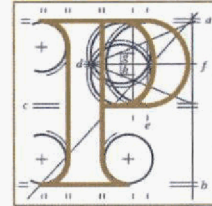


Our Case Number: ABP-314487-22

Planning Authority Reference Number: F21A/0368



**An
Bord
Pleanála**

Fingal County Council
Planning Department
County Hall
Main Street
Swords
Co. Dublin

Date: 01 September 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

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

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permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-314487-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Yvonne McCormack
Administrative Assistant
Direct Line: 01-8737151

BP07

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64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

AN BORD PLEANÁLA	
LDG- <u>05673722</u>	
ABP- _____	
30 AUG 2022	
Fee: € <u>220</u>	Type: <u>Cheques</u>
Time: <u>16:22</u>	By: <u>Leand</u>



August 25, 2022

APPEAL RE: NOTIFICATION OF DECISION BY THE PLANNING AUTHORITY TO GRANT PERMISSION FOR PLANNING PERMISSION FOR DREDGING OF THE HARBOUR, (II) STABILISATION OF DREDGE MATERIAL, (III) RECLAMATION OF LAND ON THE WEST SIDE OF THE WEST PIER USING DREDGE MATERIAL, (IV) CONSTRUCTION OF AN EMBARKMENT AND ROCK ARMOUR REVETMENT AROUND THE PERIMETER OF THE RECLAIMED AREA, (V) LANDSCAPING OF THE RECLAIMED AREA AND PROVISION OF PAVEMENTS, INCLUDING FOOTWAYS, ROADWAYS AND PARKING AREAS, (VI) CONSTRUCTION OF A SLIPWAY ACCESS TO THE WATER, (VII) PROVISION OF STORAGE AREAS FOR HARBOUR ACTIVITIES; AND (VIII) PROVISION OF SERVICES, INCLUDING SURFACE WATER DRAINAGE, MAINS WATER SUPPLY, LIGHTING, AND ASSOCIATED UNDERGROUND DUCTING. THE PROPOSED DEVELOPMENT CONSISTS OF WORK TO THE WEST PIER AT HOWTH FCC, A PROTECTED STRUCTURE (RPS 0595B/NIAH 11359040)). THE PROPOSED DEVELOPMENT WILL REQUIRE AN INDUSTRIAL EMISSIONS (IE) LICENCE OR WASTE LICENCE FROM THE ENVIRONMENTAL PROTECTION AGENCY. AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) HAS BEEN PREPARED AND WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION. A NATURA IMPACT STATEMENT (NIS) WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION. (REG. REF: F21A/0368)

A Chara,

I would like to appeal the notification of decision to grant planning permission for the above mentioned development, issued by the Planning Authority on August 10, 2022, and subject to eleven conditions. While I have no objection to the dredging works, I am concerned about the reclamation works, and in particular the location of these works, the proposed car parking area, and the traffic route to and from these reclaimed lands and the interference with the protected views and prospects that exist at the end of the west pier. These views, which are important public views from the end of the pier, are also an important element to the viability of "Aqua restaurant" located at the end of the pier. These views which are across a magnificent expanse of open water, and are particularly majestic on some of the wonderful sunsets that occur from time to time during all of the seasons but particularly the summer months. To replace that with a manmade picnic area with attendant cars, roadways, and people, would seem to be anathema to what is a very beautiful feature of the historic harbour area, enjoyed by all. I would submit that the reclamation works, while necessary, can, with some minor changes, achieve the overall aims of the project which is solely to provide space for the dredged material. By including the proposals below the amenity for the public would be greatly improved; and the overall traffic management on the west pier enhanced for all users. In this regard also the existing walkway to the main beach at Claremont, which is visually incongruous, could be completely changed by the inclusion of a wide esplanade and bathing area close to the railway station and the existing parking area on the pier and the harbour front.

1.1 MAIN GROUNDS OF APPEAL

✚ PROCEDURAL

Article 19 1(c) states that,

.....A site notice erected or fixed on any land or structure in accordance with article 17(1)(b) shall be—

(a) in the form set out at Form No. 1 of Schedule 3, or a form substantially to the like effect,



(b) subject to sub-article (4), inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes, and

(c) subject to sub-article (2), securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

No notice was fixed at the entrance to the site – at the junction with Harbour Road, as required under the legislation. While marginal variations from the suggested location of the site notice would normally be permissible, in the present instance by locating the site notice in a totally different location, more than one hundred metres from the entrance to the Pier meant that few could see the notice on site.

By locating the site notice in a location that was hidden from all pedestrians and road users there was a serious breach of the mandatory requirement to **erect the site notice in a conspicuous position on or near the main entrance to the land or structure concerned from a public road**. The subject site notice failed on all of the above, and it is noticeable that there was only one observation made during the statutory period.¹ Surely this must be seen as confirming our comments with regard to the location of the site notice in the position the applicants had chosen.

TRAFFIC CONGESTION

The entrance to the harbour is the cause of endless traffic problems in the Howth area, particularly at weekends and bank holidays. It is difficult and dangerous to egress from the harbour area at present, it would be our view that the junction needs to be controlled, and in this regard we suggest that traffic lights should be installed to both manage the traffic onto and off the pier, but also to manage pedestrians crossing the road at this location. The proposed pedestrian crossing is in a dangerous location as drivers rounding the corner onto the pier do not have enough time to stop. Equally those exiting from the pier do not have enough time to stop at pedestrian crossing on Harbour Road.

PLANNING

I would suggest that the proposed development is contrary to the statutory development plan for the area, and in particular is a material contravention of the specific objectives policies that deal with zoning, conservation, and protected views and prospects, particularly as the proposed development would compromise the historic nature of the pier and the protected views and prospects from the end of the west pier.

I think that the comments by the Conservation Officer should be adhered to, particularly when she stated in her report on the planning application the following,

“The Architectural Heritage Impact Assessment that forms Appendix 11 of the EIAR has not fully considered the impact on the proposal on the western face of the pier. The Underwater Archaeological Impact Assessment (Appendix 3.2 of the EIAR) does describe and record the built features found in the sloped bank (glacis) of the western face. In Section 7.2 of Appendix 3.2 it outlines the impact of the reclamation on these features but suggests a full record the built environment prior to works rather than avoidance. However, in the impacts and mitigation measures set out in the Cultural Heritage Chapter of the EIAR the focus is on archaeology and not architectural heritage which reflects the profession and expertise of the author of this section. The Conservation Officer does not deem it appropriate or acceptable that these elements should be lost/covered over by fill or that the full extent of the West Pier has an additional land bank added to it so that the original width and plan of the 19th century pier is no longer legible. Piers are supposed to extend out into and have water on both sides. The proposed layout and placement of the land reclamation area needs to be

¹ An Observation by Howth Yacht club was only made in response to the significant Additional Information submitted. Again, though, the site notice was erected in the same location as the original site notice.

redesigned to be sensitive to surviving historic features, the protected structures of and on the pier, and the nature of what a pier is. It is recognised that the dredging of the harbour is required for its continued operation/use, however this does not automatically mean that all or part of the dredged material must be relocated in the immediate vicinity..... The Conservation Officer's preference would be for the dredged material to be dealt with in another manner so that it does not alter the shape of the pier any further than what has already occurred. Should the land reclamation element of the application be deemed acceptable it should be concentrated to the southern half of the pier as close to the shoreline as possible, and that it does not extend north of the end of the rock armour at the Former Mariner's Hall. It is therefore asked if a grant of planning permission is being considered for the whole proposal that:

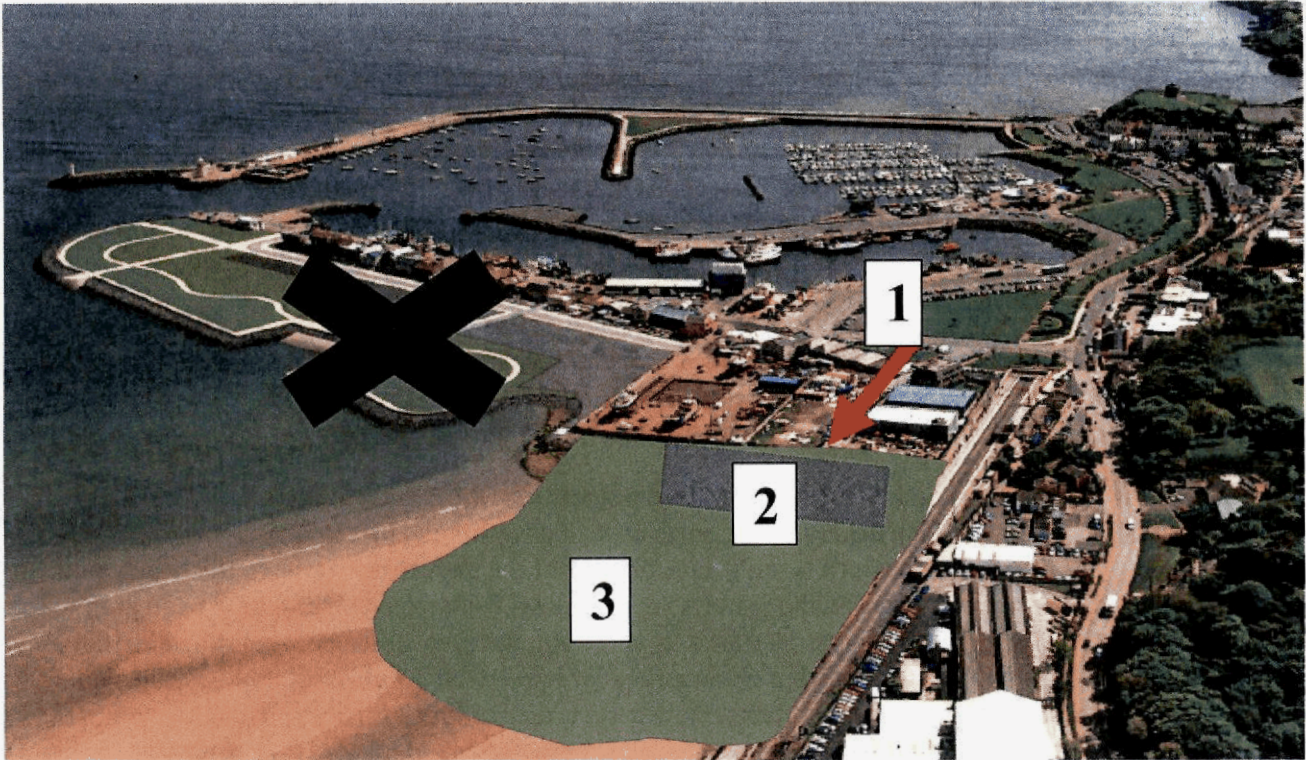
- The extent and layout of the landbank is re-examined to enable as much of the original plan of the historic pier to remain legible as possible and any surviving historic features on the western face of the pier are avoided."*

I would agree with the Conservation Officer and would suggest that the overall scheme could be improved, for the good of all, by refusing any development north of the boat yard and focusing all of the infill to the area closest to the railway station which is the source of most of the pedestrian traffic to the beach area. In order to facilitate boat trailers access to the water a limited access route could be provided to an area to the south east of the boat yard. Furthermore all traffic to, and from, the area would be from the industrial estate road thereby protecting the pier from unnecessary car borne traffic and congestion. While a number of car parking spaces could be provided in the reclaimed area, the number of spaces should be minimal as there is sufficient car parking spaces on the pier and on the roads and car park area on the harbour front.



Extract from Fingal County Development Plan 2017 -2023 showing the protected views and prospects at the end of the pier.

While the proposed development would be on unzoned land, thereby raising different issues for the Planning Authority and the Bord, I would ask that the following three proposals be considered in order to improve the overall project. In order to simplify the arguments the alternative proposal are presented in the sketch below.



Sketch showing the alternative proposal for the dredged material, traffic, and carparking.

The three main elements of the alternative plan are:

1. All traffic to the reclaimed area would be via the industrial road beside Besoffs. This would negate the need to bring traffic up, and around, the pier and even help to introduce a traffic management plan for the west pier that reduces the level of motorised traffic using it.
2. Provide a parking area for forty cars max for car borne visitors wishing to use the area for swimming, sunbathing, or launching small boats. The slip for trailers could be beside the boat yard.
3. Use dredged fill to reclaim the tidal area close to the start of the walkway. This would serve the majority of people travelling by public transport, and would ensure a longer period for swimming and other boating events. By reclaiming this area the useability and accessibility of the area would be maximised, traffic and car parking spaces would be removed from the harbour pier area, and the views across open water retained for the public.

For all the above reasons I cannot support the planning application approved by the Planning Authority and respectfully ask that the subject planning application be refused planning permission, or a conditioned planning permission granted which would include the revisions suggested in this appeal.

We are enclosing the requisite fee of €220.00 to cover the cost of this Appeal, along with the letter acknowledging our Observation to the Planning Authority, and we respectfully request that all correspondence related to the above be sent to this address.

Yours Sincerely,

Michael A. O'Neill MIPI



Mr. Michael O'Neill
O'Neill Town Planning
Oakdene
81b Howth Rd, Howth
Co.Dublin
D13DK31

Date: 10 August, 2021

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: FINGAL COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. **F21A/0368**

A submission/observation has been received from Mr. Michael O'Neill, O'Neill Town Planning, in relation to the above planning application.

The appropriate fee of €20.00 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

Amy Finn

for Senior Executive Officer

Development:

Proposed development works will consist of the following;

- (i) Dredging of the harbour.
- (ii) Stabilisation of dredge material.
- (iii) Reclamation of land on the west side of the West Pier using dredge material.
- (iv) Construction of an embankment and rock armour revetment around the perimeter of the reclaimed area.
- (v) Landscaping of the reclaimed area and provision of pavements, including footways, roadways and parking areas.
- (vi) Construction of a slipway access to the water.
- (vii) Provision of storage areas for harbour activities; and
- (viii) Provision of services, including surface water drainage, mains water supply, lighting, and associated underground ducting.

The proposed development consists of work to the West Pier at Howth FCC, a protected structure (RPS 0595b/NIAH 11359040)). The proposed development will require an Industrial Emissions (IE) licence or waste licence from the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the Planning Authority with the application. A Natura Impact Statement (NIS) will be submitted to the Planning Authority with the application.

Location: Howth Fishery Harbour Centre, Howth, Co. Dublin

Area: Howth Malahide

Applicant: Minister for Agriculture, Food and the Marine

Application Type: Permission

Date Received: 6 July, 2021

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS
ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF
THE PLANNING AUTHORITY.

**Please note that all planning applications, including
submissions/objections will be published on the Council's website.**