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COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

Email: Corporate.Services@fingal.ie

County Hall
Swords
Co. Dublin

Thursday, 22 June 2023

To Each Member of the Marine and Coastal Management Strategic Policy
Committee

Dear Member

A meeting of the Marine and Coastal Management Strategic Policy
Committee will be held in the at 4.30 pm on Thursday, 29th June, 2023 to
consider the following Agenda:

Yours Faithfully

Nikki Halleran
Meetings Administrator
Corporate Services

.....

A G E N D A

- 1 Confirmation and Re-Affirmation of Minutes of Marine and Coastal Management SPC meeting held on 22nd March 2023
- 2 Climate Action Plan Update
- 3 Harbour Byelaws

MOTIONS

- 4 Councillor C. Boland - Coastal Impact from the placement of Coastal Wind Turbines.

“That the Chief Executive submits a comprehensive report on the projected impact from the placement of Coastal Windfarms in waters off the coast of Fingal.”

- 5 Councillor P. Mulville - Permanent Coastal Measures for Rogerstown (Rush and Portrane)

“That the Chief Executive provides a report on the current position regarding the An Bord Pleanála planning application needed to carry out the permanent coastal protection measures at Portrane and Rush, in locations at imminent risk of coastal erosion and flooding, to report on whether all the necessary environmental and technical reports are now completed by RPS Consultants, to outline when the planning application will be submitted to An Bord Pleanála and the projected timeline for works to commence.”

- 6 Councillor T. O'Leary - Update on Marine Legislation MAP - Marine Area Plan for Fingal Coast and clarity on Foreshore Licences

“That the Chief Executive provides an updated presentation on the Marine legislation outlining when will the Council prepare a MAP (Marine Area Plan) for our coast and clarity on foreshore licences into the future, to confirm what is the new system and who will grant the nearshore (5-8km) foreshore licences going forward, as my understanding from the original presentation given to this Committee was that it would fall to the Council rather than the Department of Housing.”

Comhairle Contae Fingal
Fingal County Council

Minutes of Marine and Coastal Management Strategic Policy Committee

Wednesday, 22nd March, 2023

PRESENT

Councillor E. O'Brien	Councillor T. O'Leary
Councillor B. Dennehy	Councillor A. Henchy
Councillor A. Graves	Councillor D. Healy
Councillor R. O'Donoghue	Maire O'Brien PPN
Councillor P. Mulville	James Magrane IFA
Councillor C. Boland	Deborah Coleman
Councillor K. Power	Martin Sweeney SEE

The Area Chairperson, E. O'Brien, presided.

OFFICIALS PRESENT

David Storey, Director of Services; Catherine O'Donovan, Senior Executive Officer; John Daly, Senior Engineer, Hans Visser, Senior Exec Parks, Kevin Halpenny, Senior Park Superintendent, Noreen Wright, Staff Officer

MCM/1/23 (Agenda Item No 1)

Confirmation and Re-Affirmation of Minutes of Marine and Coastal Management
SPC meeting held on 30th November 2022

Confirmation and Affirmation of Minutes

The minutes of the meeting held on 30th of November 2022, were agreed. The minutes were proposed by Cllr Eoghan O'Brien and seconded by Cllr Boland.

MCM/2/23 (Agenda Item No 2)

Preservation of the Dunes - Velvet Strand, Portmarnock.

A presentation was given by Maire O'Brien on Portmarnock beach Sand Dunes, which was well received, and all questions answered. Councillor David Healy asked that the presentation be forwarded to the members.

MCM/3/23 (Agenda Item No 3) Braymore Wind Park Project

A presentation was given by Deborah Coleman and Martin Sweeney from SEE Electricity on the renewable energy from windfarms with particular attention to Setanta Windfarm Balbriggan, which was well received, and Councillor David Healy asked that the presentation be forwarded on to him.

MOTIONS

MCM/4/23 (Agenda Item No 4) Councillor K. Power - Analysis of Coastal Erosion from Balbriggan to Howth

"That the Chief Executive conducts an analysis on the impact of Coastal Erosion on the coastline from Balbriggan to Howth to facilitate an understanding of where remedial works are required before significant, irreparable damage occurs."

Response

Since 2020 Fingal County Council has engaged with the Office of Public Works on the development of a National Coastal Monitoring Survey Programme. This is with a view to developing a best practice approach to coastal monitoring and ultimately appropriate responses to coastal change. Six pilot locations for this programme have been identified strategically located around the Irish Coastline including the Rogerstown Outer Estuary. The pilot programme is ongoing, and the data currently being assembled and/or considered for inclusion in the programme include:

Bathymetric Surveys, from the high-water mark (HWM) to 20m below mean sea level.

Aerial photography surveys are being carried out annually and following significant storm events. The surveys will extend from the approximate low water mark (LWM) to a minimum of 200m landward of the HWM.

LiDAR surveys of Portrane are being carried out extending from the LWM to a minimum of 200m landward of the HWM.

Topographic Surveys and the installation of more wave buoys and tidal gauges. Terrestrial Laser Scanning.

When the analysis of this pilot programme is available, it is planned to extend monitoring to the entire coastline and to commission survey work in line with the approved methodologies.

Source: Kevin Halpenny, Senior Parks & Landscape Officer

Motion Accepted

Proposed Councillor Karen Power

Seconded Councillor Eoghan O'Brien

Action Share an Update from the OPW that Kevin Halpenny has with the members.

MCM/5/23 (Agenda Item No 5)

Councillor D. Healy - Policy for Management of Beaches and Dunes

"That this Committee, learning from positive experience on beaches in Fingal and elsewhere, develops a policy for the management of beaches and dunes aimed at protecting them from erosion, and encouraging the growth of dunes and beaches as coastal protection for developed areas of Fingal, particularly in the context of rising sea levels."

Response:

There are currently no plans for the Council to develop a policy for the management of Beaches and Dunes in Fingal. A policy of this nature may be more appropriate to the Development Plan process. It may however be worth considering the preparation of "best practice guidance" for works relating to the ongoing maintenance carried out or supported by the Council to aid the protection of beaches and sand dune systems in Fingal.

Source: Kevin Halpenny, Senior Parks & Landscape Officer

Proposed Councillor Healy

Seconded Councillor Paul Mulville

Action It was agreed more clarity and research is needed around this item before a policy is developed and that management would come back to the members with an update at the next Marine and Coastal SPC.

MCM/6/23 (Agenda Item No 6)

Councillor B. Dennehy - Power Generated by Off-Shore Turbine Farms

"That the Chief Executive confirms that the demand required to use all the additional electrical power generated from the planned offshore wind turbines farms currently exists within the State."

Response:

The Commission for Regulation of Utilities is Ireland's independent energy and water regulator. The CRU's role in energy is to maintain security of supply, ensure efficient network delivery and promote competition and innovation in the generation and supply of electricity and supply of natural gas. As part of this role, the CRU jointly regulates the all-island wholesale Single Electricity Market with its counterpart in Northern Ireland, the Utility Regulator.

If the Motion is passed the terms therein will be forwarded to the Commission for Regulation of Utilities and when a reply is received the members will be informed.

Proposed Councillor Brian Dennehy

Seconded Councillor Eoghan O'Brien

Report Agreed

MCM/7/23 (Agenda Item No 7)

Councillor P. Mulville - Special Amenity Area Orders for Rogerstown, Malahide and Baldoyle Estuaries

"That the Chief Executive, given the recent making of the new County Development Plan, outlines her best estimate as to when the process can commence to put in place Special Amenity Area Orders (SAAO) for Rogerstown, Malahide and Baldoyle Estuaries given the urgent need for Special Amenity Area Orders designations as vital to aid the conservation of these European sites and the habitats, flora and fauna that they have been designated to protect, given the Climate and Biodiversity Emergency declared by Dáil Éireann in May 2019, and the recent pressing recommendations of the Citizens' Assembly on Biodiversity Loss in November 2022."

Response:

It is anticipated that significant survey work will be commissioned at these designated sites over the coming two to three years in line with the provisions of the Fingal Biodiversity Action Plan and specifically the ongoing management of these areas. It is further expected that this data will as appropriate be directly relevant and necessary to the proposed SAAO process.

Source: Kevin Halpenny, Senior Parks & Landscape Officer/ Matthew McAleese

Proposed Councillor Paul Mulville

Seconded Councillor David Healy

Report Noted

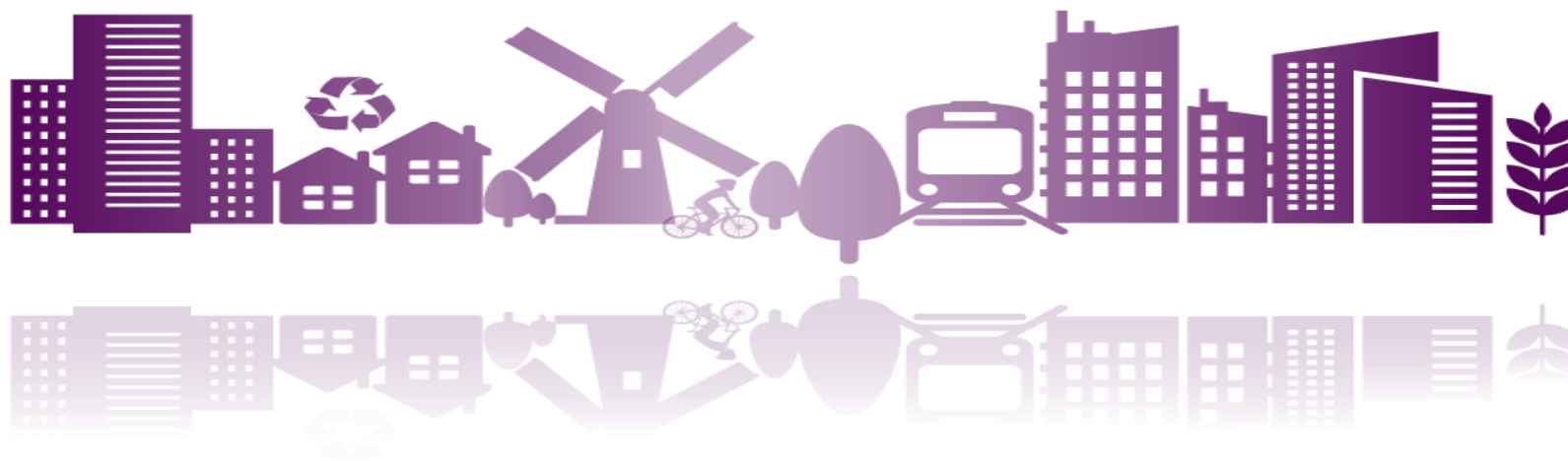
Action It was requested that the new Harbourmaster for the North County is invited to the next Marine and Coastal SPC by the members and that this invitation be extended to the Howth Harbourmaster at a later date.

The Meeting concluded at 19:09pm

CHAIRPERSON

DATED

Climate Change Action Plan - LACAP



FINGAL COUNTY COUNCIL
**CLIMATE CHANGE
ACTION PLAN**

2019-2024



Requirement of the Climate Action and Low Carbon Development (Amendment) Act,

**S.16 Each Local Authority
'shall make' a Climate
Action Plan**

- **Mitigation & Adaptation**
- **Preparation timeframe – 12 months**
- **Duration 5 years**
- **Approved by Elected Members**

Be consistent with:

- Climate Action Plan
- National Adaptation Framework

Have regard to:

- National Long Term Climate Action Strategy
- Sectoral Adaptation Plans
- Policies of Minister and Government on Climate Change



CAP 2024–2029: Programme

- DLA CA Teams working together, with CARO & Codema...
- Working to tight timelines – Statutory Plan making process <12months
- Team Engagement and drafting of plan ongoing
- Action Review & Development
- SEA/AA – Consultant appointed and working through the process
- Decarbonising Zone – work in progress to determine baseline emissions and develop a Register of Opportunities.
- Public Consultation scheduled for Sept and Oct 2023.
- Final Plan to be circulated to all Members in January 2024.
- Final Plan for adoption to be brought to Council Meeting in February 2024



Actions

- New targets, 50% 51%,
- Increased level of ambition nationally stemming from CAP23.
- We're looking for a more ambitious action list to be implemented over the next 5 yrs
- Renaming Resource Management theme to Circular Economy and Resource Management;

KEY TARGETS

~~33%~~

improvement in the
Council's **energy**
efficiency by 2020



~~40%~~

reduction in the
Council's **greenhouse**
gas emissions by 2030





Smart Actions

Specific: Define the action as clearly as possible to avoid ambiguity and to set up for measurement more readily.

Measurable: Clarify the action and emphasise in a manner that enables the action to be measured.

Assigned: Actions need to be carried out by someone. It is therefore crucial to assign each action to a lead department that can be held accountable for timely implementation of the action. This makes follow-up easier and provides clarity where more than one department of the local authority is required for implementation to deliver the action.

Realistic: Setting vague or impossible actions will distract from the progress of implementation. Ensure that actions are ambitious but realistic.

Time-bound: Set a time scale for the completion of each action. This will be linked to implementation and progress reporting.



Public Consultation

- Fully coordinated approach with the DLA & CARO, Codema;
- Start to mid Sept for 6-8 weeks;
- Cllr engagement pre Public Consultation



Decarbonizing Zone (DZ)

- Recap: Each LA must establish a DZ;
- ‘an area identified by the local authority, in which a range of climate mitigation measures... can co-exist... approximately 4000 population equivalent in urban areas..... Testbeds..;
- Should Include outline of projects which may be undertaken;
- Action stalled nationally – Dept change Housing to DECC;
- Now a requirement of LACAP;
- DZ working group & codema studying potential in BB;



Questions?

Useful Links:

www.fingal.ie/environment

www.caro.ie

www.dublinclimatechange.ie

www.epa.ie/climate/calculators

<https://www.2030calculator.com/> - for manufacturers & consumers of Goods.

www.seai.ie/grants

<https://www.seai.ie/energyacademy/>

www.recyclinglistsireland.ie

www.mywaste.ie

www.pollinators.ie

www.bleeperbikes.ie

www.consultfingal.ie

Contact:

Email: climateaction@fingal.ie



Fingal Harbours and Piers

Review of Harbour Bye Laws

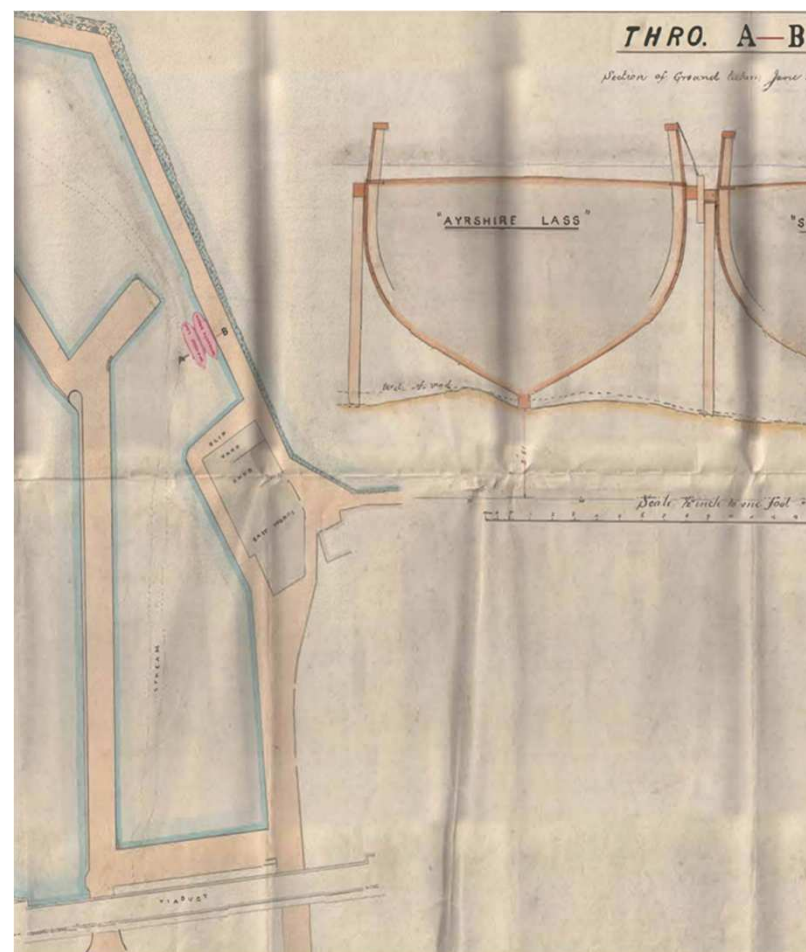
29th June 2023

Marine & Coastal Strategic Policy Committee

Legislative Context Harbours in Fingal



- Pier & Harbours Confirmation Acts 1867 and 1877 vested Balbriggan and Skerries Harbours in Dublin Port and Docks Board
- Balbriggan Harbour Plan 1867 Act

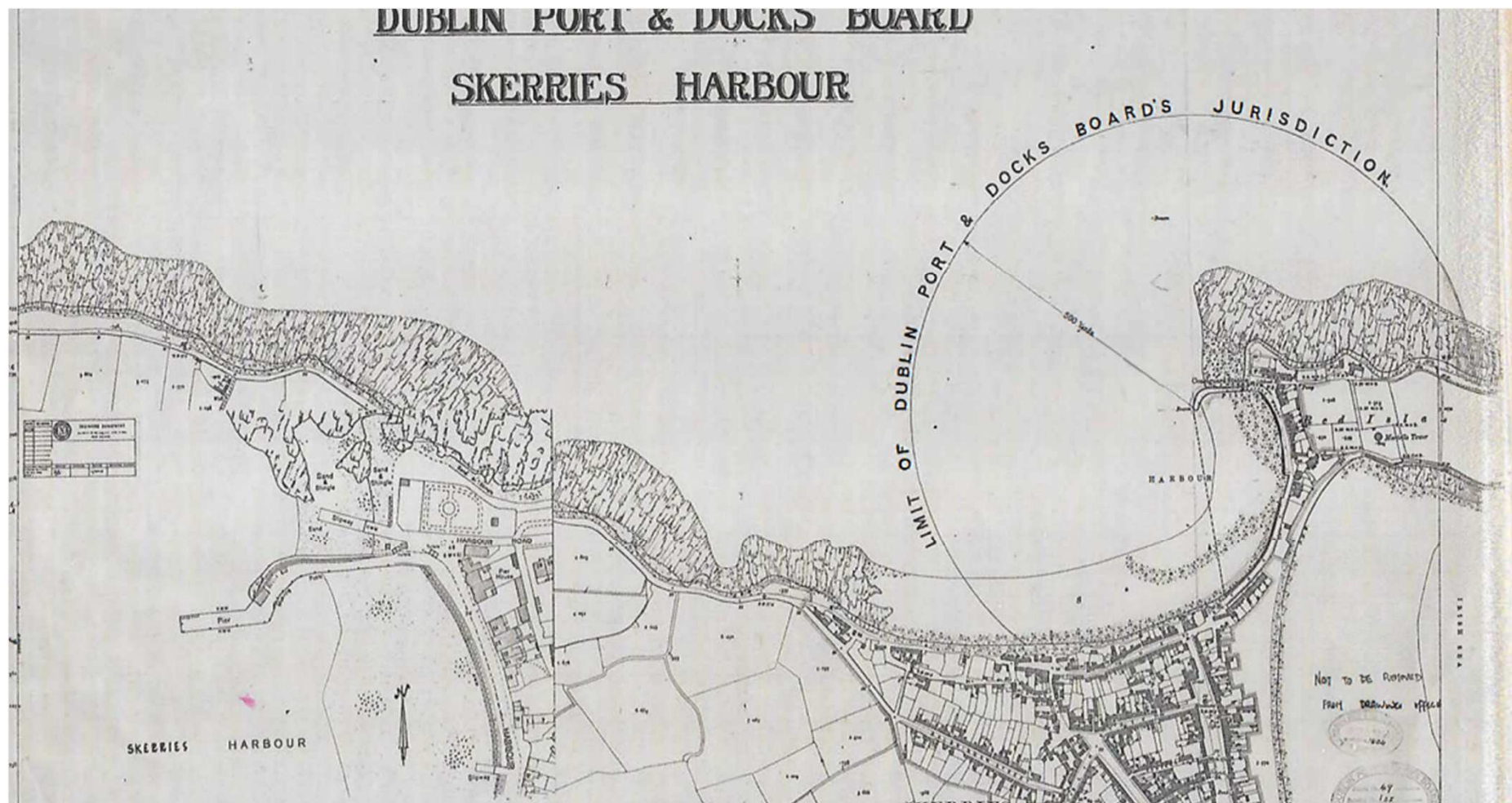


Skerries Harbour Limit of Jurisdiction 1877

Admiralty Maps



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Transfer of Balbriggan and Skerries Harbours



1996 Harbours Act Section 88

- On the commencement of this subsection there shall stand transferred to Fingal County Council from the Dublin Port and Docks Board,.....the following harbours, namely, Skerries Harbour and Balbriggan Harbour together with all the property, rights and liabilities of the said Board or company, as the case may be, connected with each of the said harbours.
- Statutory Instrument SI Number 409/2004 – Harbours Act 1996 (Section 88 (4)) (Commencement Order) 2004 transferred Skerries and Balbriggan Harbours to the Council with effect from the 30th June 2004

Loughshinny and Rush Harbours



Grand Jury (Ireland) Act 1853

- Loughshinny and Rush listed as harbours built for the improvement of fisheries under Sea Fisheries Ireland Act of 1846
- Both harbours transferred to the County Council
 - Rush in 1847
 - Loughshinny post the 1853 Act

Fingal Harbour Bye-Laws



The current Harbour Bye-Laws for Skerries & Balbriggan

- Adopted by Council July 2010

Harbour Bye-Laws for Rush & Loughshinny

- Adopted by Council December 2010

Review of Harbour Bye-Laws included as part of SPC
Programme 2023

- Junior Counsel appointed late 2022 to review current Bye Laws and to prepare revised Harbour Bye Laws

Review of Harbour Bye Laws



- The legal basis for the making of Harbour Bye Laws is provided for in the Local Government Act 2001 and Section 89 Harbours Act 1996.
- Bye Laws made in accordance with Maritime Safety Act 2005 should be made separately if **required** and deal with the operation of jet skis and mechanically propelled recreational craft.
- Bye Laws should only deal with issues that are not dealt with adequately in general law.
- Limit of Jurisdiction of Skerries Harbour extends 500 yards from the end of the old Pier

Recommendations on Revised Harbour Bye Laws



- Individual Bye Laws for each of the four harbours
- Bye Laws to be presented under five distinct headings
 - Interpretation
 - Use of Harbours By Vessels
 - Use of Harbour Roadway or Piers for Placing or Keeping Goods
 - Prohibition of Bringing Vehicles to the Roadway or Piers
 - Prohibition of placing Vessels, Vessels Apparel or Boat Cradles on the Roadway, Slipway, Campshires or Horizontal Surface of the Piers
- A Code of Conduct should be in place for all harbour users when Bye Laws have been adopted.

Harbour Bye Laws - Next Steps



- Section 200 of the Local Government Act 2001
 - Publish a notice in one or more newspaper circulating in the Area of the proposal to make Harbour Bye Laws
 - Copy of Draft Harbour Bye Laws are available for public inspection from the 15th June to the 31st July 2023
 - Council Offices, Libraries, Four Harbours, Council website
 - Submissions and Observations can be made in writing on the consultation portal by 14th August, 2023

Harbour Bye Laws - Next Steps



- Closing date for submissions and observations 14th August 2023
- Report to the September SPC on the consultation and responses to submissions and observations
- The making of Bye Laws is a reserved function of the full Council
- In considering the submissions the Council may;
 - Make the Bye Law in accordance with the draft or subject to such changes as it may determine or
 - not make the Bye law
- It is proposed to bring the Bye Laws to the full Council for adoption at the October Council Meeting

Questions from Members



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COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

MARINE & COASTAL MANAGEMENT

STRATEGIC POLICY COMMITTEE MEETING

Thursday 29th June 2023

Item 04

Coastal Impact from the placement of Coastal Wind Turbines

Motion: Councillor C. Boland

“That the Chief Executive submits a comprehensive report on the projected impact from the placement of Coastal Windfarms in waters off coast of Fingal.”

Report:

The Council's Planning Department do not have experience or expertise in Marine Planning. Therefore, if this motion is passed, the Environment Department will write to the Department of Agriculture, Food and the Marine requesting a comprehensive report on this issue.

==COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

MARINE & COASTAL MANAGEMENT

STRATEGIC POLICY COMMITTEE MEETING

Thursday 29th June 2023

Item 05

Permanent Coastal Measures for Rogerstown (Rush and Portrane)

Motion: Councillor P. Mulville

“That the Chief Executive provides a report on the current position regarding the An Bord Pleanála planning application needed to carry out the permanent coastal protection measures at Portrane and Rush, in locations at imminent risk of coastal erosion and flooding, to report on whether all the necessary environmental and technical reports are now completed by RPS Consultants, to outline when the planning application will be submitted to An Bord Pleanála and the projected timeline for works to commence.

Report:

The Council has engaged specialist engineering consultants RPS to assist with the preparation of planning applications for works to address coastal change in the Outer Rogerstown Estuary. Significant survey and design work has already been successfully completed. The current advice from RPS is that they expect to provide draft environmental assessments to the Council in July with a view to having the finalised EIA reports, Appropriate Assessment and Natura Impact Statement reports completed for submission in the planning application in the Autumn of this year. In an Irish context, the scope and nature of the works proposed in this planning application are unprecedented. It is consequently impossible to provide an accurate estimate of the timeframe for the conclusion of the statutory planning process. It is reasonable however to expect that this process will take a considerable number of months to complete. If planning

approval is obtained however, the work already completed on the detailed design of the project would allow for the procurement to commence shortly thereafter.

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

MARINE & COASTAL MANAGEMENT

STRATEGIC POLICY COMMITTEE MEETING

Thursday 29th June 2023

Item 06

Update on Marine Legislation MAP – Marine Area Plan for Fingal Coast and
clarity on Foreshore Licences

Motion: Councillor T. O'Leary

"That the Chief Executive provides an updated presentation on the Marine legislation outlining when will the Council prepare a MAP (Marine Area Plan) for our coast and clarity on foreshore licences into the future, to confirm what is the new system and who will grant the nearshore (5-8km) foreshore licences going forward, as my understanding from the original presentation given to this Committee was that it would fall to the Council rather than the Department of Housing."

Report:

If this motion is passed, the Environment Department will request an update presentation on this issue.

