

File With _____

SECTION 131 FORM

Appeal NO: ABP 314487-22

Defer Re O/H

Having considered the contents of the submission dated/received 08/02/2024
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000

not be invoked at this stage for the following reason(s): new information/in the interest of justice

E.O.: Pat B

Date: 04/03/2024

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP 70 - Section 131 notice enclosing a copy of the attached submission

to: PA/Appel/obs

Task No: 374582-24

Allow 2 3/4 weeks – BP 70

EO: Pat B

Date: 04/03/2024

AA: Cathy Carahan

Date: 04/03/24

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314487 - 22

M _____

Please treat correspondence received on _____ as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>23</u> 3. Keep copy of Board's Letter <input type="checkbox"/>	1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/>
--	--

Amendments/Comments <u>Applicant response to S.132</u> <u>30/08/23: 29/02/24 ✓</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input checked="" type="checkbox"/> <u>P. Buckley</u>
---	--

	Plans Date Stamped <input type="checkbox"/> Date Stamped Filled in <input type="checkbox"/>
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>12/02/2024</u>	Date: <u>13/02/2024</u>

Laura Grady Lawlor

From: Bord
Sent: Thursday 8 February 2024 11:57
To: Appeals2
Subject: FW: ABP-314487-22 Response to RFI Dated 30/08/2023 FAO Garry Dorgan
Attachments: P14592 Howth Harbour and cSPAv1 Final with appendix.pdf

From: Eoin Lucey <Eoin.Lucey@mwp.ie>
Sent: Thursday, February 8, 2024 11:42 AM
To: Bord <bord@pleanala.ie>
Cc: Farragher, John <John.Farragher@agriculture.gov.ie>; Patrick Parle <patrick.parle@mwp.ie>; Olivia Holmes <Olivia.Holmes@mwp.ie>
Subject: ABP-314487-22 Response to RFI Dated 30/08/2023 FAO Garry Dorgan

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

ABP Case No.: ABP-314487-22
FCC Planning Ref No.: F21A/0368
Re: Response to RFI dated 30/08/2023 FAO Garry Dorgan

A Chara,

Please see attached response to your RFI dated the 30/08/2023.

Best regards,

Eoin Lucey

CEng MIEI

e eoin.lucey@mwp.ie
t +353 (0)21 453 6358 w www.mwp.ie

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Registered Company: MWP Group & Co Ltd

Registered Office: Park House, Bessboro Road, Blackrock, Cork, T12 X251, Ireland
Registered in Ireland No. 241602



**Review of potential impacts arising from
proposed activities at Howth Harbour on a
candidate Special Protection Area in the
northwest sector of the Irish Sea.**

Produced by

AQUAFACT International Services Ltd

On behalf of

Department of Agriculture, Fisheries and Marine,

January 2024

Report Approval Sheet

Client	Malachy Walsh Partners
Report Title	Howth Harbour and cSPA
Job Number	P14592
Report Status	Final
Issue Date	28/01/2024

Rev	Status	Issue Date	Document File Name	Author (s)	Approved by:
1	Draft	5/01/2024	Howth Harbour and cSPA version1	B. O'Connor	E. McCormack
2	Final	28.1.2024	Howth Harbour and cSPA version1	B. O'Connor	E. McCormack



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1. Introduction

AQUAFAC International Services Ltd. (part of the APEM Group) was appointed by the Minister of Agriculture, Fisheries and Marine to prepare a response to a request for further information (RFI) from An Bord Pleanála (ABP) in relation to Planning Authority Ref. No. F21A/0368; ABP Case No. ABP-314487-22. The RFI was with regard to the potential impact that the proposed development could have on the proposal by the Department of Housing, Local Government and Heritage to designate a large part of the northwestern sector of the Irish Sea (including a section of Howth Harbour) as a candidate Special Protection Area (cSPA).

This report provides confirmation of the continued relevance of the findings of the bird surveys, Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR) prepared for the proposed development in light of the proposed designation.

The Species of Conservation Interest (SCI) for this cSPA include the following species: Red-throated Diver (*Gavia stellata*), Great Northern Diver (*Gavia immer*), Fulmar (*Fulmarus glacialis*), Manx Shearwater (*Puffinus puffinus*), Cormorant (*Phalacrocorax carbo*), Shag (*Phalacrocorax aristotelis*), Common Scoter (*Melanitta nigra*), Little Gull (*Larus minutus*), Black-headed Gull (*Chroicocephalus ridibundus*), Common Gull (*Larus canus*), Lesser Black-backed Gull (*Larus fuscus*), Herring Gull (*Larus argentatus*), Great Black-backed Gull (*Larus marinus*), Kittiwake (*Rissa tridactyla*), Roseate Tern (*Sterna dougallii*), Common Tern (*Sterna hirundo*), Arctic Tern (*Sterna paradisaea*), Little Tern (*Sternula albifrons*), Guillemot (*Uria aalge*), Razorbill (*Alca torda*), and Puffin (*Fratercula arctica*).

Many but not all (e.g., Shearwater) of these species are likely to pass through or forage within and close to the harbour area. Herring Gull are known to have nested on buildings

within the harbour area. The Fulmar is a relatively recent addition to the breeding Irish avifauna and was first recorded as breeding in Co. Mayo in 1911.

2. Background

The Minister for Agriculture, Food and the Marine (the Minister) is proposing to dredge Howth Harbour and to use the dredge material as part of land reclamation works on the west side of the harbour. Malachy Walsh and Partners (MWP), on behalf of the Minister, submitted an application for planning permission (Ref F21A/0368) to Fingal County Council (FCC) in July 2021 for the proposed development.

Potential impacts on Natura 2000 designated areas that existed at the time of submission of the application, and on wider environmental issues relating to birds were addressed in an NIS and an EIAR which were included as supporting documentation to the planning application.

On the 30th of August 2021, FCC issued a request for further information (RFI) to the Minister (Ref PF/1861/21). As part of the response to the RFI, changes were made to the layout of the reclamation area. These included a 150m channel of approximately 15m in width between the west pier and the reclamation area and a bridge over this channel, in order to lessen potential impacts on built heritage of the harbour. **Figure 2.1** (below) shows the revised layout with the channel.

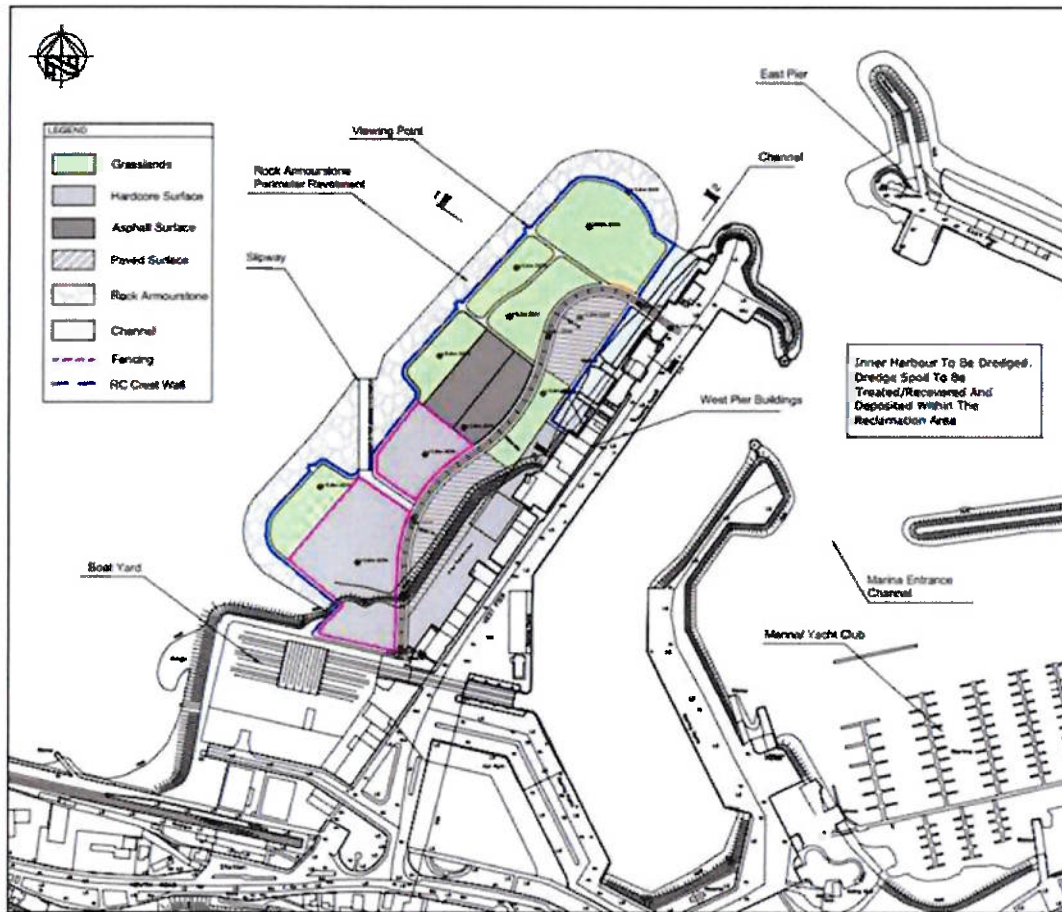


Figure 2.1: Proposed Development

The northern, western, and southwestern footprint of the revised reclamation is the same as for the initial planning application. The only change in terms of footprint relates to the channel. The impacts of these changes were addressed in revisions to the NIS and relevant chapters of the EIAR and were found not to be significant.

On the 5th of August 2022, a decision to grant permission was made by Fingal County Council on this application. An appeal was subsequently lodged on the 30th of August 2022 (Ref ABP-314487-2). MWP submitted a response to the appeal on the 27th of September 2022. A determination on this appeal has not yet been made by ABP. On the 30th of August 2023, ABP issued an RFI to the Minister on foot of proposals to designate part of the northwest Irish

Sea as an SPA. The cSPA designated area covers the majority of the proposed reclamation, see **Figure 2.2** below.

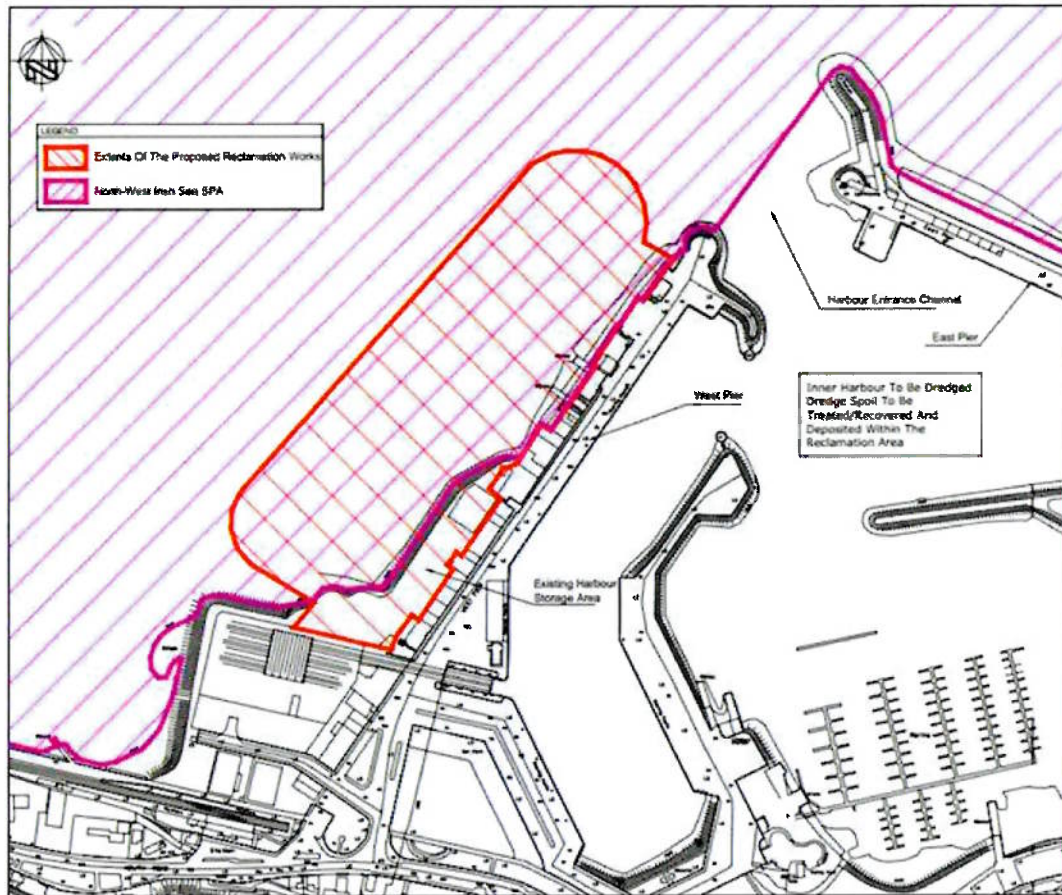


Figure 2.2: Overlay of Proposed Works Area and The North Irish Sea cSPA.

The following was requested by ABP:

The applicant is requested to address any potential impacts the proposed development could have on the Northwest Irish Sea c. SPA. It should be noted that this may require additional bird surveys. Any resultant changes to the EIAR or NIS analyses and conclusions shall be clearly set out in the response to this request, and this information may be re-advertised if considered to be significant.

With regard to Howth Harbour, it has long been used by fishing, leisure and commercial vessels with additional disturbance arising from people, and from both

commercial and private vehicles accessing the port area. These activities have been ongoing since the 14th century (Givens, 2006) and all bird species that use the site have co-existed with these activities over that time period. Added to this the dredging of the approach channel and it is clear that as the location has been used for commercial and leisure activities for *circa* 7 centuries, it may be considered as being of less conservation value than a pristine site.

During the 20th century and up to the present day, a number of dredging campaigns have been undertaken. The latest proposed campaign is to maintain existing access and safe working of the harbour. It is proposed to treat and reuse the dredge arising to reclaim an area with a footprint of 4.8ha on the west side of the west pier. Much of this footprint is subtidal, except for an intertidal strip along the west face of the west pier.

3. Bird Surveys completed at Howth Harbour and Environs

Woodrow Sustainable Solutions Ltd., Ballysadare, Co. Sligo (now part of the APEM Group) carried out bird surveys (Woodrow, 2020) during the breeding season of May to August 2019 and the wintering bird season of October 2019 to March 2020 at Howth harbour and environs. The bird survey data was used in supporting the NIS and EIAR as part of the planning application. The survey areas covered, which includes the part of the Northwest Irish Sea cSPA or relevant to this project, are shown on the maps provided in **Appendix A** to this report.

A total of three bird species were confirmed as breeding within Howth Harbour i.e. Black Guillemot (3 to 4 pairs within the harbour walls and 1 to 2 pairs in buildings facing onto the proposed reclamation area), pied wagtail (1 pair holding a territory at the mouth of the harbour) and rock pipit (1 pair holding a territory along the eastern seawall (east pier) , adjacent to the Moorings – the northern end of the east pier). None of these bird species are SCIs of the cSPA.

Numerous seabird species were recorded breeding in the environs of Howth Harbour, namely Fulmar, Cormorant, Shag, Gannet, Herring Gull, Lesser Black-backed Gull, Great black-backed Gull, Kittiwake, Common Guillemot, Razorbill and Puffin. These species were recorded to be largely confined to both Ireland's Eye (SPA) and Howth Head Cliffs.

Of these species Cormorant, Herring Gull, Guillemot, Razorbill and Kittiwake are listed as species of conservation interest (SCI) for the Ireland's Eye SPA. Kittiwake is the only qualifying species for Howth Head Coast SPA. All of these bird species recorded, with the exception of Gannet, are SCIs of the cSPA.

Numerous species were recorded foraging and roosting within Howth Harbour and /or in proximity to the harbour and proposed reclamation area during high and low tide cycles

during the winter period of 2019/2020. Ringed plover was the most numerous species of wader recorded.

Refer to the EIAR and NIS for full details of the bird surveys conducted.

4. Findings

If this were a proposed new harbour with harbour-related activities, there would be potential disturbance and displacement impacts on birds. However, as harbour-related activities have been and are on-going both inside and outside the harbour and as noted above, and there have been no recorded impacts of such activities on any bird species that use the harbour, it is considered that the proposed activities associated with the proposed development will have no impact on any bird species including the displacement of foraging, roosting and breeding birds.

The NIS for the project notes that the loss of 4.8 hectares of coastal habitat constitutes a loss of potential feeding areas for birds. This area is now within the footprint of the North West Irish Sea candidate SPA. Most of this area is presently sub tidal. However, the reclamation does include the loss of some intertidal area immediately adjacent to the west pier.

The benthic surveys undertaken in 2019 found the substrate in this proposed reclamation footprint to be composed of fine sand to slightly muddy gravelly sand (ASU, 2019). Such intertidal habitat is not considered to be of high ecological value.

Given that the species recorded during the 2019/2020 surveys using the site were gulls, Brent Geese, Redshank, Turnstone and occasional Oystercatcher and that numbers were low, alteration in habitat availability will not have an impact beyond displacement of a very small number of birds and would not be considered significant at anything more than a local level. Of these species, only gulls are listed as SCIs for the North West Irish Sea candidate SPA. In addition, the areas within the harbour recorded as being used by birds foraging at low tide

will not be directly targeted by the dredging works, specifically the south-eastern corner of the harbour (backing the marina).

The loss of potential foraging habitat for waterbirds that will occur as a result of reclamation along the outer section of the western pier was considered to be of local significance, with small numbers of foraging birds permanently displaced. Over time, the proposed rock armouring will provide similar intertidal foraging habitats, both in terms of function and area. The loss of open water at high tide would be permanent; however, recorded usage of this area by species of divers, grebes and auks was periodic and also only by small numbers and therefore any displacement effect of foraging birds would not be considered significant.

It is also noted in the EIAR that while the habitats to be removed may form part of the feeding range of a number of species, the area to be removed is not a critical feeding resource for these species based on similar available and higher valued habitat in the surrounding area. It is considered that the foraging habitat loss within the site will not significantly impact the shore and water birds that use the greater area. More favourable habitats occur in the wider area *e.g.*, Baldoyle Bay SPA and coastal waters around Ireland's Eye SPA. It is considered that the foraging habitat loss within the site as a result of the proposed development will not result in permanent nor significant effects.

The EIAR also notes that birds in Howth Harbour have habituated to moderate levels of disturbance associated with the daily activity of a busy harbour. Black Guillemot has been assessed as having a low sensitivity to boat disturbance; this species is abundant in areas where regular marine activity takes place, including close to active piers and harbours and it is unlikely to be displaced by boat activity.

5. Conclusion

The extent and the scope of the bird surveys conducted as part of the planning application for the proposed development at Howth harbour are considered adequate and therefore, there are no requirements for any additional bird surveys. The impact assessment and mitigation measures prescribed in the EIAR and the NIS prepared for the proposed development remain valid and appropriate.

Given all the above, it is considered that the proposed reclamation and dredging works planned for Howth Harbour will not have any impact on the bird species for which the Northwest Irish Sea candidate SPA is being designated.

6. References

- Givens, J. 2006. A Guide to Dublin Bay: Mirror to the City., Liffey Press.
- Woodrow. Howth Harbour FHC Dredging and Reclamation Works Bird Surveys 2019/2020 Report

**Appendix A Relevant Figures from Woodrow Bird Survey Report (Woodrow
2020)**

Figure 4 Howth Harbour bird usage mapping count sections

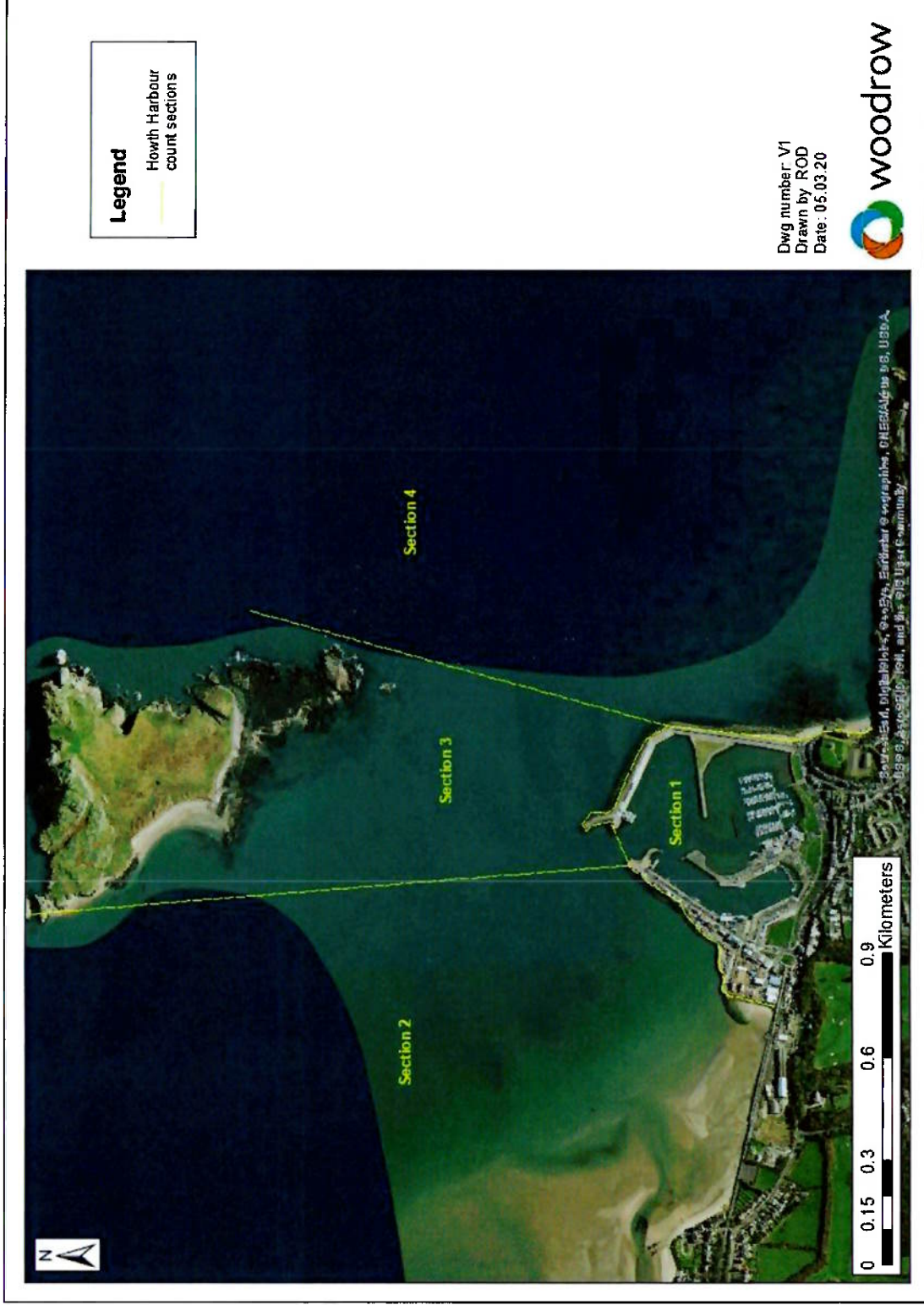
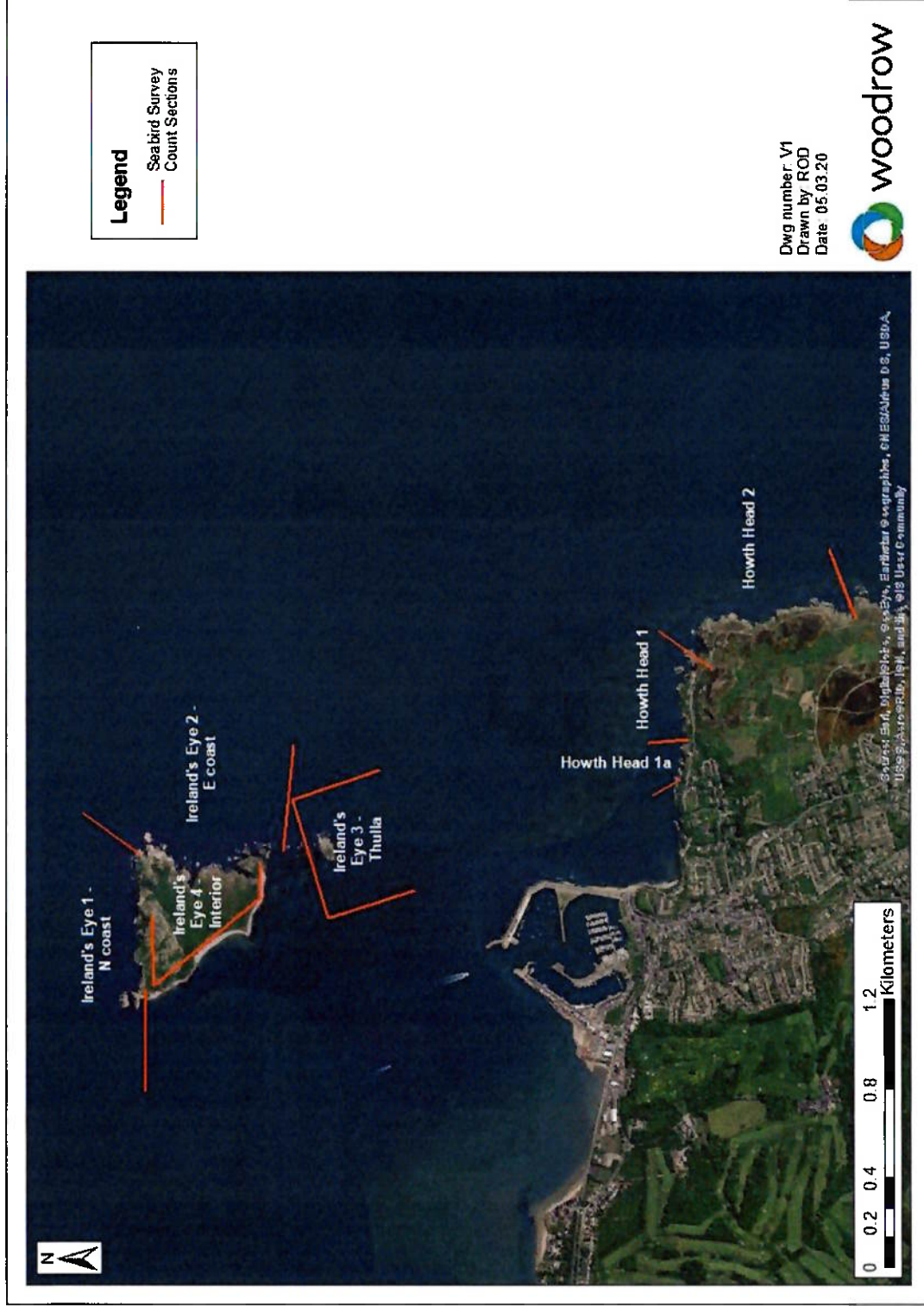


Figure 5 Breeding Seabird Survey Count Sections



Appendix IV – Breeding Black Guillemot



Appendix V – Non-breeding season HT/LT bird usage

Figure V-I Notable Winter Roosts at Howth Harbour in 2019 / 2020

