

File With _____

SECTION 131 FORM

Appeal NO: ABP 314487-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 27/09/2022
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): _____

(Inspector to advise)

E.O.: Pat EDate: 23/04/2024

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 _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP _____

M _____

Please treat correspondence received on _____ as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP _____

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments****4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO:	AA:
Date:	Date:

FW: ABP-314487-22 - Howth Harbour - DAFM Submission

Bord <bord@pleanala.ie>

Tue 27/09/2022 11:50

To: Appeals2 <appeals@pleanala.ie>

📎 2 attachments (5 MB)

ABP-314487-22 - DAFM Appeal Submission - Cover Letter.pdf; ABP-314487-22 - DAFM Appeal Submission.zip;

From: Eoin Lucey <Eoin.Lucey@mwp.ie>

Sent: Tuesday, September 27, 2022 10:59 AM

To: Bord <bord@pleanala.ie>

Cc: Farragher, John <John.Farragher@agriculture.gov.ie>; Munnelly, Shane <Shane.Munnelly@agriculture.gov.ie>; Patrick Parle <patrick.parle@mwp.ie>

Subject: ABP-314487-22 - Howth Harbour - DAFM Submission

A Chara,

Please see the attached cover letter and zip folder on behalf of the Department of Agriculture, Food and the Marine.

Best regards,

Eoin Lucey

CEng MIEI

e eoin.lucey@mwp.ie

t +353 (0)21 453 6400 w www.mwp.ie

Park House, Bessboro Road,
Blackrock, Cork, T12 X251, Ireland

MWP

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**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine



ABP Case No.: ABP-314487-22
FCC Planning Ref. No.: F21A/0368

Yvonne McCormack,
Administrative Assistant,
64 Marlborough Street,
Dublin 1,
D01 V902.

Date: 27/09/2022

Re: Dredging of harbour, reclamation of land, landscape reclaimed land, construction of slipway and construction of embankment and rock armour around reclaimed land Howth Fishery Harbour Centre, Howth, Co. Dublin.

A Chara,

Thank you for inviting us to make a submission in response to the appeal of the notification of decision to grant planning permission F21A/0368. Your ref: ABP-314487-22.

Attached to this letter is a report prepared by our consultants, MWP. MWP have addressed the key issues raised by the appellant with reference to information already submitted as part of the planning application.

We would like to point out that some of the comments made by the appellant would appear to be based on the original and not revised design following the Fingal County Council's request for further information.

We trust that the attached information will aid you in reviewing the appeal.

Is mise,

John Farragher
Engineer Grade 1
Marine Engineering Division – East Region

An Roinn Talmhaíochta, Bia agus Mara,
Ionad Iascaigh Cuain Bhinn Éadair, Co. Bhaile Átha Cliath, D13 V0F6.
Department of Agriculture, Food and the Marine
Howth Fishery Harbour Centre, Howth, Co. Dublin, D13V0F6
T +353864120730 | john.farragher@agriculture.gov.ie
www.agriculture.gov.ie

MWP

Howth Dredging
ABP-314487-22
ABP Appeal Submission

Department of Agriculture, Food and the Marine

27/09/2022

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Project No.	Doc. No.	Rev.	Date	Prepared By	Checked By	Approved By	Status
19934	19934-MWP-XX-XX-GE-C-6033	P01	22/09/2022	EL			INFO
19934	19934-MWP-XX-XX-GE-C-6033	P02	27/09/2022	EL	PP	PP	INFO

MWP, Engineering and Environmental Consultants

Address: Park House, Bessboro Road, Blackrock, Cork, T12 X251

www.mwp.ie



1. General

ABP Case Number: ABP-314487-2

Fingal Planning Reference Number: F21A/0368

Project description: Dredging of harbour, reclamation of land, landscape reclaimed land, construction of slipway and construction of embankment and rock armour around reclaimed land, Howth Fishery Harbour Centre, Howth, Co. Dublin.

A planning application together with supporting documentation was lodged with Fingal County Council in relation to this development on the 6th of July 2021.

A request for further information was issued by Fingal County Council on the 30th of August 2021

Further information response documentation was lodged with Fingal County Council on the 2nd of June 2022.

As the further additional information was considered to be significant FCC requested that site notices be erected and a notice in relation to the information be published in a newspaper.

2. Introduction

On the 31/08/22 notice was issued by An Bord Pleanála (ABP) to the Department of Agriculture Food and the Marine (DAFM) that an appeal had been made to the decision by Fingal County Council to grant planning permission for the proposed Howth Dredging project.

As a party to the appeal, the DAFM can make submissions or observations in writing to the Board within a period of 4 weeks beginning on the date of the notice letter.

MWP have prepared this submission on behalf of the Department of Agriculture, Food and the Marine.

Following our assessment of the appeal, we have divided our response into five parts to address the key issues raised as follows:

- Procedural.
- Traffic.
- Visual Impact.
- Heritage.
- Alternatives.

3. Procedural

3.1 Site Notices

Four site notices were erected around the harbour. The locations are shown on Dwg 19934-5001-Site Location Map. One was located at the southern entrance to the proposed reclamation site, one was located on the outside of the Harbour Master's office, one was located on the Middle Pier adjacent to Howth Yacht Club, and one was located at the head of the East Pier. The site notices were in conspicuous locations adjacent to public roads and in addition at the head of the east pier which is used by large numbers of the public. The proposed works include dredging and land reclamation and the area subject to the planning application includes the inner harbour as well as the proposed area of reclamation. The four locations were chosen to give as many people as possible the opportunity to see the notice.

The Department of Agriculture, Food and the Marine has authority over the area of Howth FHC. Access to the harbour roads from the local authority roads in the area is open, seamless and public. The public access is understood and expected by the public in general. The site notices were displayed in areas with unrestricted open public access. The locations of the site notices on or adjacent to these roads, walkways, and noticeboard areas within the harbour, at locations next to the proposed development lands, were considered to be the most appropriate places for them. The same approach has been adopted by DAFM on recent successful DAFM and 3rd party (tenant or business) planning applications in Howth Harbour. The harbour has a high volume of both local and national visitors and is used as a daily recreational area. During the time the site notices were displayed they would have been visible to a large number of people. The planning regulations seek clear site notices in locations open to the public so they are visible and not obscured or hidden. In our view this was achieved. Locating the site notice on Harbour Road, as suggested by the appellant, would have distanced the notice from the proposed development, potentially causing confusion and ambiguity on the location of the proposed development.

3.2 Pre-Planning Application Public Consultation

DAFM went to considerable efforts to engage with stakeholders prior to submission of the planning permission application. Section 5.1 of document 19934-6019-Planning Report provides a summary of these efforts including:

- Pre-planning meetings held with FCC.
- A Harbour Users Forum meeting held on the 2nd of May 2019 at the Howth Yacht Club, where harbour users, stakeholders and tenants were invited by DAFM to attend. The upcoming dredging project public consultation was flagged and discussed at this meeting.
- Project information letters were issued to statutory consultees between 5th and 10th February 2020 as part of the EIA.
- As part of a public consultation exercise for the EIA a project presentation went live on the 12th March 2021 at <https://www.gov.ie/en/consultation/8dad4-howth-harbour-dredging/>. The presentation was advertised in local newspapers and 64 notifications were sent to local and national stakeholders. The public consultation closed for submissions from the public on the 9th April 2021. 55 submissions came in from the public. It was ensured that all comments that were relevant to the project were taken on board and that the EIAR addressed any of the relevant views or comments. Prior to the consultation going live, DAFM representatives directly handed out flyers to all harbour tenants & local public facing businesses, as well as local library to advertise the consultation and displayed notification of same in the harbour notice boards.

3.3 Public Consultation Planning Process

Two official public consultation periods were provided as part of the planning process, and two newspaper notices were published in relation to these.

- The first newspaper notice was published on the 23rd of June 2021.
- Following our response to an FCC RFI in relation to changes to the design, lodged on the 30th May 2022 a further newspaper notice was published on the 10th of June 2022.

3.4 Summary

The DAFM went to considerable efforts to inform stakeholders and the general public of the proposed plans and to engage with them throughout the planning application process.

4. Traffic

Traffic and transportation impacts of the proposed were assessed in Chapter 13 of the EIAR.

The summary of the EIAR assessment is as follows:

- Construction Phase: The Main contractor will prepare and implement a construction traffic management plan for the duration of the works. The traffic management plan will take into account all health and safety construction traffic guidelines. The plan will include delivery routes for the construction materials. No additional measures are proposed as no significant adverse impacts are envisaged.
- Operational Phase: The proposed development will not have a significant operational traffic impact; therefore, no mitigation measures are proposed.

Traffic impact on the Howth roads from the construction phase of the proposed development will be mitigated by the use of a construction traffic management plan (TMP). The TMP will implement the planning condition (planning ref. F21/0368, Cond. 7) that no HGV traffic will utilise the public roads during the peak traffic hours. The condition will also be followed that only access directly to and from Sutton Road will be utilised for construction traffic and that No HGV activity associated with the proposed development shall use Harbour Road east of the junction at the main access to the Harbour.

HGV activity shall be restricted to periods either side of the AM & PM traffic peaks as well as the school drop-off and collection times. Traffic at weekends and bank holidays will not be severely impacted by the proposed developments construction phase traffic, as working hours (planning ref. F21/0368, Cond. 9) will only be up to 1pm on Saturdays. With no activities allowed on Sundays or Bank holidays.

It must be noted that currently the West Pier road on the West Pier is a two way road and a Cul de Sac. Local, tourist and heavy vehicle commercial traffic are on this road together, there have been times of congestion on this road due to the traffic and the Cul de Sac. The introduction of the one-way system to be used on the West Pier in the proposed development is seen by DAFM, through observation and scrutiny on site, as an answer to alleviate traffic issues that currently exist on the West Pier.

In response to the submission from O'Neill Town Planning regarding the control of the junction at the West Pier road and the Harbour road, it should be noted that this junction is under the control of the local authority and any issue or concern regarding this junction needs to be brought to the attention of the local authority and is not related to the proposed development.

5. Visual Impact

In relation to visual impact aspects noted in the appeal introduction:

Landscape/seascape visual impacts of the proposed development were assessed in Chapter 9 of the EIAR.

The summary of this assessment is as follows:

- In summary, it is not considered that the proposed development will give rise to any significant landscape / seascape or visual impacts, in EIA terms.

An update to the LVIA was submitted as response to the FCC RFI, Doc Title: "Howth FHC - Harbour Dredge LVIA_RFI Issued 31052022 final". It concluded the following:

- It should be noted that following the redesign of the proposed development in late 2021/early 2022, in response to RFI Items 1-4, Macro Works Ltd. do not believe that any updates or changes will be required from the original Visual Impact Assessment of the EIAR (see Section 9.4.2 Residual Visual Effects of the EIAR). This is because the nature of such visual change is unlikely to be perceptible from the majority of the 10 No. selected viewpoints and even if such visual change may be palpable, it is highly unlikely to have any material bearing upon the visual impact originally assessed from each of these viewpoints.

The Fingal County Development Plan (2017-2023) and the draft Fingal development Plan 2023-2029 outline a protected view at the northern end of the West Pier. The protected views at the end of the West Pier were identified and included in the baseline for the landscape and visual impact assessment (LVIA). The conclusion of the LVIA includes the consideration of the impact on the protected views at the end of the West Pier.

In this submission it is noted that the protected view at the end of the West pier will still be intact for 180 degrees in line with the orientation of the West Pier. The view that was available at the end of the West Pier will now be present on the outer walkway of the proposed reclaimed land.

The protected view at the end of the West Pier, as outlined in the county development plan was restricted due to the large wall on the western side of the West Pier. A 360 degree view at the northern end of the pier is only accessible by climbing the rounded tiered granite wall at the head of the pier. The proposed reclamation area design will allow views on the western side of the west pier. The view at the northern end of the reclamation area will replicate the current view at the northern end of the West Pier with the addition of:

- Being able to view the West Pier itself and its historic features
- Being accessible to all, including wheelchair users.
- The new reclamation area will allow for greater panoramic views encompassing the Claremont Beach area, Burrow beach and entry to Baldoyle estuary, as well as the previously visible vistas towards Portmarnock, Irelands Eye and to the east .

6. Heritage

Within the O'Neill Town Planning submission to An Bord Pleanála, an excerpt taken from the FCC Conservation Officer Report that was issued on the 6th July 2021, after the initial planning application was lodged and prior to the redesign in response to the request for further information. The appellants letter also shows an aerial view of the proposed development based on the initial plan and not the redesign. It would appear that the Appellants argument in relation to Heritage is based on the FCC Heritage Officer's views regarding the original design and does not take into account the redesign on foot of the request for further information, a redesign that was specifically designed to address issues raised in the 6th July report.

Further information was requested by Fingal County Council on the 30th of August 2021 which took into account the FCC Conservation Officer Report. DAFM responded to the further information request with a redesign of the reclamation area that was undertaken with consideration of the Fingal County Council Conservation Officer Report (6th July 2021) and informed by direct consultation with the Fingal County Council Conservation Officer (February 2022). The further information response was submitted on the 2nd June 2022.

The following excerpt is taken from Doc 19934-6024-Request for Further Information Response 30/05/2022.

Having considered Fingal County Council's request for further information (RFI), it was decided to undertake a revision of the project layout. Further consultation was undertaken during this process between Fingal County Council and JCA (Architects and Conservation Consultants) who are acting as the Conservation Architects for the project and Nic De Jong who is providing general public realm advice.

Several potential changes were examined in relation to the detail of the interface between the reclamation and the West Pier to attempt to allay concerns expressed in relation to this aspect of the development by the Fingal Heritage Officer within the RFI. An assessment of potential changes was considered by the heritage, urban design and engineering members of the MWP design team. Consultation was undertaken regarding the potential changes by representatives of MWP, the project urban/landscape architect and the project Conservation Architects (JCA) with Fingal County Council's heritage officer and a Planning Officer, on the 3rd February 2022.

Figure 3 below outlines the revised layout in its final form (see drawing no. 19934-5002-D-Site Layout Plan).

The following changes have been made from the original design:

- *The northern limit of the junction between the reclamation and the West Pier was pulled south to fully expose the roundel at the head of the West Pier. This resulted in a slight pull back in the overall line of the north facing boundary of the reclamation area.*
- *A gap (water channel) is to be left between the West Pier and the northernmost 175m of the reclamation area. This gap is approximately 15 to 20m wide between the high water mark along the west side of the West Pier and the east side of the reclamation in this area. This gap extends south some 175m from the head of the roundel. The proposed road of the original application crosses this gap via a bridge to the West Pier. The base level in the gap will be approximately mean sea level at the southern end, dropping to Mean Low Water Spring (MLWS) at the northern end.*
- *In order to accommodate the required volume of dredge material, the above two changes have resulted in a slight increase in the east – west width of the reclamation area, by approximately 6.5 to 9m over the original application. The northernmost limit of the reclamation has been pulled south by approximately 17m (see drawing no. 19934-5020 A).*
- *In addition to the above there are some changes regarding the road and path alignments of the reclamation area. The main change is the reduction of the proposed road to a single lane one way system.*

The above changes allow full visibility for the Roundel, the heritage structures on the west side of the West Pier, and the visual integrity of that section of the West Pier.

7. Alternatives

In relation to the proposed alternative reclamation area included in the appeal:

- The area is within Baldoyle Bay SAC.
- The area is not within the ownership of DAFM.

Alternatives to the current proposal are assessed in Chapter 3 of the EIAR.

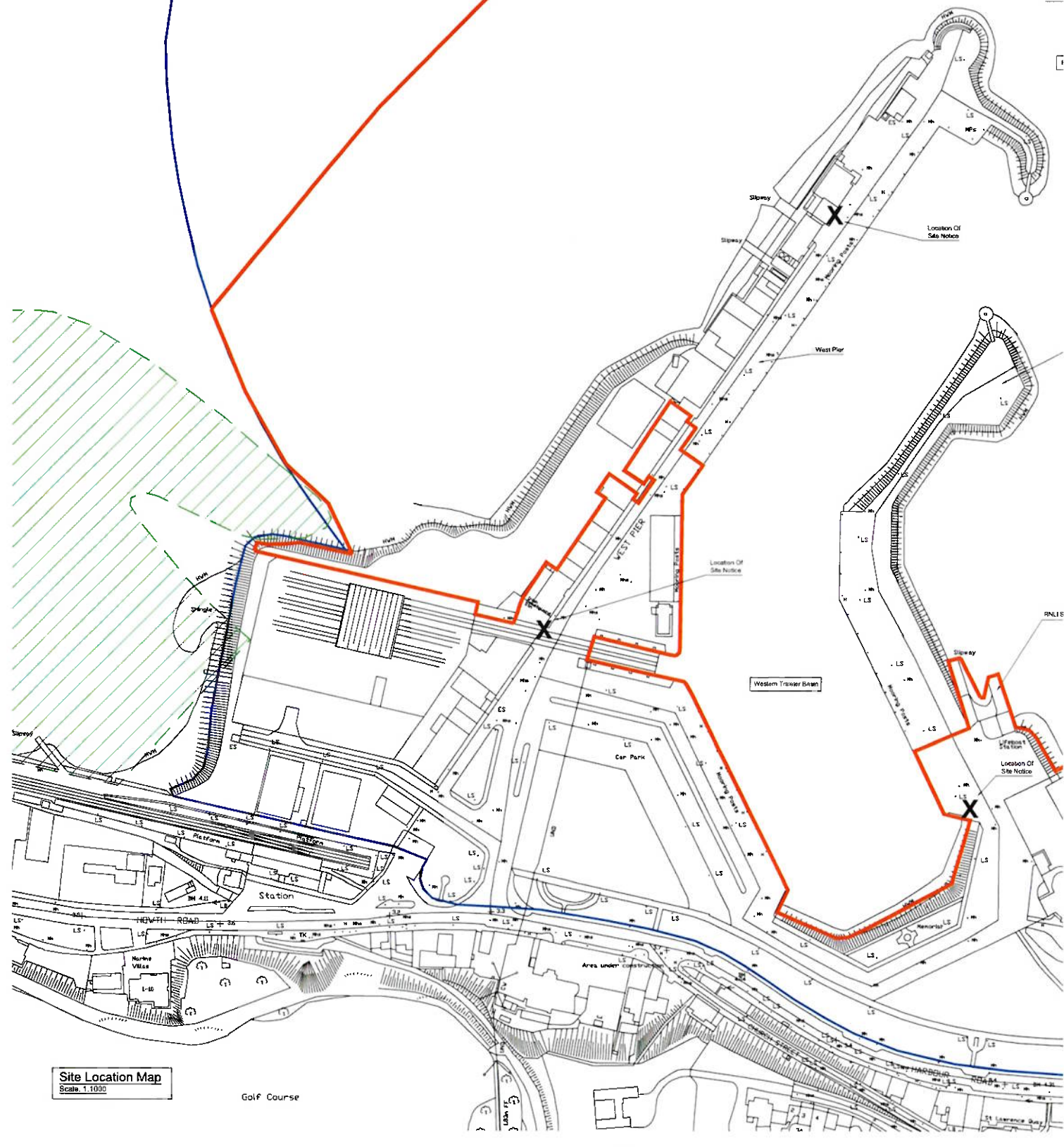
Several options were considered for the management of proposed dredge material from Howth Harbour. These included the beneficial re-use and disposal of material. Disposal of dredge material either to landfill or to sea is not considered a beneficial re-use of material. The international trend is now towards more sustainable use of dredge material which has been driven by economic and environmental considerations.

Reclamation to the west of the West Pier was selected as the preferred method of disposal of dredge spoil for the following reasons:

- Disposal at sea is not feasible due to the concentrations of contaminants within the dredge spoil.
- Disposal to land/landfill is not considered to be feasible (due to the volumes involved, 240,000m³), cost effective or sustainable.
- It is considered to be of greater benefit in terms of future safe operations and access within the harbour, allows for a more practical and accessible development, and provides for significant community recreational and leisure gain.
- An alternative reclamation east of the east pier was considered and not preferred on a number of grounds including the present use of the east pier for amenity purposes and the additional cost of protecting an area of reclamation in this area.
- Reclamation of areas within the harbour would reduce the water area within the harbour, potentially reducing the value of the harbour. The volume of dredge spoil is such that reclamation within the harbour would significantly reduce the usable harbour area.

8. Attachments

- 19935-5001-B-Site Location Plan
- 19934-5002-D-Site Layout Plan
- 19934-5018-A-Revised Reclamation Area Extents
- Aerial View of Redesign

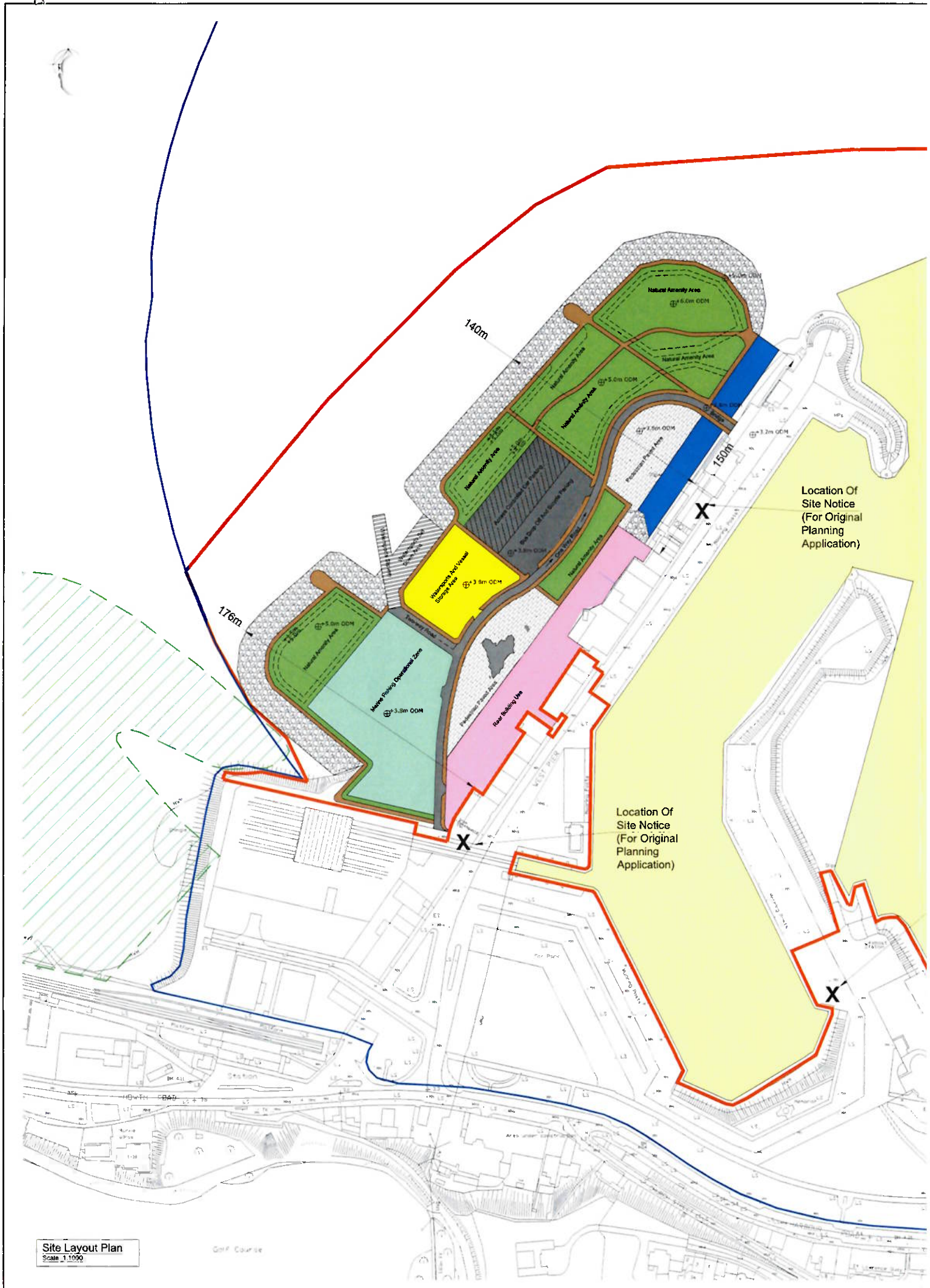


Site Location Map
Scale 1:1000

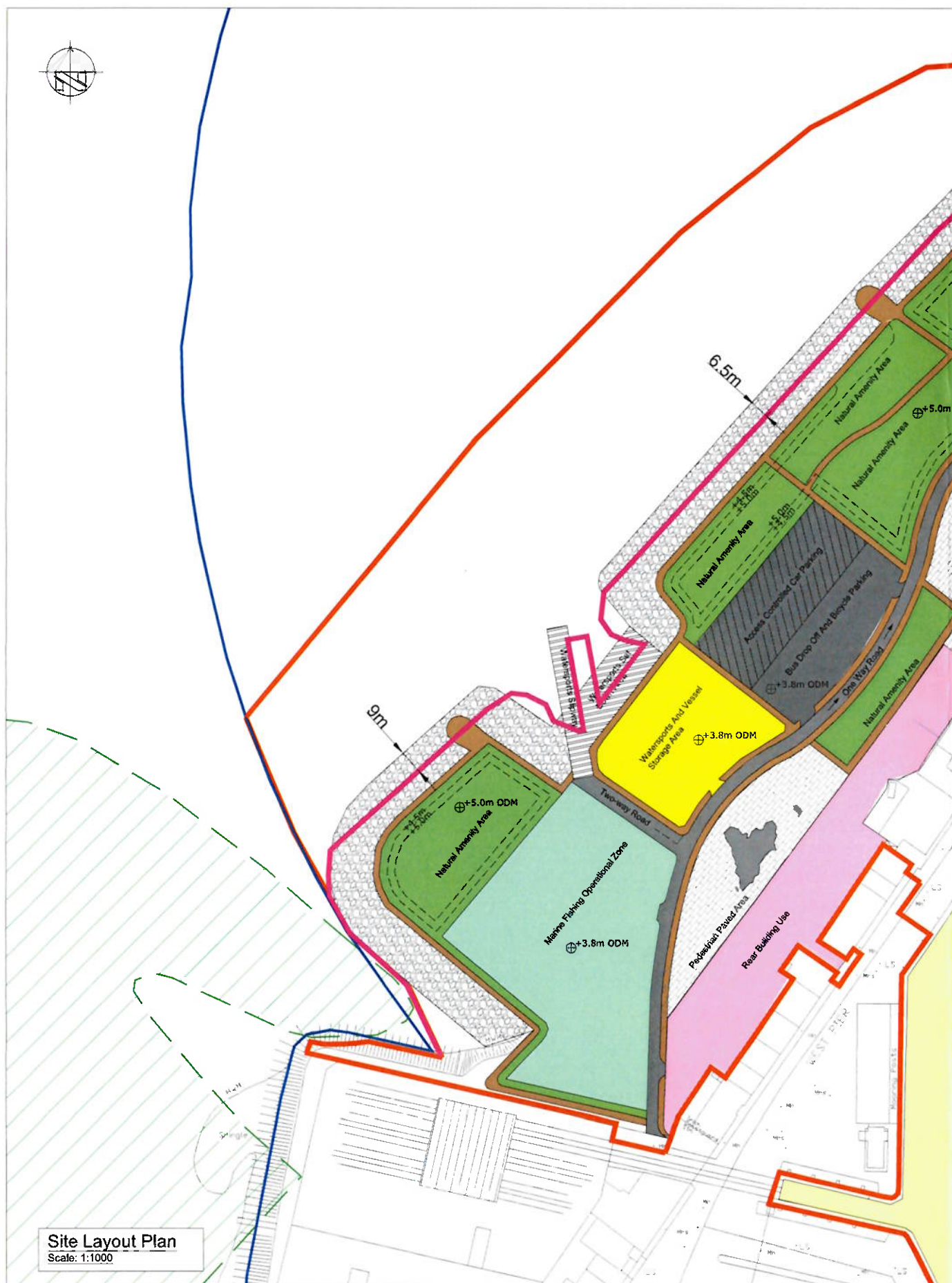
Golf Course

Lighthouse

RNLI



Site Layout Plan
Scale 1:1000



Site Layout Plan
Scale: 1:1000

