART station. Proposal acceptable to Water Services Planning Section and Uisce Eireann. (UE)

A request for FI issued on the 30/07/2024 in relation to 2 no. items:

*" 1. A restaurant use is permitted in principle within the 'GE' General Employment zoning objective subject to the restriction 'to serve the local working population only'. The applicant is requested to provide further details regarding the need for the proposed development in this location and how it accords with the requirements of the*

*‘GE’ General Employment zoning objective outlined in the Fingal Development Plan 2023-2029.*

*2. The applicant is requested to address the following issues raised by the Planning Authority and submit revised plans and particulars as necessary; (a) Further details relating to the location/layout of the proposed external seating. Clarity should be given as to whether the external seating would be accommodated within the red line of the application site. (b) The proposed projecting sign on the front elevation should be omitted.”*

The applicant’s response to the FI request was submitted on the 4<sup>th</sup> September 2024 and was not deemed to be significant. It comprised of a cover letter setting out their response to the FI, a planner’s report which addressed item no. 1 of the FI, and revised plans and elevations prepared in response to item no. 2 of the FI. In brief:

- The FI response to item no. 1, which refers to policies of the Fingal Development Plan 2023 – 2029 and Howth Urban Centre Strategy in relation to the West Pier, makes the case that the proposal is in keeping with the land use and design principles of both and argues that the proposal would not negatively impact on the amenities of visitors or residents. The response also clarifies that the restaurant will sell produce caught in the surrounding waters and will cater for both the local harbour’s working population and tourists.
- The FI response to item no. 2 commits to omitting the projecting sign, provides a revised layout plan and confirms the applicant’s intention to have external seating on the footpath adjacent to front entrance (subject to a successful license application from the Department of Agriculture, Food & the Marine who own/ operate the pier). It is also confirmed that this seating area would fall outside the site’s red line boundary.

#### Planner’s Report (26/09/2024) - Further Information Stage

This report provided an assessment of the FI received. Points of note include:

- Item 1 – the applicant’s local links and need to operate specifically from the West Pier have not been adequately demonstrated, nor has the proposed operation’s connection to the local marine industry/ existing local businesses at Howth Harbour. On this basis, the PA deemed the proposal to be a speculative venture

aimed primarily at tourists and, given that no other extenuating circumstances applied, the proposal was determined non-compliant with the site's 'General Employment' (GE) zoning objective.

- Item 2 – the proposed seating area is outside the red line boundary. To be considered a part of the subject application would need to be included in red line.

The report concluded by recommending that permission be refused.

### 3.2.2. Other Technical Reports

#### Initial Application Stage

- Transportation Planning Section (12/07/2024) - no objection to proposal.
- Water Services Planning Section (26/06/2024) – no objection subject to conditions.
- Environment Section (Waste Enforcement & Regulation) (21/06/2024) – no objection subject to conditions.

#### Further Information Stage

None.

### 3.3. Prescribed Bodies

#### Initial Application Stage

- UE (27/06/2024) – no objection in principle subject to conditions.

#### Further Information Stage

No submissions.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Site

P.A. Ref. F16A/0173 – Permission granted on 18/07/2016 for the construction of rear extension to the existing premises to facilitate additional net making facilities, subject to conditions.

P.A. Ref. F98A/0609 – Permission granted on 08/12/1998 for a 2 storey extension and to re-open a blocked-up window on the front elevation, subject to conditions.

#### 4.2. Neighbouring Sites

P.A. Ref. F24A/0704E – Application for change of use from a Boat House to a restaurant, retail unit, heritage exhibition space and related internal/ external works at 7 West Pier. Further information sought on 25/09/2024 in respect to 4 items, including compliance with GE zoning re: query on local clientele of proposed retail/ restaurant.

P.A. Ref. F23A/0312 – Permission granted on 26/10/2023 for the remodelling and change of use of a vacant fish processing warehouse building (Protected Structure) to retail, food to go, and café/restaurant uses, new opes, signage and related works at 11 West Pier, Howth, subject to conditions. Whilst compliance with zoning was raised as an issue by the PA at FI stage, the use was deemed to be acceptable on basis of provisions of Objective HCAO26 (Use of Protected Structures) and the nature of the existing uses on the pier.

P.A. Ref. F22A/0344 (ABP-315616-23) – Decision to grant permission upheld on appeal on 12/02/2024 for the change of use of the existing commercial office building to provide for a Howth Harbour Seafood and Fishing Interpretive Centre including ancillary retail sales at ground floor level, a seafood restaurant at first floor level, an outdoor dining roof terrace and related works at Mariner's Hall, West Pier, subject to conditions, including Condition No. 2 *"The proposed Fish and Chip area as detailed on the plans submitted and more than 50% the ground floor area shall be given over for use as an interpretative centre to include an area for demonstrations relating to the fish industry. There shall be no facility for the sale of hot food for consumption off the premises without a separate grant of planning permission. Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained"*.

P.A. Ref. F11A/0475 – Permission granted on 30/01/2013 for change of use from existing retail/ fish processing and offices to restaurant & retail uses and alterations and extension to the existing structure at 14 West Pier, subject to conditions including

condition “2. *That the retail space, restaurant and office use as indicated on the plans shall remain as ancillary uses to the fish processing operations on site and shall not be operated independently of this use. Reason: In the interest of the proper planning and sustainable development of the area*”.

P.A. Ref. F00A/0952 – Permission granted on 22/11/2000 for the change of use of an existing premises from marine engineering to fish packaging at No. 16B West Pier (a Protected Structure), subject to conditions.

## 5.0 Policy Context

### 5.1. Local Policy

The Fingal Development Plan (FDP) 2023 – 2029 applies.

#### 5.1.1. Zoning

- The site is zoned ‘Objective GE – General Employment’ with the Objective ‘Provide opportunities for general enterprise and employment’.
- The stated vision of this zoning objective is to ‘facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible’.
- Restaurant uses are permitted in principle under the GE zoning only where they serve the local working population.
- Restaurant uses which do not serve the local working population are not permitted under the GE zoning.
- Chapter 13 (Land Use Zoning), Section 13.1 (Introduction) – ‘Uses which are neither ‘Permitted in Principle’ nor ‘Not Permitted’ will be assessed in terms of their contribution towards the achievement of the zoning objective and vision’.
- Sections 13.5 (Zoning Objectives, Vision and Use Classes) and 14.15 (Enterprise & Employment).
- The site is located within Noise Zone D associated with Dublin Airport.



- Policy CSP11 – Lands for Employment.

#### 5.1.2. Howth/ Marine Specific Policy

- Sections 7.5.1.4 (Marine) & 14.15 (Enterprise & Employment)
- Policy CSP22 – Howth, Sutton and Baldoyle
- Objective EEO11- Economic Growth of Metropolitan Area
- Objective EEO41 - Marine Sector
- Objective EEO42 - Marine Sectors Development and Environmental Issues
- Objective EEO45 – Tourism and Economic Growth

#### 5.1.3. Shopfront/ Signage

- Section 14.4.5 (Shopfront Design)
- Tables 14.1 (Shopfront Design Guidance) & 14.2 (Shopfront Design Checklist)
- Objective DMSO8 – Contemporary Shopfront Design
- Objective DMSO12 – Evaluation of Signage Proposals

## 6.0 **Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites and Natural Heritage Areas in close proximity to the appeal site are as follows:

- North-West Irish Sea SPA (Site Code 004236) – approx. 50m to the west.
- Baldoyle Bay SAC (Site Code 000199) – approx. 150m to west.
- Ireland's Eye SPA (Site Code 004117) – approx. 1km to north-east.
- Howth Head SAC (Site Code 000202) – approx. 600m to east.
- Howth Head Coast SPA (Site Code 004113) – approx. 1.1km to east.
- Rockabill to Dalkey Island SAC - (Site Code 000300) – approx. 1.2km to east.
- Baldoyle Bay pNHA (Site Code 000199) – approx. 150m to west.
- Howth Head pNHA (Site Code 000202) – approx. 600m to east.
- Ireland's Eye pNHA (Site Code 000203) – approx. 1.3km to the north-east.

## **7.0 EIA Screening**

There is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and types and characteristics of potential impacts. No EIAR is required. Refer to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

8.1.1. A first party appeal submission was received on 22/10/2024 and seeks to address the PA's reason for refusal. The grounds of appeal can be summarised as follows:

- The proposal is compliant with land use and urban design policies which encourage the development of ground floor level marine-related retail/ commercial uses and greater street-level animation along West Pier in the non-statutory Howth Urban Centre Strategy (2008).
- The proposal is supported by various FDP marine/ tourism sector and economic growth objectives for Howth and would not impact protected views or prospects, on the area covered by the Howth Special Amenity Area Order (2000) or on any Natura 2000 site(s).
- The applicants have an existing demonstrable physical and functional business connection and commitment to the marine industry at West Pier, Howth and they are a significant local fish supplier (19 no. trawlers in operation) and employer, directly employing 100 persons at the pier.
- The appropriateness of the GE zoning objective as it applies to the site is queried given that it is a generic zoning common to both 'main industrial estates' and to the 'harbour environment' as is the 'serving local working population only' clause which applies to restaurant uses being permissible within the GE zoning.
- The GE zoning does not state that restaurants/ cafes which do not just cater for the local working population are not permitted and therefore, they must be open for consideration.

- The appeal notes the long established mix of uses on the pier and it is clarified that the proposal will cater to local workers, residents & tourists as this clientele reflects the contemporary reality of trade on, and the function of, the seaside pier which is shared between the marine industry and tourist/ visitor-type uses.
- The grounds of appeal refer to ‘numerous precedents on the pier’ but no details of same are provided.

## 8.2. **Planning Authority Response**

The PA, in their response dated 18/11/2024, state that the application was assessed against the policies and objectives of the FDP together with existing government policy and guidelines. It is also noted by the PA that details of the applicant’s connection to the West Pier (provided as part of the 1<sup>st</sup> party appeal) were not provided to the PA at application or FI stages. Ultimately, the PA seek that the Board uphold their decision to refuse permission, but seek that provision is made to attach conditions relating to development contributions and tree bond/ cash security in the event of a grant of permission.

## 8.3. **Observations**

None received.

## 9.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, and having inspected the site, and having regard to relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Other Matters

## 9.1. Principle of Development

- 9.1.1. The PA, in their reason for refusal, cited contravention of the site's zoning objective on the basis of the applicant's failure to satisfactorily demonstrate that the proposed use as a restaurant would serve the local working population only and to clarify their link to the local marine industry (which could justify their proposed location on West Pier).
- 9.1.2. The grounds of appeal clarify that the applicant has an existing connection to the marine industry and operations at Howth's West Pier which goes back four decades, and that they operate a fleet of 19 no. trawlers from the pier, employing over 100 persons locally. It is stated that the applicant operates 2 no. warehouses at Boatyard Lane (adjacent to the pier), that they are the principal users of the boatyard at this location and that the applicant's existing business helps to sustain the wider marine-based industry and economy at the pier, by being both a customer and the largest fish/marine supplier.
- 9.1.3. In considering the content of the FDP's zoning policy, the appellant submits that, as the GE zoning does not explicitly preclude restaurants that do not exclusively serve the local working population, such uses must therefore be open for consideration. In this regard, the grounds of appeal argue that the existing mix of marine/ tourist/ visitor uses and activities on West Pier are reflective of its location and role as a seaside amenity. It is also submitted that there is a clear difference between the role of the pier and the role of other industrial estates i.e. which do not correspond with seaside/ tourist/ village centre adjacent locations and therefore must provide for in-situ cafes/ restaurants to serve the local working population. For these reasons, the grounds of appeal argue that the proposal will cater to local workers, residents and tourists as this clientele reflects the contemporary reality of trade on/ the function of West Pier which is shared between both the marine industry and tourist/ visitor-type uses.

### Restaurant Use/ Clientele

- 9.1.4. In making their decision to refuse permission, I note that one of the reasons cited by the PA for the proposal's contravention of the site's zoning objective was on the basis that the proposed restaurant use would not exclusively serve the local working population.
- 9.1.5. The proposed restaurant is located on lands zoned for General Employment (GE) with the objective being to 'provide opportunities for general enterprise and employment'. I

note that this zoning applies to a number of landbanks across Fingal County and primarily to large industrial estates, business parks and those designated for future employment such as those at Baldoyle, Balbriggan and Turvey. Whilst a restaurant is a class of use which is permitted in principle on GE zoned lands, this is expressly subject to a specific clause which states that the restaurant is 'To serve the local working population only'. Notwithstanding this restriction, it is apparent to me from my review of Section 13.5 (Zoning Objectives, Vision and Use Classes) of the FDP that restaurants are also not a type of use listed under the zoning's 'Not Permitted' use matrix and I further note that a footnote is provided below the GE zoning matrices which states that *"uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan"*. From my reading of the plan's GE zoning guidance, I do not agree with the PA that the proposed restaurant (which would serve the local working population in addition to visitors and tourists) would constitute a contravention of the site's zoning. This is on the basis that such a use is open for consideration and is required to be assessed in terms of its contribution towards the achievement of the GE zoning Objective and Vision and compliance/ consistency with the policies and objectives of the FDP. In this regard, I am satisfied as to its compliance with the relevant policies and objectives of the plan outlined in Sections 5.1.2 & 5.1.3 of this report. Its contribution toward the GE zoning objective is considered further below.

#### Link to Local Marine Industry

- 9.1.6. The second issue cited by the PA in their reason for refusal was the applicant's failure to demonstrate established links to the local marine industry that would justify the location of the proposal i.e. on a site to which the GE zoning objective applies. Their concerns in this regard relate to the stated vision for GE zoned lands to 'Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible' where the emphasis is on facilitating developments which are compatible with existing uses in the zone.

9.1.7. In their response to the first party appeal (18/11/2024) the PA acknowledge that required details in terms of the applicant's connection to/ the proposed operation's connection to the local marine businesses and industry on the West Pier had been provided to the Board as part of the first party appeal.

9.1.8. Having visited the site and Boatyard Lane and having considered the information on file and the submissions from the PA and in the grounds of appeal, I am of the view that the appellant has satisfactorily demonstrated that they have an existing physical and functional connection to the marine-related industry/ the local business at the West Pier. Furthermore, given the intrinsic physical and functional link between the proposed restaurant and the existing marine operations in and around Howth Harbour, I consider that the proposal does constitute a 'compatible industry and general employment use' which would be ancillary to wider use of the harbour area for marine related business as per the stated vision for the GE zoning objective.

#### Conclusion

9.1.9. On the basis of the above considerations, I do not consider the proposed change of use to be a contravention of the site's zoning objective as set out under Section 13.5 (Zoning Objectives, Vision and Use Classes) of the FDP.

## **9.2. Other Matters**

### **9.2.1. Compliance with Howth Urban Centre Strategy**

The grounds of appeal note that the proposal is compliant with a number of land use and urban design policies set out under the statutory Howth Urban Centre Strategy (2008). This strategy has no statutory basis and therefore I have not considered it in my assessment of the proposal.

### **9.2.2. Matters Not at Issue/ Previously Addressed by Planning Authority**

The appellant draws attention to the proposals compliance with various FDP policies in respect to tourism and economic development and notes that the proposal would not negatively impact on the visual amenity of the pier or on the Howth Special Area Amenity Order (SAAO). Having reviewed the relevant policies and designations, I am satisfied that the proposal is compliant with/ supports same.

### **9.2.3. Signage and External Seating**

Item No. 2 of the FI issued by the PA related to the applicant's proposals for a projecting sign on the front elevation and for external seating. In their response to the FI, the applicant committed to omitting the sign and I consider that it would be appropriate that this matter is addressed by condition if the Board is of a mind to grant permission.

In respect to the external seating, I note that the applicant's FI response clarified that the furniture was not within their planning application red line and, given that it was located on 3<sup>rd</sup> party lands in the ownership of the Dept. of Agriculture, Food and the Marine, it would require the submission of a separate license application to that body. Given that this element of the proposal falls outside the red line boundary, and will be subject to a subsequent, standalone consent process, I am recommending to the Board that the omission of this element of the proposal also be addressed by condition if the Board is of a mind to grant permission.

## **10.0 AA Screening**

- 10.1. I have considered the proposal for permission at 16A West Pier, Howth Fishery Harbour, Howth in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 10.2. The subject site is located in an established mixed-use area and on serviced lands. It is also located c. 50m to the east of the North-west Irish Sea SPA (Site Code 004236), c. 150m to the east of Baldoyle Bay SAC (Site Code 000199), c. 600m to the west of Howth Head SAC (Site Code 000202), c. 1km to the south-west of Ireland's Eye SPA (Site Code 004117), c. 1.1km to the west of Howth Head Coast SPA (Site Code 004113) and, c. 1.2km to the west of Rockabill to Dalkey Island SAC - (Site Code 000300).
- 10.3. The proposed development comprises of the change of use from an existing industrial unit to a restaurant together with various internal alterations and alterations to the unit's shopfront together with associated works.
- 10.4. No nature conservation concerns were raised in the planning appeal.

- 10.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The minor/ de minimus nature of the proposed development.
  - The location-distance from the nearest European Site and lack of connections given its setback from the Irish Sea/ the coastline and the intermediate development/ land uses.
  - Taking into account the findings of the AA screening assessment by the PA.
- 10.6. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 10.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **11.0 Recommendation**

I recommend a GRANT of permission subject to the following conditions.

## **12.0 Reasons and Considerations**

Having regard to the 'Objective GE' zoning objective of the site, the objective for which is to 'Provide opportunities for general enterprise and employment', and the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029, the nature, scale and design of the proposed development relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development would also not have a likely significant effect on any European Site either alone or in combination with other plans or projects and there is also no real likelihood of significant effects on the environment based on the



characteristics and location of the proposed development and types and characteristics of potential impacts.

### 13.0 Conditions

1.	<p>The 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 4<sup>th</sup> September 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed projected signage (800mm x 1100mm) at first floor level of the front elevation shall be omitted.</p> <p>(b) The proposed external seating area to the front of the property which falls outside the planning application red line shall be omitted.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development and visual amenity.</p>
3.	<p>This permission does not include any takeaway use, advertising, or signage, save as may be allowed under exempted development under the relevant legislation.</p> <p><b>Reason:</b> To protect visual and neighbouring amenities, and to clarify the extent of the permission.</p>
4.	<p>The windows of the development hereby approved shall be maintained at all times and glazing to the shopfront shall be kept free of all stickers, posters and advertisements.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>

5.	<p>The restaurant hereby permitted shall not operate or open outside the following hours:</p> <ul style="list-style-type: none"> <li>• 9 am to 10 pm Monday to Sunday.</li> </ul> <p><b>Reason:</b> To protect the amenities of adjoining occupiers.</p>
6.	<p>A plan containing details of the management of waste (and, in particular, food waste/compostable, dry recyclable, glass and refuse materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of neighbouring amenity, and to ensure the provision of adequate refuse storage.</p>
7.	<p>The applicant shall sign a connection agreement with Uisce Eireann (Irish Water) prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p><b>Reason:</b> To ensure proper planning and sustainable development.</p>
8.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
10.	<p>The site development works, and construction works, shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried</p>

	<p>out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p><b>Reason:</b> To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

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Emma Gosnell  
Planning Inspector

12<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321112-24		
<b>Proposed Development</b> <b>Summary</b>	Change of use of existing industrial unit to a new fish & chips restaurant.		
<b>Development Address</b>	16A West Pier, Howth Fishery Harbour, Howth, Dublin 13		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	✓		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>			Preliminary examination required (Form 2)
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<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_