

An
Bord
Pleanála

Record of 1st Meeting ABP-319047-24

Case Reference / Description	Proposed Offshore Renewable Energy (ORE) Terminal located on a 250m quay extension and ancillary works at Port of Waterford, Belview, Co. Kilkenny.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	1 st Meeting		
Date	21 st March 2024	Start Time	11:00am
Location	MS Teams	End Time	11:50am

Representing An Bord Pleanála

Stephen Kay (Assistant Planning Director) Chair

Kevin Moore (Senior Planning Inspector)

Marcella Doyle (Senior Administrative Officer)

Nichola Meehan (Senior Executive Officer)

Lauren Murphy (Executive Officer)

Representing the Prospective Applicant

Brian Moore - Port of Waterford

Darren Doyle - Port of Waterford

David Sinnott – Port of Waterford

Kevin O'Regan – Malone O'Regan

Eimear Sharkey – Malone O'Regan
Amelia Keane – Malone O'Regan
Simon Clear – Simon Clear & Associates
Darran Quaile – Simon Clear & Associates

Introduction

The Board referred to the letter received from the prospective applicant on the 7th February 2024, requesting pre-application consultations under section 287 of the Planning and Development Act 2000, as amended, and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. The Board's representatives mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- A further meeting or meetings may be held in respect of the proposed development.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

The Board representatives noted the fact that the consultation in respect of the proposed development was originally submitted under s.37B and that two meetings were held previously (ABP Ref. 315199-22 refers). The Board representatives stated that the instant meeting would not comprise a complete restating of the issues that had been discussed at the two meetings held under Ref. 315199-22 and that the presentation to be given by the prospective applicant would provide an update of the project and the main issue arising. It was also stated that at the discussion stage of the meeting the Boards representatives would outline for the record the main issues that had been discussed during the course of the initial two meetings held in 2023.

Presentation made by the prospective applicant:

The prospective applicant outlined the statutory processes in relation to this proposed development. The fact that there was previous engagement with the Board under a s.37 pre application consultation (ABP Ref. 315199-22) was highlighted. They briefly discussed how the proposed development falls under the Eight Schedule and Part XXI of the Planning and Development Act as the proposed development is consistent with the following class contained in the Eighth Schedule, *'A harbour of port installation involving the construction of a quay greater than 100 metres in length'*. The prospective applicant also discussed how section 287(1) and section 287(4) of the Planning and Development Act 2000 as amended relates to their proposed development. Specifically, s.287(4), as introduced by the Maritime and Valuation (Amendment) Act, provides for the prospective applicant to engage pre application consultations in respect of a development comprising port infrastructure to serve the ORE industry in advance of a MAC being obtained.

The prospective applicant stated that they submitted a MAC (Maritime Area Consent) application to MARA (The Maritime Area Regulatory Authority) in December 2023.

The prospective applicant presented a site location map and discussed the proposed development location. The site of the proposed development is located within County Kilkenny and the port is located adjacent to the River Suir.

The prospective applicant gave a brief overview of the Port of Waterford and outlined how it is a State-owned commercial company responsible for the management and development of the Port. It is the fifth largest of the state commercial ports, in relation to tonnage handled. In terms of the National Ports Policy, the Port of Waterford is determined as a designated port of National Significance. The port of Waterford is responsible for 2.5% of overall tonnage through Irish ports and it is also Ireland's closest multi-modal port to mainland Europe.

The prospective applicant stated that the Southern Assembly Regional Spatial and Economic Strategy (RSES) supports the development of the Port as a major international gateway.

The prospective applicant discussed the Port of Waterford Master Plan 2020-2044 which was published in October 2019. The master plan provides a framework to allow the Port to bring forward essential projects for planning and consent purposes. A total of seven key projects were identified, however ORE facilities was not one of these projects as the need for such facilities was not recognised at the time of preparation of the master plan.

Notwithstanding this, the prospective applicant set out how the proposed development is a response to current government policy for ports to create capacity to support offshore energy developments. The prospective applicant highlighted that the Port of Waterford location is near the proposed windfarms in the Celtic Sea, could support windfarm development in the Irish Sea and is located c.2.5km from the Great Island Power Station which is the termination point of the Greenlink Interconnector. The prospective applicant indicated that the current bulk activity within the port is 1.7 million tonnes per annum and that this could rise to 4.0 million tonnes with the new development.

The prospective applicant presented a drawing of the South Coast of Ireland DMAP (Designated Maritime Area Plan), and the strategic location of the proposed development relative to these areas.

The prospective applicant provided a description of the proposed development. This development is intended to entail construction of a 250-metre extension to existing wharves at the Container/ Bulk handling terminal and will comprise of reinforced concrete suspended deck supported on reinforced concrete beams and steel piles. The prospective applicant stated that it is intended that the capital dredged materials may be reused as fill materials within the reclaimed area. Two separate ORE Facilities comprising berthing pontoons and office / building accommodation are proposed to be located at the downstream area of the port site.

The prospective applicant stated that the main development update which has occurred in relation to this proposed development since the previous consultation is the review of the ORE facilities, of which two are now proposed. A biodiversity site is proposed to be located to the Northeast of the proposed site.

The prospective applicant stated that the proposed development would be located within the Lower River Suir Special Area of Conservation (Site Code: 002137) and near the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and that they are aware of this sensitive environment.

The prospective applicant discussed the baseline environmental surveys which have taken place to date in relation to the proposed development. these include, terrestrial ecology, aquatic ecology, noise surveys, archaeology, and landscape and visual assessments.

The prospective applicant also discussed their public consultations to date and stated that comments received at these consultations, including creating additional photomontages and explaining their noise monitoring surveys had been taken on board.

The prospective applicant also discussed their stakeholder consultations and stated that they have received in excess of 10 Non- statutory EIAR consultation responses to date. The prospective applicant also discussed that in person consultation meetings were held with Inland Fisheries Ireland and Bord Iascaigh Mhara.

The prospective applicant stated that they had met with the NPWS (National Parks & Wildlife Services) in May 2023 and stated that the NPWS were satisfied with the scope of surveys carried out in relation to the proposed development. The prospective applicant also stated that the NPWS were supportive of providing a biodiversity enhancement area as part of the application and that it was the opinion of the NPWS that the proposed development could proceed under Article 6(3).

The prospective applicant discussed the biodiversity enhancement area and outlined how this land is currently of low ecological value. The prospective applicant is currently developing a plan to enhance the ecological value of this land, introducing ponds, wetland features and other habitats in this proposed area. The scale of the proposed biodiversity enhancement area is just over 4.5 acres of land.

The prospective applicant concluded the presentation by discussing the next steps involved in the planning process. They intend to continue engagements with MARA in relation to the MAC application and intend to lodge their application to An Bord Pleanála soon.

Discussion:

- The Boards representatives began the discussion by reminding the prospective applicant that this request is unlike a request under section 37B whereby the Board waits for the prospective applicant to request closure of the consultation period, in this case it lies with the Board to close to consultation process.

- The Boards representatives requested clarification from the prospective applicant on the purpose of the biodiversity area. The prospective applicant clarified that the biodiversity area is intended as an enhancement area rather than a compensation habitat area. The Board's representatives highlighted the importance of this distinction and the connection between compensatory habitat and the provisions of Article 6(4) of the Habitats Directive.
- The Boards representatives queried if all dredged material in relation to the proposed development is intended to be used within the development or if a dumping at sea licence be required. The prospective applicant stated that they do not have enough information about the site investigations to date to clarify this, however it is intended that as much dredged material as possible would be reused in the development.
- The Boards representatives question if there has been any recent update issued on the National Port Policy. The prospective applicant clarified that there has been no update from the department on the policy and that the Department have stated that they are currently reviewing responses. It is anticipated that a draft policy will be published by Q4 of 2024.
- The Board questioned the prospective applicant on the issues which had arisen following public consultations. The prospective applicant clarified that the main issues which were raised were noise, light and visual issues, and biodiversity concerns.
- The prospective applicant stated that the Port of Waterford has excellent connectivity, with rail and road links. It was noted that the N29 road runs directly to the main gate of the Port. The prospective applicant said they are not aware of any issues relating to erosion in the area. In relation to the environmental sensitivities of the area, the prospective applicant said the location of the proposed works is not located within a designated shellfish area.

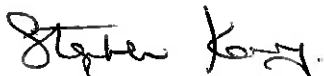
- Further to their comments at the start of the meeting regarding the connection with the previous consultations held under Ref. 315199-22 and the main issues arising on foot of that consultation, the Board's representatives highlighted a number of issues that it wished to place on the record of the current meeting. These can be summarised as follows:
 - There is now clarity on the pre-application consultation process for the project and the legislative provisions under which an application may be submitted.
 - The nature and extent of the proposed development is now clearly defined.
 - Connectivity to the port by rail and road is confirmed.
 - There are no concerns relating to erosion from the proposed development.
 - It is confirmed that the proposed development would not be sited within a designated Shellfish Area.
 - The sensitivity of the location of the proposed development in the context of European sites is acknowledged.
 - A clear strategy is being pursued for habitat creation and biodiversity net gain. It has been clarified that the relevant area associated with this part of the project would be under the applicant's control.
 - That the site is located in an environmentally sensitive location and has the potential to impact on European sites. The importance of ongoing consultation with NPWS before lodging any application to the Board was emphasized.
 - That it has been confirmed by NPWS that the project can proceed under Article 6(3) of the Habitats Directive.

- The Boards representatives referenced a document circulated in advance of the meeting relating to procedures for making an application to An Bord Pleanála under s.291 of the Act. In response to a question from the Board's representatives, the prospective applicant indicated that they had no significant queries in relation to this document or the procedures involved in the making of an application.

Conclusion:

The Board's representatives advised that the Board will circulate the record of the meeting and that the prospective applicant can submit any comments it may have in writing. The Board representatives also stated that there is no need for the prospective applicant to request closure of the pre application consultation process and that once they have indicated to the Board that they are happy with the record of this meeting that the Board will close the consultation process and prepare a report that would go to the Board.

The Meeting concluded at 11:50am.



Stephen Kay

Assistant Director of Planning