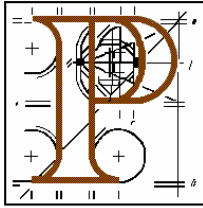


# An Bord Pleanála



## PLANNING AND DEVELOPMENT ACTS 2000 to 2011

An Bord Pleanála Reference Number: 03.YA0011

### Clare County Council

**APPLICATION** by Clare County Council for approval under section 226 of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement and Natura impact statement, lodged with An Bord Pleanála on the 9<sup>th</sup> day of July, 2012.

**PROPOSED DEVELOPMENT:** The construction of a 103 metre pier structure, some of which will be constructed in the inter-tidal area. The proposed development also consists of the following works:-

- (i) Provision of a minimum berthage length of 60 metres for ferry type craft.
- (ii) The pier will be topped with a 2.25 metre high seawall.
- (iii) The dredging of a 40 metre wide area of seabed from deeper water to the pier, along the berthing face of the pier and into the inter-tidal area.
- (iv) The south facing side of the pier will be protected by a revetment. The revetment will consist of concrete unit primary armour overlying two layers of rock armour placed on a core of material obtained from the dredging arisings.
- (v) An approach road of 90 metres in length.

- (vi) The provision of power, lighting and water to the pier, and the installation of navigation aids, barriers handrails, bollards, mooring rings, ladders and access steps.
- (vii) Surfer access and shower facilities.
- (viii) Extension and reconfiguration of existing parking facilities, and
- (ix) Ancillary works.

The proposed development will be located at Ballaghaline, Doolin, County Clare.

## **DECISION**

**GRANT approval for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

In coming to its decision the Board had regard to:

- (a) the location of the proposed development at an existing pier facility and the accepted need to upgrade the existing substandard pier infrastructure,
- (b) the likely benefits accruing from the improved quality of access to and from the pier,
- (c) the provisions of the Clare County Development Plan 2011-2017,

- (d) the provisions of the North Clare Local Area Plan 2011-2017, which includes policies and objectives that seek, inter alia, to provide for the upgrade and extension of Doolin Pier and any associated activities to upgrade visitor facilities at this location,
- (e) the nature and extent of the proposed development outlined in the environmental impact statement and plans and particulars received by the Board on the 9<sup>th</sup> day of July 2012, and the information received at the oral hearing on the 31<sup>st</sup> day of October 2012,
- (f) the mitigation measures set out in the documentation submitted with the application,
- (g) the submissions made in relation to the application and at the oral hearing, and
- (h) the report and recommendation of the person appointed to conduct an oral hearing into the matter.

It is considered that, subject to compliance with the conditions set out below, the proposed development would improve the public safety of facilities at Doolin, would enhance the quality of transportation to/from the Aran Islands, in particular Inisheer, would enhance the potential for development of tourism and employment in the area, would provide an opportunity to enhance/upgrade the landside facilities and amenities at Doolin, would not result in significant adverse effects on the environment and would be in accordance with the proper planning and sustainable development of the area.

The Board considered the environmental impact statement submitted with the application, the submissions on file and the Inspector's assessment of environmental impacts, which is noted. The Board completed an environmental impact assessment and concluded that, subject to compliance with the conditions set out below, the proposed development would not have significant adverse effects on the environment.

### **Comments on the Inspector's Report:**

The Board generally concurred with the Inspector's evaluation but decided not to seek further information on the matters set out by the Inspector for the following reasons:

#### **Potential impacts on quality of surfing waves:**

The Board agreed with the Inspector that the waves in question were of significance and in themselves play a role in the emerging sport, leisure and tourism activity of surfing. The Board acknowledged that the hydrodynamic modelling submitted with the application does not cover all potential scenarios but considered that Clare County Council's approach to assessing impacts was reasonable. On the basis of the information provided, the Board did not consider it likely that the impacts on the surfers' waves would be significant and considered that any impacts would not be of such a nature and extent to warrant a refusal of the proposed development. The Board also noted the County Council's earlier efforts to address third party concerns by withdrawing the original proposal lodged under Part 8 of the Planning and Development Regulations 2001, as amended, (reference number 10/8006) and the subsequent amendments incorporated into the current scheme comprising the relocation of the pier closer to the existing pier and the shortening of the proposed pier structure. A condition was included in relation to the pier design with a view to minimising possible impacts on surfing.

#### **Potential impacts on limestone pavement:**

The Board noted the Inspector's comments with regard to the limestone paving and acknowledged that there would be some loss of pavement arising from the construction of the new pier and roadway. Notwithstanding the loss of pavement, the Board noted that the reduction in pavement would not occur from within the Natura 2000 site and considered that the pavement outside of the footprint of the proposed works could be adequately protected and preserved in situ by condition. To this end the Board attached a condition requiring the following:

- The reduction in the extent of the proposed temporary car park to accommodate the setting back of the contractor's compound in a south-easterly direction.
- The relocation of the proposed storage area from the northside of the access road to a location adjacent to the setback contractor's compound.

- The fencing off from construction traffic and activity of all limestone paved areas within the site boundary not required for the carrying out of construction works or associated storage.
- The laying down of a suitable a protective barrier/membrane over all other areas of limestone pavement, outside of the built footprint, necessary for construction operations and storage associated with the development.

Having regard to the nature, scale and design of the proposed development, the Natura impact statement submitted with the application, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on the Blackhead-Poulsallagh Complex Special Area of Conservation and the Cliffs of Moher Special Protection Area and other nearby European Sites. The Board concluded that the proposed development, in itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites in view of the sites' conservation objectives.

The Board noted the Inspector's evaluation but decided not to seek further information regarding whether the proposed development might have a potentially adverse effect on the Cliffs of Moher Special Protection Area (SPA) as the Board did not consider that the proposed pier project, designed to improve an existing facility, would have any potential negative impact on the SPA. Notwithstanding the references to increased boating activity impacts on the SPA in the Habitats Directive Assessment accompanying the Clare County Development Plan 2011-2017, the Board noted that adopted policy as set out in the development plan and the North Clare Local Area Plan 2011-2017 is to support the upgrade and extension of Doolin Pier. The Board also noted that there was no objection received from the National Parks and Wildlife Service.

In deciding not to accept the Inspector's recommendation to seek further information regarding the landside of the proposed pier, the Board felt that this matter was not central to the approval of the proposed development and, in any event, could be addressed by means of condition.

## CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars, including mitigation measures specified in the environmental impact statement, lodged with An Bord Pleanála on the 9<sup>th</sup> day of July, 2012, as supplemented by the plans and particulars, including mitigation measures lodged with An Bord Pleanála at the oral hearing on the 31<sup>st</sup> day of October 2012, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The mitigation measures detailed in the environmental impact statement, as supplemented by the revised mitigation measures detailed in the document submitted at the oral hearing, shall be implemented in full.

**Reason:** In the interest of protection of the environment and the proper planning and sustainable development of the area.

3. Prior to the coming into operation of the proposed new pier Clare County Council shall prepare and commence the implementation of a management plan to address the following:
  - traffic and access management,
  - parking management,
  - landside services including structures and buildings,
  - the amenities of ferry users, and
  - the protection of habitats and ecological information.

**Reason:** In the interest of orderly development and to protect and enhance the amenities of the area.

4. Prior to commencement of development, the developer shall agree with the planning authority and other relevant statutory agencies a Construction Environmental Management Plan, incorporating mitigation measures indicated in the environmental impact statement and others deemed necessary. Monitoring of the construction phase shall be carried out by a suitably qualified person to ensure all mitigation measures contained in the environmental impact statement are implemented. A monitoring report, updated monthly, shall be made available to the public at the offices of the local authority on an on-going basis.

**Reason:** In the interest of protecting the amenities of the area, of existing habitats, and European Sites.

5. The following modifications shall be made to the proposed development:
  - (a) The access road shall be no wider than five metres, and the flanking walls shall be no more than 300 millimetres over the proposed road level.
  - (b) The proposed handrail to the surfers' access steps shall be located along the southern (landward) edge of the steps.
  - (c) Signage shall be erected to warn members of the public of the dangers of climbing on, or angling from, the surface of the revetment.

**Reason:** In the interest of maintaining the visual amenities of the area, and in the interest of safety.

6. The specific design of the pier revetment, and the materials used, shall be such that the reflection co-efficient shall be no greater than 0.4 as set out in the environmental impact statement.

**Reason:** In the interest of clarity and preserving the quality of the adjacent surf waves.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) complete the remaining excavations in respect of the national monument within the subject site shall be undertaken to the satisfaction of the National Monuments Service
  - (b) employ a suitably-qualified archaeologist who shall monitor site investigations and other excavation works, and
  - (c) provide satisfactory arrangements for the recording and for the removal of any archaeological material which may be considered appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. The site layout showing the Contractor's compound (Drawing No. 14378 – Fig2.10, EIS page 54) shall be amended so that the following measures can be put in place and maintained during construction works:
- (a) The extent of the proposed temporary car park shall be reduced to accommodate the setting back of the contractor's compound in a south-easterly direction.
  - (b) The proposed storage area shall be relocated from the northside of the proposed access road to a location adjacent to (in front of) the setback contractor's compound.
  - (c) The construction traffic and construction activity shall be fenced off from all limestone paved areas within the site boundary that are not required for the carrying out of construction works or associated storage.



- (d) A suitable protective barrier/membrane shall be laid over all other areas of limestone pavement, outside of the built footprint, that are necessary for construction operations and storage associated with the development such as to prevent the escape of materials into the voids of limestone pavement within the site.

**Reason:** In order to preserve the ecological, recreational, and educational value of the limestone pavements in the vicinity.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2013.**