



An
Bord
Pleanála

Inspector's Report 06F.PC0234

Application Type	SID Pre Application – Whether proposed development is or is not strategic infrastructure development.
Development	Upgrade of middle pier Howth to provide for extension of existing quay.
Location	Howth, Co. Dublin
Prospective Applicant(s)	Department of Agriculture, Food and the Marine
Planning Authority	Fingal County Council.
Date of Pre Application Meeting(s)	6th April, 2017
Date of Site Inspection	21 st January, 2017
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The site is located in Howth harbour on the north side of Dublin c. 15km from the city centre. The existing harbour comprises a working fishing harbour with a range of recreational uses including a marina. The harbour was the subject of significant redevelopment in the early 1980s which included the dredging of the harbour, the construction of the marina and the addition of the middle pier. It is this middle pier which is the subject of the current proposed development.
- 1.2. The existing layout of the harbour comprises fishing boat berthing on the west pier and also on the western side of the middle pier. The commercial fishing activity on the west pier currently operates in close proximity to commercial and restaurant outlets on the pier and there is also limited space in this area with car parking. Existing layout of the middle pier is such that there is space for the laying out of equipment on the quayside.
- 1.3. The middle pier was constructed at the time of the harbour re development in the early 1980s and the location of the proposed development is an extension of the existing quay on the western side of the pier. The area of the proposed development is currently characterised by rock protection. The extension of the quay to this area was proposed as part of the original harbour works however it was omitted for reasons of cost.
- 1.4. Howth harbour is identified as a Fisheries Harbour Centre under the Fisheries Harbour Centres Act and is currently the smallest of the 6 no. designated FHCs in terms of the value of catch, which at €12 million constituted only 2% of the national catch in 2015.

2.0 Proposed Development

- 2.1. The proposed development comprises the extension of the existing quay on the western side of the middle pier for a distance of c. 130 metres to the north of the existing limit of the quay. This area extends from the bend in the middle pier and to the north as far as the end of the pier at the entrance to the fishing basin. The quay extension would comprise an extension of c. 10 percent over the existing quay length in the harbour.

- 2.2. On the western side of the pier, opposite the area where the quay extension is proposed, it is proposed that there would be an area of infill comprising approximately 0.16 ha. This area is proposed to provide additional width in this part of the pier that would facilitate the use of the area for the maintenance of boats and the laying out of nets and equipment.
- 2.3. It is proposed that the area immediately adjacent to the new section of quay would be dredged to a depth of c. -4 metres CD
- 2.4. The proposed development is stated to not be for the purposes of accommodating additional fishing vessels in the harbour. Rather the aim is to provide an additional area that is suitable for the active maintenance of vessels such that this activity can be relocated from the west pier where there is a potential conflict with other commercial activities and with visiting members of the public.

3.0 Case Made by Prospective Applicants

- 3.1. Representatives of the Board met with the prospective Applicant on the 6th April, 2017. Issues discussed at this meeting and detailed in the record of the meetings included, inter alia, the following:
 - The nature of the development and its planning history were set out. It was stated by the prospective applicant that a recent development undertaken in the harbour for the provision of a mooring jetty in the inner part of the harbour adjacent to the lifeboat moorings was accompanied by an appropriate assessment. It was stated that it was anticipated on this basis that there may be a requirement for appropriate assessment in the case of the proposed development at the middle pier.
 - The subsequent response to further information made by the prospect applicant stated that screening for appropriate assessment is to be undertaken and that if required appropriate assessment also undertaken.
 - It was confirmed that the proposed development is for the purpose of rationalising the operation of the harbour and to reduce the pressure on the west pier in terms of the use of the west pier for maintenance. It is proposed

that the development would facilitate the use of the middle pier for maintenance activity and that the west pier berths would be used for the overnight storage of boats. The availability of the additional quay would reduce the pressure for berth space on the west pier and reduce the need for the rafting up of boats that is a health and safety risk.

- That there would not be additional commercial activity arising as a result of the proposed development. It is not anticipated that there would be additional fish landings, number of vessels or employment generated.
- That there would be no increase in the size of vessels that could be accommodated at the harbour on foot of the proposed works.

3.2. The application made by the prospective applicant is under s.37B of the Planning and Development Act, 2000 (as amended) and makes the following points in relation to the proposed development and whether it would or would not constitute strategic infrastructure:

- Consider that the proposed development would come within the scope of Class 2 of the Seventh Schedule of the Act being development of a quay that would be in excess of 100 metres in length.
- With regard to the criteria under s.37A(2) of the Planning and Development Act, 2000 it is submitted that the proposed development would not meet any of these criteria.
- Submitted that Howth is not identified as a Tier 1 or Tier 2 port in the National Ports Policy document and is not identified as a port of regional significance in the same document.
- That the proposed development would not result in additional commercial activity in terms of vessels, landings or economic activity. There would be no additional non fisheries commercial activity generated on foot of the proposed development.
- That the value of the fisheries activity in the area is very low relative to overall economic activity. The economic and social impact of the proposal is therefore considered to be very localised.

- That there are no specific references to the harbour at Howth in either the NSS or the Regional Planning Guidelines.
- That, given the very limited economic impact arising, the proposed development would not have a significant effect on the area of more than one planning authority.

4.0 Legislative Provisions

4.1. In terms of compliance with the terms of the 7th Schedule of the Strategic Infrastructure Act, 2006, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 2 under the heading of Transportation Infrastructure provides that the following shall be infrastructure development for the purposes of sections 37A and 37B:

‘A harbour or port installation (which may include facilities in the form of loading or unloading areas, vehicle queuing and parking areas, ship repair areas, areas for berthing or dry docking of ships, areas for the weighing, handling or transport of goods or the movement or transport of passengers (including customs or passport control facilities), associated administrative offices or other similar facilities directly related to and forming an integral part of the installation)—

(a) where the area or additional area of water enclosed would be 20 hectares or more, or

(b) which would involve the reclamation of 5 hectares or more of land, or

(c) which would involve the construction of one or more quays which or each of which would exceed 100 metres in length, or

(d) which would enable a vessel of over 1350 tonnes to enter within it.’

4.2. Section 37A(1) says that an application for permission for any development specified in the Seventh Schedule shall be made to the Board under section 37E and not to a planning authority if, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situated,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situated,

(c) the development would have a significant effect on the area of more than one planning authority.

5.0 **Assessment**

5.1. **Compliance with the 7th Schedule**

The proposed development at Howth comprises a new berth of 130 metres in length and would therefore meet sub paragraph (c) of Class 2 of the Seventh Schedule. The information submitted by the prospective applicant indicates that while a vessel of over 1,350 tonnes would be able to enter the harbour at certain periods of the tide that the new quay would not be usable to such vessels at all stages of the tide and would not therefore meet the requirement of sub paragraph (d). For these reasons it is considered that the proposed development comes within the scope of strategic infrastructure development as set out in the Seventh Schedule.

5.2. **s.37A(2)(a) - Strategic Economic or Social Importance to the State or the Region**

- 5.2.1. The prospective applicants state that the economic and social impacts arising from the proposed development would not be significant on the basis that there would be no increase in economic activity arising from the proposed quay extension. Obviously there would be some economic benefits arising on foot of the construction works with the cost of construction estimated at approximately €4 million, however having regard to the projected no change in employment, number of vessels and

tonnage of commercial freight and fish landings as set out at Table 2 of the submission received by the Board on 6th March, 2017 I would agree with the prospective applicant that there are no likely significant economic impacts arising on foot of the proposed development. In any event, economic or social impacts such as they would arise are considered to be of a local rather than regional or national level.

5.2.2. In view of the above I would agree with the prospective applicant that the proposed development would not be of strategic importance to the state or region and does not therefore come within the scope of s.37A(1)(a) of the Act.

5.3. **s.37A(2)(b) – Substantial contribution to the achievement of the objectives of the NSS or RPGs**

5.3.1. In terms of the contribution that the proposed development would make towards the National Spatial Strategy and the Regional Planning Guidelines for the Greater Dublin Area, there are no specific references in either document to Howth harbour. There are therefore no objectives that relate to the promotion of the development of commercial facilities at the site. For this reason, it is not considered that the proposed development can be seen to make a substantial contribution to the achievement of the objectives of either the NSS or the RPGs and I would therefore agree with the prospective applicant that the proposed development would not come within the scope of s.37A(1)(b) of the Act.

5.4. **s.37A(2)(c) – Significant effect on the area of more than one Planning Authority**

5.4.1. The proposed development is located such that it is physically separate from other planning authority areas. In addition, as set out above, the economic and social impacts projected to arise from the proposed development are very limited and generally restricted to construction phase impacts. It is not therefore considered that the proposed development would be likely to have significant effects on the area of more than one planning authority and I would therefore agree with the prospective applicant that the proposed development would not come within the scope of s.37A(1)(c) of the Act.

5.5. Conclusion

- 5.5.1. In conclusion, the proposed development, while of a relatively significant scale, is such that would not have any appreciable impact in terms of harbour activity or employment. Howth and the commercial activity in the harbour is not the subject of any objectives contained in the NSS or the relevant regional planning guidelines and the impacts in terms of constructional and operational phase of the proposed development are such that they are not considered likely to have significant impacts on the area of other planning authorities.

6.0 Recommendation

- 6.1. On the basis of the above, it is my opinion that the proposed facility would exceed the threshold set out in the 7th Schedule of the *Strategic Infrastructure Act, 2006*, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 2 as, the proposed development would involve the construction of an area for the berthing of ships which would involve the construction of one or more quays which would exceed 100 metres in length. It is also my opinion that the proposed development does not fall within the parameters of s.37A(2)(a), (b) or (c) of the *Planning and Development Act 2000* as amended by the *SI Act, 2006*.
- 6.2. In view of the above, it is therefore recommended that the Board determine that the development in question does not constitute strategic infrastructure development as defined by Section 2(1) of the *Planning and Development Act 2000*, as amended by Section 6 of the *Planning and Development (Strategic Infrastructure) Act 2006* and

that the prospective applicant be informed accordingly.

Stephen Kay
Planning Inspector

24th May, 2017