

**An
Bord
Pleanála**

Record of Meeting ABP- 320733-24(OC) 1st meeting

Case Reference / Description	Proposed redevelopment of port facilities at Ringaskiddy, County Cork.		
Case Type	Marine pre-application consultation under Section 287		
1st / 2nd / 3rd Meeting	1 st Meeting		
Date	01/10/2024	Start Time	2:30pm
Location	An Bord Pleanála	End Time	4:00pm

Representing An Bord Pleanála
Stephen Kay (Assistant Director of Planning), Chair
Jimmy Green (Senior Planning Inspector)
Conor Donnelly (Ecologist)
Lauren Murphy (Executive Officer)

Representing the Prospective Applicant
Tim Murphy, Port of Cork
Tadhg O'Keeffe, Port of Cork
Michael Fenton, Malachy Walsh & Partners
Lynn Morrissey, Ayesa (External Consultant)
Mairi Henderson, McCutcheon Halley
Muireann Carroll, McCutcheon Halley

Introduction

The Board referred to the letter received from the prospective applicant requesting pre-application consultations 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 it wished to receive advice on from the Board. The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- 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.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- In accordance with section 287(3) of the Act, the decision to close a consultation rest with the Board. At the conclusion of the pre application process the case file including the record of meetings held and the report of the reporting inspector detailing the issues arising in the consultation, will be forwarded to the Board. The Board will issue a direction / Order clarifying that the consultation has closed, and that the prospective applicant may make an application for permission under section 291.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant began the presentation by providing a brief overview of the Port of Cork and its planning history.

The prospective applicant discussed a previously approved 10-year Strategic Infrastructure Development (SID) permission which was granted by the Board in 2015 (ABP Ref: PA0035). The prospective applicant explained that the planning permission is due to expire in October 2025 and they will be unable to meet this target deadline to complete the consented works.

The prospective applicant provided a list and description of subsequent permissions granted by An Bord Pleanála in relation to the Port of Cork which were submitted under section 146B of the Planning and Development Act 2000, as amended.

The prospective applicant discussed the works carried out to date in relation to the approved planning permission for the Port of Cork and the works which they intend to carry out before planning permission expires in Q4 2025. While there are currently no works underway pursuant to the previously issued consent the intent is to carry out works at Ringaskiddy East (CCT1) between now and the expiry date of the permission. It was stated that the proposed development of the CTT at Riskaskiddy port east has the capacity to support Offshore renewable energy developments.

The prospective applicant gave a brief high level review of the intended works which will be carried out under the already permitted planning application (PA0035) and the works which they will be seeking planning permission for under another application to An Bord Pleanála. The prospective applicant presented a drawing to further discuss.

The prospective applicant provided details of the proposed planning application and associated documentation that they intend to make to An Bord Pleanála, which includes an Environmental Impact Assessment Report (EIAR), a Natura Impact Statement (NIS) and other relevant studies and reports.

The prospective applicant provided a final summary of the proposed development which is intended to consist of the completion of CCT2 facility (Ringaskiddy East), an

extension to deep water berth (Ringaskiddy West) associated dredging and the completion of road improvement works, all of which were approved under the previous application (PA0035).

The prospective applicant also stated that they have applied for a Maritime Area Consent (MAC) in June 2024 and are waiting for a response from MARA.

The prospective applicant concluded the presentation by presenting a drawing for the 2050 vision plan for the Port of Ringaskiddy, and briefly discussed further intended developments in the future.

Discussion:

- The Boards representatives began the discussion by clarifying that under section 286 of the Planning and Development Act, 2000 (as amended) ('the Act') that a person shall not be eligible to apply for permission under section 291 unless they are the holder of a Maritime Area Consent (MAC), a licence under section 3 or lease under section 2 of the Foreshore Act, 1933 in relation to the proposed development or is the landowner (or has the consent of the landowner). Accordingly, should the prospective applicant be relying on a MAC in relation to the proposed development it must be finalised before submitting a direct application to the Board, providing the Board decide that the proposed development will support Offshore Renewable Energy Developments.
- The Boards representatives noted the layout plans provided in relation to the proposed development and recommended that the prospective applicant submit a more clearly detailed site layout plan clearly delineating (a) the works as previously consented, (b) the works that have been constructed under the previous application, (c) the areas of proposed dredging, (d) any available indication of works which may be intended to be completed prior to the expiry date of the current consent and clearly labelling the various elements within the proposed development (e.g. east and west Ringaskiddy, cranes, quay walls, link-bridges, in order to fully inform the Board's consideration of this pre-application consultation. The applicant was also requested to provide

more information about the proposed development and how it could facilitate the development of ORE in the future.

- The Boards representatives advised the prospective applicant to carefully consider the timing of any works that remain to be carried out under the issued consent and prior to the lodgement of any future application. The prospective applicant was advised that any such works should be brought to a clearly identified end, or phase, so that it will be clear what elements are proposed under the future application and what has been (or will have been) constructed at the time of application. This is of particular importance as the future application is intended to contain an EIAR, and as such, there will need to be a clearly established baseline and assessment of impacts of any proposed works and there should be no consideration of on-going works or any confusion or suggestion of retention of works in this regard. Further, the prospective applicant was advised that all public notices should be clear in setting out the extent of works subject to any future application.
- The prospective applicant raised their concerns due to the backlog and delay in decision making within the Board which may leave the proposed development at a standstill for a long-time awaiting permission.
- The prospective applicant stated that they are intending to enter further discussion with the department surrounding section 40 of the Planning Act, requesting extension of planning permission to avoid the need to undergo a further planning application. The Boards representatives asked to be kept advised of any such discussions.
- The prospective applicant asked the Board for a preliminary time frame from start to finish of the proposed planning application, the Boards representatives clarified that they could not give a definitive answer as each case is different. However, they recommend the prospective applicant to submit a detailed and robust planning application covering all relevant aspects.
- The Boards representatives noted from the Prospective Applicants discussion that the quay walls of the proposed development have been designed to facilitate Offshore Renewable Energy developments and the concerns raised in discussions about providing greater detail on this matter (noting that while incorporated in the design proposal it was not to the fore in the previous

planning application). Notwithstanding this however, the Boards representatives advised that further detail of the potential for facilitating ORE should be set out in order to confirm compliance with the relevant provisions of the Planning Act in relation to the subject pre-application consultations prior to the Board closing the pre-application phase.

- The Boards representatives requested clarity on the Phase1 B area of the proposed development and what it will consist of. The prospective applicant stated that this area will contain container carrier equipment.
- The Boards representatives asked for clarity on the duration of the foreshore lease which is in place noting that while a 35-year lease was in place that its conditions provided for a 10-year construction phase which seems to end in Q1 of 2025. The prospective applicant confirmed that the lease is for a 35-year period and that they had recently applied for an amendment in relation to the construction duration. The Boards representatives requested that an update, or confirmatory details of the amendment be submitted in order to further inform the Boards consideration of this matter.
- In response to queries the Prospective Applicant confirmed that the Proposed Development will not result in the provision of any COMAH facilities at Ringaskiddy.
- The Boards representatives noted that the subject works had been previously granted (with elements not yet completed) and since the previous consent that the National Planning Marine Framework (NMPF) had been published. In this regard it was recommended that the Prospective Applicant ensure that any future application considers, and any future application documentation provides comprehensive details of, compliance with the relevant provisions of the NMPF, as it will be a primary consideration in any future application. In this regard the ports, harbours and shipping provisions of the NMPF are of note as are interactions with, or effects on, fishers and other maritime users (including Naval operations) should be considered and detailed in any future application where relevant.
- The Prospective Applicant was also advised by the Boards representatives to ensure any surveys, and assessments being submitted as part of the application and/or EIAR were up-to-date and that the provisions of any other

relevant updated plans, including the County Development Plan were addressed in any future application.

- The Boards representatives noted that under the previous consent on site agreement had been reached with the Planning Authority in relation to a number of prior to commencement conditions. In this regard the Prospective Applicant was advised that any future application should contain comprehensive details in relation to any such agreements as well as demonstrating compliance with the conditions of the previously issued consent, and where appropriate whether such conditions can continue to be complied with (or would in their opinion be necessary) in the context of the works which would be subject to any future application.
- The Boards representatives acknowledged that consent had been previously issued in relation to the subject works and that in assessing any future application to complete the works that similar considerations would arise, and that these had been set out in the prospectives correspondence including – the principle of the proposed development, strategic location and alternatives, rail freight potential, traffic and transportation, noise, dust and air quality, climate, visual impacts, coastal processes, ecology, leisure and amenity and cultural heritage. In relation to these issues the Prospective Applicant was advised that while the planning history can be acknowledged, any future application should stand on its own merits (and not be reliant on any previous consent or considerations), be informed by up-to-date assessments, surveys and information, be considered in the context of current planning policy context, as well as incorporating modern and best practice mitigation measures where applicable. The prospective applicant was also advised to consider the language used throughout the assessment and to provide updates in any future application in relation to the agreed traffic management scheme on site, as well as the status of the N28 and Dunkettle road upgrade scheme.
- The Boards representatives encouraged the prospective applicant to consult with all relevant proscribed bodies, including National Parks and Wildlife, the Planning Authority and transport authority to ensure any potential issues are identified and addressed at the earliest opportunity.

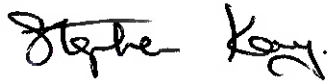
- The Boards representatives noted that in response to changes in the Planning Act that the Board is now the compliance authority in relation to conditions for Marine consents with MARA or the relevant local authority being the enforcement authority. Accordingly, the Board has been enhancing its expertise in Marine issues and would advise that any future application considers the best available mitigation measures in terms of minimising impacts, particularly on marine ecology, (underwater noise etc.) construction phase impacts and management, and in terms of protecting the amenities of residents in Ringaskiddy.
- The Boards representatives requested if the licences for dredging and dumping at sea have been applied for. The prospective applicant clarified that this is all covered within the MAC application and that they have applied for a MAC for all the previously permitted works. The Boards representatives questioned if the applicant has received any correspondence in relation to their application for a MAC. The prospective applicant stated that they are intending to follow up with MARA for an update. The Boards representatives advised that any further clarification of the timing or extent of the MAC application should be provided to inform the Boards consideration of this pre-application process.
- The Boards representatives stated that in relation to the cumulative assessment which would form part of the planning application the prospective applicant will need to consider any other projects in the vicinity which are awaiting planning permission or have already been granted and which may occur at the same time as the proposed development in order to set out the effects they might have on this proposed development. Further in this regard the prospective applicant was advised in relation to the submission of any future NIS that the in-combination effects of plans and projects must be considered.
- The Boards representatives recommended that correct language is used in the EIAR based on concerns raised by observers on the previous application, and that any future application clearly state where and when mitigation measures will be applied.

- Following a query from the Boards representatives the prospective applicant clarified that they do not intend to enter a design flexibility process for this proposed development.
- The Boards representatives advised that at this stage additional details as set out previously above (clearly delineated/labelled layout mapping, confirmation of the extent, nature and update of the relevant foreshore lease, indication of how the proposed development could facilitate ORE, any available updates in relation to the MAC application, confirmation as to whether the prospective applicants consider a further meeting being necessary) were required in order to further inform the Boards consideration of the pre-application consultation. On the satisfactory receipt of these details, which the prospective applicant indicated could be submitted following the circulation of the meeting record, the Boards representatives indicated that the Board could move to close the pre-application consultations, unless the prospective applicant had at that stage any further details or issues to bring forward which may necessitate a further discussion/meeting.
- The Boards representatives concluded the discussion by asking the prospective applicant if they have any queries on the procedures for a marine application, the prospective applicant confirmed that they have no further questions at this moment.

Conclusion:

The record of the instant meeting will issue in due course and the prospective applicant can submit any comments it may have in writing or alternatively bring any comments for discussion at the time of any further meeting should they consider one necessary.

The meeting concluded at 4:00pm.

A handwritten signature in black ink, reading "Stephen Kay", is positioned above a horizontal line.

Stephen Kay

Assistant Director of Planning