



An  
Bord  
Pleanála

# Inspector's Report

## ABP-305618-19

### Addendum Report

#### Development

Application for Substitute Consent in respect of an Oyster processing facility.

#### Location

Móta, An Rinn, Dungarvan, Co.  
Waterford

#### Planning Authority

Waterford City and County Council

#### Inspector

Conor McGrath

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## 1.0 Introduction:

I refer to the original Inspector's Report on this case dated 28/03/2024. On 11/06/2024, the Board directed that the file be returned to the inspectorate for a formal EIA screening assessment, comprising a full assessment of the EIA Screening Document submitted by the applicant.

As the original reporting inspector is unavailable at this time, I have prepared this addendum report in response to the Board Direction. Following a full review of the development the subject of this application for Substitute Consent and all correspondence on the case file, including the original Inspector's Report and the applicant's EIA Screening Assessment, I have completed the Screening Determination (Form 3) below.

This assessment concludes as follows:

Having regard to

- The limited nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(iv) or 10(k) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- The nature of the existing site and uses in the surrounding area;
- The nature of the development and the provisions of the Waterford City and County Development Plan which aim to facilitate aquaculture and marine development, in particular Objective ECON 13, and the results of the Strategic Environmental Assessment of the Development Plan;
- The availability of mains wastewater services to serve the development;
- The appropriate assessment to be carried out of likely significant effects on European sites;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;

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- The features and measures that are applied to avoid or prevent what might otherwise be significant effects on the environment, including measures for the management of wastewater and surface water.

It is considered that the development the subject of this application for substitute consent would not be likely to have significant effects on the environment and that the preparation and submission of a remedial environmental impact assessment report would not, therefore, be required.

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Conor McGrath ADP

13/08/2024

## A. CASE DETAILS

<b>An Bord Pleanála Case Reference</b>	<b>ABP-305618-19</b>	
<b>Development Summary</b>	<p>Substitute Consent for constructed development of</p> <ol style="list-style-type: none"> <li>1. Coastal defences consisting of a rock revetement c.80m in length (280-sq.m.).</li> <li>2. An extension to the facility consisting of a canopy / open ended structure for storage and sheltered loading / unloading of produce.</li> <li>3. Extension to the facility to accommodate storage, packing and purification area.</li> </ol> <p>The constructed development is associated with an oyster processing facility at Móta, An Rinn, Dungarvan, Co.Waterford.</p>	
	Yes / No / N/A	Comment (if relevant)
<b>1. Was a Screening Determination carried out by the PA?</b>	No	<p>Direct Application to ABP for substitute consent. Under ABP Ref. 303535-19, it was determined that the development is one where a determination as to whether an Environmental Impact Assessment is required, and an Appropriate Assessment is required*.</p> <p>I refer to the screening conclusions set out in section 10.5 of the original reporting Inspector's report.</p> <p>*Note: I note incorrect reference number of section 10.5.1 of the inspector's report, which refers to 310595 in error.</p>
<b>2. Has Schedule 7A information been submitted?</b>	Yes	EIA Screening report submitted. This states that the criteria set out in Schedule 7 and 7A have been set out in the report.
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes.	Substitute consent application accompanied by a Stage II NIS
<b>5. Have any other relevant assessments of the effects on the environment which have a</b>		The Waterford City County Development Plan 2022-2028 has been subject to SEA Screening.

significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		
<b>B. EXAMINATION</b>	<p><b>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	<p>The development comprises extensions to an oyster processing facility, which facility was the subject of a previous grant of permission and coastal defence works.</p> <p>The proposed extensions to the facility occur within the Rinn settlement boundary are not out of character or scale with the previously permitted development.</p> <p>Works on the shoreline (c.80m) are associated with long-standing marine and fishery activities in this area and resulted in localised change / effects.</p>	<b>No</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<p>Extensions to the existing facility occurred within the existing yard / immediately adjacent to existing structures, with no significant physical changes to the lands.</p> <p>Works on the shoreline occur adjacent to an existing slipway and yard area whose use is associated with oyster fisheries in the bay. The extent and effects of works the subject of this application are localised and are not significant in the context of the wider Dungarvan Bay.</p>	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water,	Construction materials used for the extension of the facility are typical for such commercial development, and such	<b>No</b>

materials/minerals or energy, especially resources which are non-renewable or in short supply?	<p>works were limited in scale. The loss of natural resources as a result of the development are not regarded as significant in nature.</p> <p>The volume or spatial extent of rock armour imported is not significant.</p> <p>Operational demands, including the use of sea water are limited and are associated with an existing use on the site. The development has not resulted in an increase in the volume of oysters processed.</p>	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substances which would be harmful to human health or the environment?	Volumes of any such material would be extremely limited. Standard operational measures for control of such materials are in place. No specific operational demands for hazardous substances arise.	<b>No</b>
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<p>Construction activities would have required the use of potentially harmful materials, such as fuels and other similar substances, and given rise to solid waste for disposal. The use of these materials would have been typical for construction sites and limited in volume and extent, and over a short duration. Significant and extended construction noise and dust impacts would have been unlikely.</p> <p>No significant operational emissions are generated. Storm water run-off is subject to treatment and adherence to the requirements of its discharge licence (WPW/01/92). Wastewater discharges to public sewer. Other operational impacts in this regard are not anticipated to be significant.</p>	<b>No</b>
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<p>Construction activities associated with the rock revetment and structures were of short duration and temporary, with emissions limited in extent and significance.</p> <p>No significant emissions or contaminants are discharged from operations on the site. Wastewater discharges to public sewer. Operational emissions, including surface water are subject to discharge licence requirements, in place (WPW/01/92). No operational emissions from the revetment arise.</p>	<b>No</b>

<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Limited emissions during construction were likely to have arisen but were temporary in nature with no significant effects.  The development the subject of the application has not resulted in an increase in production output from the facility. The closest residential receptor is approx. 100m from the site. Traffic emissions may have localised effects.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No risks to human health are likely and no significant operational impacts are anticipated.	<b>No</b>
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. There are no Seveso/COMAH sites in the vicinity.  Works at the production facility are not within identified flood zones. Coastal works at risk of coastal flooding but are not vulnerable uses.  The development includes measures to manage surface water run-off. The development would not increase risk of flooding to downstream areas.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	Operations are an input to the economy of the area, supporting employment. No social environmental impacts anticipated.	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No. The development is associated with on-going aquaculture activities in the area, with minor local changes.	<b>No</b>

## 2. Location of proposed development

<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is	<b>Site</b>	<b>Location</b>	<b>No</b>
	Dungarvan Harbour SPA 004032 / proposed Natural Heritage Area	Adjacent	

an objective of a development plan/ LAP/ draft plan or variation of a plan	Helvick Head to Ballyquin SPA 004192	1.1km SE	
	Mid Waterford Coast SPA 004193, Ballyvoyle Head To Tramore Proposed Natural Heritage Areas:	8 km N	
	Helvick Head SAC 000665, proposed Natural Heritage Area	1.4km SE	
	The Conservation Objectives for these sites relate to breeding and wintering birds and coastal habitats. The NIS & Inspectors Stage II AA concluded that the proposed development will not adversely affect the integrity of these European sites / nationally designated site. Other designated sites are referenced in the application AA Screening Report & NIS. The potential for significant effects has been screened out. Refer to submitted NIS and Section 11.0 of the Inspector's Report.  Note: Updates to NPWS Conservation Objectives: <ul style="list-style-type: none"><li>• Conservation objectives for Helvick Head to Ballyquin SPA [004192] - 12/10/2022 First Order Site-specific Conservation Objectives (updated from 21/02/2018 as referenced in 2019 NIS)</li><li>• Mid-Waterford Coast SPA 004193 Site Specific Conservation Objectives published 06 Aug 2024. (Generic objectives from 21/02/2018 referenced in the 2019 NIS).</li></ul>		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for	Extension to the existing processing facility occurred within the curtilage of the facility with no loss or encroachment		No



example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	<p>into sensitive habitats. Development has not facilitated an increase in production output at the facility with no corresponding increase in activity / potential disturbance likely.</p> <p>Works on the shoreline originally took place prior to designation of Dungarvan Harbour SPA and the subject revetment works do not result in loss of habitats within the SPA. The works occurred in a low value habitat for qualifying interests. 2009/2020 Bird Counts indicate that the area adjoining this shoreline experiences lower concentrations of roosting and foraging activity than other areas of the harbour, particularly the inner harbour area. Limited construction activity occurred within the SPA but effects were temporary in duration.</p> <p>Significant effects on roosting or foraging activity are not considered likely.</p>	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	This coastline is designated as a sensitive landscape in the Waterford County Development Plan. The extent of development and impacts on landscape and visual amenity are localised and not extensive.	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	The site is located adjacent to, and the development is associated with, designated Shellfish Waters in Dungarvan Harbour.	<b>No</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<p>Works to extend the existing facility are not within identified flood zones. Coastal works are within the zone at risk of coastal flooding but are not vulnerable uses.</p> <p>The development will implement measures to control surface water run-off. The development would not increase risk of flooding to downstream areas.</p>	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	Rock revetment is proposed to address erosion impacts on the existing shoreline of the Lower Yard area, which area is not subject to this application for substitute consent. The works do not substantially extend the shoreline into the harbour area.	<b>No</b>

<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. Impacts from operational activity are localised and not significant. This local road connects to regional road R674. No significant impacts anticipated.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Closest residential properties occur approx. 100m from the production facility. Localised operational impacts are described in the case file. The extension has not resulted in any significant increase in output therefrom and significant impacts are not anticipated.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing authorised developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.  The development has not given rise to an increase in oyster production or any likely associated increase in potentially significant disturbance effects. The Dungarvan Bay SPA Conservation Objectives Supporting Document describes existing aquaculture activities as having a low to moderate disturbance effect in this area.  Development of the rock revetement is directly associated with, and stated to provide erosion protection for, the Lower Yard Area. This yard is not included as part of the application for substitute consent.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>	<b>No</b>
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<b>No real likelihood</b>	EIAR Not Required

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- The limited nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(iv) or 10(k) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- The nature of the existing site and uses in the surrounding area;
- The nature of the development and the provisions of the Waterford City and County Development Plan which aim to facilitate aquaculture and marine development, in particular Objective ECON 13, and the results of the Strategic Environmental Assessment of the Development Plan;
- The availability of mains wastewater services to serve the development;
- The appropriate assessment to be carried out of likely significant effects on European sites;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
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Inspector

Conor McGrath ADP

Date