

File With _____

SECTION 131 FORM

Appeal NO: ABP 314487-22Defer Re O/H ☐

Having considered the contents of the submission dated/ received 23/08/2023
 from

EPA I recommend that section 131 of the Planning and Development Act, 2000
 be/not be invoked at this stage for the following reason(s): _____

E.O.: _____

Date: _____

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 2/3/4 weeks - 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 _____	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments

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

From: Bord
Sent: Wednesday 23 August 2023 12:08
To: Appeals2
Subject: FW: ABP-314487-22 Planning Authority ref: F21A/0368
Attachments: ABP-314487-22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: EIAPanning <eiapanning@epa.ie>
Sent: Wednesday, August 23, 2023 11:13 AM
To: Bord <bord@pleanala.ie>
Subject: ABP-314487-22 Planning Authority ref: F21A/0368

Your Ref: ABP-314487-22, F21A/0368

Notification of Planning Application: Dredging of harbour, reclamation of land, landscape reclaimed land, construction of slipway and construction of embarkment and rock armour around reclaimed land, Howth Fishery Harbour Centre, Howth, Co. Dublin

Dear Sir/Madam,

I refer to your correspondence received on 28 July 2023 requesting comments from the Agency on the planning application and Environmental Impact Assessment Report (EIAR) for the above referenced development. In accordance with Section 87(1F) of the EPA Act 1992 as amended/Section 42(1F) of the Waste Management Act 1996 as amended, the Agency makes the below observations.

The development proposed may require a licence under Class 11 of the EPA Act or a licence under the Waste Management Act. The Agency has not received a licence application relating to the development described above.

It is noted that the planning application was accompanied by an EIAR. Should the Agency receive a licence application for the development, the applicant will be required to submit the associated EIAR to the Agency as part of the licence application. The EIAR will be considered and assessed by the Agency and the Agency shall ensure that before the licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act/ Section 40(2A) and Section 42(1G)(a) of the Waste Management Act. In addition, consultation on the licence application and EIAR will be carried out in accordance with Section 87(1B) to (1H) of the EPA Act / Section 42(1B) to (1H) of the Waste Management Act as appropriate. All observations from the planning authority will be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application. Please also note that you will be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4)/ 173B(4) of the Planning and Development Act 2000 as amended.

Should a licence application be received by the Agency all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIAR will be considered and assessed by the Agency.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

It should be noted that a dumping at sea permit is required in the event that any deliberate disposal of a substance or material in the maritime area, as defined in Section 1 of the Dumping at Sea Act 1996 as amended, is proposed.

Finally, please note that in accordance with Section 87(1D)(d) of the EPA Act /Section 42(1D)(d) of the Waste Management Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development above until a planning decision has been made.

For all further queries and correspondence relating to planning matters, please contact eiaplanning@epa.ie.

Yours faithfully,
Environmental Licencing Programme

Environmental Licencing Programme
Office of Environmental Sustainability
An Clár um Cheadúnú Comhshaoil
Oifig um Inbhuanaitheacht Chomhshaoil



053-916 0600 (Switch)

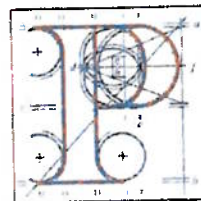
eiaplanning@epa.ie

www.epa.ie



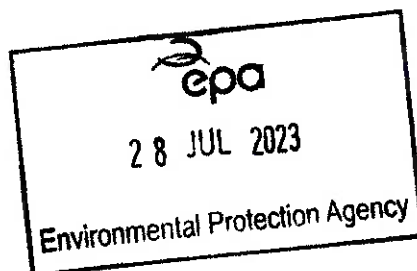
Our Case Number: ABP-314487-22

Planning Authority Reference Number: F21A/0368



**An
Bord
Pleanála**

Environmental Protection Agency (EPA)
Environmental Licencing Programme
EPA Headquarters
PO Box 3000
Johnstown Castle Estate
Co. Wexford
Y35 W821



Date: 27 July 2023

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

Dear Sir / Madam,

I refer to the above-mentioned proposed development which is the subject of a current planning appeal submitted to An Bord Pleanála.

The planning application, along with other documents relating to the planning authority decision and copies of the appeal made to the Board are available for inspection at the offices of the planning authority in accordance with section 38 of the Planning and Development Act, 2000 and Article 68 of the Planning and Development Regulations, 2001 by contacting their website at www.fingalcoco.ie. A copy of the environmental impact assessment report (and natura impact statement) is also available on their website.

In accordance with section 87 of the Environmental Protection Agency Act 1992, as inserted by Article 5 (1F) of the European Union (Environmental Impact Assessment Report) (Integrated Pollution Prevention and Control) Regulations 2012 you are requested to:

(i) Confirm to An Bord Pleanála that the proposed development the subject of the application for permission is development comprising or for the purposes of an activity requiring a licence or a review of a licence on the application, under section 83 or under section 90(1)(b) of the Act.

(ii) If a licence or a review of a licence is required, you are also requested to submit to An Bord Pleanála observations you may have on the application for permission including the environmental impact assessment report.

Accordingly, any observations or response in relation to the proposed development should be received by An Bord Pleanála not later than **4 weeks** from the date of this request i.e. not later than 5.30 p.m. on the 23rd August, 2023.

Tell
Glaao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

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(01) 858 8100
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bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Garry Dorgan
Executive Officer
Direct Line: 01-8737152

EPA05

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Láithreán Gréasáin
Ríomhphost

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