

SECTION 131 FORM

Appeal NO: ABP 314487-22

Defer Re O/H ☐

Having considered the contents of the submission dated received 15/04/2024  
from

DAU

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 B

Date: 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: \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ABP 314487-22

M \_\_\_\_\_

Please treat correspondence received on 15/04/2024 as follows:

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

Amendments/Comments DAU response to S.131

26/03/24: 15/04/24 ✓

**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 ☒

*P. Buckley*

	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>16/04/2024</u>	Date: <u>16/04/2024</u>

**From:** LAPS  
**Sent:** Tuesday 16 April 2024 08:47  
**To:** Appeals2  
**Subject:** FW: ABP-314487-22 Appeal Referral; Planning Authority Reference Number: F21A/0368  
**Attachments:** ABP-314487-22.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Housing Manager DAU <Manager.DAU@npws.gov.ie>  
**Sent:** Monday, April 15, 2024 4:50 PM  
**To:** LAPS <laps@pleanala.ie>  
**Cc:** SIDS <sids@pleanala.ie>  
**Subject:** ABP-314487-22 Appeal Referral; Planning Authority Reference Number: F21A/0368

**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.

Dear Sir/Madam,

Please find attached heritage-related observations/recommendations for the above mentioned appeal.

Regards,

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**Brian Bone**  
*Executive Officer*

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**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
Department of Housing, Local Government and Heritage

**Aonad na nIarratas ar Fhorbairt**  
Development Applications Unit

Oifigí an Rialtais, Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90  
Government Offices, Newtown Road, Wexford, Co Wexford, Y35 AP90

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**Your Ref:** ABP-314487-22

**Our Ref:** F21A/0368 Fingal County Council

*(Please quote in all related correspondence)*

15 April 2024

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Via email to: [laps@pleanala.ie](mailto:laps@pleanala.ie)

Re: Notification under the Planning and Development Act, 2000, as amended.

**Proposed Development: Dredging of harbour, reclamation of land, landscaping of reclaimed land, construction of slipway and construction of embankment and rock armour around reclaimed land at Howth Fishery Harbour Centre, Howth, Co Dublin**

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations of the Department co-ordinated by the Development Applications Unit under the stated headings.

### **Underwater Archaeology**

It is noted that the Environmental Impact Assessment Report (EIAR) submitted as part of the planning application incorporates an Underwater Archaeological Impact Assessment report, which was carried out in relation to the proposed development by the Archaeological Diving Company Ltd (EIAR Appendix 3.2; date May 2021). The Department has reviewed the EIAR and is broadly in agreement with the findings in relation to Archaeology and Cultural Heritage as set out therein.

Therefore, the Department advises that the following should be included as a condition of any grant of permission. Note, these recommended conditions align with Sample Conditions C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with



appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

**Archaeological Requirements:**

1. All mitigation measures in relation to archaeology and cultural heritage as set out in the EIAR (Underwater Archaeological Impact Assessment by the Archaeological Diving Company Ltd (EIAR Appendix 3.2; date May 2021) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
3. The planning authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

**Nature Conservation**

The Department draws An Bord Pleanála's attention to Drogheda Port Company's infilling of the Stagrennan polder, mudflats in the Boyne Coast and Estuary SAC/SPA in 2000 (as part of the Port Company's capital dredging works ) and in particular the European Commission's involvement with the Irish State in relation to that activity.

**Architectural Heritage**

The Department has reviewed the documentation in respect of the above named appeal. It is noted that the planning application was subject to a detailed assessment by the Senior



Executive Architectural Conservation Officer, as evident in their reports dated 13 August 2021 and 27 July 2022 respectively.

In line with the Senior Architectural Conservation Officer's reports, two conditions relating to architectural heritage and design, specifically condition numbers 5 (i-vi) and 6, were attached to a final grant of permission.

It is the recommendation of the Department that condition numbers 5 (i-vi) and 6 of Planning Application Reference Number: F21A/036, are reinstated in the event that An Bórd Pleanála recommends a grant of permission for the proposed development.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: [manager.dau@npws.gov.ie](mailto:manager.dau@npws.gov.ie)

Is mise, le meas,

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Brian Bone  
Development Applications Unit  
Administration