



An
Bord
Pleanála

Inspector's Report ABP 307528-20 ABP 306324-20.

Development

Extension to and widening of existing runway and Compulsory Purchase Order.

Location

Waterford Regional Airport, in the townlands of Lisslen, Killowen, Ballgarron, Monamuntra and Keiloge, Co. Waterford

Applicant

Waterford County Council

Date of Site Inspection

19th of March 2021

Date of Oral Hearing

20th of April 2021

Inspector

Siobhan Carroll

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1.0 Introduction

- 1.1. This is an application for development approval submitted to An Bord Pleanála (the Board) under Section 175(3) of the Planning and Development Act 2000, as amended. Applications under Section 175(3) are made by Local Authorities when the authority proposes to carry out development within its functional area, in respect of which an Environmental Impact Assessment Report (EIAR) has been prepared.
- 1.2. Waterford City and County Council is seeking confirmation by the Board of a CPO entitled Lands & Easement Adjacent to Waterford Regional Airport, County Waterford Order 2019 No. 18.
- 1.3. The Compulsory Purchase Order relates to the compulsory acquisition of land, wayleaves and rights over land in the townlands of Ballygarran, Lisselan, Keiloge and Monamintra County Waterford. The confirmation of the CPO is made pursuant of the powers conferred on Waterford City & Council, under the provisions of Section 76 of the Housing Act, 1966, and the Third Schedule thereto, as of the Water Services Act 2007, as amended.
- 1.4. Two objections were received in respect of the CPO from (1) John and Barbara Elliot and (2) Frank Moran and Margaret Moran. This report considers the issues raised in the objections submitted to the Board.

2.0 Site Location and Description.

- 2.1. The subject site at Waterford Regional Airport is situated within the townlands of Keiloge, Lisslen, Killowen, Ballgarron and Monamuntra. It is located just under 10km south of Waterford City and 5km north-east of Tramore. The airport is served by the Regional Road the R708, which runs due south from Waterford City. The R685, coastal route lies to the south of the airport and connects with surrounding regional roads serving Dunmore East and Tramore.
- 2.2. The Airport is located on drained flat land on the western side of the R708. The surrounding area is characterised by a rolling landscape of low hills with poorly drained land in low-lying areas, with a general drop in levels to the south closer to the coast. The area is mostly moderate to low grade farmland in grazing use, with mid-sized fields used for grazing bounded by ditches and high hedgerows. The

pattern of development in the area comprises a scattering of dwellings along the main roads and there are some sections ribboning on bypassed sections of the R708, which has in recent years been upgraded.

- 2.3. The Waterford Regional airport consists of one reception/control building, air traffic control tower and several large hangers, with a runway on a NNE-SSW alignment. The airport is served by a surface car parking with circa 200 spaces located to the east of the reception/control building. The existing runway 03/21 extends for 1,433m and has a width of 30m. It has an asphalt surface with lateral grooving to facilitate drainage to the east of the runway. The runway lies 119ft/36m AMSL (above mean sea level).
- 2.4. The airport is the base of the Irish Coast Guard Search and Rescue. They operate a Sikorsky S-92 rescue helicopter which is accommodated in a purpose built hangar at the airport. The helicopter is flown for regular training missions and vital rescue missions. The Coast Guard's operating company also service their aircraft at Waterford Airport and also use it as a training facility. The airport is also used for private aircraft, for training purposes by a flight school, and by Waterford Aero club. Waterford Airport Business Park is situated to the south-east of the airport. It contains a mix of light industrial/commercial buildings.
- 2.5. Appendix A contains photos.

3.0 Proposed Development

3.1. The Scheme

- 3.1.1. The development of an extension to and widening of the existing runway at Waterford Regional Airport along with associated works. Including the widening of the taxiway, extension to car parking area, re-alignment of security fencing, new navigation lighting, underground holding tank, demolition of two existing houses to the north of the runway and alterations to site drainage.
- 3.1.2. **The main elements of the complete project are;**
 - 491m of new runway extending north from the existing.
 - 363m of new runway extending south from the existing.

- Widening of the entire length of the runway by 15m to extend the runway width to 45m.
- The runway would have a tarmacadam finish and would necessitate shallow excavation (and fill) for the foundation. The bearing quality of the existing soil is insufficient for the purpose.
- Widening of taxiway by 8m to provide a width of 23m.
- Demolition of 2 no. houses adjacent to the north runway.
- Extension to car parking area to provide up to 205 no. additional spaces.
- Re-alignment of airport security fencing.
- New navigation lighting, aligned to runway, to be provided within airport lands and on adjoining lands, including associated ducting.
- Underground Holding Tank (cold weather storage).
- Alterations to drainage system.
- Alteration of take-off and landing position to extend into the proposed expansion.
- Take-off and landing of jets such as the Boeing 737/800 and Airbus 320.
- Capacity for up to 345,000 passengers per annum by year five of the operational phase.

Elements of the Project Considered for EIA that are not Proposed as part of this Planning Application (to be consented at a later date)

- Extension of the existing terminal building of ca. 1,170sqm.
- Set down area for public transport within the demarcated area within the existing road layout at the airport terminal.
- Upgrade of existing wastewater treatment plant.

3.2. Further Information

3.2.1. An Bord Pleanála sought further information in accordance with Section 175(5)(a) of the Planning and Development Act, 2000, as amended, in relation to effects on the environment of the proposed development.

1. It is noted that the upgrade of the wastewater treatment plant is included for EIA purposes as detailed in Section 2.4 of the EIAR which refers to the Proposed Project. Section 7.5.4 of the EIAR refers to Drainage of Extended Terminal Buildings and states 'Foul drainage from the building will be drained through the existing foul sewer network to the front and rear of the terminal building. A large increase in passenger numbers will increase the load being conveyed to the wastewater treatment plant from the terminal building. The wastewater treatment plant will be upgraded to accommodate this additional load and an assimilative capacity study will be required to determine the level of treatment required by the upgraded wastewater treatment plant. Details of the proposed wastewater treatment plant upgrade were not available at the time of writing.'

Please confirm, clarify and demonstrate where and how, as stated in Section 2.4 of the EIAR, that the upgrade of the wastewater treatment plant has been included for EIA purposes of the project as well as for AA purposes.

3.2.2. In response to the matter an EIAR addendum to the submitted EIAR has been submitted by Waterford City and County Council. An updated AA/NIS for the Waterford Airport Runway Extension has been prepared by Roger Goodwillie & Associates for Fehily Timoney & Company on behalf of Waterford City and County Council. The updated NIS includes details of the upgraded wastewater treatment plant.

3.2.3. It is proposed to provide an upgrade of the current treatment system beyond Year 2 to cater for the future daily passenger figures from year 3-5.

3.2.4. It is proposed to install a 10,000 litre balance/denitrification tank to act as an anoxic/balance tank to achieve the required nitrate reduction. It will have a mixer and forward feed pumps, set at a maximum forward feed rate of c14,000l per day.

- 3.2.5. It is proposed to install 1 no. BMS BL3000 Blivet and retain the existing BMS BL1000 Blivet, operating in series, giving a combined nominal capacity of 350 PE.

4.0 Prescribed Bodies

4.1. Inland Fisheries

- 4.1.1. None received.

4.2. Transport Infrastructure Ireland

- 4.2.1. None received.

4.3. South-Eastern Regional Assembly

- 4.3.1. None received.

5.0 Planning History

Relevant applications on the site:

- 5.1.1. PA Reg. Ref. 14/89 – Permission was granted for phased extensions to the existing airport runway and turning circle within the airport (150m and 200m runway extensions; 350m total runway extension and 375m including turning circle) and all associated works. Development was not carried out.
- 5.1.2. PA Reg. Ref. 09/707 – Permission was granted to construct an airport hangar building (approximate dimensions 19m highx64m widex127m long) complete with a four storey office block (approx. 2050sqm in area) carpark area, service roadway, ancillary accommodation, enlargement of existing sewerage treatment plant and all associated site works.
- 5.1.3. PA Reg. Ref. 09/429 – Permission was granted for (a) Installation of underground fuel storage tank and interceptor (b) Installation of above ground fuel pump (c) All associated site development works.

- 5.1.4. PA Reg. Ref. 011361 – Permission was granted to construct and connect a new taxiway between new Business/Industrial Park and existing Airport runway together with security fencing and associated site works.
- 5.1.5. PA Reg. Ref. 99/696 – Permission was granted for construction of new two storey accommodation building for Irish Marine Emergency Service.
- 5.1.6. PA Reg. Ref. 98/994 – Permission was granted to extend existing aircraft hangar.
- Relevant applications adjacent to the site:
- 5.1.7. PL93.248487 & PA Reg. Ref. 15/113 – Permission was granted for Solar photovoltaic panel array of up to 26,000 sq. m. of solar panels on ground mounted frames. The site is situated circa 960m to the north of the existing runway.
- 5.1.8. ABP 307855 & PA Reg. Ref. 20/227 – Permission was refused for the erection of a fully serviced part single storey part 2 storey (dormer) detached dwelling. Permission was refused for two reasons. The first refusal reason stated that the development would materially contravene the zoning objective of the area 'Airfield Reserve Area'. The second refusal reason stated that the development constitutes haphazard backland development. The site is situated circa 900m to the west of the existing runway.
- 5.1.9. ABP 304218 & PA Reg. Ref. 19/37 – Permission was granted for the erection of a single storey house, entrance and percolation area. The site is situated circa 1.2km to the north of the existing runway.
- 5.1.10. PL93.247310 & PA Reg. Ref. 15/770 – Permission was granted for solar photovoltaic panel array of up to 33,000 sq. m. of solar panels exporting 5 megawatts to the National Grid and associated buildings. The site is situated at Pickardstown, Tramore, Co. Waterford and is circa 3km to the west of the existing runway.

6.0 Policy Context

6.1. EU Directives and Policy

Habitats Directive

- 6.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

European Communities (Birds and Natural Habitats) Regulations, 2011

- 6.1.2. European Communities (Birds and Natural Habitats) Regulations, 2011 These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats)(Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgments of the Court of Justice of the European Union (CJEU).

6.2. National Policy

- 6.2.1. National Aviation Policy for Ireland (2015)
- 6.2.2. A National Aviation Policy for Ireland was published in August 2015 by the Department of Transport Tourism and Sport. The principle goals are;
- To enhance Ireland's connectivity by ensuring safe, secure and competitive access responsive to the needs of business, tourism and consumers;
 - To foster the growth of aviation enterprise in Ireland to support job creation and position Ireland as a recognised global leader in aviation; and
 - To maximise the contribution of the aviation sector to Ireland's economic growth and development.
- 6.2.3. It is set out in Section 4.2 of the document that "It is recognised that the regional airports, as currently supported by Exchequer funding, have an important role to play. The future of these airports – Donegal, Ireland West Airport Knock (IWAK), Kerry and Waterford - will be impacted by EU Guidelines on State Aid to airports and airlines."

6.2.4. **Planning Policy Context**

6.2.5. **National Development Plan**

6.2.6. The National Development Plan 2021 - 2030 (NDP) sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approximately €116 billion. Reference is made at Section 1.3 to the fundamental objectives of the NPF which include: Further supporting Ireland's high-quality international connectivity which is crucial for overall international competitiveness and addressing opportunities and challenges from Brexit through investment in our ports and airports. Major national infrastructure projects include investment at Regional Airports to create high quality international connectivity.

6.2.7. It is set out in the Plan that Continued Exchequer support for smaller regional airports is planned under the Regional Airports Programme (Ireland West Airport Knock, Waterford Airport, Donegal Airport and Kerry Airport).

6.2.8. **Project Ireland 2040: National Planning Framework**

6.2.9. Project Ireland 2040 National Planning Framework (NPF), published in July 2018, is the primary articulation of spatial, planning and land use policy in Ireland. It sets out the spatial pattern which is considered to best accommodate and support change. The NPF will inform future strategic national investment, including in infrastructure.

6.2.10. In relation to High-Quality International Connectivity it is stated on page 14 of the document that 'this is crucial for overall international competitiveness and addressing opportunities and challenges from Brexit through investment in our ports and airports in line with sectoral priorities already defined through National Ports Policy and National Aviation Policy and signature projects such as the second runway for Dublin Airport and the Port of Cork – Ringaskiddy Redevelopment.'

6.2.11. Waterford City and Metropolitan Area is referred to on page 52 of the document, where it states that, 'Waterford and the wider south-east region is also served by a regional airport and the Port of Waterford at Belview and Rosslare-Europort, which are geographically close to EU trading partners and will be important in Ireland's response to Brexit'.

6.2.12. High quality international connectivity is referred to on page 145 of the document. It states that, 'the main airports including Dublin, Cork, Shannon and Ireland West -

Knock, together with smaller regional airports, are a key infrastructure for national and regional development.'

6.2.13. Page 108 of the document refers to connectivity to the European Union, it states, 'It is likely, in the event of a withdrawal of the UK from the EU, that in transport and energy infrastructure terms for example, Ireland's direct linkages with other EU countries by both air and sea and subsea energy connections may become significantly more important, given their advantages in terms of resilience and ease of movement across internal borders. As a result, ports and airports facilitating faster transit times between Ireland and the EU will need to be effectively connected into our land-based transport systems.'

6.2.14. **National Development Plan 2021 - 2030**

6.2.15. National Strategic Outcome no. 6 High-Quality International Connectivity is set out in Chapter 11 referred to on page 107 of the document which states, 'Significant investment in Ireland's airports and ports will play a major role in safeguarding and enhancing Ireland's international connectivity which is fundamental to Ireland's international competitiveness, trading performance in both goods and services and enhancing its attractiveness to foreign direct investment. The importance of this objective cannot be understated in the context of the UK's exit from the EU.'

6.3. **Regional Policy**

6.3.1. **Southern Regional Assembly Regional Spatial and Economic Strategy (RSES)**

6.3.2. RSES strategy no. 6 aims to optimise the region's high quality international connectivity through investment and increased capacity in ports and airports.

6.3.3. Objective RPO 143 refers to ports and airports and states that the critical role of the Region's port and airport assets will be protected by ensuring that local land use policies subject to required planning and environmental processes facilitate and do not undermine their landside access capacity, subject to consideration of environmental concerns including water quality, flood risks, human health, natural and built heritage.

6.3.4. Objective RPO 148 refers to National Aviation Policy. It is an objective to:

- In line with EU Guidelines on State Aid, seek investment to sustainably deliver actions under National Aviation policy for Ireland that strengthen and develop the economic role of the national airports of Cork and Shannon and the regional airports of Kerry and Waterford.
- Protect the functions of airports in the region including landside accessibility to ensure the future role of airports through land-use management of land-side areas to focus on the current and future needs of the airports.

6.3.5. Objective RPO 150 refers to High Quality International Connectivity – Airports.

6.3.6. It is an objective to achieve NSO: High Quality International Connectivity, the following airport development actions for the Region are identified subject to required appraisal, planning and environmental assessment processes:

b. Continued support for improved international connectivity through the role out of Region's airport assets, support for the sustainable development of infrastructure taking into consideration Airport Public Safety Zones and the findings of the ERM Report "Public Safety Zones, 2005" along with general Airport Safeguarding and in particular the Obstacles to aircraft in flight Order, 2005 (S.I. No. 215/2005) and EASA Regulation (EU) No 139/2014.

c. Support for continued exchequer assistance for regional airports under the Regional Airports Programme, support the role of Waterford Airport and Kerry Airport and develop their potential as key tourism and business gateways for their Regions as a complement to the services provided by the region's national gateways of Cork Airport and Shannon International Airport.

d. Support strategic route development for airports outside of Dublin and support extension of Regional Airports Programme to all airports under 3 million passengers as permissible under EU guidelines.

6.3.7. Guiding Principles for the Waterford MASP – Waterford as an International Gateway supported by increased capacity and improved accessibility at the Port of Waterford & Rosslare Europort and re-establishment of passenger flights at Waterford Airport.

6.3.8. Section 8.3 refers to Waterford Airport – Waterford Airport provides for key strategic infrastructure for the Waterford MASP area and is a Gateway for the wider South-East. Investment in a runway extension will enhance the international connectivity

potential of Waterford for Business (including multi-national companies involved in export trade), support the development of TUSE, Research and Development with international partners and provide for increase tourist traffic. The runway extension of 500m sought by Waterford Airport would significantly increase the capacity of the airport to cater for larger aircraft and more frequent flights.

6.3.9. Waterford MASP Policy Objective 16 – Waterford Airport – It is an objective to support the further development of Waterford Airport and, in particular, the development of:

- An extension of the existing runway to accommodate larger aircraft;
- Improved transport linkages and services between the airport, Waterford City and the wider South-East, i.e. roads and public transport;
- Measures to encourage additional operators offering services from this location;
- The expansion and development of aviation-related industries at the airport.

6.3.10. In this regard, Development Plans should incorporate policies to protect longer-term flight path public safety zones and to control uses which could adversely impact on the airport's operations or the potential for new runway development and extensions sufficient to handle larger aircraft.

6.3.11. Local Authorities should ensure that consideration of airport-related infrastructure and facilities is informed by an adequate level of environmental assessment including assessment of potential impacts on designated European sites.

6.3.12. Waterford MASP Policy Objective 18 – Tourism

6.3.13. It is an objective to support investment in infrastructure, including increased capacity of road, rail, ports and Waterford Airport to maximise the potential of tourism subject to the outcome of environmental assessments and the planning process.

6.4. Waterford County Development Plan 2011-2017 (Extended)

6.4.1. Waterford County Development Plan 2011-2017 (The three existing development plans within the amalgamated Council area, Waterford City Development Plan 2013 – 2019, Waterford County Development Plan 2011 – 2017, & the Dungarvan Town Development Plan 2012 – 2018, have had their lifetime extended, as per Section

11A of the Planning & Development Act 2000 (as amended) and will remain in effect until the new Regional Spatial & Economic Strategy is made by the Southern Regional Assembly, thereafter a new City and County Development Plan will be prepared).

6.4.2. Chapter 7— refers to Infrastructure

6.4.3. Objective INF 4 – To assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway, subject to compliance with proper planning and sustainable development and in compliance with Article 6 of the Habitats Directive.

6.4.4. Section 7.11 – Waterford Regional Airport

6.4.5. Appendix A6: Waterford Regional Airport and Business Park Masterplan

6.4.6. The Council supports the development objectives of Waterford Regional Airport plc for the future development of the airport which are to:

- Increase the competitiveness of the South East Region and promote the balanced development of the Region in accordance with the National Spatial Strategy;
- Promote the accessibility and attractiveness of the Region for both business and inbound tourism;
- Improve transport infrastructure for South East Region; and
- Provide and promote cargo facilities to support industry and inward investment in the Region.

6.4.7. Policy Airport 1 – The Council will support and co-operate with the relevant authorities, government agencies, businesses and interest groups to improve access to the Airport and to facilitate the appropriate development at the Airport.

6.4.8. Objective Airport 1 – To assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway.

6.4.9. **Zoning**

6.4.10. The lands subject of the CPO are zoned airfield reserve area.

6.4.11. ARA - Airfield Reserve Area -To allow for the future extension of the runway facilities and to provide for the possible future realignment of the R685 Road. This area should be reserved free from inappropriate development which may prejudice the future expansion of the airport.

6.5. Natural Heritage Designations

6.5.1. The following sites adjoin or are in close proximity to the subject site:

- Tramore Dunes & Backstrand SAC (000671); and
- Tramore Back Strand SPA (004027)

6.6. EIA Screening

6.6.1. The proposed project entails extension in length of the existing runway which has a length of 1,433m by 854m. Given the extent of works proposed an EIAR is required pursuant to both Class 7, Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended) which refers to 'A line for long-distance railway traffic, or an airport with a basic runway length of 2,100 metres or more' and Class 10(d), Part 2, Schedule 5 of the Planning & Development Regulations 2001 (as amended) refers to 'All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.' Pursuant to Directive 2011/92/EU and the more recent Directive 2014/52/EU and in accordance with the Planning and Development Regulations 2001 (as amended), as the proposed development exceeds these threshold an EIAR was prepared.

7.0 Objections/Submission relating to the Proposed extension & widening of existing Runway.

7.1. Submission from Cork Airport – The DAA on behalf of the Cork Airport. The submission is made in the context of the National Aviation Policy and the National Planning Framework. There are three State Airports in the Republic with a number of smaller regional airports, which Waterford is one. The proposed rationale for the project as set out in the EIAR is to improve transport integration to attract investment and tourism in the South-Eastern Region. It is submitted that there is no evidence

base to support the expansion of the runway at Waterford Airport. There is capability and capacity at the other State Airports for the type of aircraft proposed in the application. The application states that the combined improvements would provide for a capacity of 345,000 passengers per annum. It is submitted that no evidence to support this has been provided. It is considered that there is not sufficient environmental or economic justification provided in the EIAR to support the application. Airports involve a significant land-use planning and safeguarding, capital investment and ongoing investment. It is critical that scarce resources are invested in a manner which is socially and economically and environmentally sustainable. It is noted that the concern of demand was also asserted in the review of the Regional Airports Programme conducted by the Department of Transport Tourism and Sport which states, *'The catchment area for Waterford airport captures 380,000 people, though it overlaps somewhat with Cork and Dublin airports. While the absence of the airport would mean that residents of Waterford City and South East are around 2 hours from the nearest airport, this must be balanced against the lack of services currently being provided. The proposed lengthening of the runway may attract airlines which can land larger aircraft by the current lack of service may also imply a lack of demand.'* Presently the aviation industry is faced with the challenge of the Covid-19 pandemic. This has resulted to the greatest fall in aviation demand in history. Irish aviation will likely require substantial financial resourcing to withstand this challenge over the next 5 years. It is considered that any Government funding would be best directed towards those airports which are sustainable in the longer term. In conclusion, it is considered that the delivery of large scale, high cost infrastructure in the absence of demonstrable demand would go against proper planning and sustainable development. Furthermore, in the longer-term under-utilised infrastructure would undermine the sustainable growth of the Munster Region.

- 7.2. Submission from An Taisce – The overall rationale for the runway extension and ancillary development at Waterford Airport is to improve transport integration and connectivity both nationally and on a European scale in order to increase the competitiveness of the South-Eastern Region to attract foreign investment and tourism. It is submitted that there are existing, efficient bus and rail links between Dublin and Waterford. The current state of air travel is also highlighted which is

stated undermines the case for commercially expanding the runway at Waterford Airport. It is considered that the application is premature because the future viability of air travel is disputed and likely to struggle without being heavily subsidised by government. It is noted that the case for expansion is predicated on an annual increase in passenger numbers, which cannot be ensured given the current recession and difficulties in protecting human health experienced by airlines and airports due to COVID-19. It is considered that the proposal would be contrary to the sustainable development of the Waterford Region. It is highlighted that sustainable transport links already exist between Dublin and Waterford and that any transport infrastructural developments should be focused on advancing alternatives to air travel such as high-speed ferries and rail links that could provide a lower-emissions substitute for many short-haul flight routes. The existing well developed rail link between Dublin and Waterford allows the region to be easily reached without the need to commercially expand air travel. It is highlighted that greenhouse emissions from aviation account for approximately 4.9% of global anthropogenic emissions. Emissions have more than doubled over the past two decades and increased by 26% in Europe in the past five years. At current growth levels, aviation emissions could triple by 2050. This would consume 25% of the total global carbon budget for a scenario where warming is limited to 1.5 degrees. It is stated that there is growing international recognition that aviation emissions need to be significantly curtailed. It is highlighted that on the 27th of February 2020 the UK Court of appeal ruled that plans for a third runway at Heathrow airport are illegal because the project was not in line with the nation's climate commitments under the Paris Agreement. It is argued that while support for the runway extension is evident at a number of policy levels, Project Ireland 2040 provides for the expansion of airports and airport capacity, these policies and the proposed runway development are not in line with Ireland's greenhouse gas commitments and undermining the binding emission targets. Given the emission heavy nature of air travel as well as the increasing instability of the air travel market, consideration should be given to advancing alternatives to air travel such as high-speed ferries and rail links that could provide a lower-emission substitute for many short-haul flight routes. It is noted that currently Waterford Airport does not operate scheduled commercial flights, however the airport continues to facilitate the Irish Coastguard helicopter search and rescue operations. The airport should retain this vital service for the region, however to commercially expand the

airport would contravene the real need to reduce reliance on air travel. Furthermore, it handles corporate aircraft for a range of local and international businesses located in the South East. The applicant argues that this is vital to underpin the ability of the region to compete on the national and international stage. It is considered that in COVID times this argument is undermined as a majority of people work from home and engage through the medium of the internet. It is considered that this also renders the application premature.

7.3. Submission from John and Barbara Elliot – The objection is made on the basis that one of the buildings which the application seeks to demolish is the principal private residence of Mr. & Mrs. Elliot. It is confirmed that they are the full owners of the property.

7.4. Submission from Eoin and Martina Griffin – Eoin and Martina Griffin operate Beacon Hill Racing Stables, Ballyrowragh, Slieverue, Co. Kilkenny. Beacon Hill Stables is identified on the Irish Aviation Authority's integrated Aeronautical Information Package which identifies locations in the vicinity of Waterford Airport over which flight paths should be avoided whenever possible. There is no reference in the EIAR to the IAA's IAIP which establishes Beacon Hill Racing Stables as a sensitive receptor with particular sensitivity to noise. It is submitted that there are deficiencies in the EIAR and that it therefore is not possible to undertake an informed assessment of the likely significant impacts of the proposed development on the Beacon Hill facility. It is submitted that a full assessment of the impacts of the development as required by EU Directives and transposing legislation cannot be completed by An Bord Pleanála as the competent authority. It is therefore requested that the Board refuse permission on the basis of the deficiencies on the description of the development, the noise assessment and the impact on sensitive receptors including human and equine health and safety that precludes an assessment of the potential significant impacts of the proposed development, that the proposed development is likely to result in significant and adverse impacts on human and equine health, that the proposed development would be prejudicial to the viability of the equine industry in the area and on that basis the proposed development would be contrary to the proper planning and sustainable development of the area. Waterford Airport is located 13.5km from Beacon Hill Stables. There is no reference in the EIAR to the IAA's IAIP that clearly establishes that the Beacon Hill Stables is

an identified sensitive receptor. A report prepared by Mr. Des Leadon Equine Veterinarian considered the EIAR and the assessment prepared by TMS Environment. The report concludes that the proposed development 'is not compatible with the continuation of the successful racehorse training establishment that has been created by Mr. Griffin. It is highlighted that the equine industry enjoys significant protection under national policy and that it is a leading foreign-exchange earner which directly employs in the order of 14,000 full time staff. It is submitted that it is critical that safe and continued operation of thoroughbred studs, stables and training yards are protected from incompatible and inappropriate forms of development. A previous decision of the Board is noted where permission was refused under PL23.225138 for biogas and biodiesel production facilities. The refusal reason referred to the policy of the Council and Government policy to support the equine sector and stated that the development would be incompatible with equine related activities in the vicinity and would be prejudicial to the viability of the equine industry in this area. It is submitted that the EIAR is deficient with regard to providing an adequate description of the operation of the proposed development and baseline scenario, the limited scope of the study area assessed, a lack of consideration of future changes in the project, and the limited time period assessed for the purposes of the EIAR. Section 3.5.5. of the EPA Guidelines states that the description of the operation of the project is one of the most important sections of an EIAR, with an accurate description vital to ensure credibility. Elements of particular importance and relevance are principle processes or activities, The scope of the project, The operations described in general terms, Regular activities, Occasional activities, Secondary processes/activities. Section 3.5.8. of the EPA Guidelines advises that 'the precision of predictions about the likely effects is often determined by the level of project description that can be made available to the CA'. If a description is deficient the assessment of potential significant effects can be limited. Section 2.4 of the EIAR refers to anticipated passenger numbers following the implementation of the runway extension in year 5 at up to 345,000. It is not stated if this is the design capacity of the runway and ancillary facilities or the anticipated number of passengers based on market projections. The 'do nothing' scenario detailed in Table 2.2 projects 19,043 aircraft movements (non-commercial) in 2025. No conversion factor is presented for passengers to aircraft movements in the baseline situation. Section 2.2 states that 87% of the 22,895 aircraft movements in 2019 were accounted for by pilot training

movements. Therefore, to extrapolate then the remaining 15% of the movements against 2020 aircraft movements stated on Table 2.2 provides circa 3,400 aircraft movements not attributed to pilot training. These movements are reference as 'non-commercial' on Table 2-2. No figure for 'commercial' aircraft movements is presented. Section 2.2 refers to Coast Guard, Air Corps, and Garda helicopters. It is stated in this section that *'it is anticipated that the extended airport will achieve approximately 1,120 passenger flights per annum by year five of operations, considerably less than the previous years as outlined in Table 2-4 but with higher numbers of passengers per flight'*

7.5. It is considered that this statement contradicts other sections of the EIAR. Table 2-4 refers to 2,240 flights which is double the figure cited above. Table 2-2 refers to 'non-commercial' flight movements of up to 22,895 in 2019 and 19,043 in 2025 in the do nothing scenario. Nowhere in the EIAR is the anticipated number of flights per aircraft type stated. The reference in Table 2-2 to 'non-commercial' flights establishes that passenger aircraft movements have not been taken into consideration in the baseline situation. This it is considered undermines the assessments in the EIAR. The baseline and proposed development information are not presented on a like for like basis that facilitates assessment. Given the very significant increase in passenger numbers anticipated year on year over a five year time horizon as detailed in Table 2-4, it is considered that terminating the anticipated growth at year 5 and assessing that level of traffic is wholly inappropriate. It is submitted that the EIAR should project growth over a significantly longer period and assess a 'worst case' scenario based on the maximum operating capacity of the runway and associated airport facilities.

7.6. The EIAR is also severely deficient in relation to current and anticipated cargo and non-commercial flights. The Planning Report submitted with the application references the Airport Masterplan Document contained in Appendix 6 of the Waterford County Development Plan 2011-2017. Both documents reference the provision of cargo facilities as part of the future development of the airport. Reference is made to anticipated number and type of aircraft expected to use the airport, it is anticipated that only commercial passenger planes are likely to benefit from the extended runway. The absence of appropriate details on the anticipated use by cargo and freight flight represents a significant deficiency in the EIAR. While

Table 2-1 provides an overview of historic flight information, presumably including both commercial and non-commercial flights, future cargo and non-commercial traffic is not appropriately referenced or quantified in the EIAR.

- 7.7. Section 2.6 of the Description of Development provides an inadequate summary of the anticipated passenger numbers and lifespan of the development. This section fails to provide a robust quantification of the anticipated passenger numbers and aircraft type beyond year 5. Flight paths are not identified in the EIAR. Beacon Hill stables is located directly north-north-east of the airport, directly under the extended centreline of the principal runway. The EIAR references two different runways but these are not identified in the EIAR.
- 7.8. It is considered that there are discrepancies throughout the EIAR and NTS regarding baseline scenario for the development. Table 2-1 of the NTS provides historic information regarding total aircraft movements from 2007-2019, with a stated maximum total 30,156 movements in 2007. Section 5.4.1 'Population and Human Health', states the highest passenger numbers occurred in 2008, when 144,000 total passenger movements were registered, attributed to 4,045 international and domestic passenger schedule flights. It is submitted that accurate and substantiated details in respect of projected growth should have been provided and without such information the assessments in the EIAR including noise are seriously flawed.
- 7.9. The assessment conducted as part of chapter 5, Population and Human Health is confined to a study area of 2 Electoral Divisions (EDs) and only identifies receptors, both commercial and residential, within 1km of the proposed development site. A limited rationale is provided for the definition of the study area. It is submitted that the impact on population and human health should also have been assessed within a wider catchment.
- 7.10. Section 3.4.6 of the EPA Guidelines advises that the identification and consideration of potential consequence of change to a project such as growth can assist in determining applications. In the absence of such an assessment it is considered that the EIAR is deficient as it does not provide an appropriate basis for the assessment of the likely impacts of the proposed development 5 years post completion. The Planning Report and Masterplan reference the inclusion of facilities for cargo, it is considered that the absence of appropriate details on the anticipated use of cargo

and freight flight represents a significant deficiency in the EIAR. No information is provided in the EIAR for non-commercial aircraft beyond 2025.

7.11. In relation to the need and viability of the project, Section 1.3.1 of the EIAR states that airports with passenger numbers fewer than 1 million per annum often struggle to cover their operational costs, requiring state subsidies. Given that the proposed airport expansion will facilitate passenger numbers up to 345,000 by year 5 the viability and sustainable of the airport without state subsidies is questioned. It is not specified how the airport expects to cover costs given the restricted number of passengers, or is it anticipated that future growth will reach 1 million passengers per annum. It is considered that the lack of assessment of this is a deficiency within the EIAR.

7.12. TMS Environment undertook a review of the noise impact assessment provided in the TMS. The report notes that Beacon Hill Racing Stables is an exceptionally sensitive receptor located in an area with exceptionally low background noise. There is no reference in the EIAR that demonstrates that the Stables has been considered in the impact assessment. The report prepared by TMS Environment concludes that the assessment of the noise impacts on the surrounding environment is seriously flawed that there are errors and omissions. The EIAR does not contain a description, map or drawing which clearly identifies the location of Runways 03, 21 or 03/21. Without this information the Noise Model cannot be reproduced. It is considered that there is contradictory and misleading information regarding the total flight numbers only up until year 5 provided in the EIAR. Without accurate flight numbers the assessment of the likely noise impact is not reliable. Noise contours have not been presented correctly. The lack of data presented for any receptor other than residential is a significant omission. There is a lack of consideration in the EIAR of WHO Guidelines on noise exposure control and Irish National Aviation Policy and noise control. No evidence has been included to demonstrate the Beacon Hill Stables were considered as a sensitive receptor, it is recognised as such by the IAA. This also results in no evidence of the consideration on the life threatening impact of noise on thoroughbred horses and their riders and trainers. The report by TMS recommends 'that permission should be refused until a competent and complete assessment of potential noise impacts is carried out and reported so that affected receptors, including Beacon Hill Racing Stables are protected.'

- 7.13. Mr Des Leadon, Equine Veterinarian, undertook a review of the EIAR and the TMS Assessment and concludes that the proposed development 'is not compatible with the continuation of the successful racehorse training establishment created by Mr. Griffin.
- 7.14. In conclusion it is considered the EIAR is deficient and that these deficiencies preclude and undermine the assessment in the EIAR. The assessment of TMS Environment concludes that the assessment of the noise impact on the surrounding environment is flawed. The assessment by Mr Des Leadon concludes that the risks associated with the significant increase in noise, movements and shadow associated with the increase size and frequency of aircraft movements has the potential to result in immediate injury to horses, riders and those who try to recapture them. It is submitted that permission should be refused on the basis that the identified deficiencies in the EIAR are significant, material and undermine all the assessments contained in the document.
- 7.15. Submission from Department of Communications, Climate Action and Environment – They commend and acknowledge the use of their datasets and online mapping resources within the desk study of the EIAR report by Feehily Timoney. Should development go ahead, they would appreciate a copy of reports detailing any site investigations carried out. Should any significant bedrock cuttings or coring be created, they request that they will be designed to remain visible as rock exposure than covered with soil and vegetation, in accordance with safety guidelines and engineering constraints. In areas where natural exposures are few, or deeply weathered, this measure would permit on-going improvement of geological knowledge of the subsurface and could be included as additional sites of the geoheritage dataset, if appropriate. Alternatively, they request that a digital photographic record of significant new excavations could be provided. Potential visits from Geological Survey Ireland to personally document exposures could be arranged. The data would be added to Geological Survey's Ireland national database of site investigation boreholes, implemented to provide a better service to the civil engineering sector.

8.0 Planning Assessment

8.1. Context and policy considerations

- 8.1.1. Waterford Regional Airport serves south-eastern Ireland. It is operated by Waterford Regional Airport plc. The Airport opened in 1981 served by a runway with a length of 1,200m. The aircraft which first operated comprised single and twin-engine light aircraft. The operator Avair began a domestic passenger service in 1982 between Cork and Dublin Airport. Ryanair began operating the company's first international scheduled service between Waterford Airport and London Gatwick Airport in 1985.
- 8.1.2. Further development took place at the airport. In 1992 the terminal building was opened and an extension of the runway was carried out which increased the length to 1,433m. During the 2000's Waterford Airport operated commercial services to European destinations including Amsterdam, Barcelona, Paris, Prague, Rome Bordeaux, Faro, Málaga and Amsterdam. The airport also operated routes to the UK including to Birmingham, London Luton and Manchester. In 2012 Aer Aran which had operated flights from Waterford to London Luton, London Southend and Manchester ceased services. In 2013 Waterford County Council granted permission a 150m extension of the runway to the southern end. However, this development was not carried out.
- 8.1.3. In 2016 VLM which operated scheduled flights between Waterford and London Luton ceased services. This resulted in the loss of scheduled commercial passenger services at Waterford Airport. The aircraft which operated at Waterford Airport up until 2016 comprised medium passenger turboprop airplanes.
- 8.1.4. Presently the airport facilitates the operation of Irish Coastguard helicopter search and rescue service. The airport also serves corporate aircraft and provides facilities for various other organisations including the Irish Air Corp conducting maritime patrols and training, the Garda airborne support unit and various visiting flight training organisations.
- 8.1.5. In relation to the policy context in respect of the project, there is a clear stated objective contained within the Waterford County Development Plan 2011-2017 (as extended). Objective INF4 sets out that is an objective to "To assist the future expansion of services and routes at the Airport, the Council support the lengthening

and widening of the runway, subject to compliance with proper planning and sustainable development and in compliance with Article 6 of the Habitats Directive.”

- 8.1.6. Appendix A6 of the Development Plan is the Waterford Regional Airport & Business Park Masterplan. Policy Airport 1 in the Masterplan sets out that the Council will support and co-operate with the relevant authorities, government agencies, businesses and interest groups to improve access to the Airport and to facilitate the appropriate development at the Airport. Objective Airport 1 in the Masterplan sets out that it is an objective to assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway. Section 1.6.1 of the Masterplan sets out that the Council supports the development objectives of Waterford Regional Airport plc for the future development of the airport. The development objectives are to increase the competitiveness of the South East Region and promote the balanced development of the Region in accordance with the National Spatial Strategy, to promote the accessibility and attractiveness of the Region for both business and inbound tourism, to improve transport infrastructure for South East Region to and to provide and promote cargo facilities to support industry and inward investment in the Region. Accordingly, the subject project is underpinned by specific longstanding policies and objectives as set out in the Development Plan.
- 8.1.7. The Southern Regional Assembly Regional Spatial and Economic Strategy (RSES) came into effect on the 31st of January 2020. The Strategy specifically refers to the current proposal. Objective RPO 150 supports the continued exchequer assistance for regional airports under the Regional Airports Program and supports the role of Waterford Airport to develop its potential as a key tourism and business gateway. In the section of the Strategy which refers to the Waterford Metropolitan Area Strategic Plan (MASP), it sets out that it is a guiding principle of the MASP is to promote Waterford as an International Gateway including the re-establishment of passenger flights at Waterford Airport.
- 8.1.8. Policy Objective 16 of the MASP sets out the support of the further development of Waterford Airport including the development of an extension of the existing runway to accommodate larger aircraft. Policy Objective 18 of the MASP sets out the support investment in infrastructure, including increased capacity of Waterford Airport to maximise the potential of tourism. It is further discussed in Section 8.4 of the MASP that investment in a runway extension at Waterford Airport will enhance the

international connectivity potential of Waterford for Business (including multi-national companies involved in export trade), support the development of TUSE Research and Development with international partners and provide for increased tourist traffic. The Strategy highlights the current runway extension of 500m for which permission is sought by Waterford Airport would significantly increase the capacity of the airport to cater for larger aircraft and more frequent flights.

- 8.1.9. Accordingly, the subject project is a key objective within the Southern Regional Assembly Regional Spatial and Economic Strategy which will facilitate international connectivity and economic growth within the region.
- 8.1.10. The National Planning Framework, Project Ireland 2040, informs planning and development policy within the State at a strategic level. It refers to Waterford City and Metropolitan Area and the regional airport on page 52. The significance of Waterford Regional Airport having regard to its proximity to EU trading partners and the important role it can play in Ireland's response to Brexit is highlighted. The significance of connectivity and direct linkages with other EU countries by both air and sea is detailed on page 108 of the document. National Strategic Outcome 6 of the National Development Plan 2021 – 2030 refers to High-Quality International Connectivity. It states that as an island, the country requires continued investment in port and airport connections to the UK, the EU and the rest of the world in order to ensure international competitiveness. National Strategic Outcome 6 seeks to safeguard and enhance interconnectivity, trade performance and foreign direct investment through the promotion of significant investment in both ports and airports.
- 8.1.11. Accordingly, having regard to the overarching policies set out in the NPF, the RSES and the CDP in relation to aviation connectivity I am satisfied that there is full policy support from national to regional to local for the subject project.

8.2. Need and justification for proposed extension to the Runway

- 8.2.1. The applicants submit that the aim of the project is to provide the additional runway length which is needed to land larger planes at the airport, and which will facilitate the reinstatement of domestic and international commercial flights. It is set out in the EIAR that in the absence of the proposed development that it would impact upon the economic attractiveness of the South-East region due to the lack of international

connectivity. Accordingly, this would negatively impact upon business and tourism. The applicants submit that as determined by the then Minister for Transport Mr. Shane Ross in 2019 upon sanctioning the part funding of the project, that the proposal is fully aligned with the commitment in Project Ireland 2040 to support the dispersal of economic growth throughout all the regions. In confirming the Governments' commitment to providing €5 million towards the project the then Minister for Transport noted that the commitment of the private sector investors both to partially fund the project and also provide business expertise was a positive and welcomed approach to advancing the economic development of the region. In respect of the funding of the project the total cost is capped at €12 million.

- 8.2.2. The remaining €7 million is proposed to be made up from private investment and local authority investment. The three Local Authorities which have committed to providing contributions towards the funding of the project are Waterford City and County Council, Wexford County Council and Kilkenny County Council. A consortia of private sector investors have also committed to provide funding towards the project. The letter of support in relation to the project from the Manager of Waterford Airport highlighted that direct air access is an essential driver of economic activity, inward investment and a key aid in supporting enterprise in the region. It was also highlighted that direct air access is fundamental in developing a sustainable tourism product for the region.
- 8.2.3. Chapter 2 of the EIAR submitted with the application sets out the Description of the Development. In relation to the operation of the Airport with the development permitted and carried out, it is anticipated that there would be approximately 1,120 passenger flights per annum by year five of operations. The aircraft which are envisaged to operate comprise medium jet aircraft types Boeing 737/800 and Airbus 320. It is also intended that the current airport operations which comprise non-schedule flights of business jets, flight training, multi and single-engine general aviation and helicopter operations will continue. Table 2-5 in chapter of the EIAR sets out the projected passenger numbers. It is projected that by year five of operations that passenger numbers could reach up to 345,000 per annum.
- 8.2.4. The submission on behalf of Eoin and Martina Griffin raises concern in respect of the details provided with the EIAR regarding the level of flights and passenger numbers. They contend that projections for flights and passenger number in excess of five

years should be provided. I consider that the information provided in relation to the projected level of flights and passenger numbers which covers the first five years of operation provides a satisfactory level of information on which to assess the extent of additional flights and passenger numbers which would be generated. Concern is also raised in the submission regarding the absence of projections in relation to cargo and freight flights. The Waterford Regional Airport & Business Park Masterplan refers to cargo and states that it is an objective to provide and promote cargo facilities to support industry and inward investment in the region. The current proposal does not contain any specific reference to cargo and freight flights and no buildings or other facilities concerning cargo/freight are proposed. As detailed in the EIAR, currently the majority of the total number of movements now is made up of single engine training aircraft. Therefore, it is clear that cargo/freight flights do not form part of existing operations at Waterford Airport and do not form part of the current proposals for the next five years. Therefore, I would not concur with the assertion in the submission that the lack of detail regarding cargo/freight would be problematic in terms of assessing the proposal.

- 8.2.5. The submissions received from the DAA on behalf of Cork Airport states that there is no evidence that there is a need for the proposed runway expansion at Waterford Airport. The submission from An Taisce also questions the overall rationale for the runway extension. It is set out in the EIAR that the overall rationale for the proposed development is to improve transport integration and connectivity nationally and in a European context in order to increase the competitiveness of the South-East Region which will support the local population and attract foreign investment and tourism. The extension of the runway is necessary to meet the operational needs of modern medium sized jet aircraft. The proposed project is supported at a number of policy levels. At a national level the National Planning Framework (NPF) sets out national policy objectives to guide development in the state up to 2040. The NPF specifically refers to the necessity for high-quality international connectivity to provide for overall international competitiveness and to address the opportunities and challenges from Brexit through investment in Ports and Airports. Regional Planning policy is set out in the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES). The strategy includes objectives in relation to the regions airports. Strategy no. 6 refers to the region's high quality international connectivity and states that it aims to

improve this through investment and increased capacity in ports and airports. Objective RPO 148 of the RSES refers to National Aviation Policy and states that it is an objective to seek investment to sustainably deliver actions under National Aviation policy for Ireland that strengthen and develop the economic role of the regional airport at Waterford. Objective RPO 150 of the RSES refers to High Quality International Connectivity – Airports. It sets out that it is an objective to achieve the NSO (National Strategic Objective) in relation to High Quality International Connectivity through continued support for improved international connectivity through the role of our Region's airport assets and support for continued exchequer assistance for regional airports under the Regional Airports Programme. Part (c) of this objective sets out support for the role of Waterford Airport and Kerry Airport and to develop their potential as key tourism and business gateways for their Regions as a complement to the services provided by the region's national gateways of Cork Airport and Shannon International Airport. It is a guiding principle of Waterford MASP to establish Waterford as an International Gateway supported by increased capacity and improved accessibility at the Port of Waterford & Rosslare Europort and re-establishment of passenger flights at Waterford Airport. Section 8.3 of Waterford MASP refers to Waterford Airport and states that it provides for key strategic infrastructure for the Waterford MASP area and is a Gateway for the wider South-East. It refers to the current proposal to extend the runway and notes that it would significantly increase the capacity of the airport to cater for larger aircraft and more frequent flights. Policy Objective 16 of the Waterford MASP supports the further development of Waterford Airport including the development of an extension of the existing runway to accommodate larger aircraft. Policy Objective 18 of the MASP refers to tourism and states that it is an objective to support investment in infrastructure, including increased capacity of Waterford Airport to maximise the potential of tourism. It is also set out in the MASP that investment in a runway extension will enhance the international connectivity potential of Waterford for Business (including multi-national companies involved in export trade), support the development of TUSE, Research and Development with international partners and provide for increase tourist traffic.

- 8.2.6. The provisions of the Waterford County Development Plan 2011-2017 (Extended) refer to development objectives for Waterford Airport. Objective INF 4 of the Plan

states that it is an objective to assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway, subject to compliance with proper planning and sustainable development and in compliance with Article 6 of the Habitats Directive. Section 6.6.4 of the Development Plan sets out that Waterford Regional Airport plays a critical role in the development of Waterford and the South East, in terms of accessibility, supporting economic development and tourism. The objectives to assist the future expansion of the airport are supported by the Development Plan zoning. The zoning objective 'Airport Area' seeks to provide for Airport related activities including passenger terminal buildings and services, airside retail, hotel, airport infrastructure, hangarage, storage, maintenance and ancillary facilities, park and ride, transport, depot, training facilities, storage depot, warehouse, offices and light industrial/enterprise unit and Light industry.' The zoning objective 'Airfield Reserve Area' seeks to allow for the future extension of the runway facilities and to provide for the possible future realignment of the R685.'

- 8.2.7. Appendix A6 of the Waterford County Development Plan is the Masterplan for Waterford Airport. It is set out in section 1.1 that Waterford Airport is a key component of the transport infrastructure in the South East Region and is central to the future development of both the County and the Gateway. The availability of convenient and increasingly frequent air services increase connectivity and assists in attracting tourists to the Region.' Section 1.2 refers to the policy context and states that, 'The National Development Plan, in seeking to address infrastructural deficits in the National Spatial Strategy Gateway areas recognised the importance of the upgrading of facilities at Waterford Airport. As such, with the aid of Transport 21 and Air Transport Sub-Programme funding, Waterford Regional Airport plc aims to further enhance their service base through engaging in ambitious capital investment programmes. These programmes include the extension of the runway to accommodate jet aircraft and the development of cargo facilities to support local industry. These developments will allow the airport to access a range of additional business opportunities, reduce its dependency on Government support and enhance its potential to attract additional investment and employment opportunities to the area.

- 8.2.8. Section 1.6.1 of the Masterplan sets out the development objective to extend the runway, it states that 'Waterford Regional Airport plc proposes to extend the current runway from 1,433 metres to 1,850 metres and in the longer term to 2,288 metres, and to expand the size to the terminal building to handle increased passenger numbers. Objective Airport 1 refers specifically to the extension of the existing runway, it states that it is an objective, 'To assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway. As exemplified the above cited sections of the Waterford County Development Plan 2011-2017(Extended), the subject extension of the runway at Waterford Airport has been a longstanding development objective which has been through the statutory Development Plan process which includes public consultation and consultation from prescribed bodies.
- 8.2.9. Accordingly, I would conclude contrary to the narrative provided by the DAA that there is no rationale for the proposal, there are clear and established longstanding policy objectives at national, regional and local planning levels for the extension of the existing runway at Waterford Airport.
- 8.2.10. The submissions from the DAA and An Taisce refer to the Covid-19 pandemic. It is stated in the submission from the DAA that the pandemic has resulted in the greatest fall in aviation demand in history. They further state that the Irish aviation sector will likely require substantial financing in the next five years to address the current contraction of the sector. They suggest that Government funding would be best directed towards airports which are sustainable in the longer-term. In response to this matter, I would acknowledge that the aviation sector as with many sectors of the economy has been hugely impacted by the pandemic. In relation to a policy response from Government, I note the proceedings of a Dail Eireann debate on 25th of May 2021 regarding International Travel and Aviation. The Minister for Transport Deputy Eamonn Ryan confirmed that restrictions on international travel this year have suppressed passenger numbers, which are down as low as 3% of normal volumes in our State airports. The Minister confirmed that the general reduction in passenger numbers has severely impacted air connectivity, something which is vital for an island economy such as ours. He highlighted that the greater risk is that the restoration of connectivity will be constrained further, with consequences for tourism, business generally and foreign direct investment. Analysis by Eurocontrol, the

European Organisation for the Safety of Air Navigation, suggested that air traffic throughout Europe is not expected to return to 2019 levels before 2025. The Minister confirmed that he was confident that Ireland will, in due course, be in a position to join in the European approach for a digital green certificate system for international travel with Europe and with certain third countries where the risk is low. The Minister of State at the Department of Transport Deputy Hildegard Naughton confirmed in this Dail debate that balanced regional development is at the heart of the programme for Government and that out of a budget of almost €80 million in 2021 that 78% is being targeted for regional airports and that Cork and Shannon airports will be receiving almost 43% of the overall budget. Accordingly, it is clear from these commitments to funding that the Government policy is to restore connectivity provided by the aviation sector and that the allocation of the funding is provided to ensure balanced regional development.

- 8.2.11. The Government published the National Economic Recovery Plan on the 1st of June 2021. A key point of the Plan to continue to provide supports for worst-affected sectors including aviation, tourism and events as they continue to reopen, including the extension of 9% VAT rate for tourism and hospitality sector, supports for live entertainment and events sector, and a roadmap for the aviation sector. It is detailed in the Plan that the roadmap for the recovery path for the aviation sector incorporates the reopening of non-essential international travel, horizontal supports for workers and sectoral specific supports. It is stated in the Plan that the restoration of international connectivity is critical to economic recovery and trade and business generally, including foreign direct investment and tourism. In relation to funding it is set out in the Plan that previously Government agreed an €80m funding package specifically for Irish aviation for 2021. €52m of the funding will be allocated between Dublin, Cork and Shannon Airports and over €32m of the €52m will be allocated to Cork and Shannon under a bespoke COVID-19 Regional State Airports Programme. A further €20m will be distributed to Dublin, Cork and Shannon to help ease liquidity issues, under a special COVID-19 Supplementary Supports Scheme. €28m of funding is available to support the Regional Airports Programme and includes a special provision of €6m for liquidity support for Kerry, Knock and Donegal Airports. It is recognised in the Plan that additional support may be required to support the aviation sector's recovery as it opens up. While the pandemic has resulted in an

economic shock to the aviation sector the Government response to provide significant funding to the airports including Cork Airport ensure that there will be balanced regional development within the sector. As highlighted by Minister Eamonn Ryan, Eurocontrol have stated that air traffic throughout Europe is not expected to return to 2019 levels before 2025, the funding committed by Government and the continued role out of the vaccination programme within the State will serve to provide the environment for the aviation sector to return to pre-pandemic operation levels. It is necessary that the sector recovers in order to provide international connectivity. The development of the subject runway extension at Waterford Airport which will be partially funded by Government will undoubtedly contribute to overall Government policy to provide international connectivity and also balanced regional development. Accordingly, having regard to the details provided and having regard to the specific planning policy referring to Waterford Airport I am satisfied that there is a demonstrable economic need for the proposed development which will facilitate economic development within the south-east region. Furthermore, I am satisfied with the details contained within the EIAR in respect of the existing and proposed projected level of flights.

8.3. Wastewater Treatment

- 8.3.1. The current application before the Board is for the extension of the runway at Waterford Airport to facilitate the take-off and landing of jet aircraft such as Boeing 737/800 and Airbus 320. The Board should note that other elements of the project which are considered for EIA and that are not proposed as part of the current planning application are the extension of the existing terminal building of circa 1,170sq m, the upgrade of the existing wastewater treatment plant and the set down area for public transport at the terminal building.
- 8.3.2. The further information request issued by the Board sought that the applicant confirm, clarify and demonstrate that the upgrade of the wastewater treatment plant has been included for EIA purposes of the project as well as for AA purposes.
- 8.3.3. In respect of these matters the documentation in the EIAR Addendum and Revised NIS sets out that the upgrade of the existing wastewater treatment plant would entail the installation of 1 no. BMS BL3000 Blivet3 operating in sequence with the existing BMS BL1000 Blivet and include provision of 10,000 litre balancing tank.

- 8.3.4. The Assimilative Capacity Assessment prepared by Geoenvironmental Environmental Consultants confirms that the existing foul effluent generated at Waterford Airport is treated by an on-site Butlers Manufacturing Services BMS BL1000 Blivet 'all in one' package sewage treatment system. It was designed to produce BOD 20 mg/l & SS 30 mg/l effluent for up to 100 Population Equivalents (PE). It is stated that there is no specific nitrate or phosphate reduction measures within the system.
- 8.3.5. The Engineering Assessment Report – rev 2 prepared by Frank Fox and Associates – Civil and Structural Consulting Engineers submitted with the further information provides details in relation to the existing foul drainage system and the proposed foul drainage system.
- 8.3.6. Table 1.0 in the report, as set out below, provides the estimated passenger numbers where an extension of the runway is carried out and additional service routes operate.

| Year | Inbound | Outbound | Total Per Annum | Daily |
|--------|---------|----------|-----------------|-------|
| Year 1 | 46,000 | 46,000 | 92,000 | 252 |
| Year 2 | 81,500 | 81,500 | 163,000 | 447 |
| Year 3 | 119,000 | 119,000 | 238,000 | 652 |
| Year 4 | 150,000 | 150,000 | 300,000 | 822 |
| Year 5 | 172,500 | 172,500 | 345,000 | 945 |

- 8.3.7. In year 3 the passenger numbers would increase above the current peak load. It is proposed to provide an upgrade of the current treatment system beyond Year 2 to cater for the future daily passage figures from Year 3-5, 652 – 945 passengers/day (allowance of x1.25 to cater for total users) with a peak allowance of 1200 passengers per day & 60 staff.
- 8.3.8. Accordingly, I would draw the Board's attention to findings of the applicant's Consultant Engineers Frank Fox and Associates in their Engineering Assessment Report – rev 2 which confirm that the existing wastewater treatment plant has a

design capacity to treat effluent generated by passenger numbers to Year 2. It is confirmed in section 2.1 of the Addendum EIAR that the results from the effluent samples taken post treatment in the Butlers Blivet Treatment System shows that the effluent is treated to an acceptable standard. The application before the Board does not include the upgrade of the existing wastewater treatment plant. Therefore, any increase in passenger numbers to a level projected beyond Year 2 would result in an increase above the current peak load which the existing wastewater treatment plant can treat and dispose of satisfactorily.

- 8.3.9. Accordingly, should the Board decide to grant permission, they may wish to consider that by virtue of the capacity limit of the existing treatment plant that it may be appropriate to attach a condition which limits the operations at the airport to those in line with design Year 2 i.e. inbound passenger numbers 81,500 per annum, outbound passenger numbers 81,500 per annum, in total 163,000 passengers per annum with the daily rate of passengers of 447, until such time as the upgraded wastewater treatment system is completed and is operational.

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

- 9.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 9.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended, (PDA) and Schedule 5 of the Planning and Development Regulations 2001, as amended, (PDR).
- 9.1.3. The proposed project entails extension in length of the existing runway which has a length of 1,433m by 854m. Given the extent of works proposed an EIAR is required pursuant to both Class 7, Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended) which refers to 'A line for long-distance railway

traffic, or an airport with a basic runway length of 2,100 metres or more' and Class 10(d), Part 2, Schedule 5 of the Planning & Development Regulations 2001 (as amended) refers to 'All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.' Pursuant to Directive 2011/92/EU and the more recent Directive 2014/52/EU and in accordance with the Planning and Development Regulations 2001 (as amended), as the proposed development exceeds these thresholds an EIAR was prepared.

- 9.1.4. The EIAR is laid out as follows Volume 1 the non-technical summary contained in a bounded hard copy and in two folders with the non-technical summary and the main document Volume 2 in one bound folder and the appendices Volume 3 in another. Chapter 1 sets out the introduction including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the project and Chapter 3 sets out the Planning policy context. Chapter 4 sets out the Project Scoping and Consultation and Chapter 14 sets out the alternatives examined.
- 9.1.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape, in chapters 5 - 13. Chapter 15 considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 9.1.6. In relation to Article 3(2), section 2.5 of the EIAR refers to the risk of accidents. It is stated that the risk of accidents and mitigation measures during construction considered necessary to address same, has been considered and is presented under an assessment of each environmental variable in the EIAR. Operation of the development is not likely to give rise to any significant impacts.
- 9.1.7. Chapter 2: Description of the Development sets out the potential risk of major accidents and/or natural disasters, including climate change relating to the proposed development. As noted in Chapter 2, airport operations are guided by precautionary

rules in order to ensure the safety of operations. Waterford Airport is governed by a safety regime, as set out by the Irish Aviation Authority (IAA), in line with the requirements of the European Aviation Safety Authority (EASA).

- 9.1.8. With regard to other potential major accidents and/or disasters, it is detailed in the EIAR that like all modern airports Waterford Airport operates to very stringent standards of safety and security in accordance with Irish and European regulations. These stringent safety and security standards will be maintained as required by national and European regulations. It is confirmed that the airport will require adherence to airport design standards and provision of specified operational safety procedures to achieve licensing from the IAA in advance of commencing operations.
- 9.1.9. In relation to bird collision risk mitigation measures currently in place for the existing airport will be retained in order to reduce bird strike hazards. In conclusion, as detailed in the EIAR the risk of ‘major accidents and/or disasters’ occurring at the airport in the operational phases is negligible subject to achievement of required safety standards and licencing from the Irish Aviation Authority. I consider that the requirement to consider these factors under Article 3(2) is met.
- 9.1.10. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the results of the submissions made by the observers and prescribed bodies has been set out at Section 7 of this report. The relevant issues raised are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

9.2. Consideration of Alternatives

- 9.2.1. Chapter 14 of the submitted EIAR addresses the alternatives considered. It is stated within the EIAR that the proposed development has been plan led based on the Waterford County Development Plan 2011-2017 (as extended) and the Southern Regional Spatial and Economic Strategy provide the higher level, strategic framework and policy context for the proposed development. It is set out that for Waterford Regional Airport to compete in the current marketplace, the provision of an extended runway to cater for mainstream medium sized jet market is required.
- 9.2.2. In relation to the existing constraints upon the development it is set out in the EIAR that the regional road (R685) at the south end of the runway presents limits to development. In relation to the northern end of the runway it is the location of the upgraded main road (R708) at the north end, which results in limitations on development. Accordingly, a combined north / south extension of the current runway, which would then in total be sufficient to cater for medium sized jet aircraft is proposed.
- 9.2.3. In relation to a do nothing scenario it is highlighted in the EIAR that the airport will remain underutilised and will be unable to provide passenger services required for the current and future commercial passenger travel market.
- 9.2.4. Regarding site layout alternatives, it is highlighted in the EIAR that the proposed runway extension is located on lands zoned 'Airport Area' and 'Airport Reserve Area' with proposed navigation lights located on un-zoned lands. The zonings which are set out in the Waterford County Development Plan 2011-2017 (as extended) were subject to Strategic Environmental Assessment.
- 9.2.5. An assessment of two primary alternative site layout options were considered in the preparation of the application. Both of the options included an extension to the existing terminal buildings and the provision of additional car parking at Waterford Regional Airport. Option 1 was the preferred option for the car parking and terminal site layout. It was chosen because it would allow the reservation of lands closer to the terminal and that it would allow an orderly expansion of the car parking area.
- 9.2.6. In relation to the runway design four alternatives were considered,
- A. Split the runway extension, as proposed into a north and south extension;

- B. Extend entirely to the south (i.e. an additional 504m) to include the permitted extension of 350m (plan ref. 14/89);
- C. Extend entirely to the north of the runway to provide the additional 854m required; and
- D. Relocate the airport

9.2.7. The subject proposal option A was concluded to be the preferred option on the basis that the proposal would avoid further encroachment toward the Tramore Backwater SAC, avoid re-alignment of the R685 road and avoid further demolition of private property which would be required as part of option B. It was also requirement to re-align the R708 to accommodate an 854m runway extension to the north and that it would avoid use of un-zoned lands at the northern side of the R708 for hardstanding runway installation, which would be required under option C. In relation to the alternative to relocate the airport it is set out in the EIAR that it requires new road infrastructure to serve a relocated airport, and the construction of new airport facilities and associated development. Accordingly, the relocation of the airport is considered to give rise to significantly wider environmental impact and is not considered a reasonable alternative.

9.2.8. The proposed site was selected due to its zoning and suitability. The layout of the site was chosen having regard to an assessment of alternatives in respect of alternative locations, design and operations.

9.2.9. The submission from the DAA and An Taisce refer to the matter of alternatives and suggest that the use of Dublin Airport and Cork Airport represent alternatives to proposed development. I would note that while Dublin Airport and Cork Airport do provide alternatives to the proposed extension of the runway at Waterford Airport, the reasons for the development as proposed is set out in Section 1.3 of the EIAR. The rationale for the runway extension is to improve connectivity and to increase the competitiveness of the South-Eastern Region to attract foreign investment and tourism. Expansion of air transport is a pre-requisite for economic growth and an expansion of an airport with increased routes providing connectivity therefore is a key policy instrument in boosting the economic performance of a city or region. As detailed in Section 1.3.2 of the EIAR, National Aviation Policy for Ireland (2015) that it is a policy position that Ireland recognises the important role that regional airports

play in their areas and in regional development. It is set out in section 4.2 of this document refers to regional airports and states that these airports should be given the opportunity to grow to a viable, self-sustaining position, particularly considering the contribution that they make to their regional and local economies. In terms of regional policy, Objective 16 of Waterford Metropolitan Area Strategic Plan (MASP) states that it is an objective to support the further development of Waterford Airport and in particular the development of an extension of the existing runway to accommodate larger aircraft, measures to encourage additional operators offering services from this location and the expansion and development of aviation-related industries at the airport.

9.2.10. Accordingly, while the use of the existing airports at Dublin and Cork would provide an alternative to the proposed extension of the runway at Waterford Airport it would not serve to provide balanced regional development in accordance with current national, regional and local policy.

9.2.11. The submission from An Taisce referred to the use of high speed ferries and rail links as an alternative to the proposed extension of the runway and flights at Waterford Airport. In response to this matter, I would note that as an island the country requires both air and sea transport links. While it is noted that the investment in high speed rail links in Europe has provided a network from Sweden to Spain and from London to Central Europe, Ireland given its geography is very much on the periphery of such a network. In relation to high speed rail links within the island of Ireland it is set out on page 41 of the National Development Plan 2018-2027 that a feasibility study of high speed rail between Dublin Belfast, Dublin Limerick Junction/Cork and an evaluation of its economic benefits against improvements to existing line speeds will be carried out against relevant appraisal processes and value for money tests required under the Public Spending Code to commence within a year. As detailed in the updated National Development Plan 2021-2030, on page 63, a strategic Rail Review has recently been launched which will examine all aspects of the inter-urban and inter regional rail network including the feasibility of higher speeds. An all-island strategic rail review has been commissioned by the Department of Transport in co-operation with the Department for Infrastructure in Northern Ireland, to examine how the rail network can improve sustainable connectivity between cities and regions, including the feasibility of high and higher

speed options. I would acknowledge that investment in high speed rail links between the larger cities on the island would serve to reduce reliance upon other modes of transport including by road and to a much more limited extent internal air travel, such investment would not in of itself negate the need for air travel and specifically air travel outside the jurisdiction. In the absence of existing high speed ferries links to Britain and continental Europe with direct high speed rail connections, I do not consider that it provides a feasible alternative to the international connectivity which will be provided to Waterford and the South-East region by the proposed extension of the runway at Waterford Airport. Furthermore, I note that the development of the airport would not prohibit the future development of such alternatives.

9.2.12. Having regard to the details above and as set out in Chapter 14 of the EIAR, the subject site was considered to be the most suitable for the proposed development from an environmental and planning perspective. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the alternatives chosen and is in accordance with the requirements of the 2014 EIA Directive.

9.3. Environmental Factors

9.3.1. The sections below address each of the environmental factors. The headings used in the EIAR are as follows:

- Population and Human Health
- Land, soils and geology
- Hydrology and Water Quality
- Traffic and Transportation
- Landscape and Visual Impacts
- Air quality and Climate
- Noise and Vibration
- Biodiversity
- Archaeology, Architecture and Cultural Heritage

- Interactions of Impacts

9.3.2. The direct, indirect and cumulative effects of the project on the specified factors is identified, described and assessed in the following sections. In this regard I have examined the EIAR and any supplementary information and the contents of submissions received. Section 4 of the EIAR discusses a scoping exercise that was carried out and a list of consultees are included.

9.4. Population and Human Health

9.4.1. Section 5 addresses population and human health. Effects are considered in the context of population, socio-economic employment and economic activity, land use, infrastructure and utility services, tourism recreation and amenity and human health and health and safety considerations.

9.4.2. As detailed in Section 5.2 which refers to methodology the 'study area' for the population and human health section of the EIAR was defined in terms of Electoral Divisions (EDs) of the immediate area of the airport. The site lies within the EDs of Drumcannon and Kilmaclegue. The submission from Eoin and Martina Griffin stated that the study area is confined to Electoral Divisions (EDs) and only identifies receptors, both commercial and residential, within 1km of the proposed development site. They contend this is a limited study area and that a wider catchment should have been provided. In relation to this study area, I note that it does contain the two Electoral Division areas where the subject site is located, and it extends for an area of roughly 6.5km east-west and 6km north-south. I consider, this is satisfactory to assess the potential effects upon population and human health having regard to the provisions of Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018 and specifically Section 14.7 which refers to human health.

9.4.3. CSO data was utilised to inform the socio-economic profile of the area. The EIAR included an examination of the population and employment characteristics of the area and states that the principle economic status of those working within the Study Area (52%) is marginally below the National average (53%)

9.4.4. In relation to the potential impact on population in the do nothing scenario would be that potential population growth, associated with the airport expansion, will not occur

and also short-term population increases from potential tourist and commercial opportunities associated with the proposal would not occur. The potential impact on population which would arise during construction is the removal of two dwellings as part of the proposed development. The construction of the project would generate the movement of construction workers to the site from the wider area. This may result in a marginal increase in the population of the surrounding area during construction. It is noted that the construction phase will have no impact on the permanent population within the Study. The operational phase would result in the broader area experiencing an increase in visitor numbers generated by the enhanced aviation links which would therefore contribute to a short-term transient population increase. It is concluded that the proposal would have a long-term, moderate, positive impact on the population trends of the region due to the economic benefits associated with the expansion of the airport. In respect of population considerations, it is not envisaged that there will be any adverse cumulative effects in relation to the construction and operational phases.

- 9.4.5. Regarding socio-economic, employment and economic activity in the do-nothing scenario there will be direct and indirect socio-economic consequences relating to the airport site. In the event that the development does not take place economic opportunities associated with the expansion of the airport would not occur and this would constrain the airport's potential economic progress and ability to serve the south east region. Therefore, the do-nothing scenario would have a long-term negative impact on achieving economic benefits associated with the airport's expansion. The submission from Cork Airport questions the economic justification for the subject project. As detailed in section 8.2 of this report, I am satisfied that the applications have demonstrated an economic need for the subject project which is in accordance with National, Regional and Local planning policies.
- 9.4.6. In relation to the construction phase there is potential for a slight and temporary negative impact on economic activity in the area of the airport due to construction works. It is envisaged that during the operation phase that the existing employment numbers at the airport will be sustained and that there would be an opportunity for a marginal increase over time as levels of passenger numbers increases. The project passenger numbers are set out in Table 5-9. The total per annum is projected to rise from 92,000 in year one to 345,000 in year five. It is concluded that the operational

phase of the proposal will result in a moderate positive impact on employment opportunities in the region.

- 9.4.7. Mitigation measures are required in order to ensure no adverse effect arises from the proposed development on socio-economics, employment or economic activity. The implementation of the comprehensive construction management plan will provide for the continuation of some uses at the airport under strict operational control.
- 9.4.8. In relation to residual impacts on socio-economic considerations, the proposed development would have positive, long-term and significant impacts.
- 9.4.9. Section 5.5.1.1 of the EIAR refers to health and safety. I note that Emergency procedures at Waterford Airport are guided by its Emergency Plan which complies with IAA and EASA requirements and is validated by the IAA licencing. In relation to the matter of aircraft accident risk, it is noted in section 5.5.1.1 of the EIAR that the number of aircraft accidents worldwide is extremely low in comparison to other modes of transport. It is highlighted in section 5.5.1.1 that the public safety zones, areas of land at the end of the runway where development is restricted controls the number of people on the ground at risk in the event of an aircraft accident. The emergency procedures at Waterford Airport are informed by an Emergency Plan which complies with the Irish Aviation Authority and European Union Aviation Safety Agency requirements. The EIAR refers to baseline data for national aviation incidents and accidents as being ascertained from the Review of Aviation Safety Performance in Ireland (2017) published by the IAA. The report confirms that between 2013-2017, commercial air transport were involved in 7 non-fatal accidents and 16 serious incidents at aerodromes licensed for public use in Ireland. The IAA have published their Review of Aviation Safety Performance in Ireland (2020). This provides details of accidents and serious incidents between 2016-2020. Regarding commercial air transport it confirms that there were 12 non-fatal accidents in that period. In relation to existing flight operations bird control measures are in place at the airport to mitigate the risk of bird strike hazard. Regarding potential for major accidents and/or disasters, it is noted in the EIAR that the airport operates to a very stringent standards of safety and security in accordance with Irish and European regulations. Regarding the local climatic conditions it is highlighted in the EIAR that the airport does not experience exceptional climatic conditions and that it provides an exceptional level of resilience during adverse weather conditions. It is stated that

the proposal to demolish the two dwellings will serve to maintain runway safety. Accordingly, I am satisfied that the matter of major accidents has been addressed in the EIAR and that it has provided sufficient detail to conclude that the risk of 'major accidents and/or disasters' occurring at the airport in the operational phases is negligible subject to achievement of required safety standards and licencing from the Irish Aviation Authority.

- 9.4.10. In terms of the construction phase, potential impact on general site health and safety could arise in respect of traffic safety, general airport operations safety impacts (e.g., slip/trip, moving vehicles, vehicle collisions, falling from heights etc.) and potential for the operations at the airport to come into contact with the construction phase. There is potential for temporary slight negative impacts to health and safety resulting from construction activities. The implementation of the comprehensive construction management plan will mitigate the above potential impacts.
- 9.4.11. Impacts on health and wellbeing arising from effects of the construction and operation phases of the development specifically in relation to noise, dust and soil material removal and movement operations and traffic are considered and discussed under the respective headings of the EIAR. In respect of human health, it is noted that no cumulative effects have been identified.
- 9.4.12. In relation to the matter of land use, in the do-nothing scenario no adverse effects will occur. Potential impacts upon existing land use would arise during the construction phase due to the disruption of the existing land use within the site boundary where works are proposed. Furthermore, there will be minor impacts to agriculture on lands on the northern area of the site specifically when the navigational lighting is being installed. This impact will be temporary and the agricultural use of the lands can continue once this construction is completed.
- 9.4.13. During the operational phase, the existing land use will see an extension of aviation related land use and the enhanced aviation operations. Furthermore, the demolition of 2 no. dwellings located in the townland of Ballygarron Upper, Co. Waterford to the north of the runway will result in the permanent change of use from residential to airport related use and there will be additional navigation lights on adjacent lands. The operational impact on land use is considered long-term slight/imperceptible. In respect of cumulative impacts none are identified. Regarding residual impacts

associated with land use, the demolition of the two dwellings to the north of the runway is necessary and will allow for safe aircraft manoeuvres. The impact of the loss of two no. habitable dwellings is permanent and significant. The acquisition of these properties is subject to a CPO process. The construction of the runway extension on grassland will have a permanent and imperceptible impact on land use within airport lands. This is considered imperceptible as the lands are located in an area which is designated as an airfield reserve area. The location of the navigation lighting on adjacent agricultural lands will have a slight and long-term impact on land use.

- 9.4.14. Regarding material assets as detailed in Section 5.7 these comprise electricity, telecommunications, gas, water supply and infrastructure sewerage. In the do-nothing scenario the infrastructure and utility services will remain as existing. Potential impacts during construction are not expected to arise in respect of existing electrical infrastructure, telecommunication infrastructure, gas infrastructure and the public sewer networks. In relation to water supply the proposed development will see alterations to drainage systems. Mitigation measures to be implemented during the construction phase of development will ensure that the proposed development will have a 'slight impact' to the receiving hydrological environment. During the operational phase the electrical material assets will be enhanced which will have an indirect, positive impact on the economics and functioning of the airport. No adverse effects are anticipated to occur to any telecommunication infrastructure or gas infrastructure. In relation to water supply the implementation of mitigation measures will ensure that the proposal will have a 'slight impact' to the receiving hydrological environment. Regarding sewerage infrastructure, the operation of the proposed scheme involves the connection and usage to an upgraded wastewater treatment plant. Accordingly, there is no impact anticipated in respect of the existing sewerage assets in the area. No cumulative effects have been identified in relation to infrastructure and utility services. In relation to any residual effects that arise in respect of the proposed development on infrastructure and utility services will be imperceptible.
- 9.4.15. Regarding recreation, tourism and amenity, in the do-nothing scenario the airport will continue to provide its current uses and facilities. However, the proposed development at the Airport would have a positive impact on the commercial viability

and attractiveness of the South-East region. Accordingly, in the absence of the proposed development the region would be at risk of being bypassed by potential tourists who visit Ireland due to a lack of connectivity. In relation to the operational phase, it is concluded that the proposed development at the Airport will have a direct, positive impact on recreation, amenity and tourism as it facilitates enhanced accessibility to the region.

- 9.4.16. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. In conjunction with the subject application for the extension to and widening of the existing runway there is a current CPO for two habitable dwellings located to the north of Waterford Regional Airport. The two dwellings which are the subject of the CPO are located on lands zoned 'airfield reserve area'. The objective of this zoning is to allow for the future extension of the runway facilities. It is set out under this objective that this area should be reserved free from inappropriate development which may prejudice the future expansion of the airport. These properties have previously been identified in safety surveys as obstacles to the existing runway. The confirmation of the CPO would serve to address the potential for impact on human health upon those existing residents as their properties lie within circa 625m and 660m to the north of the existing runway. These properties are located within the 57Laeq noise contour of the airport. The removal of these properties would provide a safe envelop for the proposed extended runway and it would ensure that habitable dwellings would not be located too close to the operational runway, which could result in a detrimental environment for the occupiers of the properties. Accordingly, I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects, in the context of existing development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.5. Land, Soil and Geology

- 9.5.1. Section 8 of the submitted EIAR assesses and evaluates the potential for significant impacts on lands, soils, geology, and hydrogeology. A desk study of the subject site,

and surrounding area was undertaken. The lands across the site consists of level ground, predominantly covered by existing runway, carparking and terminal buildings with grassland at the vicinity of these. The site levels vary between 60 – 150m AOD. The subsoils present at the study area comprise Made Ground, Till derived from Acidic and Volcanic Rocks. The soils underlying the development comprise Surface Water and Groundwater Gleys. In relation to the hydrogeology, the site is located within the Dunmore East groundwater body. All aquifers within the study area are bedrock aquifers. It is noted that there are no gravel aquifers within the study area. It is noted that there are no karst features recorded within the study area.

- 9.5.2. There are no groundwater-sourced drinking water protection areas within the study area. The closest is located approximately 25km to the east of the site at Ballyogarty. The Groundwater Vulnerability is classified by the GSI as being 'Moderate' in the vicinity of the majority of the site, with it becoming 'Low' towards the western extent of the site. There is a very limited portion of the site which is described as having 'High' vulnerability to groundwater pollution.
- 9.5.3. Walkover surveys and intrusive site investigations were undertaken by IGSL Ltd. The intrusive investigation commenced on the 27th of June 2018 and comprised the provision of 1 No. Cable Percussion Borehole to a maximum depth of 4.80m BGL, 6 No. Window Sample holes to a maximum depth of 4.0m BGL, installation of 2 No. Groundwater Monitoring Wells, 5 No. Trial Pits to a maximum depth of 2.0m BGL, completion of soak-away testing at Trial Pit locations, in-situ Geotechnical testing and Environmental Laboratory testing. The site walkover and ground investigations have generally confirmed the anticipated geology described in the Desk Study. The intrusive site investigations found no evidence of soil contamination.
- 9.5.4. In relation to potential impacts on soil and geology these include the excavation of soils for the development comprising the runway extension, hardstands, foundations, and drainage trenches. Also, the use of stone and aggregate for construction of the runway, foundations, hardstands and the use of concrete for foundations, use and storage of fuels presenting a contamination risk and erosion of soils exposed during earthworks.
- 9.5.5. In relation to potential impacts on hydrogeology these include the use and storage of fuels presenting a contamination risk to groundwater, construction of foundations

below the groundwater level, excavations below the groundwater level requiring dewatering which could impact nearby wells, and creation of preferential pathways along cable routes for groundwater / contamination movement.

9.5.6. Regarding potential impacts in the operational phase, direct impact could arise from the maintenance/service of vehicles using the site may result in accidental leaks or spills of fuel/oil which may impact soils, surface water and groundwater. In relation to potential indirect impacts, it is envisaged that a small amount of granular material may be required to maintain carparks and hardstands which will place intermittent minor demand on local quarries.

9.5.7. Mitigation measures to avoid or reduce the potential impact of the proposed development at construction stage are as follows:

- Construction Management Plan will be developed and implemented during the construction phase of the development. The Plan will be reviewed regularly and revised as necessary to ensure that the measures implemented are effective;
- Temporary storage of any spoil will be carefully managed in such a way as to prevent any potential negative impact on the receiving environment and the material will be stored away from the watercourses;
- Excavated spoil will be stockpiled at appropriate heights and slope angles;
- Bunds for the storage of chemicals and hydrocarbons will be lined or constructed of materials resistant to damage by the materials stored therein. In addition, the capacity of such bunds will be a minimum of 110% of the volume of the largest container stored therein. Bunds will be designed in accordance with EPA guidance in relation to the storage of potentially polluting liquids ("IPC Guidance Note on Storage and Transfer of Materials for Scheduled Activities", 2004);
- Where refuelling is to take place on site it will be within a designated impermeable, bunded area, away from all drains. In the event of a machine requiring refuelling outside of this area, fuel will be transported in a mobile double skinned tank. An adequate supply of spill kits and hydrocarbon adsorbent packs will be stored in this area. All relevant personnel will be fully

trained in the use of this equipment. Guidelines such as “Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors” (CIRIA C532, 2001) will be referred to;

- Portable chemical toilets will be provided for the duration of the works and all waste material will be removed from site and disposed of to an appropriately licensed facility;
- Drip trays will be used where hydrocarbons are being used for vehicle maintenance/refuelling;
- All plant will be inspected at the beginning and end of each shift and if leaks are evident, they are to be repaired immediately or removed from site and replaced;
- Excavated soils will be reused as far as possible. Soils excavated for the development could potentially be used as general fill subject to assessment for suitability for reuse.

9.5.8. In relation to groundwater, it is proposed to implement the following mitigation measures to avoid or reduce the potential impact of the proposed development at construction stage:

- Diesel tanks, used to store fuel for the various items of machinery, will be self-contained and double-walled. Refuelling will be carried out from these tanks or from delivery vehicles at designated refuelling areas.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best codes of practice;
- Any spillage of fuels, lubricants or hydraulic oils will be immediately contained and the contaminated soil removed from the site and properly disposed of;
- Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or re-cycling;

- Appropriate spill control equipment, such as oil soakage pads, will be kept within the construction compound and in each item of plant to deal with any accidental spillage.

- 9.5.9. Regarding mitigation measures during the operational phase the maintenance/service of vehicles and aircraft using the airport site will leak / spill hydrocarbons onto the road surface. These may potentially make their way into the underlying soils and groundwater, but more likely will be contained in the surface water environment. As the surface water runoff management measures will be improved over the existing infrastructure, this will be a long-term positive impact.
- 9.5.10. No cumulative impacts are envisaged in relation to lands, soil and geology. Subject to the implementation of mitigation measures residual impacts would be moderate/slight to imperceptible during the construction phase and imperceptible during the operational phase of the development.
- 9.5.11. The submission from the Department of Communications, Climate Action and Environment requests that should the application be permitted that copies of reports detailing any site investigations carried out shall be submitted to them for record purposes and that a digital photographic record of significant new excavations be provided to them. They also requested that should any significant bedrock cuttings or coring be created, they shall be designed to remain visible as rock exposure rather than covered with soil and vegetation, in accordance with safety guidelines and engineering constraints. I consider, should the application be granted permission by the Board that a condition setting out the requests from the Department should be attached.
- 9.5.12. I have considered all of the written submissions made in relation to lands, soils and geology and the relevant contents of the file including the EIAR as outlined within the biodiversity section. I am satisfied that the potential for impacts on lands, soils and geology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on lands, soils and geology can be ruled out. I am also satisfied that cumulative effects, in the context of existing development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.6. Hydrology and Water Quality

- 9.6.1. Section 7 of the EIAR examines the potential for impact on hydrology. A desk study, field mapping and a walkover were carried out in order to inform the EIAR. The subject site is located within the MONLOUM_SC_010 sub-catchment which lies entirely within the Colligan-Mahon catchment, which drains into the back strand and sea at Tramore. The existing runway falls across the drainage catchments of Ballygunnarmore and Kilmacleague which both drain into Tramore Back Strand.
- 9.6.2. The proposed site is located on groundwater waterbody Dunmore East (IE_SE_G_057) which is currently 'Not at Risk' and is of 'Good' status for period 2013-2018.
- 9.6.3. Water quality monitoring nearest to the site is the monitoring point at Ballygunnarmore River Station, 1.7km south-east of the proposed development. The water quality status is recorded as unassigned. It is important that works within the subject site should ensure that water quality will not be deteriorated.
- 9.6.4. In relation to the existing drainage of the runway, it is drained by a French drain which runs parallel to the runway on both sides and incorporates a perforated pipe. Surface water percolates to groundwater through the French drain and discharge directly to the watercourses via land drains.
- 9.6.5. Regarding potential impacts during construction, it will require the excavation of additional drainage channels to ensure continuity of the existing surface water drainage regime. The proposed development would result in an increase in runoff due to construction of new surfaces. Usage of wet concrete could lead to contamination of receiving waters and groundwaters. There will be increased trafficking during the construction phase. During the operational phase traffic volumes within the runway extension sites will be frequent.
- 9.6.6. Potential indirect impacts on surface water quality during construction, operation and maintenance activities could arise due to increased sediment loading of drains due to increased traffic, silt from haul roads entering ditches and watercourses, silt on the wheels of vehicles leaving the site, poorly constructed drainage resulting in blockages and consequent flooding, suspended solids leading to siltation and physical effects on flora and fauna in aquatic habitats, refuelling activities resulting in

fuel spillages, sanitary waste leading to contamination of groundwater, removal of the vegetated material will also lead to an increase in the rate of run-off, inappropriate management of the excavated material could lead to loss of suspended solids to surface, blockage in the proposed roadside drains could allow a break out of silt laden run-off to reach adjacent watercourses and inappropriate management of spoil heaps could result in accidental break outs of silt on site leading to the loss of suspended solids to surface waters.

9.6.7. Regarding potential hydrological impacts during the operation phase, it is set out in Section 7.7.3 of the EIAR that the hydrological impact of the extended runway has been estimated to produce additional runoff of 0.75% to the Ballygunnarmore watercourse catchment and 1.3% additional runoff to the Kilmacleague West watercourse catchment. This estimate is a worst-case scenario and is deemed to be imperceptible. During cold weather, de-icing the runway has the potential to contaminate the soil surrounding the runway and pollute the groundwaters beneath. Soil and groundwater testing carried out in June 2018 indicated that there is no residual contamination or residue around the runway at present. De-icing the runway is infrequent. It is proposed to use 'Clearway' de-icing agents, a biodegradable product that is a market leader in bio-degradable de-icing operations. A major incident on the runway may involve a fuel spill from an aircraft and there is potential for the surface water drainage to be polluted by hydrocarbons and other toxins. De-icing on the airport apron of aircraft could have the potential for contaminants to enter the surface water sewer network at the airport apron. With the increase in passenger numbers and the extension of the terminal buildings, there is the potential that the wastewater treatment plant could become overloaded and not provide adequate treatment prior to discharge.

9.6.8. The Airport is served by an existing package treatment plant, a Butlers Manufacturing Services [BMS] Blivet 1000. This is a package treatment plant which treats foul sewerage by way of a rotating biological contactor. The sewerage is then discharged to an outlet tank before discharging to the open drain. This treatment plant is capable of treating a PE of 125PE to a standard of 25/35 25mg/l BOD and 35mg/l SS. It is confirmed in Section 7.5.4 of the EIAR that a large increase in passenger numbers resulting from the proposed development will increase the load being conveyed to the wastewater treatment plant, from the terminal building. It is

stated in the EIAR that it is proposed to upgrade the wastewater treatment plant to accommodate this additional load and that the completion of an assimilative capacity study will be required to determine the level of treatment required by the upgraded wastewater treatment plant.

- 9.6.9. Section 2.4.2 of the EIAR refers to Operations. Table 2-5 refers to Projected Passenger Movements, it is projected that 92,000 passengers would use the airport in year one of the operation of the extended runway. In year two passenger number are projected at 163,000. This number of passengers would exceed the previous peak amount accommodated in the airport in 2008 which was 144,000. In year three 238,000 are project, in year four 300,000 passengers are projected and in year five 345,000 passengers are projected.
- 9.6.10. The projected level of passengers to year five is well in excess of the previous peak of passenger numbers per annum of 144,000 which used the airport thirteen years ago in 2008.
- 9.6.11. As detailed in the further information submitted to the Board it is proposed to provide an upgrade of the current treatment system beyond Year 2 to cater for the future daily passenger figures from year 3-5. In relation to the proposed foul drainage calculations, it is proposed to upgrade the existing effluent treatment system beyond Year 2 to cater for the future daily passenger figures from Year 3-5 of 652-945 passengers/day with a peak allowance of 1,200 passengers per day and 60 staff.
- 9.6.12. It is proposed to install a 10,000 litre balance/denitrification tank to act as an anoxic/balance tank to achieve the required nitrate reduction. It will have a mixer and forward feed pumps, set at a maximum forward feed rate of c14,000l per day. The installation of 1 No. BMS BL3000 Blivet and the retention of the existing BMS BL1000 Blivet, operating in series would provide a combined nominal capacity of 350 PE. This proposed design capacity is required to achieve the required BOD, COD, NH₄ and NO₃ reductions.
- 9.6.13. An Assimilative Capacity assessment on the receiving environment was carried out by GeoEnvironmental Consultants. In relation to the existing wastewater treatment plant it was originally sized to cater for a peak load of 600 people per day. As detailed in Section 2.1 of the EIAR Addendum the historical use of the terminal

building at Waterford Airport has varied between 100 to 600 persons per day and that the average use of the building per day was 200-250 persons.

- 9.6.14. GeoEnvironmental Consultants produced a low flow assimilative capacity report in respect of the existing foul drainage discharge from Waterford Airport. The discharge from the existing treatment plant is received by the Keeloge River. The Keeloge River flows south into the Tramore Backstrand Area. As detailed in the report a projected lower 95 percentile limit flow of $0.12\text{m}^3/\text{sec}$ is assumed to be the dry weather flow on the Keeloge River based on the EPA Hydrotool. In relation to the operation of the existing treatment plant, final effluent samples were taken on the 2nd of July 2018 for analysis. The results indicated that the level of ammonia (NH_3 as N) is quite low at 3mg/l . The results indicated that the suspended solids concentrations were 17.3mg/l and that the BOD concentrations were 10mg/l are well within the 20/30 standard plan design and therefore this indicates that the existing plant is operating effectively.
- 9.6.15. In relation to the assimilative capacity of the Keeloge River in respect of the existing treatment plant the sampling carried out indicated that concentration of nutrients in the river are generally low. The analysis also indicated that there is not much variance between the up-stream and down-stream samples and that the current foul effluent discharge is not noticeably impacting on the water quality with the Keeloge River.
- 9.6.16. Regarding the projected increase in passenger numbers, the throughput after year five is projected to increase to 1,200 persons per day which would represent an increase of 480%. The daily hydraulic foul effluent load of 12,000 litres (12m^3) would be generated by a throughput of 1,200 passengers per day. Analysis of the assimilative capacity of the Keeloge River was carried out in respect of BOD, SS, NO_3 , PO_4 Ortho and NH_3 as N. As detailed in Section 2.2.3 of the EIAR Addendum, the results of the analysis indicated that the projected increase in passenger numbers and the resultant increase in the volume of wastewater effluent generated would notably impact on the assimilative capacity of the Keeloge River. However, the analysis carried out and detailed on Table 3 of the EIAR Addendum which refers to Effluent Discharge Impact, indicates that there is sufficient capacity within the stream to absorb the additional concentrations of BOD, Nitrate and Ammonia discharged.

- 9.6.17. GeoEnvironmental Consultants in the report confirm that the analysis indicates that there will be sufficient capacity with the Keeloge River to absorb the additional concentrations of BOD, Nitrate and Ammonia discharged. It is noted that the additional phosphate load generated by the increase in passenger numbers would account for 75% of the available assimilative capacity of the river to absorb phosphorus. It is acknowledged in the report that the high levels of suspended solids found in samples from both up-stream and down-stream indicate that the concentration of solids during the times of low flow are already above the 50mg/l limit outline in the Surface Water Regulations. The flow of the stream during the sampling was confirmed as being low. It is concluded in Section 2.2.3 of the EIAR Addendum that the significance of the effect of the existing wastewater treatment plant operating over its capacity is not significant on water quality because of the assimilative capacity of the Keeloge River.
- 9.6.18. In relation to proposed mitigation measures in respect of the upgrade of the wastewater treatment plant it does not require specific mitigation measures outside of those set out in Section 7.7.2 of the EIAR.
- 9.6.19. It is set out in Section 7.7.3 of the EIAR that if unmitigated the potential impacts on hydrology and water quality have potential to be significant and long-term.
- 9.6.20. In relation to cumulative impacts, it was concluded in Section 7.8 of the EIAR that no adverse 'in-combination' impact would arise as a result of the proposed development and any other permitted or proposed development.
- 9.6.21. Section 7.4 of the EIAR sets out a series of mitigation measures to reduce potential direct and indirect impacts. These include;
- The increase in the rate of run-off from the runway will be mitigated by the proposed drainage system.
 - The new car parking area to the front of the terminal, and the extension of the existing car parking area is drained using surface water gullies in the form of 'eco drain' style drainage. This drainage is directed through an interceptor which will remove any hydrocarbons which may enter the system from vehicles and is also directed through an attenuation tank prior to discharge to the open drain/watercourse.

- De-icing the runway and aircraft will use only recognised 'low water hazard' 'Clearway' products.
- The airport will deploy a suitable emergency response protocol to a fuel spill or potentially polluting incident on the runway from an aircraft. This protocol will include the provision of equipment to ensure pollutants do not enter the surface water drainage system.
- The surface water apron drainage proposal includes an interceptor drain and a cold-water storage tank to capture any pollutants which enter the system. It is proposed to have a control system on this line which would shut the system in the event of a pollution incident and direct all of the surface water to the holding tank where it can be tested and/or taken off site if required. This control system will be designed to the satisfaction of the appropriate authorities, to ensure that contaminated waters are detected and retained. This would remove the possibility of any pollutants from the system getting to the watercourse.
- A buffer zone of 10m is required from drainage ditches to the temporary compounds.
- No construction-stage drainage will be allowed to discharge directly to the watercourses or its tributaries.
- Excavated subsoil material will be used for backfill or removed off site to an appropriate facility.
- Temporary spoil heaps will be surrounded by silt fencing to filter sediment from the surface water runoff from excavated material.
- Drains around hard-standing areas will be shallow to minimise the disturbance to sub-soils.
- Trenches will be excavated during dry periods where possible in short sections and left open for minimal periods, to avoid acting as a conduit for surface water flows. Clay bunds will be constructed within the trenches at regular intervals.

- All ditches and streams adjacent to proposed construction areas will be protected by fencing, including the proposed stilling ponds.
- The conceptual site drainage has been designed to complement existing overland flow and existing drainage. The drainage design will be developed in full at the detailed design stage.
- All personnel working on site will be trained in pollution incident control response. Emergency Silt Control and Spillage Response Procedures contained within the Site Drainage Management Plan of the Construction Environmental Management Plan (CEMP) will ensure that appropriate information will be available on site outlining the spillage response procedure and a contingency plan to contain silt. Adequate security will be provided to prevent spillage as a result of vandalism. A regular review of weather forecasts of heavy rainfall is required, and a contingency plan will be prepared for before and after such events.
- A record will be kept of daily visual examinations of watercourses which receive flows from the proposed development, during and for an agreed period after the installation phase.
- The developer will ensure that erosion control measures, namely silt-traps, silt fencing and swales are regularly maintained during the construction phase.
- During the construction period, an emergency facility will be provided to control the discharge from stilling ponds. This will mitigate the risk of any accidental spillage on site affecting watercourses.
- A suitably qualified person will be appointed by the developer to ensure the effective operation and maintenance of drainage and other mitigation measures during the construction process. The operations management of the new runway will include regular monitoring of the drainage system and maintenance as required.
- Where haul roads pass close to ditches, silt fencing will be used to protect the ditch at locations where runoff from the tracks flows towards existing ditches. Silt traps will also be provided at outfalls from roadside swales to existing

drains. Silt traps will be kept upstream of outfalls to allow a buffer zone to the outfall.

- Self-contained, wheel washing facilities will be provided at the temporary site compounds near each of the site entrances. Additional silt fencing will be kept on site in case of an emergency break out of silt laden run-off.
- Silt traps and silt fencing will be put in place in advance as construction progresses across the site.
- Wet concrete operations shall not take place within 10m of ditches and streams.
- If wet concrete operations are required, a suitable risk assessment will be completed prior to works being carried out and strategically located concrete washout areas will be provided.
- Refuelling of plant during construction will only be carried out at designated refuelling station locations on site. Namely at the temporary construction compounds. Each station will be fully equipped for a spill response and a specially trained and dedicated environmental and emergency spill response team will be appointed before commencement on site. Only emergency breakdown maintenance will be carried out on site. Drip trays and spill kits will be kept available on site, to ensure that any spills from the vehicle are contained and removed off site.
- Portaloos and/ or containerised toilets and welfare units will be used to provide toilet facilities for site personnel. Sanitary waste will be removed from site via a licenced waste disposal contractor. No permanent sanitary facilities will be constructed on site.

9.6.22. In relation to the matter of residual impacts of the development on sensitive downstream receptors, it is set out in the EIAR that subject to mitigation measures and monitoring measures impact is expected to be slight. In relation to the operation of the upgraded wastewater treatment plant the residual impact on hydrology and water quality is not significant.

9.6.23. Regarding the matter of flood risk, the proposed runway extension route and ancillary works associated with extension of the existing infrastructure are not

located within Flood Zone A or B and is therefore classed as being Flood Zone C. Given the flood zones in which the subject site is located, no justification test is required in this instance. Having regard to the existing developed nature of the site and the drainage services proposed it is not anticipated that the proposed works would exacerbate flooding in the area and as such I consider the proposed development to be acceptable in this regard.

- 9.6.24. I have considered all of the written submissions made in relation to hydrology and the relevant contents of the file including the EIAR and the EIAR Addendum. I am satisfied that the potential for impacts on hydrology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on hydrology can be ruled out. I am also satisfied, based on the information provided, that cumulative effects, in the context of existing and proposed development in the surrounding area, are not likely to arise.

9.7. Traffic and Transportation

- 9.7.1. Section 8 of the EIAR examines the likely significant effects on traffic and transport. In relation to traffic the construction phase of the development is the critical period with respect to traffic effects experienced on surrounding roads in terms of additional traffic volumes. Waterford Regional Airport is accessed from the R708 regional road. The vehicular entrance is located onto a section of road which has a speed limit of 80kph and is approximately 12m wide. In accordance with the provisions of the Waterford County Development Plan and TII design standard DN-GEO-03060 minimum sightlines of 160m are provided with a 3m setback.
- 9.7.2. The proposed transport route identified for the project is shown on Figure 8.1. It is proposed that all construction traffic approaching the site shall do so from the R708. Construction traffic shall approach the R685 from the north. The proposed route provides that traffic coming from the north would join the R708 at the Airport Road roundabout. The traffic would then travel south from there, through Monamintra roundabout and directly to site.
- 9.7.3. It is proposed that three temporary site entrances will be located at existing road access points, providing access to the northern section of the runway, the southern

section of the runway and to a section of land north of the R708 where navigation lights will be placed. It is set out in the EIAR that the delivery routes are considered suitable to accommodate delivery vehicles in terms of alignment, condition and width. The equipment for the site will be delivered to site via HGVs. It is not anticipated that any works will be required on the local road network for the purposes of facilitating delivery.

- 9.7.4. Accordingly, the construction phase for the proposed development will result in additional traffic on the roads in the vicinity of the development, particularly the R708 and internal airport roads. The construction period is estimated to last between 8 to 9 months. As detailed in Section 8.7.1, it is estimated that construction phase will lead to approximately 4,752 additional HGV trips (two-way) over the full duration of the construction period. This equates to an average increase in HGV traffic of 20 daily trips (ADT) over the course of the construction phase. During the peak construction period for HGV traffic, this is expected to rise to 56 ADT.
- 9.7.5. In relation to site staff, an average workforce of 20 persons is anticipated. This is estimated to give rise to an average increase in LGV traffic of 22 trips per working day. The combined HGV and LGV average daily increase is 42 trips per day over the course of the construction period.
- 9.7.6. In relation to the operational phase as detailed in Section 8.7.2 of the EIAR, additional traffic would be generated by the operation of the airport as a result of the proposed development. The amount of traffic would equate to an increase in traffic volumes along the R708 of up to 33% from projected traffic figures. It is set out in the Section 8.10 of the EIAR that the current capacity of the R708 is much higher than the expected worst-case scenario, if the airport were to run at its projected capacity (345,000 passengers per annum). The submission from An Taisce refers to the matter of sustainability in terms of transportation. In relation to the operational phase Section 8.7.2 of the EIAR discusses the projected breakdown of transport modes to and from the airport. The projected breakdown of modal split is based on a study of airport traffic produced by the National Transport Authority in 2017. Table 8-5 in the EIAR refers to Modes of Transport to Airport. It provides a percentage breakdown of the modal split at Shannon and Cork. The average of the two locations was combined to provide an average to provide predicted passenger numbers at Waterford Airport. It is predicted that 13% of passengers to and from the airport will

be by bus/coach, 13.5% by taxi, 33% passengers in car, 19% drove own car, 16.5% rental car, 1.5% Hotel bus, 1% on foot and 2.5% other. As detailed in Table 8-8 of the EIAR the trip generation for the Airport development in the opening year is 244 per day, the trip generation for the opening year +5 years is 914 per day and the trip generation for the opening year +15 years is also 914 per day. Table 8-10 in the EIAR sets out the projected growth on the R708 with the Airport Development. In the opening year it is projected that 9% of the capacity increase on the R708 would be attributable to the operation of the airport. In the opening year +5 years it is projected that 33% of the capacity increase on the R708 would be attributable to the operation of the airport and in operating year +15 it is projected that 32% of the capacity increase on the R708 would be attributable to the operation of the airport. It is highlighted in Section 8.7.2 of the EIAR that the regional road the R708 is classified as a Type 2 Single Carriageway in accordance with the road classification provided in TII Guidelines TII DN-GEO-03031 Rural Road Link Design. It is estimated that the road has capacity for 8,600 AADT without the requirement for any traffic improvement measures. It is concluded in the EIAR that the R708 has significant spare traffic capacity and that it would continue to have 56% spare capacity with the airport operating at the projected capacity.

- 9.7.7. It is estimated in the EIAR that the impacts on the road network, while noticeable, would be slight and long-term.
- 9.7.8. In terms of cumulative impacts, the assessment refers to a solar farm development located to the north east of the site which was granted permission by the Board (PL93.248487). It was detailed in the application that the additional traffic from the solar farm would be predominately during the construction period (4 months). This would generate an additional 16 no trips in and out during the construction period per day. The operational traffic generated by the solar farm was estimated to be one trip per three months. Under Reg. Ref. 15/770 & PL93.247310 a ten year permission was granted for a solar photovoltaic array comprising 33,000m² at Pickardstown, Tramore, Co. Waterford. The site is located 3km to the west of Waterford Airport. During the construction period the development would generate in the region of 20 trips in and out of the site per day. The operational traffic generated by the solar farm would be approximately one trip per three months.

9.7.9. Should a worst-case scenario arise where all these projects are being constructed at the same time, the traffic impact from the solar parks is deemed to be negligible. Accordingly, the cumulative impact of all projects being constructed together should not cause a significant impact on the local road network and would be temporary in nature.

9.7.10. Mitigation measures as set out in section 8.12 of the EIAR. In order to ensure undue impacts do not arise in relation to traffic, the following mitigation measure are proposed.

- Prior to the construction works commencing the contractor will prepare a site-specific Traffic Management Plan (TMP).
- All construction traffic approaching the site shall do so from the north via the route identified in Figure 8-1.
- Construction traffic shall not be permitted to travel along the R685 to the town of Tramore but must do so by going north from the airport entrance.
- Adequate turning space will be provided within each area of the site for the expected vehicles and plant to turn without driving on unpaved lands.
- All construction related parking shall be accommodated within the site. Construction related vehicles will not be permitted to park on public roads.
- The site access is to be kept in its current condition as it is designed geometrically to TII design specifications set out in DN-GEO-03060 and associated design standards, no signs or obstructions shall be erected within the existing sightlines of the entrance in either direction.
- The site entrance shall be maintained to ensure the required minimum visibility is provided in both directions.
- Hedgerows shall be maintained by the project owner to ensure required visibility throughout the operational phase of the project and as part of the scheme's operation and maintenance arrangements.
- Traffic movements for the construction of the development will be discussed with local community representatives and where necessary off-peak deliveries will be accommodated.

- Adequate signage as per Chapter 8 of the Traffic Signs Manual shall be installed on approach to the proposed site entrance.
- Scheduling of flights shall take account for impacts on traffic and avoid creating peak periods throughout the day by scheduling numerous flights concentrated into a small timeframe.

9.7.11. In relation to residual impacts as detailed in section 8.5 of the EIAR with the implementation of the Traffic Management Plan and the implementation of mitigation measures it is anticipated that the negative impact arising from construction related traffic upon the local road network would be short term and of slight effect.

9.7.12. Residual operational impacts, upon the R708 in terms of the frequency and quantum of trips associated with the proposed development are anticipated to be being long term and of slight effect.

9.7.13. I have considered all of the written submissions made in relation to traffic and transport and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on traffic and transportation can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on traffic and transport can be ruled out. I am also satisfied that cumulative effects, in the context of existing airport development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.8. Landscape and visual impact

9.8.1. Section 9 of the EIAR submitted examines the potential for impacts arising from the development to landscape and the visual amenity of the area. A desktop study was carried out to establish an appropriate study area, relevant landscape and visual designations in the County Development Plan, as well as other sensitive visual receptors. A set of potential viewpoints from which to study the effects of the proposal and defining the baseline landscape setting was also selected. An on-site survey was carried out in order to review the Zone of Theoretical Visibility (ZTV).

9.8.2. The proposed development will be located within Waterford Regional Airport. Section 9.3.1 of the EIAR describes the existing visual environment which comprises a vast extension of agricultural fields, mature hedgerows and treeline cover, one-off houses

and a large business park adjacent to the Airport. The existing Airport elements, which have been present in the landscape for 30 years, include the terminal building, control tower, internal roads, runway and lighting and signage. Aircraft activity is also visible in the environment. Appendix 9 of the Waterford County Development Plan 2011-2017 (as extended) contains a Scenic Landscape Evaluation. The application site is located within a landscape designated as 'Robust'. As detailed in Appendix 9 such areas contain existing development and infrastructure. New development within such areas reinforces existing desirable land use patterns. These areas include towns and built up areas, suburban and other developed areas. They can support new development as it is less likely to be conspicuous in the context of existing development in the landscape.

- 9.8.3. It is acknowledged in the EIAR that while the surrounding area has a rural character that it contains some pockets of Sensitive Landscapes and areas which are considered as Visually Vulnerable. These are, Tramore Dunes and Back Strand, designated as SAC, SPA and pNHA and located approximately 1.2km to the south of the Airport.
- 9.8.4. In order to properly assess the potential for impacts on these sensitive areas the applicant selected 4 no. viewpoints for which photomontages were prepared. Having inspected the site and viewed the airport from those 4 no. viewpoints, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape. When viewed from VP1 - view from local road L8053 towards the southwest the proposed runway extension (and additional lighting) will not be visible from this view and the terminal building screened by the existing features in the landscape. The rest of the proposed elements are not considered to create visible impact as they will not rise above the ground level. The level of visual intrusion of proposed development from this location will be imperceptible.
- 9.8.5. When viewed from VP2 - view from airport road R708 towards the southwest the extension of the terminal building will be capable of detection, but not noticeable. The proposed runway extension and additional lighting will not be visible from this view. The predicted visual intrusion of the proposed extension will be imperceptible.

- 9.8.6. When viewed from VP3 - view from local road L4068 towards the northwest, the proposed extension of the terminal building is not expected to be visible from this view. Furthermore, no visibility of the extension of the runway and additional lighting is predicted from this viewpoint. Accordingly, level of visual impact from this location is considered imperceptible.
- 9.8.7. When viewed from VP4 - view from regional road R685 towards the east, the proposed runway extension will not be distinguishable from this view. The proposed development will not be noticeable. The predicted visual intrusion of the proposed development will therefore be Imperceptible.
- 9.8.8. Accordingly, the proposed development is indistinguishable from these vantage points. Visual impacts can therefore be discounted from the sensitive landscapes identified within the EIAR. Cumulative visual impacts have been considered in the context of the foregoing and do not arise. Having inspected the site and viewed the existing airport from the four viewpoints I am satisfied that, overall, the visual intrusion of the proposed development upon the surrounding landscape would be imperceptible.
- 9.8.9. Accordingly, due to the low impact on the landscape and visual environment no mitigation measures for landscape and visual effects of the proposed development will be required.
- 9.8.10. I have considered all of the written submissions made in relation to Landscape and Visual Amenity and the relevant contents of the file including the EIAR. I am therefore satisfied that the potential for direct or indirect impacts on Landscape and Visual Amenity can be ruled out. I am also satisfied that cumulative effects, in the context of existing development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.9. Air Quality and Climate

- 9.9.1. Section 10 of the EIAR examines the impacts of the development on climate and air.
- 9.9.2. Aircraft Dispersion Modelling is a steady-state Gaussian plume model used to assess pollutant concentrations associated with industrial sources. In relation to the subject project, the source and emission data, including aircraft codes, emission rates and flight paths have been incorporated into the models for the two emission

scenarios (Do-Nothing Emissions Scenario and Do-Something Emissions Scenario). The modelling indicates that for NO₂ that the Do-Nothing operation of the airport indicate that the ambient ground level concentrations are below the relevant air quality standards for NO₂.

- 9.9.3. The modelling indicates that for SO₂ that the Do-Nothing operation of the airport indicate that the ambient ground level concentrations are below the relevant air quality standards for SO₂. The modelling indicates that for CO that the Do-Nothing operation of the airport indicate that the ambient ground level concentrations are below the relevant air quality standards for CO.
- 9.9.4. In relation to potential impacts arising during operation, modelling results for the Do-Something operational scenario in respect of NO₂ indicate that the ambient ground level concentrations are below the relevant air quality standards for nitrogen dioxide.
- 9.9.5. In relation to potential impacts arising during operation, modelling results for the Do-Something operational scenario in respect of SO₂ indicate that the ambient ground level concentrations are below the relevant air quality standards for sulphur dioxide.
- 9.9.6. Regarding potential impact arising during operation, the modelling indicates that for CO that the Do-Something operation of the airport indicate that the ambient ground level concentrations are below the relevant air quality standards for CO.
- 9.9.7. The potential impact of NO_x and SO₂ emission on sensitive ecosystem are examined in Section of 10.6.4 of the EIAR. The modelling indicates that for the Do-Something Scenario that the ambient ground level concentrations are below the relevant air quality standard for NO_x for the protection of ecosystems. In respect of SO₂ emissions from the Airport for the Do-Something Scenario result in an ambient SO₂ concentration which are 0.09% of the annual limit value at the worst-case location within the SAC / SPA. When background concentrations are included, this rises to 13% of the annual limit value at the worst-case location. Accordingly, the annual mean SO₂ results for Do-Something Scenario indicate that the ambient ground level concentrations including background do not exceed the relevant air quality standard for SO₂ at the worst case location within the SAC / SPA.
- 9.9.8. The submission from An Taisce in respect of the application refers to the matter of climate change and states that there is growing international recognition that aviation emissions need to be significantly curtailed. The submission refers to the plans for a

third runway at Heathrow Airport in London. It stated that on the 27th of February 2020 the UK Court of appeal ruled that plans for a third runway at Heathrow airport are illegal because the Paris Agreement ought to have been taken into account by the Secretary of State in the preparation of the ANPS (Airports National Policy Statement), and it was concluded that the Government when it published the ANPS had not taken into account its own firm policy commitments on climate change under the Paris Agreement. In relation to this matter, I note that the decision of the UK Supreme Court on the 16th of December 2020, which overturned the February judgment that a third runway at Heathrow airport was illegal. It ruled the strategy was legitimately based on previous, less stringent, climate targets at the time it was agreed. This decision of the UK Supreme Court means that the airport can now make a planning application.

- 9.9.9. An Taisce contend that having regard to the emission heavy nature of air travel and the increasing instability of the air travel market that consideration should be given to alternatives to air travel such as high-speed ferries and rail links that could provide a lower-emission substitute for many short-haul flight routes.
- 9.9.10. Section 10.1.1 of the EIAR sets out in detail Climate agreements. The more recent agreements include the Paris Agreement which was established at COP21 in Paris in 2015. The Paris Agreement is currently ratified by 187 nations, and has a stated aim of limiting global temperature increases to no more than 2°C above pre-industrial levels with efforts to limit this rise to 1.5°C. The aim is to limit global GHG emissions to 40 gigatonnes as soon as possible whilst acknowledging that peaking of GHG emissions will take longer for developing countries. Contributions to greenhouse gas emissions will be based on Intended Nationally Determined Contributions (INDCs) which will form the foundation for climate action post 2020. Significant progress has also been made on elevating adaption onto the same level as action to cut and curb emissions. The Climate Action and Low Carbon Development Act, 2015 underpins the national objective of moving to a low carbon, climate resilient and environmentally sustainable economy.
- 9.9.11. Climate Action Plan 2019 (Government of Ireland) was prepared in response to Agenda 2030 and the Paris Agreement on climate change. In relation to the matter of climate agreements, the regional impact of the proposed Waterford Airport expansion on emissions of CO₂ were also assessed using the EMEP/EEA Air

Pollutant Emission Inventory Guidebook 2016. The results indicate that Do-Nothing operations at Waterford Airport contribute 0.016% of CO₂ emissions compared to Ireland's EU 2030 Target. However as noted in Section 10.3.2 of the EIAR as Ireland is a member of ICAO, Irish aircraft operators will have to offset any emissions growth after 2030 by purchasing eligible emission units, i.e. pay full carbon price.

9.9.12. In respect of the Do-Something operations at Waterford Airport the emissions of CO₂ was also assessed using the EMEP/EEA Air Pollutant Emission Inventory Guidebook 2016. The results indicate that proposed extension of operations at Waterford Airport would contribute 0.019% of CO₂ emissions compared to Ireland's EU 2030 Target. As Ireland is a member of ICAO, Irish aircraft operators will have to offset any emissions growth after 2030 by purchasing eligible emission units, i.e. pay full carbon price. Accordingly, it is concluded that the likely overall magnitude of the changes on climate in the operational stage is negligible and long-term.

9.9.13. In relation to the ICAO, I note that it is a specialized UN agency which addresses all matters related to international civil aviation, including environmental protection. It has been specifically addressing GHG emissions from international aviation. The ICAO agreement on carbon neutral growth and CORSIA complements the ambition of the Paris Agreement and constitutes the most significant international climate-related agreement since its adoption. CORSIA refers to the Carbon Offsetting and Reduction Scheme for International Aviation. The ICAO Assembly at its 40th Session in 2019 adopted Resolution A40-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change. It reiterated the two global aspirational goals for the international aviation sector of 2% annual fuel efficiency improvement through 2050 and carbon neutral growth from 2020 onwards, as established at the 37th Assembly in 2010. To achieve the global aspirational goals and to promote sustainable growth of international aviation, ICAO is pursuing a basket of measures including aircraft technology improvements, operational improvements, sustainable aviation fuels, and market-based measures (CORSIA).

9.9.14. Accordingly, in respect of the matter of climate change, I am satisfied that under the provisions of the ICAO agreement that the Irish aircraft operators are required to offset any emissions growth after 2030.

- 9.9.15. The Climate Action Plan 2019 Published by the Department of Climate Action & Environment refers to air travel. It advises that since 2012 that greenhouse gas emissions associated with flights operating in the European Economic Area (EEA), including domestic flights as well as those to and from third countries are covered by the EU Emissions Trading Scheme (ETS). The scheme requires that airlines monitor, report and verify their emission and surrender allowance against those emissions. Under the scheme airlines receive tradable allowances which cover a certain level of emissions from their flights per year and they must purchase allowances to cover any shortfall between their allocated sum of free emissions allowances and their actual emissions as reported annually. In support of the planned development of a global Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) by the ICAO the EU agreed in 2014 to limit the scope of aviation in the EU ETS to flights within the EEA. CORSIA has come into effect in 2021 and it aims to stabilise global aviation emissions at 2020 levels by requiring the airlines to offset any emissions growth after 2020 by purchasing eligible emission units generated by projects that reduce emission in other sections. Ireland is a member of the ICAO and therefore Irish aircraft operators will have to offset any emissions growth after 2020 by purchasing eligible emission units which would entail paying full carbon price.
- 9.9.16. Climate Action Plan 2021 – Securing Our Future was published by the Department of the Environment, Climate and Communications and was launched by the Government on the 4th of November 2021. The Plan sets out a roadmap to deliver the achievement of 51% reduction in Ireland’s overall greenhouse gas emissions from 2021 to 2030 and to achieving net-zero emissions no later than 2050. These are legally binding objectives which are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021. Section 15 of the Plan refers to transport. Non-Road transport is referred to in Box 15.2. In relation to aviation and maritime sectors it advises that as a small open economy on the periphery of Europe, the aviation and maritime sectors are critical for the movement of our goods and people. Action is being taken at EU and international levels to address emissions from these sectors, including through market-based measures such as the ETS and sustainable fuel mandating initiatives (through ReFuel EU Aviation, Fuel EU Maritime and the Alternative Fuel Infrastructure Regulation which will all include

binding targets once adopted). It is set out in the Action Plan, that continued international collaboration through the International Maritime Organisation and the International Civil Aviation Organization, will be key to achieving greater sustainability and preserving a level playing field in these global sectors. Ireland will support appropriate actions taken at EU and global levels to reduce emissions from the aviation and maritime sectors.

9.9.17. Having regard to the policy context as detailed above and the limited extent to which the proposed extension of operations at Waterford Airport would contribute to CO₂ emissions compared to Ireland's EU 2030 Target, I am satisfied that the likely overall magnitude of the proposal on climate in the operational stage is negligible and long-term.

9.9.18. Regarding potential impact during the construction phase as set out in Section 10.5 of the EIAR states that the greatest potential impact on air quality during the construction phase would arise from construction dust emissions and the potential for nuisance dust and PM₁₀/PM_{2.5} emissions. Having regard to the scale of the landholding of the airport the closest sensitive receptors which mainly comprise residential properties are situated a distance in excess of 200m from the proposed construction areas. Construction dust tends to be deposited within 200m of a construction site, however it is detailed in the Section 10.5 and Table 10-10, the majority of the deposition occurs within the first 50m.

9.9.19. Accordingly, in relation to potential impacts there are likely to be a small number of closer receptors which have the potential to have short term, slight adverse impacts. These impacts can be satisfactorily mitigated in accordance with the following proposed mitigation measures to be implemented during the construction which are set out in Section 10.8 of the EIAR;

- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any un-surfaced roads will be restricted to essential site traffic.
- Any road that has the potential to give rise to fugitive dust must be regularly watered, as appropriate, during dry and/or windy conditions.

- Vehicles using site roads will have their speed restricted, and this speed restriction must be enforced rigidly. On any un-surfaced site road, this will be 20 kph, and on hard surfaced roads as site management dictates.
- Vehicles delivering material with dust potential (soil, aggregates) will be enclosed or covered with tarpaulin at all times to restrict the escape of dust.
- Public roads outside the site will be regularly inspected for cleanliness and cleaned as necessary.
- Material handling systems and site stockpiling of materials will be designed and laid out to minimise exposure to wind. Water misting or sprays will be used as required if particularly dusty activities are necessary during dry or windy periods.
- During movement of materials both on and off-site, trucks will be stringently covered with tarpaulin at all times. Before entrance onto public roads, trucks will be adequately inspected to ensure no potential for dust emissions.

9.9.20. Accordingly, subject to the implementation of these mitigation measures, I am satisfied that these potential impacts can be reduced to short term and negligible. I note that there is the potential for a number of greenhouse gas emissions to the atmosphere during the construction phase of the extension. Construction vehicles, generators may give rise to CO₂ and NO₂ emissions. These impacts during the construction phase will be short-term and temporary accordingly, impact on climate will be negligible.

9.9.21. In relation to road traffic impacts there is the potential for a number of emissions to the atmosphere during the operational phase. Traffic-related air emissions may generate quantities of air pollutants such as NO₂, CO, benzene and PM₁₀/PM_{2.5}. The result of modelling indicates that the levels of traffic-derived air pollutants from the Do-Something extension will not exceed the ambient air quality standards either with or without the Do-Something extension in place. Accordingly, the potential impact of the proposal in terms of NO₂, CO, benzene and PM₁₀, PM_{2.5} is long-term, localised negative and imperceptible.

9.9.22. Cumulative impacts were considered under Section 10.7, developments within the vicinity of the site were considered and it was concluded within the EIAR that there

are no other significant sources of pollutants in the area. It was concluded that cumulative impact of other permitted developments and proposed airport expansion would cause insignificant impacts during the operational phase in relation to local air quality and also for the short term and long term due to limited size of the area of impact from the airport.

9.9.23. Regarding residual impacts and in relation to dust, subject to the dust minimisation measures and construction management plan being implemented, fugitive emissions of dust from the site will be insignificant and pose no nuisance at nearby receptors. Regarding residual impacts in respect of air quality, the results of the road and aircraft dispersion modelling studies indicate that the residual impacts of the Do-Something extension on air quality and climate are predicted to be negative, not significant and long-term with respect to the operational phase local air quality assessment at the nearest residential receptor.

9.9.24. I have considered all of the written submissions made in relation to Climate and Air and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on Climate and Air can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on Climate and Air can be ruled out. I am also satisfied that cumulative effects, in the context of existing development in the airport and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.10. Noise and Vibration

9.10.1. Section 11 of the EIAR submitted examines the baseline noise conditions and outlines the predicted noise levels arising from the proposed development. Noise disturbance arising from construction is predicted to have a slight to moderate impact and will be short term. Noise arising from the operation of the site is considered to be long term and insignificant given current operations at the port and background noise levels in the area.

9.10.2. A baseline noise survey was conducted from the 5th to 11th July 2018 and the procedure followed was in accordance with ISO 1996-2:2017 Acoustics – Description, measurement and assessment of environmental noise. Three noise

sensitive locations were identified to obtain a detailed representation of the ambient and background noise levels in the vicinity of the proposed runway extension. The locations are representative of nearest occupied dwellings to the proposed development. The ambient noise levels at N1 ranged between 19.9dB – 66.5dB LAeq and the background noise levels ranged between 19.2dB – 44.8dB LA90. The ambient noise levels at N2 ranged between 31.8dB – 62.0dB LAeq and the background noise levels ranged between 24.1dB – 46.5dB LA90. The ambient noise levels at N3 ranged between 18.8dB – 61.2dB LAeq and the background noise levels ranged between 18.2dB – 42.8dB LA90.

9.10.3. The operational hours at the airport are typically 07:00 – 19:00 hrs during daytime and 19:00 – 23:00 hrs during evening. There is also potential for the occasional flight to occur during the night-time between 23:00 -07:00. I note this is currently the case at the Airport. Noise levels were assessed in the context of daytime, evening time and night-time periods. At location N1 a background noise level (LA90,10min) of 33dB was considered representative for daytime periods with background noise of 29 dB and 21 dB representative of evening and night-time periods, respectively. At location N2 a background noise level (LA90,10min) of 33dB was considered representative for daytime and night-time whilst a background noise level of 27 dB was considered representative of the evening. At location N3 a background noise level (LA90,10min) of 33dB was representative for daytime. Background noise of 25 dB and 19 dB were considered representative of evening and night-time periods.

9.10.4. I note that at noise monitoring stations N1 and N3 the background noise levels are below the low background noise criteria, as determined by the EPA. Monitoring location N2 is not considered an area of low background noise. Having regard to the level of current ground operation activities at the airport and also the proximity of light industrial land uses to the south of the airport, it was concluded in the EIAR that the noise limits set out in the WHO guidelines and BS8233:2014 are deemed to be the most appropriate noise limit criteria for the ground operations. In the do-nothing scenario it is set out in the EIAR that if the proposed development is not carried out, it is expected that the general noise level in the vicinity would increase slightly assuming modest growth in flight activity. It is noted that if the operations at the airport were to reach the numbers of flights in 2008 then noise levels generated would increase beyond the levels resulting from the proposed runway extension.

- 9.10.5. The potential for noise impacts to arise during the construction phase. In respect of the various construction activities which would occur including earthworks, pavement works, bituminous pavement, drainage works, utilities works, development of the car park, construction of an extension to the terminal building and the installation of navigational lighting, the predicted noise level at the noise sensitive dwelling located circa 155m to the south of the southern runway extension is below the noise limit of 65 dB LAeq,1hr. In relation to potential noise impacts from construction traffic I note that during the peak construction traffic flow have been modelled and the predicted noise level will be below the noise limit of 65 dB LAeq,1hr.
- 9.10.6. Regarding potential impacts from construction vibration, having regard to the separation distances proposed from the majority of works and the nearest sensitive locations and the fact that vibration will be localised, I note that the vibration from construction activities will not have a significant impact on the nearest sensitive locations.
- 9.10.7. In relation to potential impact arising during operation there are three sources of noise which have been identified in the EIAR. They are air traffic noise, ground operations noise and road traffic noise.
- 9.10.8. Regarding air traffic noise, the operational hours of the airport are between 07:00 – 23:00 year round. In relation to the type of aircraft operating at Waterford Regional Airport it is set out in Section 11.7.1 of the majority of the total number of movements now and in the future will be made up of single engine training aircraft. The proposed extension of the runway would facilitate the operation of medium jet aircraft comprising Boeing 737/800 and Airbus 320. The estimated level of medium jet flights per annum by year five of operation is 2,240. Table 11.22 of the EIAR provides a Forecast of Air Traffic Activity. In relation to forecasts for medium jet flights, I note that in year five this would equate to a maximum of three flights in and out of the airport per day.
- 9.10.9. An Air Traffic Noise Prediction model was prepared by Leading Edge Aviation Planning Professionals (LEAPP). They modelled noise generated by aircraft operating on the extended runway 03, 21 and split between 03/21. Runway 03 refers to aircraft landing and taking off in a North-north-easterly direction on the runway. Runway 21 refers to aircraft landing and taking off in a South-south-westerly

direction on the runway. It is noted that in general aircraft take off and land into the direction of the prevailing wind which in the case of Waterford Regional Airport is to the south-west. In relation to a scenario where all air traffic is assigned to runway 03, the predicted noise impact for current air traffic in the year 2020 and future air traffic in the year 2025 was examined. It was determined currently there are no dwellings with noise levels above 63 dB. In year five with the proposed runway extension completed and jet aircraft flights operational this would result in two dwellings with noise levels above 63 dB. The proposal would result in an increase in the number of dwellings above the 54 dB, 57 dB and 60 dB noise contours as shown in Table 11.24.

9.10.10. In relation to a scenario where all air traffic is assigned to runway 21, the predicted noise impact for current air traffic in the year 2020 and future air traffic in the year 2025 was examined. It was determined that currently one dwelling is exposed to noise levels above 63 dB. In year five with the proposed runway extension completed and jet aircraft flights operational this would result in no dwellings with predicted noise levels greater than 63 dB(A). The proposal would result in the 13 number dwellings exposed to noise levels greater than 57 dB(A) which is an increase of 5 dwellings exposed to noise levels above 57 dB(A).

9.10.11. In relation to a scenario where all air traffic is split between runway 03 and 21, It was determined that presently no dwellings are exposed to noise levels above 63 dB. In year five with the proposed runway extension completed and jet aircraft flights operational this would result in two dwellings with predicted noise levels greater than 63 dB(A). The proposed runway extension will also result in increases in the number of dwellings exposed to noise levels greater than 57 dB(A) is 16 which is an increase 9 dwellings exposed to noise levels above 57 dB(A). It is highlighted in the EIAR that the greatest level of noise impact would occur with aircraft landing and taking off to runway 03 and then to a lesser extent when operations are split between runway 03 and runway 21. The operation of runway 21 provides the least noise impacts on nearby dwellings as there are fewer dwellings situated to the south. As previously stated, generally aircraft take off and land into the direction of the prevailing wind. Accordingly, runway 21 is the primary runway at Waterford Regional Airport and runway 03 is used when winds are from the north and northeast. Therefore, in the

course of general operations at the airport no more than 24 dwellings would experience noise levels greater than 51 dB(A) when jet aircraft are using the airport.

9.10.12. Regarding the impact on noise on land use, the matter is addressed in the Waterford Regional Airport & Business Park Masterplan which is appended to the WCDP 2011-2017(As extended). The document sets out the planning objectives and strategies for the future of the regional airport in line with the objectives of the Development Plan, Regional Planning Guidelines and National Planning Policy. Section 1.1 of Appendix 1: Airport Control Zones of the Waterford Regional Airport & Business Park Masterplan states “To protect the public from adverse effects of aircraft noise, it is important to control development of certain land uses within those lands that potentially would be subject to various levels of aircraft noise.” Table 11.4 in section 11.2.3 presents the typical land uses permitted within specific noise contour levels.

9.10.13. An aircraft noise contour of less than 57 dB(A) is defined as suitable for residential developments. As noted earlier, there is no general statutory limitation on land use due to aircraft noise exposure in Ireland and judgement must be applied as to what noise level should be regarded as intolerable for specific land uses involving human activity. Certainly, from practice elsewhere it would appear that residential uses should not be permitted where prolonged long-term noise exposure exceeds, or is predicted to exceed, 69dBA, and discouraged where noise exposure is predicted to exceed 63 dBA for periods of 16 hours or more. Based on such limits, the impact of aircraft noise from an extended runway with modest use by medium jet aircraft, on the lands surrounding Waterford Airport, and on dwellings under the flight paths of the runway, would be deemed to be moderate.

9.10.14. Appendix 6 of the Waterford City and County Development Plan 2011-2017 (As extended) refers to Waterford Regional Airport and Business Park Masterplan. Regarding the issue of noise, it is set out that is of concern for persons living under flight paths or in close proximity to the Airport and in order to minimise both air and ground noise associated with the Airport, planning applications should address Airport noise mitigation measures. Contours of expected levels of aircraft noise have been developed and provide an illustration of the extent and location of areas that are potentially affected by specific aircraft noise levels. It is set out in Appendix 6 that the guidance provided in the UK in respect of aircraft noise and land uses within

lands around an airport specifies that development should not occur in a noise contour band where predicted noise levels could be greater than 72 dBA. The noise modelling which was carried out for Waterford Airport which was based on forecasted air traffic levels indicates that this level of aircraft noise emission would not affect any of the lands outside the airport and that it would be confined to the immediate area of the runway. Map A1 in appendix 6 indicates the LA_{eq} Noise contours the 57 LA_{eq}, 63 LA_{eq} and 69 LA_{eq} are provided. I note these lie in close proximity to the runway. Accordingly, it is detailed in Appendix 6 level of aircraft noise emission would not affect any of the lands outside the airport, and would be confined to the immediate area of the runway.

9.10.15. The submission from the owners of Beacon Hill Racing Stables refers to potential impacts from noise generated by the aircraft which would be operating at Waterford Airport. The submission refers to the stables being a noise sensitive location. Beacon Hill Racing Stables, Ballyrouragh, Co. Kilkenny are located over 14km to the north-east of Waterford Regional Airport as the crow flies. The stables are therefore located a significant distance outside of the Airport Control Zones of the Waterford Regional Airport as set out in Section 1.1 of Appendix 6 of the Development Plan. Furthermore, I note that upon preparation from landing the final approach of an aircraft occurs at circa 8km (5 miles) from the airport. Therefore, the location of Beacon Hill stables is located well outside the area of airspace which would form the area of final approach of aircraft. Having regard to the separation distance between the airport and the stables at Beacon Hill, I do not consider that it would unduly impact the existing Beacon Hill Racing Stables in terms of noise impacts. Furthermore, as discussed previously in this section of the report, in general aircraft take off and land into the direction of the prevailing wind which in the case of Waterford Regional Airport is to the south-west. Accordingly, flight paths involving take off in a north-easterly direction on runway 03 at Waterford Regional Airport are limited to certain weather conditions when the wind direction changes and when winds are from the north and northeast. Therefore, a direct flight path to the north-east of the airport will only be used in these circumstances.

9.10.16. Regarding the significance of impact of noise levels, with runway 21 in operation it will result in a moderate impact at 6 dwellings and a significant impact at 3 dwellings. This is the preferred runway and also would have the least impact. On

occasions where it is required to use a combination of the two runways 21 and 03 there would be an increase in impact and when the wind direction alters on occasion and it is required to use runway 03 only, then there would be a very significant increase in noise levels at 7 dwellings.

9.10.17. Regarding ground noise generated a significant source of noise is from taxiing, another source of noise is engine testing, aircraft auxiliary power units, building services, generators and ground vehicles. The noise modelling indicated that the predicted noise level from ground operations from the proposed development would be below the daytime noise limit. However, I note that this result does not include engine testing. Regarding traffic noise the proposed runway extension will result in increased traffic volumes as it is estimated that the development would result in an increase in passenger numbers of up to 345,000 and it is envisaged that the majority of passengers would access the airport by road. However, in respect of noise impact from road traffic it is considered that the magnitude of impact would be negligible in the short term and long term.

9.10.18. In relation to cumulative impacts none are envisage in respect of construction noise. Regarding the operational phase there are no other developments proposed in the vicinity of the airport which could generate noise levels requiring consideration in conjunction with aircraft air noise to derive a cumulative effect.

9.10.19. The proposed development would result in additional residual air traffic impact. It is set out in the EIAR that where additional residual air traffic impacts in terms of noise are over and above the current operations at the airport the mitigation measures which are proposed will minimise the impacts.

9.10.20. A number of mitigation measures have been proposed within Section 11.9.1 of the EIAR, which seek to ensure that noise and vibration emissions are maintained within acceptable levels. During the construction phase mitigation measures will be implemented at locations in proximity to sensitive receptors - they are that construction activities be carried out during normal working hours, that a site representative responsible for matters relating to noise should be appointed, that communication channels between the contractor and the local authority and residents be established and that noise monitoring at noise sensitive receivers should be performed during critical periods. General measures to reduce noise

during the construction phase comprise the following, avoidance of unnecessary revving of engines and switch off equipment when not required, maintenance of internal haul routes and avoidance of steep gradients, equipment to conform to international standards on noise and vibration. Measures also include use of equipment with quiet and low vibration emissions, compressors will be of the “sound reduced” models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and all pneumatic tools shall be fitted with suitable silencers, locate equipment as far away from noise sensitive receivers as possible within constraints of the site and erection of hoardings or temporary noise barriers, where practicable and necessary, to provide acoustic screening, ensure road surfaces on-site and in the vicinity of the site are well-maintained and smooth. If this is the case, truck movements will be unlikely to cause perceptible structural vibration in nearby properties. Plant and/or methods of work causing significant levels of vibration at sensitive premises will be replaced by other, less intrusive, plant and/or methods of working where practicable.

9.10.21. Mitigation measures during operation include the following, that Runway 21 will be used where possible as it lessens the impact of aircraft noise on the local community. The frequency of night flights will be controlled to protect residential amenity. Noise monitoring and track flights will be undertaken, and the results will be used to re-evaluate noise impacts and the application of mitigation measures. The data will be reviewed annually and will also be used to assess and address noise complaints should they arise. The airport will implement a variety of noise abatement procedures including the requirement that aircraft operate along pre-determined departure routes (noise preferential routes or NPR's) and to climb in a manner to minimise noise on communities on the ground. Approaching aircraft are required to ensure they do not encroach below the 3 degree glide slope operating at the airport. On touchdown, aircraft are required to avoid the use of reverse thrust during the hours of 23:00 to 07:00 except where operational or safety reasons dictate otherwise.

9.10.22. I have considered all of the written submissions made in relation to noise and the relevant contents of the file including the EIAR. The concerns raised in the submission from the owners of Beacon Hill Racing Stables referred to their premises being a noise sensitive location and that the proposed extension of the runway would

negatively impact upon the stables in terms of noise generated by aircraft. I am satisfied that as detailed in Section 11 of the EIAR, specifically the air traffic noise prediction modelling which assessed noise contours of 51,54,57,60, 63 and 66 db L_{Aeq16h} that the normal operation of the airport would affect no more than 24 dwellings at noise levels greater than 51dB(A) when passenger jet aircraft are using the airport. Having regard to the distance between the Beacon Hill Racing Stables and Waterford Airport, the stables is a significant distance outside of the airport control zones of the airport and therefore the level of aircraft noise emissions would not affect these lands. Accordingly, I am satisfied that the potential for impacts on noise can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on noise can be ruled out. I am also satisfied that cumulative effects, in the context of existing development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.11. Biodiversity

- 9.11.1. Section 12 of the submitted EIAR assesses and evaluates the potential for significant impacts on biodiversity. It comprises an Ecological Impact Assessment (EclA). The impact of the proposed development on European sites is addressed in detail in Section 12 of this report. The application site does not overlap with any European or nationally designated sites. There are six European Sites within 15km of the application site. The closest are Tramore Dunes and Backstrand SAC and Tramore Back Strand SPA, located circa 1.7km to the south. These European sites have a pathway to the subject site. The risk of water pollution to these sites can be excluded due to the mitigation measures proposed, the separation distance from the site to the sites and the dispersion and dilution effects of the sea.
- 9.11.2. While the potential for effects on the qualifying interests of these sites is remote due to the nature of the works and the level of separation and mitigation measures proposed, it is necessary to dispel any reasonable scientific doubt that may exist. The NIS Report submitted with the application considers the potential for effects on the SAC and SPA both individually or in combination with other plans or projects and considered that the risk of significant effects is unlikely. Accordingly, I am satisfied, based on the information submitted with the file and discussed within the Appropriate

Assessment section of this report, that the applicant has adequately demonstrated beyond reasonable scientific doubt that the proposed development would not adversely affect the integrity of these SPAs and SACs in view of these sites Conservation Objectives.

- 9.11.3. Potential impacts on biodiversity associated with the proposed development include loss of habitat and disturbance or displacement of species. The assessment of impacts is supported by an ecological assessment, a desk top study and habitat surveys, consisting of site walkovers, were carried out on two occasions, 3rd July 2018 and 6th March 2020. The bird surveys carried out in 2018 and 2020, were done during both the breeding and non-breeding seasons. It is detailed in the EIAR that the surveys took place within the summer and early autumn (June - September) seasons in 2018 and winter, spring and summer (February - May) 2020 seasons.
- 9.11.4. Section 12.3.6 sets out a summary of Ecological Evaluation of the site. The site contains improved grassland and wet grassland habitats. These are considered to be of relatively low ecological value in terms of botanical diversity and value and are of Local Importance. These areas provide suitable habitat for mammals, invertebrates and avifauna. The faunal composition of the site is considered to be of Local Importance, due to the presence of suitable badger habitat and the potential foraging and / or nesting or dwelling habitats for other species, such as meadow pipit. Overall, it is stated within the EIAR that no rare or protected habitats were recorded inside the proposed development boundary.
- 9.11.5. Potential for impacts to arise in relation to the construction phase. Firstly, in respect of habitats the development of the runway extension would result in the loss of grassland which is considered to be Locally Important. It provides habitat for birds, including the BoCCI Red List species meadow pipit. I note that given the extensive area of the rest of the grassland remaining following the development that the loss of this area of grassland will not result in a significant adverse impact. The development of the proposed car park would result in the loss of the south-western corner of an area of broadleaved woodland and scrub which is located to the east of the terminal building. This habitat is considered to be Locally Important. The resultant loss of this area of woodland/ scrub habitat would not result in the fragmentation of woodland habitats, it is considered that the loss of this area of woodland/ scrub will not result in a significant adverse impact.

- 9.11.6. The construction of the runway and navigation lights corridor may result in the loss of approximately 258m of hedgerows, which is considered to be Locally Important. In relation to surface water during the construction phase there is potential for excavation and ground disturbance to generate suspended solids runoff to the Kilmacleague West, Ballygarran and Ballygunnarmore watercourses. This would be a significant adverse impact at the local geographic level. This potential impact would be mitigated through provision of silt fencing which will ensure that sediment is contained within the site. The risks of spillage of hydrocarbons will be mitigated by strict site management whereby the contractor will not refuel vehicles on site. Mitigation measures in respect of habitats include the keeping of the removal of hedgerows to a minimum and that a hedgerow planting scheme shall be undertaken in the fields to the north of Airport Road.
- 9.11.7. Regarding flora, I note that there were no Red List species recorded on site and no Flora Protection Orders on the site. Furthermore, I note that no invasive species were recorded on the site. Accordingly, no significant adverse effects on flora are anticipated to arise during the construction phase. In relation to avifauna, there is also potential for temporary disturbance of bird species across the site during the construction phase. This would be a temporary significant adverse impact at the local geographic level. In order to prevent this impact the mitigation measure proposed to address this is to ensure that no scrub clearance, tree felling or other removal of vegetation, including grassland, will occur during the bird breeding season from 1st March to 31st August.
- 9.11.8. It is detailed in the EIAR that there is the potential for the pipistrelle bat species to forage and commute along the hedgerows to the north of the site and also within the broadleaved woodland and scrub present on site. Accordingly, the removal of these habitats has the potential to reduce foraging and commuting habitat for bats. This would be a significant adverse impact on a local geographic level. In relation to potential bat roosts, I note that the buildings within the airport are considered to be of low suitability for roosting bats and similarly there is the possibility of bat roosts located within the two dwellings to the north of the runway proposed to be demolished. Accordingly, there is potential for disturbance to bats roosting in the existing buildings. This would be a significant adverse impact on a local geographic level. To mitigate potential impact to bats it is proposed that the removal of trees,

scrub and hedgerow habitats shall be kept to a minimum. That areas of scrub at the periphery of the site, be left to develop to provide darker areas that have potential for bats to forage and that a hedgerow planting scheme shall be undertaken in the fields to the north of Airport Road. It is also proposed that surveys be carried out prior to the commencement of development to determine the presence or absence of bats. Should bats be found, development will be delayed and a derogation license will be required from NPWS wildlife licencing section.

9.11.9. In relation to Terrestrial Mammals, surveys indicated no evidence of badger setts within the site. Badgers setts are regularly made therefore, potential direct effects on badgers are possible if badgers establish setts within areas of construction. Such a potential impact would be a temporary local adverse impact. Accordingly, the mitigation proposed to address this is that a pre-construction survey will be carried out prior to the commencement of construction to identify active badger setts occurring within the site. Should badger setts be identified within proximity to the proposed works area, mitigation measures are proposed to ensure no disturbance of the local badger population during the construction. These measures are;

- A buffer distance of 10m from sett entrances should be employed in instances where light works such as digging by hand or in the event of scrub clearance.
- A buffer distance of 20m from Badger sett entrances should be incorporated where light machinery (generally wheeled vehicles) are in operation within the site.
- A buffer distance of 30m from Badger setts should be employed where heavy machinery is in operation within the site.
- None of the above activities should be undertaken within 50m of active setts during the breeding season (1st December to 31st June inclusive).

9.11.10. Regarding, invertebrates, I note that small heath butterfly, which are listed as 'Near Threatened' on the Red List, were recorded on site during surveying. The area of the site adjoining the extension of the runway to the north would be on regularly mown grassland therefore it would be unlikely to sustain a population of small heath butterfly. It is noted that the airport lands contain an extensive area of unmown grassland habitat therefore it is unlikely that the proposal would result in a significant adverse impact on small heath.

9.11.11. Potential impacts during operation are set out in Section 12.5.2. Regarding habitats, no significant adverse effects on terrestrial habitats are anticipated to arise during the operational phase. There is the potential for the water quality of the Kilmacleague West, Ballygarran and Ballygunnarmore watercourses to be reduced due to contamination from the runway from hydrocarbons and agents from de-icing of aircraft. Also, there is potential for contamination of the Keiloge waterbody if the waste water treatment servicing the airport does not have adequate capacity or is not functioning correctly. The mitigation measures proposed to prevent such potential impacts on water quality including the provision of drainage systems to ensure that contaminants do not enter watercourses. Regarding the capacity of the Waste water treatment plant, it is confirmed in the further information submitted in the Addendum EIAR that following assimilative capacity analysis of the Keeloge stream that the existing treatment plant is operatively effective. It is proposed to upgrade the wastewater treatment system beyond Year 2 to cater for daily passenger figures from Year 3-5 with a peak allowance of 1,200 passengers per day and 60 staff. The proposed upgrade of the wastewater treatment system entails the installation of 1. BMS BL3000 Blivet and retain the existing BMS BL1000 Blivet, operating in series, giving a combined nominal capacity of 350 PE. It is proposed to install a 10,000 litre balance/denitrification tank to act as an anoxic/balance tank to achieve the required nitrate reduction. Accordingly, having regard to the proposals to upgrade the wastewater treatment system beyond Year 2 and the analysis provided in respect of the operation of the existing wastewater treatment system I am satisfied that the applicant has demonstrate that the proposed development can be serviced in terms of foul drainage and that it would not pose a risk to water quality and therefore would not pose to risk to aquatic species and biodiversity and that sufficient capacity is available.

9.11.12. Regarding avifauna, aircraft can pose a risk of adverse effects as a result of bird strike. As detailed in the EIAR, the bird strike data from Waterford Airport between 2010 and 2014 indicated that gulls, swallows and swifts were the predominant species recorded as being struck within the Airport boundary. However, the rate of recorded bird strikes in this period was not significant. It is noted that there is potential for the mortality rate of gulls to rise with an increase in air traffic. However, I note that the results of the bird surveys at the site indicate that there is a

minimal level of gull flight activity within the site and its environs. In terms of mitigation, it is recommended in the EIAR that bird strike statistics are monitored on an ongoing monthly basis and mitigation measures such as bird scaring devices are utilised as necessary based on the results of the bird strike statistics.

9.11.13. In relation to bats, there is potential that light pollution arising from the navigation light corridor proposed for the development, would result in a significant negative impact to bats. In the absence of mitigation this would be significant at a local level. Accordingly, it is proposed that areas of scrub at the periphery of the site which are located away from the runway be left to develop to provide darker areas that have potential for bats to forage. Furthermore, mitigation includes a proposed hedgerow planting scheme be undertaken in the fields to the north of Airport Road linking to other linear habitats to provide connectivity to the wider landscape and foraging and commuting habitat for bats during the operational phase.

9.11.14. No significant adverse effects on flora, terrestrial mammals and invertebrates are envisaged during the operational phase.

9.11.15. Accordingly, in relation to potential impacts they can be satisfactorily mitigated in accordance with mitigation measures to be implemented during the construction which are set out in Section 12.6 of the EIAR which sets out that as part of the Construction Methodology and Environmental Management Plan, the appointed contractor will draw up a Method Statement (MS) to be informed by those guidance documents and best practice measures provided below. This method statement will be strictly adhered to by the contractors involved in the works and will be overseen by the project representative/foreman.

9.11.16. Cumulative impacts are considered within the EIAR and take into account other permitted development within the last five years as well as relevant plans for the area. In combination/cumulative impacts have been ruled out within the EIAR given the lack of ecological impacts associated with the proposed development.

9.11.17. In relation to potential residual impacts, there will be no residual impact on nationally designated sites. It is concluded in the EIAR that there is potential for adverse effects on the water quality of watercourses within the zone of influence of the proposed works. Subject to the implementation of standard good practice construction methodologies and mitigation measures no significant residual effects

on aquatic habitats are anticipated. Regarding fauna, there is potential for effect on protected/notable species, through loss of habitat, damage to habitat and potential disturbance during the construction and operational phase. However, subject to the implementation of specific mitigation measures including the provision of a hedgerow planting scheme in the fields to the north of the runway and the carrying out of pre-construction surveys for bats, the proposal will not result in significant adverse residual effects on habitats and fauna.

9.11.18. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. Potential for direct or indirect impacts on biodiversity can be ruled out. I am also satisfied that cumulative effects, in the context of other existing and proposed development in the vicinity of the site, are not likely to arise.

9.12. Archaeology, Architectural and Cultural Heritage

9.12.1. Section 13 of the EIAR examines the potential for impacts to arise on archaeology, architectural and cultural heritage. A desktop survey was carried out in order to identify constraints or features of archaeological / cultural heritage potential within or near to the development site. No recorded archaeological monuments are located within the site boundary. There are 21 recorded archaeological monuments within the study area which comprised the footprint of the proposed development and lands within a surrounding a 1km wide area. All sites are listed within Appendix 13.1 of the EIAR.

9.12.2. Whilst there are no Recorded Monuments or Protected Structures within the subject site there is potential for negative impacts to occur to undisturbed unrecorded subsurface archaeology.

9.12.3. Mitigation measures are outlined in the EIAR and include monitoring of groundworks during construction. I consider these mitigations measures to be appropriate and acceptable to ensure that impacts do not arise in relation to undisturbed archaeology and cultural heritage. Cumulative impacts have been considered within the EIAR and do not arise. I have considered all of the written submissions made in relation to

archaeology, architectural and cultural heritage and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on archaeology and cultural heritage can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on archaeology and cultural heritage can be ruled out. I am also satisfied that cumulative effects, in the context of existing airport development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

9.13. Interaction of the Above and Cumulative Impacts

- 9.13.1. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Section 15 of the EIAR provides a matrix of the impact interactions.
- 9.13.2. I consider that there is potential for population and human health to interact with a number of the other factors (land, soils and geology, water, traffic and transport, air and climate and noise). The details of all other interrelationships are set out in Section 15 of the EIAR which I have considered.
- 9.13.3. In terms of population and human health there is an interaction with traffic and transportation as development at the airport will result in new airlinks and economic investment in new jobs. This will result in direct effects on traffic and road capacity. As detailed in Section 8 of the EIAR which refers to Traffic and Transportation that the road network has capacity to accommodate the additional traffic which would be generated.
- 9.13.4. There are interactions between population and human health, traffic and transportation, land soils and geology may occur during the construction phase with the soiling of public roads. Mitigation measures will be provided to prevent soiling of public roads.
- 9.13.5. Regarding the interactions between noise and vibration and population and human health the extension of the runway will have an effect on land-use as it will not be viable to develop certain land uses in close proximity to the airport due to noise generated by aircraft. In areas where serious noise disturbance will arise as a result

of aircraft noise certain uses will be restricted including that residential development must be within a 57bd contour because residential development beyond this would negatively impact residential amenity.

- 9.13.6. In terms of interactions between population and human health, air quality and noise and vibration during the construction phase noise, vibration and dust generated will have a short-term negative impact. Due to the lack of proximity of the works to nearby receptors they are not anticipated to be adversely affected.
- 9.13.7. The interactions between population and human health and hydrology and water quality arise with potential for fuel spillage at the airport or the adjacent to the runway which could enter the surface water drainage system. The mitigation measures in respect of fuel spill protocol provides a means of avoidance. The upgrading of the existing wastewater treatment plant will ensure the appropriate treatment of wastewater and the protection of public health.
- 9.13.8. The interactions between biodiversity, land, soils & geology and hydrology and water quality arise during the construction phase with the potential for suspended solids in a stream and dust generated to have a negative effect on aquatic habitats. Mitigation measures are proposed to avoid potential negative impacts. The interactions arise during the operational phase with the potential for the transfer of de-icing agents to the drainage system from surface water run-off from the runway pavement. The transfer of de-icing agents may have a negative effect to water quality of the adjacent streams. Mitigation measures are proposed to avoid potential negative impacts. The upgrade of the existing wastewater treatment plant to provide increased capacity can be assimilated by the receiving waters without adverse effects to the water quality. This will ensure the adjacent lands, soils and geology are protected.
- 9.13.9. Regarding the interactions between land, soils and geology and hydrology and water quality arise with the use of construction machinery soil it can cause the soil to be compacted by the heavy machinery. This can result in additional surface water run-off. The potential slight impact can be avoided with the use of works corridors on site. The upgrade of the existing wastewater treatment plant to provide increased capacity can be assimilated by the receiving waters without adverse effects to the water quality. This will ensure the adjacent lands, soils and geology are protected.

9.13.10. In terms of biodiversity there is also a interaction with air quality. There is potential for emission arising from additional air traffic to affect ecosystems. The forecast emissions as detailed in Section 10 of the EIAR do not exceed the relevant air quality standards and therefore are not expected to negatively affect local ecosystems.

9.13.11. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions.

9.14. Reasoned Conclusion on the Significant Effects

9.14.1. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

- Negative impacts on human health and population arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are insignificant to slight and temporary in nature. Adequate mitigation measures are proposed to ensure that these impacts are not significant. The impact of aircraft noise from an extended runway with modest use by medium jet aircraft, on the lands surrounding Waterford Airport, and on dwellings under the flight paths of the runway, would be moderate. Mitigation measures are proposed to minimise the noise impact.
- Benefits / positive impacts to population will arise in relation to residual impacts on socio-economic considerations, the proposed development would have positive, long-term and significant impacts.
- Negative impacts on the Air and Climate, there is a potential for construction activity to impact on air quality in terms of dust, but adequate mitigation is

proposed will ensure that impacts will be short term and not significant. In terms of the operational phase in relation to air quality, the modelling indicates that NO₂, SO₂ and CO levels which would be generated would be below the relevant air quality standards. In relation to climate having regard to the overall magnitude of the proposal and the limited extent to which the proposed extension of operations at Waterford Airport would contribute to CO₂ emissions compared to Ireland's EU 2030 Target, the overall magnitude of the proposal on climate in the operational stage is negligible and long-term.

- Negative impacts on hydrology during the construction phase could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the existing drainage network and watercourses in the vicinity of the site. These impacts will be mitigated by measures including that no construction stage drainage will be allowed to discharge directly to the watercourses in the vicinity. During the construction stage an emergency facility will be provided to control the discharge from stilling ponds. This will mitigate the risk of any accidental spillage on site affecting watercourses. During the operational phase hydrological impacts will be imperceptible. I am therefore satisfied that the potential for direct or indirect impacts on hydrology can be ruled out.
- Negative traffic impacts would arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. In relation to the operational phase traffic impacts would be slight. I am therefore satisfied that the potential for direct or indirect impacts on traffic can be ruled out.

9.14.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable

direct or indirect effects on the environment can be excluded on the basis of the submitted information.

10.0 Appropriate Assessment

10.1. Introduction

10.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U, 177V and 177AE of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

10.2. Compliance with Article 6(3) of the EU Habitats Directive

10.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

10.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.3. Screening the need for Appropriate Assessment

Compliance with Article 6(3) of the Habitats Directive

- 10.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

10.4. Background on the Application

- 10.4.1. The applicant has submitted a Natura Impact Statement as part of the planning application. The NIS dated June 2020 has been prepared by Fehily Timoney and Company on behalf of Waterford County Council.
- 10.4.2. The NIS includes Stage 1 AA Screening Report which was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA Screening Report is informed by the ecological impact assessment which was prepared as part of the EIAR.
- 10.4.3. A revised NIS dated September 2021 has been prepared by Roger Goodwillie & Associates for Fehily Timoney and Company on behalf of Waterford County Council.
- 10.4.4. The applicants AA Screening Report concluded that there is the possibility that there could be effects on the Tramore Dunes & Backstrand SAC and the Tramore Back Strand SPA. In the absence of mitigation measures (which have not been considered at this screening stage), potential significant impacts cannot be ruled out. As a result, there is an obligation on the competent authority to carry out an appropriate assessment (i.e., Stage Two of the AA process) and, in this context, a Natura Impact Statement has been completed by the developer in respect of Tramore Dunes & Backstrand SAC and Tramore Back Strand SPA.
- 10.4.5. Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

10.5. Screening for Appropriate Assessment- Test of likely significant effects

- 10.5.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 10.5.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

10.6. Brief description of the development

- 10.6.1. The applicant provides a description of the project on pages 12 to 14 of the revised NIS and in Chapter 2 of the EIAR. In summary, the development comprises:
- 491m of new runway extending north from the existing.
 - 363m of new runway extending south from the existing.
 - Widening of the entire length of the runway by 15m to extend the runway width to 45m.
 - Widening of taxiway by 8m to provide a width of 23m.
 - Extension to car parking area to provide up to 205 no. additional spaces.
 - Set down area for public transport within the demarcated area within the existing road layout at the airport terminal.
 - Re-alignment of airport security fencing.
 - New navigation lighting, aligned to runway, to be provided within airport lands and on adjoining lands, including associated ducting.
 - Underground Holding Tank (cold weather storage).
 - Alterations to drainage system.
 - Extension of the existing terminal building of ca. 1,170sqm.
 - Demolition of 2 no. houses adjacent to the north runway.
 - Upgrade of existing wastewater treatment plant in line with increases in passenger numbers to include a balance/denitrification tank.

- The runway would drain to the surroundings through a French drain with any excess taken to existing streams
- During construction three compounds will be created for machinery etc, with drains to grassed swales at the edges of any hard standing. The swales will drain to temporary stilling ponds with diffuse outfalls, to prevent the loss of silt-laden runoff.
- Temporary petrol and oil interceptors will be installed at the temporary site compound dedicated for plant repairs, storage of fuel or temporary generators. Surface water runoff from the temporary site compound will be directed through a Class 1 Full Retention Oil Interceptor before discharge to the dirty water drainage system for the site.

The proposed development will consist of the following operational changes:

- Alteration of take-off and landing position to extend into the proposed expansion.
- Take-off and landing of jets such as the Boeing 737/800 and Airbus 320.
- Capacity for up to 345,000 passengers per annum by year five of the operational phase.

The development site is described in pages 1 to 2 of chapter 2 of the EIAR which refers to Description of the Development and page 9 and 13 to 21 of the Chapter 12 of EIAR which refers to Biodiversity. It is described as comprising the airport infrastructure consisting of built land. The lands surrounding the runway are dominated by semi-natural grasslands. Various types of grassland habitats are present, often in mosaics. There are areas of bare/re-colonising ground present within the site, either as distinct parcels, or interspersed with grassland habitats. Fields at the northern and southern ends of the site are bounded by hedgerows and a woodland/scrub mosaic is present in two areas within the site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution.
- Possible change to water quality.
- Habitat disturbance /species disturbance (construction and or operational) in terms of increase in aircraft movements and emissions.

10.7. European Sites

10.7.1. The development site is not located in or immediately adjacent to a European site. The closest European sites are Tramore Dunes and Backstrand SAC (Site Code 000671) and Tramore Back Strand SPA (Site Code 004027) within 1.7km of the proposed development.

10.7.2. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 1. Summary Table of European Sites within a possible zone of influence of the proposed development

| European Site (code) | List of Qualifying interest /Special conservation Interest | Distance from proposed development (Km) | Connections (source, pathway receptor) | Considered further in screening Y/N |
|---|---|---|--|-------------------------------------|
| Tramore Dunes and Backstrand SAC (Site Code 000671) | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> | 1.7km to the south | Yes | Yes |

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|--|---|-----------------------|-----|-----|
| Tramore Back Strand SPA (Site Code 004027) | <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Wetland and Waterbirds [A999]</p> | 1.7km to the south | Yes | Yes |
| Lower River Suir SAC (Site Code 002137) | <p>Atlantic salt meadows [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche</i>- <i>Batrachium</i> vegetation [3260]</p> | 6.1km to the North | No | No |

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| | <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-</p> | | | |
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| | <p>clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> | | | |
| <p>River Barrow and River Nore SAC (Site Code 002162)</p> | <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> | <p>6.6km to the East</p> | <p>No</p> | <p>No</p> |

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| | <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnus incana, Salix alba) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> | | | |
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| | <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p> | | | |
| Hook Head SAC (Site Code 000764) | <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> | 11.4km to the South-east | No | No |
| Mid-Waterford coast SPA (Site Code 004193) | <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> | 7.5km to South-west | No | No |

10.8. Identification of likely effects

10.8.1. Likely effects arising from the proposed development comprise water pollution and sedimentation from surface water runoff. There is potential for construction-related surface water discharges from the proposed development and the potential for these effects to reach downstream in the European sites for significant effects on Tramore Dunes & Backstrand SAC and Tramore Back Strand SPA. The operational phase would involve the usage of the increased length runway. This would give rise to possible increase in noise disturbance of key species within Tramore Back Strand SPA.

Table 2 – AA Screening Matrix

| Summary Screening Matrix | | | | |
|--|--|--|------------------------------|------------------------------------|
| European Site (link to conservation objectives www.npws.ie) | Distance to proposed development/ Source, pathway receptor | Possible effect alone | In combination effects | Screening conclusions: |
| Lower River Suir (Site Code 002137) | Within 2 km. Outside of water catchment area and no other ecological or hydrological connects. | No possibility of effects due to the distance from and lack of connections to the habitat for which this site is designated | No effect | Screened out for need for AA |

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|---|---|---|-----------|------------------------------|
| River Barrow and River Nore SAC (Site Code 002162) | Within 6.6kms. Outside of water catchment area and no other ecological or hydrological connects. | No possibility of effects due to the distance from and lack of connections to the habitat for which this site is designated | No effect | Screened out for need for AA |
| Hook Head SAC (Site Code 000764) | Within 11km. Outside of water catchment area and no other ecological or hydrological connects. | No possibility of effects due to the distance from and lack of connections to the habitat for which this site is designated | No effect | Screened out for need for AA |
| Mid-Waterford coast SPA (Site Code 004193) | Within 7.5kms. Outside of water catchment area and no other ecological or hydrological connects. | No possibility of effects due to the distance from and lack of connections to the habitat for which this site is designated | No effect | Screened out for need for AA |

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|--|---|---|-----------|--|
| Tramore Dunes and Backstrand SAC (Site Code 000671) | Within 1.7kms. Hydrological connection pathways are via the Kilmacleague West watercourse and the Ballygunnarmore watercourse | Construction related runoff may affect water quality Operational phase : Uncertainty in relation to waste water | No effect | Possible significant effects cannot be ruled out without further analysis and assessment |
| Tramore Back Strand SPA (Site Code 004027) | Within 1.7kms. Hydrological connection pathways are via the Kilmacleague West watercourse and the Ballygunnarmore watercourse Proximity of aircraft to birds from this site | Noise Disturbance, possible to key species, Possible change to water quality | No effect | Possible significant effects cannot be ruled out without further analysis and assessment |

10.9. Screening Determination

10.9.1. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development comprising the extension of the existing runway at Waterford Regional Airport, including the extension to the car parking area

to provide up to 205 no. additional spaces, the upgrade of existing wastewater treatment plant, the demolition of 2 no. houses adjacent to the north runway and all other associated development and works, individually or in-combination with other plans or projects will have a significant effect on the following European sites:

- Tramore Dunes and Backstrand SAC (Site Code 000671)
- Tramore Back Strand SPA (Site Code 004027)

10.9.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- Lower River Suir SAC (Site Code 002137)
- River Barrow and River Nore SAC (Site Code 002162)
- Hook Head SAC (Site Code 000764)
- Mid-Waterford coast SPA (Site Code 004193)

10.9.3. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

10.10. The Natura Impact Statement

10.10.1. The application included a NIS prepared by Fehily Timoney & Company dated June 2020 on behalf of Waterford County Council which examines and assess potential adverse effects of the proposed development on the following European Sites. The further information submitted to the Board on the 24th of September 2021 includes a revised NIS.

10.10.2. The revised NIS prepared describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. It was informed by a desk top study, maps and ecological and water quality data from a range of sources.

10.10.3. The report concluded that, taking into account the project design and the implementation of mitigation measures identified in the NIS, the proposed development will not result in adverse effects on the integrity of any Natura 2000 site.

10.10.4. Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied/not satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Tramore Dunes and Backstrand SAC (Site Code 000671)
- Tramore Back Strand SPA (Site Code 004027)

10.11. Appropriate Assessment of implications of the proposed development

10.11.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

10.11.2. The following guidance is adhered to in the assessment;

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service (2009) Revised (February 2010).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC (EC, 2002).
- Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC] (EC, 2018).

10.12. European Sites

10.12.1. The following sites are subject to Appropriate Assessment:

- Tramore Dunes and Backstrand SAC (Site Code 000671)
- Tramore Back Strand SPA (Site Code 004027)

10.12.2. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and the revised NIS and summarised in tables no. 3 and no. 4 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

10.13. **Potential for direct and indirect effects**

10.13.1. It is set out in the NIS that there would be no direct effects upon Tramore Dunes and Backstrand SAC and Tramore Back Strand SPA as the project does not impinge directly on the SAC or SPA areas. At its closest point the proposed carpark would be located circa 2km from the boundaries of the designated areas. Accordingly, there would be no direct habitat loss or fragmentation as a result of the proposed project.

10.13.2. In relation to indirect effects, the only connection between the project and the European sites are the small streams that discharge onto the mudflats from the airport area, these streams run for circa 1.9km. Regarding sediment arising during the construction phase entering Tramore Back Strand, there is potential that construction-related surface water discharges from the proposed development and the potential for these effects to reach downstream in the European sites. However, as detailed in the NIS there is a minimal likelihood that there would be enough sediment entering the Back Strand to alter the habitat because the sediment will be retained within the development site. Should small amounts of suspended solids enter the Back Strand they will not have any negative effect on the in-fauna and birdlife which depends on sediment accretion and re-distribution. In relation to potential impacts from sedimentation arising during construction upon the habitat the Salicornia communities, it is set out in the NIS that any minimal amounts of solids which would enter the European site would not be likely to affect the overall extent or the functioning of Salicornia communities. Any sedimentation arising from the airport site and located within the saltmarsh trap would be diluted from the incoming tide. As detailed in the NIS this habitat experiences constant change with phases of erosion and accretion and it is tolerant of widely differing salinity and chemical concentrations and grow in polluted as well as pristine environments.

Table no. 3 - AA summary matrix for Tramore Dunes and Backstrand SAC (Site Code 000671)

Tramore Dunes and Backstrand SAC: (Site Code 000671)

Summary of Key issues that could give rise to adverse effects

- **Potential water pollution - Water Quality and water dependant habitats**
- **Potential sedimentation from surface water runoff - Water Quality and water dependant habitats**

Conservation Objectives:

1140 – Mudflats and sandflats not covered by seawater at low tide: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

1210 – Annual vegetation of drift lines: To maintain the favourable conservation condition of Annual vegetation of drift lines in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

1220 – Perennial vegetation of stony banks: To maintain the favourable conservation condition of Perennial vegetation of stony banks in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

1310 – Salicornia and other annuals colonising mud and sand: To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

1330 – Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*): To maintain the favourable conservation condition of Atlantic salt meadows (*Glauco Puccinellietalia maritimae*) in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

1410 – Mediterranean salt meadows (*Juncetalia maritimi*): To maintain the favourable conservation condition of Mediterranean salt meadows (*Juncetalia maritimi*) in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

2110 – Embryonic shifting dunes: To maintain the favourable conservation condition of Embryonic shifting dunes in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.

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| <p>2120 – Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes): To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.</p> <p>2130 – Fixed coastal dunes with herbaceous vegetation (grey dunes): To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Tramore Dunes and Backstrand SAC, which is defined by a list of attributes and targets.</p> | | | | | |
| | | Summary of Appropriate Assessment | | | |
| Qualifying Interest feature | Conservation Objectives Targets and attributes | Potential adverse effects | Mitigation measures | In-combination effects | Can adverse effects on integrity be excluded? |
| Mudflats and sandflats not covered by seawater at low tide | Permanent habitat area is stable or increasing; Maintain extent of <i>Zostera</i> -dominated community; Conserve quality of <i>Zostera</i> -dominated community; Conserve - <i>Bathyporeia pilosa</i> and <i>Nephtys cirrosa</i> community; Intertidal muddy sand with <i>Pygospio elegans</i> and <i>Tubificoides benedii</i> community complex | Potential water pollution Potential sedimentation from surface water runoff | Mitigation measures required and detailed in full in Section 4.2 of the NIS and Section 7.9 of the EIAR. The Mitigation measures are detailed and discussed in the subsequent section of the report | None | Yes |
| Annual vegetation of drift lines | Area to be stable or increasing; No decline or change in habitat distribution; Maintain natural circulation of sediment & organic matter; Maintain range of coastal habitats; | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |

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| | Maintain the presence of species-poor communities with typical species: sea rocket, sea sandwort, prickly saltwort & orache; Negative indicator species (including non-natives) to represent less than 5% cover. | | | | |
| Perennial vegetation of stony banks | Area stable or increasing, subject to natural processes; No decline, or change in habitat distribution; Maintain the natural circulation of sediment and organic matter; Maintain range of coastal habitats including transitional zones; Maintain the typical vegetated shingle flora; Negative indicator species (including non-natives) to represent less than 5% cover. | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |
| Salicornia and other annuals colonising mud and sand | Area to remain stable or increasing; No decline, or change in habitat distribution, subject | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |

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| | <p>to natural processes; Maintain natural circulation of sediments and organic matter; Maintain/restore creek and pan structure; Maintain natural tidal Regime; Maintain the range of coastal habitats including transitional zones; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain the presence of species-poor communities; No significant expansion of common cordgrass</p> | | | | |
| Atlantic salt meadows | <p>Area to remain stable or increasing; No decline or change in habitat distribution; Maintain natural circulation of sediments and organic matter; Maintain/restore creek and pan structure; Maintain natural tidal Regime; Maintain range of coastal</p> | <p>Potential water pollution Potential sedimentation from surface water runoff</p> | As detailed above | None | Yes |

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|----------------------------|--|--|-------------------|------|-----|
| | habitats including transitional zones; Maintain structural variation within sward; Maintain more than 90% area outside creeks vegetated; Maintain range of sub-communities with typical Species; No significant expansion of common cordgrass | | | | |
| Mediterranean salt meadows | Area to remain stable or increasing; No decline, subject to natural processes; Maintain natural circulation of sediments and organic matter; Maintain creek and pan Structure; Maintain natural tidal Regime; Maintain range of saltmarsh habitats including transitional zones; Maintain structural variation in the sward; Maintain more than 90% of area outside creeks vegetated; | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |

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|---|--|--|-------------------|------|-----|
| | Maintain range of sub-communities with characteristic species; No significant expansion of common cordgrass | | | | |
| Embryonic shifting dunes | Area to remain stable or increasing; No decline, subject to natural processes; Maintain natural circulation of sediments and organic matter; Maintain range of coastal habitats including transitional zones; More than 95% of sand Couch and/or lyme-grass should be healthy; Maintain the presence of species-poor communities with typical species; Negative indicator species (including non-native species) to represent less than 5% cover | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |
| Shifting dunes along the shoreline with <i>Ammophila arenaria</i> | Area to remain stable or increasing; No decline, subject to natural processes; Maintain natural circulation | Potential water pollution Potential sedimentation from surface water runoff | As detailed above | None | Yes |

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| | <p>of sediments and organic matter;</p> <p>Maintain range of coastal habitats including transitional zones;</p> <p>95% of marram grass and/or lyme-grass should be healthy;</p> <p>Maintain the presence of species-poor communities dominated by marram grass;</p> <p>Negative indicator species (including non-native species) to represent less than 5% cover</p> | | | | |
| Fixed coastal dunes with herbaceous vegetation | <p>Area to remain stable or increasing;</p> <p>No decline or change in habitat distribution, subject to natural processes;</p> <p>Maintain natural circulation of sediments and organic matter;</p> <p>Maintain range of coastal habitats including transitional zones;</p> <p>Bare ground should not exceed 10% of fixed dune habitat;</p> <p>Maintain structural variation within sward;</p> <p>Maintain the presence of species-poor communities with typical species;</p> | <p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> | As detailed above | None | Yes |

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|---|--|--|--|--|--|
| | Negative indicator species (including non-native species) to represent less than 5% cover; No more than 5% cover or under control | | | | |
| Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects. | | | | | |

Table no. 4 - AA summary matrix for Tramore Back Strand SPA (Site Code 004027)

Tramore Back Strand SPA: (Site Code 004027)

Summary of Key issues that could give rise to adverse effects

- Noise disturbance of QI species
- Water Quality and water dependant habitats

Conservation Objectives:

A046 – Brent Goose (*Branta bernicla hrota*): To maintain the favourable conservation condition of Light-bellied Brent Goose in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A140 – Golden Plover (*Pluvialis apricaria*): To maintain the favourable conservation condition of Golden Plover in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A141 – Grey Plover (*Pluvialis squatarola*): To maintain the favourable conservation condition of Grey Plover in Tramore Back Strand SPA, which is defined by the following list of attributes and targets.

A142 – Lapwing (*Vanellus vanellus*): To maintain the favourable conservation condition of Lapwing in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A149 – Dunlin *Calidris alpina alpina*): To maintain the favourable conservation condition of Dunlin in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A156 – Black-tailed Godwit (*Limosa limosa*): To maintain the favourable conservation condition of Black-tailed Godwit in Tramore Back

Strand SPA, which is defined by a list of attributes and target.

A157 – Bar-tailed Godwit (*Limosa lapponica*): To maintain the favourable conservation condition of Bar-tailed Godwit in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A160 – Curlew (*Numenius arquata*): To maintain the favourable conservation condition of Curlew in Tramore Back Strand SPA, which is defined by a list of attributes and targets.

A999 – Wetlands: To maintain the favourable conservation condition of wetland habitat in Tramore Back Strand SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

| Summary of Appropriate Assessment | | | | | |
|-----------------------------------|---|---------------------------|---|------------------------|---|
| Qualifying Interest feature | Conservation Objectives Targets and attributes | Potential adverse effects | Mitigation measures | In-combination effects | Can adverse effects on integrity be excluded? |
| Brent Goose | Long term population trend stable or increasing; No significant decrease in the range, timing intensity of use of areas by light-bellied brent goose | Noise disturbance | The proposed increase in runway length will create no comparable increase in disturbance during the operational phase as the planes will not be appreciably lower or louder | None | Yes |
| Golden Plover | Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by golden plover | Noise disturbance | As detailed above | None | Yes |
| Grey Plover | Long term population trend | Noise disturbance | As detailed above | None | Yes |

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|---------------------|--|-------------------|-------------------|------|-----|
| | stable or increasing; No significant decrease in the range, timing or intensity of use of areas by grey plover | | | | |
| Lapwing | Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by lapwing | Noise disturbance | As detailed above | None | Yes |
| Dunlin Calidris | Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by dunlin | Noise disturbance | As detailed above | None | Yes |
| Black-tailed Godwit | Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by black-tailed godwit | Noise disturbance | As detailed above | None | Yes |
| Bar-tailed Godwit | Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by bar-tailed godwit | Noise disturbance | As detailed above | None | Yes |
| Curlew | Long term population trend stable or increasing; No significant decrease in | Noise disturbance | As detailed above | None | Yes |

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| | the range, timing or intensity of use of areas by curlew | | | | |
| Wetlands | The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 676 hectares, other than that occurring from natural patterns of variation | Water Quality and water dependant habitats | Mitigation measures required and detailed in full in Section 4.2 of the NIS and Section 7.9 of the EIAR. | None | Yes |
| | | | | | |
| Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects. | | | | | |

10.14. Mitigation Measures

10.14.1. Mitigation measures have been outlined in section 4.2 of the submitted NIS, these are also contained in Section 7.9 of the EIAR. Mitigation measures for the construction phase include:

- No construction-stage drainage will be allowed to discharge directly to the watercourses or its tributaries. Construction-stage drainage will be treated in settlement ponds prior to being discharged over vegetated land before draining towards the watercourse;
- Excavated subsoil material will be used for backfill or removed off site to an appropriate facility.
- Temporary spoil heaps will be surrounded by silt fencing to filter sediment from the surface water run-off from excavated material.
- Drains around hard-standing areas will be shallow to minimise the disturbance to sub-soils.
- Trenches will be excavated during dry periods where possible in short sections and left open for minimal periods, to avoid acting as a conduit for surface water flows. Clay bunds will be constructed within the trenches at regular intervals.
- All ditches and streams adjacent to proposed construction areas will be protected by fencing, including the proposed stilling ponds.
- A buffer zone of 10m is required from drainage ditches to the temporary compounds.
- All personnel working on site will be trained in pollution incident control response. Emergency Silt Control and Spillage Response Procedures contained within the Site Drainage Management Plan of the Construction Environmental Management Plan (CEMP) will ensure that appropriate information will be available on site outlining the spillage response procedure and a contingency plan to contain silt. Adequate security will be provided to prevent spillage as a result of vandalism. A regular review of weather

forecasts of heavy rainfall is required, and a contingency plan will be prepared for before and after such events.

- A record will be kept of daily visual examinations of watercourses which receive flows from the proposed development, during and for an agreed period after the installation phase.
- The developer will ensure that erosion control measures, namely silt-traps, silt fencing and swales are regularly maintained during the construction phase.
- During the construction period, an emergency facility will be provided to control the discharge from stilling ponds. This will mitigate the risk of any accidental spillage on site affecting watercourses.
- A suitably qualified person will be appointed by the developer to ensure the effective operation and maintenance of drainage and other mitigation measures during the construction process. The operations management of the new runway will include regular monitoring of the drainage system and maintenance as required.
- Where haul roads pass close to ditches, silt fencing will be used to protect the ditch at locations where runoff from the tracks flows towards existing ditches. Silt traps will also be provided at outfalls from roadside swales to existing drains. Silt traps will be kept upstream of outfalls to allow a buffer zone to the outfall.
- Self-contained, wheel washing facilities will be provided at the temporary site compounds near each of the site entrances. Additional silt fencing will be kept on site in case of an emergency break out of silt laden run-off.
- Silt traps and silt fencing will be put in place in advance as construction progresses across the site.
- Wet concrete operations shall not take place within 10m of ditches and streams.
- If wet concrete operations are required, a suitable risk assessment will be completed prior to works being carried out and strategically located concrete washout areas will be provided.

- Refuelling of plant during construction will only be carried out at designated refuelling station locations on site. Namely at the temporary construction compounds. Each station will be fully equipped for a spill response and specially trained and dedicated environmental and emergency spill response team will be appointed before commencement on site. Only emergency breakdown maintenance will be carried out on site. Drip trays and spill kits will be kept available on site, to ensure that any spills from the vehicle are contained and removed off site.
- Portaloos and/ or containerised toilets and welfare units will be used to provide toilet facilities for site personnel. Sanitary waste will be removed from site via a licenced waste disposal contractor. No permanent sanitary facilities will be constructed on site.

10.14.2. In relation to the operational phase, potential indirect impacts upon Tramore Dunes and Backstrand SAC could arise from chemicals including oils, de-icing agents and dyes which are used at the airport. I note that due to the location of the airport and times of usage that de-icing is a rare occurrence. The primary constituent of de-icing fluid is ethylene glycol. I note that it is non-toxic to wildlife and that it is easily degraded by bacteria. The breakdown of the constitution parts of the de-icing fluid comprises organic acids including formic, acetic, oxalic. These chemical constituents will be de-natured quickly by the alkaline environment in the estuarine location and therefore no effect is expected to Tramore Dunes and Backstrand SAC from any potential source of chemicals from de-icing fluid.

10.14.3. Mitigation measures have been outlined in section 4.2.2 of the submitted NIS, these are also contained in Section 7.9 of the EIAR. Mitigation measures for the operational phase include:

- The conceptual site drainage has been designed to complement existing overland flow and existing drainage. The drainage design will be developed in full at the detailed design stage.
- The increase in the rate of run-off from the runway will be mitigated by the proposed drainage system which includes the provision of a large area for percolation, with a connection to the watercourse in the event that the

percolation is blocked or not achievable. This percolation zone will provide additional storage in the event of a large rainfall event.

- The new car parking area to the front of the terminal, and the extension of the existing car parking area is drained using surface water gullies in the form of 'eco drain' style drainage. This drainage is directed through an interceptor which will remove any hydrocarbons which may enter the system from vehicles and is also directed through an attenuation tank prior to discharge to the open drain/watercourse.
- De-icing the runway in future would be conducted only after an assimilative capacity assessment or impact study is conducted on the receiving environment, which proves to the satisfaction of the appropriate authorities that de-icing would not exceed the assimilative capacity for all relevant pollutants in the receiving waters.
- The airport will deploy a suitable emergency response protocol to a fuel spill or potentially polluting incident on the runway from an aircraft. This protocol will include the provision of equipment to ensure pollutants do not enter the surface water drainage system.
- The surface water apron drainage proposal includes an interceptor drain and a cold-water storage tank to capture any pollutants which enter the system. It is proposed to have a control system on this line which would shut the system in the event of a pollution incident and direct all of the surface water to the holding tank where it can be tested and/or taken off site if required. This control system will be designed to the satisfaction of the appropriate authorities, to ensure that contaminated waters are detected and retained. This would remove the possibility of any pollutants from the system getting to the watercourse.
- Upgrades to the wastewater treatment plant to be carried out in line with the assimilative capacity of the receiving waters and the increase in passenger numbers. This will be subject to a separate planning application. The assimilative capacity of the Keeloge stream will accommodate the existing treatment plant at the expected passenger numbers to year 2 of operations.

- 10.14.4. In relation to potential indirect impacts upon Tramore Back Strand SPA, it is set out in the NIS that there will be no increase in disturbance during construction of the project as all sites are a satisfactory distance away from wintering birds. Furthermore, surveying indicated that none of the qualifying species occur at the airport site. During the surveying two species on Annex I of the EU Birds Directive occurred on site the Mediterranean gull and Little Egret, however each was present for less than 1 minute in the 51 hrs of watching.
- 10.14.5. In relation to the operational phase, potential indirect impacts upon Tramore Back Strand SPA could arise from aircraft flights. As detailed in the NIS data gathered by the NPWS in surveying conducted for the Waterbird Survey Programme in 2011/2012 has been used to assess aircraft disturbance of species within the Back Strand SPA. The survey found disturbance to be moderate in two of the thirteen sub-sites making up the Back Strand SPA. The disturbance was found to be localised to Kilmacleague/Cloghernagh and Back Strand North and it was found to be less widespread and less damaging than people walking, with or without dogs. The disturbance arising from aircraft flights resulted in short-term movements of feeding birds. It is set out in the NIS that other studies have found that birds return to normal in 10 minutes (Smit & Visser, 1993).
- 10.14.6. The operational phase would involve the usage of the increased length runway. It is detailed in the NIS that the usage of the runway as proposed would not create any comparable increase in disturbance because the airplanes which would be using the facility would not be appreciably lower or louder than the existing operations. It is considered that any disturbance effect would be further limited by the regularity of flight patterns and the narrow width of the approach of the aircraft. The cited publication by Smit & Visser, 1993, 'Effects of disturbance on shorebirds: A summary of existing knowledge from the Dutch Wadden Sea and Delta area' details the extent to which shorebirds are disturbed by various activities, with reference to studies carried out on the Wadden Sea and Delta area. The effects of small airplanes, jets and helicopters are considered in the study. A finding of the study is that most birds become habituated to overflights by large aircraft and are less disturbed by them than the wandering paths of small aircraft, ultralights or model aeroplanes. In relation to noise levels generated by the proposed development, the noise levels generated by the previously approved extension of the runway was

assessed. The report prepared by Leading Edge Aviation Planning Professionals (LEAPP) in 2014 which provided the air traffic noise prediction model found that the noise levels generated by the permitted southern extension of the runway were minimal. However, noise levels would be extended slightly northward by that development. The study found that maximum noise levels outside the airport at Tramore would be in the low 60 dBA's. It is highlighted in the NIS that birds are less susceptible to noise than is usually assumed and that for example nesting terns only begin to be disturbed by noise level above 90dBA. Accordingly, it is not considered that the noise generated by the proposed development would result in significant impacts to birds of qualifying interest given the absence of qualifying species occurring at the airport site during survey and that noise levels which would be generated would be below which would cause undue disturbance.

10.14.7. In relation to the matter of potential birds strikes, it is set out in the NIS that there is no likelihood that bird strikes will have a significant impact on the populations of the birds of qualifying interest in the SPA. Surveying indicated that none of the qualifying species for the SPA were seen in the airport vicinity aside from for two curlew which together glided over the runway for 23 seconds. The duration of curlew activity recorded within the proposed site (23 seconds) is 0.01% of the total survey time between 2018 and 2020. Based on these observations, it was concluded that curlew usage of the proposed site is minimal. Accordingly, it is not considered that the operation of aircraft generated by the proposed development would result in significant impacts to birds of qualifying interest in terms of bird fatalities resulting from bird strikes given the absence of qualifying species occurring at the airport site and surrounding area during survey.

10.15. In combination effects

10.15.1. The NIS refers to in combination effects in the context of existing plans and projects including the Waterford County Development Plan 2011-2017, River Basin District Management Plan 2018-2021 and Inland Fisheries Ireland Corporate Plan 2016-2020. Planning permissions granted within the last 5 years were also reviewed including a large residential scheme and solar energy park at Kilbarry, Waterford a strategic housing development at Knockboy, Waterford and local planning

applications. The NIS concluded that there would be no cumulative / in-combination effects arising from the proposed development.

- 10.15.2. Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Tramore Dunes and Backstrand SAC (Site Code 000671) and Tramore Back Strand SPA (Site Code 004027) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

10.16. Integrity test

- 10.16.1. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Tramore Dunes and Backstrand SAC in view of the Conservation Objectives of this site.
- 10.16.2. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 10.16.3. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Tramore Back Strand SPA in view of the Conservation Objectives of this site.
- 10.16.4. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

10.17. Appropriate Assessment Conclusion

- 10.17.1. The extension of the runway at Waterford Regional Airport has been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act 2000 as amended.
- 10.17.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Tramore Dunes and Backstrand SAC (Site Code 000671) and Tramore Back Strand SPA (Site Code 004027).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

10.17.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would / would not adversely affect the integrity of the European site No. 000671 and European site No. 004027, or any other European site, in view of the site's Conservation Objectives.

10.17.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.17.5. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Tramore Dunes and Backstrand SAC (Site Code 000671) and Tramore Back Strand SPA (Site Code 004027).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The proposed extension of the runway at Waterford Regional Airport and associated development and works will, through the design and application of mitigation measures, ensure the preservation of the favourable conservation status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.
- The proposed extension of the runway at Waterford Regional Airport and associated development and works will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of European Sites.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Tramore Dunes and Backstrand SAC (Site Code 000671).

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Tramore Back Strand SPA (Site Code 004027).

11.0 Compulsory Purchase Order

11.1. Overview

- 11.1.1. Waterford City and County Council is seeking confirmation by the Board of a CPO entitled Lands & Easement Adjacent to Waterford Regional Airport, County Waterford Order 2019 No. 18.
- 11.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of land, wayleaves and rights over land in the townlands of Ballygarran, Lisselan, Keiloge and Monamintra County Waterford. The confirmation of the CPO is made pursuant of the powers conferred on Waterford City & County Council, under the provisions of Section 86 of the Housing Act, 1966, and the Second Schedule thereto, as of the Roads Act, 1993 and as amended by the Planning and Development Act, 2000, as amended.
- 11.1.3. Two objections were received in respect of the CPO from (1) John and Barbara Elliot and (2) Frank Moran and Margaret Moran
- 11.1.4. This report considers the issues raised in the objections submitted to the Board and more generally, the application to acquire rights over lands

11.2. Purpose of CPO

- 11.2.1. According to the documentation submitted with the application, the purpose of the CPO is to:
 - The lands the subject of this CPO are being sought in order to provide/improve transport facilities, including public air transport facilities, Waterford Regional Airport, County Waterford.

11.3. Accompanying Documents

- 11.3.1. The application was accompanied by the following documentation;

- The Compulsory Purchase Order signed and sealed by the Chief Executive of Waterford Co. Council dated 11th December 2019.
- The CPO maps comprise two sheet indicating lands to be acquired for;
 - 1) Permanent right of way
 - 2) Permanent wayleave
- Public notices published in the Munster Express dated 17th of December, 2019.
- Sample copy of the notices sent to various landowners.
- Copy of the Chief Executive's Order dated 11th of December, 2019 for the making of the CPO.
- Certificate of Service of CPO notices.

11.4. Site Location and Description

- 11.4.1. The lands subject of the Compulsory Purchase Orders (CPOs) are situated in the townland of Ballygarron Upper, Co. Waterford. The lands are located just under 10km south of Waterford City and 5km north-east of Tramore. The subject lands lie to the north of Waterford Regional Airport. The surrounding area is characterised by a rolling landscape of low hills with poorly drained land in low-lying areas, with a general drop in levels to the south closer to the coast. The area is mostly moderate to low grade farmland in grazing use, with mid-sized fields used for grazing bounded by ditches and high hedgerows.
- 11.4.2. The property identified in the CPO documentation as plot 101 contains a single storey detached dwelling and separate garage. The boundary of the property is situated circa 625m from the northern end of the runway at Waterford Regional Airport. The boundary treatment comprises mature hedging to the eastern and southern boundaries, a capped rendered wall along the roadside (northern) boundary and the western with the neighbouring property is formed by a section of wall and mature hedging. The property identified in the CPO as plot 102 contains a single storey detached dwelling and separate garage. The boundary of the property is situated circa 660m from the northern end of the runway. The boundary treatment comprises mature hedging to southern boundary, a concrete block wall along the

roadside (northern) boundary and the western is formed by trees and mature hedging.

- 11.4.3. There are five dwellings situated to north of the properties subject of the CPOS's. These properties have frontage onto a section of road which previously formed part of the R708. This section of the R708 was bypassed and the properties are set back a minimum of 35m from the realigned R708. There is a forested area to the south-west of the subject lands and to the west of the runway of Waterford Regional Airport.

11.5. Planning History

PA Reg. Ref. 85376 – permission granted for bungalow.

PA Reg. Ref. 89150 – permission granted for bungalow.

PA Reg. Ref. 90184 – permission granted for bungalow to John & Barbara Elliot.

PA Reg. Ref. 8889 – permission granted for a change of plan to a dwelling.

PA Reg. Ref. 9759 – permission granted for the erection of a garage and boiler house to Frank Moran.

11.6. Planning Policy Context

- 11.6.1. Section 6 of this report fully details the national, regional and local planning context.

11.7. Zoning

- 11.7.1. The lands subject of the CPO are zoned airfield reserve area.
- 11.7.2. ARA - Airfield Reserve Area -To allow for the future extension of the runway facilities and to provide for the possible future realignment of the R685 Road. This area should be reserved free from inappropriate development which may prejudice the future expansion of the airport.

11.8. Objection

(1) John and Barbara Elliot

11.8.1. An objection has been lodged by John P. O'Donohoe Solicitors on behalf of John and Barbara Elliot. The issues raised relate to;

- Increase in noise pollution,
- Safety issues,
- Economic loss to the clients,
- Privacy,
- Non-compliance with Planning Legislation on the grounds that the development is not consistent with the provisions contained in the local area plan.

(2) Frank Moran and Margaret Moran

11.8.2. An objection has been lodged by M.M. Halley & Son Solicitors on behalf of Mr. Frank Moran and Mrs. Margaret Moran. The issues raised relate to;

- It is submitted that the decision of Waterford City & County Council to invoke its statutory powers to make the said Compulsory Purchase Order is void and should not be confirmed for irrationality and unreasonableness.
- The intended use and development of the lands the subject matter of the CPO is dependent upon the availability of funds from central government which have not yet been remitted to the Local Authority.
- The intended use and development of the lands is dependent upon the availability of funds from a public-private partnership which has not yet been formed.
- There is a significant risk that the lands the subject of the CPO may never be developed in the manner envisaged by the Local Authority.
- If the CPO is confirmed, the Objectors will be deprived of the use and enjoyment of their property, notwithstanding uncertainty in respect of the viability of the intended development.
- The justification of the Local Authority in acquiring the lands is to provide for the expansion of Waterford Regional Airport. The airport currently has no assigned carrier and no commercial flight routes. Therefore, in these

circumstances there is no reasonable prospect that the acquisition of the lands will 'provide/improve transport facilities, including public and air transport facilities' in the manner set out by the Local Authority.

- The intended use of the subject lands is not in accordance with local/regional/national planning and transport policy.
- The Local Authority has not satisfied conditions precedent to the exercise of their statutory powers in advance of making the CPO.
- The Local Authority failed to conduct any or any adequate public consultation process in respect of the proposed CPO and intended development.
- The exercise of the said powers under the 1966 Act for the stated purpose is inconsistent with the provisions of the said Act.
- The land is not being acquired for the purpose of the statutory provision under which the scheme is purportedly made.
- The Local Authority has failed to recognise that this is not a need which advances the common good which is to be met by the acquisition of the lands in question. Case law – Clinton v. An Bord Pleanála is relied upon. The local authority must satisfy An Bord Pleanála that the compulsory purchase of property is necessary for the common good, as established by the case of Clinton v An Bord Pleanála (No. 2) [2007] 4 IR 701.
- Incomplete information has been provided by the Local Authority which has hampered the Objector's ability to respond to the matter.
- The Local Authority has failed to conduct any or adequate engagement with the Objectors and has failed to have any adequate regards to their views, opinions, concerns, rights and submissions.
- The making of the CPO and confirming of CPO would unlawfully and disproportionately infringe the constitutional rights of the Objectors.
- The intention to acquire the lands was originally indicated to the Objectors in 2016. However, in the intervening period doubt has consistently been cast on whether or not the intended acquisition would proceed. Therefore, the Objectors have experienced a long period of uncertainty.

- The use of a strict/prescribed form of rules for the calculation of compensation is unduly rigid, narrow and incapable of adequately compensating the Objectors for the peculiar loss, loss of enjoyment and loss of opportunity attendant upon the confirmation of the CPO. Case law – *Dreher v Irish Land Commission* is relied upon. The late Mr. Justice Walsh in the landmark case of *Dreher v Irish Land Commission* in which he indicated that there may be circumstances where compensation at market value may exceed what should be regarded as "just" compensation.
- The liberal interpretations of consequential loss and 'total loss' espoused by the Supreme Court in *Rafferty v Minister for Agriculture & Ors*, has not been recognised and provided for in the framework by which the Objectors' losses will be assessed in the event that the CPO is confirmed. The Objectors cannot therefore recover compensation from the Local Authority which adequately reflects their total losses.
- In that case Justice Denham stated, I agree that compensation must be taken to mean total loss, and that total loss is to be assessed at market value. While market value as a concept may provide an element of certainty and definition at a legal level, it itself is not an easy concept to apply in fact where there is no market functioning at the relevant time. Quite different figures may be arrived at in fact depending on the date of the valuation and the assumptions that are to be made.
- The Local Authority has failed to consider alternative development options, including acquiring alternative lands.
- No or adequate consideration has been given by the Local Authority to any alternative methods of meeting the need contended for.
- The making of the CPO is disproportionate given the significant importance of protecting the private property rights of the Objectors.
- The justification for the proposed development has not been adequately established by the Local Authority and the CPO cannot therefore be deemed proportionate.

- The Local Authority has not conducted any or any appropriate assessment of the environment or ecological sustainability of any intended development of the said lands.
- In the absence of a suitable environmental impact report, the Local Authority cannot have concluded that the intended or any development is likely on the said lands.
- The Local Authority has not conducted any assessment pursuant EU Directive 92/43/EEC on the Conservation of Habitats, Flora and Fauna, in respect of the likely impact on flora and fauna which inhabit, inter alia, the wetlands which stand in close proximity to the subject lands.
- The subject lands are in close proximity to Tramore Back Strand (SPA) and Tramore Dunes and Back Strand (SAC), which remain under the protection of the National Parks and Wildlife Service. Therefore, it is likely that upon the completion of the surveys and assessments which will be required to be undertaken in advance of any development of the lands taking place, the lands will be found unsuitable for the development. The making of a CPO is, therefore in the circumstances, premature.
- The Local Authority has failed to conduct any or any adequate environment impact assessment.
- The Local Authority has not conducted any or any adequate archaeological survey in respect of the subject lands or in the vicinity of the intended development.
- The CPO is unnecessary in that it fails to advance the common good including, inter alia, the objective of delivering a proper transport strategy for Waterford that complies with the principles of proper planning and sustainable development, by reference to relevant policies and objectives of national, regional, county and local plans.

12.0 Oral Hearing

- 12.1. An oral hearing was held remotely due to the Covid-19 Pandemic using MS Teams on 20th April 2021. A recording of the hearing was made and is on file.

The following participated in the hearing

On behalf of **Waterford City and County Council**

Esmonde Keane, SC

Aidan Power

Liam Mc Gree

On behalf of the **Objectors**

Cathal Lenaghan, BL

Frank Halley

Frank Moran

12.1.1. Opening of the hearing by the Inspector at 10am. At 10.10 the presentation of the case was made by Waterford City and County Council. Mr. Esmonde Keane, SC stated that the CPO was made in accordance with the relevant legislation. That the need for the scheme and the requirement to acquire the lands is set out in the application made under Section 175 to the Board.

12.1.2. Mr Aidan Power the General Manager at Waterford Regional Airport made a submission. A copy of this is on file. In summary this stated that in light of the existing deficiencies in the airport that Mr. Power appointed Frank Fox and Associates and Leading Edge Aviation Planning Professionals (LEAPP) in the assessment, design and development of a runway and associated ancillary works in order that the Airport can service medium size commercial jet aircraft and a range of business aircraft in accordance with the European Aviation Safety Regulations set by the European Union Aviation Safety Agency. As part of the review process, it was established early on that the Moran and Elliot houses which were already identified in previous safety surveys as obstacles for the existing runway would infringe to a much greater degree on any runway extension. Furthermore, it was considered that those properties would be affected to a greater extent by airport landing, taking off and taxiing in the airport if it were extended. The objection from the Elliott's refers to noise, safety and privacy. These issues necessitate the acquisition of the property from the Elliott's and the Moran's. The acquisition would entail the entirety of both properties. Following the acquisition of the properties it is intended that prior to the extended runway becoming operational that both of the properties would be

demolished, vegetation removed and that standard chain-link security fencing would be erected around both sites in alignment with the R708. Safety approach lighting would also be erected in the eastern corner of the Moran site.

12.1.3. It is acknowledged that the acquisition of both of the properties will have a significant impact on both families. Contrary to what is stated in the written objection by Frank and Margaret Moran, alternatives were considered. However, there are significant constraints which includes the alignment of the runway which is proposed to be extended and the existing regional roads to the north and south. The subject acquisition is necessary and in the common good and compensation will be payable to both families in full accordance with the relevant legislative provisions. Throughout the review process the airport has been aware of the potential impact on external third parties. It is submitted that the scheme which underlies the CPO meets the runway design criteria and that the majority of the development can be carried out within the existing airport landholding in accordance with European safety requirements. The proposed scheme and the CPO have been designed in order to result in the least disturbance to third parties. There is a public need for the scheme to facilitate development of the area including tourism and improving the accessibility which it is considered fully justifies the CPO.

12.1.4. Mr. Liam Mc Gree, Senior Planner with Waterford City and County Council made a submission. A copy of this is on file. In summary this stated that in relation to the matter of economic loss referred to in the Elliot submission, it is noted that this is not a relevant consideration as it is intended to acquire the property in its entirety and ensure that they are fully compensated for the acquisition in accordance with the relevant legislative provisions. Regarding the matters raised in the Elliot submission concerning non-compliance with Planning Legislation and in consistencies with the provisions of the 'Local Area Plan', Mr. McGree highlighted that there is no 'Local Area Plan' for the area and that the area is covered by the Waterford County Development Plan 2011-2017 (as extended). It is contended that the approach taken by the Local Authority in seeking to acquire the property is entirely in accordance with the provisions of the relevant legislation.

12.1.5. Objective INF 4 of the Waterford County Development Plan 2011-2017 (as extended), states that it is an objective of the Planning Authority, 'to assist the future expansion of services and routes at the Airport, the Council support the lengthening

and widening of the runway, subject to compliance with proper planning and sustainable development and in compliance with Article 6 of the Habitats Directive. It is therefore contended that the CPO which is intended to facilitate lengthening and widening of the runway, is entirely consistent with and supported by the policies and objectives of the Waterford County Development Plan 2011-2017 (as extended).

12.1.6. In relation to the objection from the Moran's they raise the matter of the justification of the project. Mr. Mc Gree sets out that the proposal it is recognised in the National Planning Framework (NPF) that Waterford Regional Airport is a key strategic regional and national asset. It states, 'Waterford and the wider south-east region is served by a regional airport and the Port of Waterford at Belview and Rosslare-Europort, which is geographically close to EU trading partners and will be important in Ireland's response to Brexit'. In relation to Regional Planning policy the Southern Regional Assembly's Regional Spatial and Economic Strategy (RSES) states in Section 6 that the return of scheduled passenger services to Waterford Airport and associated investment in Infrastructure is one key element of making the Waterford Metropolitan Area a successful enterprising Economic Engine Driving Metropolitan and Regional Enterprise Growth. Waterford MASP policy objective 15 states, that 'It is an objective to support investment in infrastructure, including increased capacity of road, rail, ports and Waterford Airport to maximise the potential of tourism subject to the outcome of environmental assessments and the planning process.' Mr. Mc Gree set out the local planning policy as detailed in the Waterford County Development Plan 2011-2017, specifically Section 6.6.4 which refers to Waterford Regional Airport and which states, 'Waterford Regional Airport plays a critical role in the development of Waterford and the South East, in terms of accessibility, supporting economic development and tourism. Reflecting this lands have been zoned at this location to facilitate the development and expansion of the Airport as 'Airport Area' (To provide for Airport related activities including passenger terminal buildings and services, airside retail, hotel, airport infrastructure, hangarage, storage, maintenance and ancillary facilities, park and ride, transport, depot, training facilities, storage depot, warehouse, offices and light industrial/enterprise unit and Light industry.'

12.1.7. Appendix A6 of the County Development Plan is the Masterplan for Waterford Airport. Section 1.1 states, 'Waterford Airport is a key component of the transport infrastructure in the South East Region and is central to the future development of

both the County and the Gateway. The availability of convenient and increasingly frequent air services increases connectivity and assists in attracting tourists to the Region.’ Section 1.2 of the Masterplan states, ‘The National Development Plan, in seeking to address infrastructural deficits in the National Spatial Strategy Gateway areas recognised the importance of the upgrading of facilities at Waterford Airport. As such, with the aid of Transport 21 and Air Transport Sub-Programme funding, Waterford Regional Airport plc aims to further enhance their service base through engaging in ambitious capital investment programmes. These programmes include the extension of the runway to accommodate jet aircraft and the development of cargo facilities to support local industry. These developments will allow the airport to access a range of additional business opportunities, reduce its dependency on Government support and enhance its potential to attract additional investment and employment opportunities to the area.

12.1.8. Section 1.6.1 of the Masterplan states that, ‘Waterford Regional Airport plc proposes to extend the current runway from 1,433 metres to 1,850 metres and in the longer term to 2,288 metres, and to expand the size of the terminal building to handle increased passenger numbers. All future development works will be designed to ensure full compliance with both the Irish Aviation Authority and international aviation safety standards. The airport also intends to develop facilities for visiting and locally based aircraft. Objective Airport 1 states, ‘To assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway. It is noted that the Moran property is located in an area which is zoned as ‘Airfield Reserve Area’. The stated policy of this zoning objective is ‘to allow for the future extension of the runway facilities and to provide for the possible future realignment of the R685 Road. This area should be reserved free from inappropriate development which may prejudice the future expansion of the Airport.’

12.1.9. Section 2 of the Masterplan refers to the issue of ‘Obstacle Limitation Surfaces Protection’. Section 3 deals with ‘Public Safety Zones’ and Section 4 refers to ‘Protection for Navigational Aids’. These sections are all relevant to the subject CPO within the context of an extended runway as envisaged by the plan. Section 7.11 of the Development Plan includes transportation objectives. Objective INF 4 states, ‘To assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway, subject to compliance with proper

planning and sustainable development and in compliance with Article 6 of the Habitats Directive. It is therefore contended that the Waterford Airport Runway extension project is clearly stated, and longstanding, objective of national, regional and local planning policy and that the proposed CPO is reasonably required to satisfy this strategic objective.

12.1.10. Regarding the funding of the project, Mr Mc Gree confirmed that on the 11th of June 2019, the Minister for Transport Tourism and Sport announced the approval of an Exchequer grant of €5 million towards the Waterford Airport Runway Extension Project out of a total budget of €12 million. There is therefore no doubt regarding Government support and funding of the project. Regarding public-private partnership the cost of the runway project is capped at €12 million. The Government has approved the Exchequer grant of €5 million and the required €7 million is being made up from private investment and local authority investment.

12.1.11. In relation to the lands required for the proposed development. Mr. Mc Gree stated that the lands which are the subject of the CPO are critical to the achievement of the runway extension project which is due to commence immediately subject to the confirmation of the CPO and the Section 175 approval from An Bord Pleanála. The funding for the project is in place and this is a project of strategic regional importance. It is desirable to provide a safe envelop for the expanded runway to avoid houses being located in too close proximity to the runway which could result in a detrimental environment for the occupiers of the properties along with presenting a safety risk.

12.1.12. Regarding the loss of use and enjoyment of private property, it is the intention of the Local Authority to acquire all of the Moran's property interests at Ballygarron Upper and to ensure that they are fully compensated for any and all losses resulting from the compulsory acquisition of those property interests. The CPO is required to facilitate the extension of the runway in order that it can safely accommodate larger commercial passenger aircraft such as Boeing 737s and Airbus A320s and also the development of cargo facilities with the intention of improving air transport facilities to the region. The intended use of the lands subject of the CPO is entirely consistent with national, regional and local planning policy.

- 12.1.13. The documentation submitted to the Board clearly demonstrates that the approach taken by the Local Authority has been entirely in accordance with the provisions of the relevant legislation. In relation to public consultation, the Local Authority advertised the proposed CPO and consulted with the public in the usual manner. There has been numerous occasions when there was direct contact with the landowners over a number of years. The general objective to extend the runway at Waterford Airport has been the subject of a number of statutory public consultation processes associated with the County Development Plan, the RSES and the NPF.
- 12.1.14. The subject CPO is being progressed in accordance with the provisions of section 76 of the Housing Act 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act 1960, as substituted by section 86 of the Housing Act 1966, as amended by section 6 of the Second Schedule to the Roads Act 1993, and as amended by the Planning and Development Act 2000 (as amended), and the powers conferred by the Public Health Act 1878 in relation to wayleaves. The Local Authority has made an order titled Compulsory Purchase Order 2019 (No. 18) and has submitted that order to An Bord Pleanála for confirmation. It is therefore contended that the approach taken by the acquiring authority has been entirely in accordance with the provisions of the relevant legislation.
- 12.1.15. The proposed CPO is required to facilitate a runway extension at Waterford Regional Airport with the specific intention of improving air transport facilities to the region in accordance with adopted national, regional and local planning policy which is in the interests of the common good. Regarding the matter of constitutional rights, it is submitted that the approach taken by the acquiring authority has been entirely in accordance with the provisions of the relevant legislation. If the Board confirms the CPO then the acquiring authority will commence financial negotiations with the landowners having regard to the relevant principles and rules relating to the assessment of compensation. In default of an agreement on compensation the matter will be referred by either of the parties in the usual manner to the Property Arbitrator for determination.
- 12.1.16. In relation to the matter of certainty, the Government approval of financial assistance for the project and the acquiring authority's subsequent commencement of the CPO procedures and the associated Section 175 application to the An Bord

Pleanála provides no doubt as to the acquiring authority's commitment to the proposed Waterford Airport Runway Extension project.

12.1.17. Regarding the matter of compensation for loss, the acquiring authority intends to acquire all of the Moran's property interests at Ballygarron Upper and to ensure that they are fully compensated for any and all losses resulting from the compulsory acquisition of those property interests in accordance with the applicable legislative process. The matter of alternative land acquisition options was raised by the landowners. It is contended that given the already significant public investment in the fixed airport infrastructure at this location and the relevant aircraft and public safety considerations that the acquisition of the subject property is absolutely necessary in order to deliver the proposed Waterford Airport Runway Extension project which is a key strategic objective of national, regional and local planning policy. In relation to the matter of proportionality, the justification for the project has been outlined previously and it is an absolute requirement to acquire the subject property to deliver this piece of key strategic transportation infrastructure which is in the interest of the common good.

12.1.18. The matters of appropriate assessment and environmental impact assessment were raised by the landowner. The acquiring authority has submitted a Section 175 application to An Bord Pleanála for approval of the proposed Waterford Airport Runway Extension and associated site works, it is accompanied with a full Natura Impact Statement and a full Environmental Impact Assessment Report. The landowners raised the matter of compliance with EU Directives in respect of designated species and habitats. In response to this it is reiterated that the acquiring authority has submitted a Natura Impact Statement in support of the Section 175 application, which considers the potential impact of the proposal on any designated species or habitats in the vicinity. The matters of Ecological Impact Assessment and Archaeological Impact Assessment were also raised and both have been submitted as part of the Section 175 application for the Waterford Airport Runway Extension and associated site works.

12.1.19. In conclusion, Government has decided to support a significant runway extension at Waterford Airport which would see the existing runway extended from its existing length of 1,433m to 2,228m so as to be capable of safely accommodating larger commercial passenger aircraft such as Boeing 737s and Airbus 320s. The

lands which are the subject of the CPO are required, having regard to all relevant aircraft and public safety considerations in order to deliver this key strategic objective of national, regional and local planning policy. It is submitted that the airport extension project is entirely consistent with national, regional and local planning policy and is proposed with the specific intention of improving air transport facilities to the region in the interest of the common good. It is the intention of the acquiring authority to acquire all of the Elliot and Moran property interests at Ballygarron Upper and to ensure that the owners are fully compensated for any and all losses resulting from the compulsory acquisition of their property. If An Bord Pleanála confirms the proposed CPO then the acquiring authority will continue financial negotiations with the landowners having regard to the relevant principles and rules relating to the assessment of compensation. In default of an agreement on compensation, the matter will be referred by either party in the usual way to the Property Arbitrator for determination.

12.1.20. Submission to the hearing from Cathal Lenaghan, Barrister at Law instructed by John P O'Donohoe Solicitors, Waterford, on behalf of Mrs. Barbara Elliot. Mr. Lenaghan read out a statement from Mrs. Barbara Elliot. The Elliot home was built in 1990 and there have been numerous opportunities over the years for the Waterford Regional Airport to acquire the property. The first occasion being when the dwelling was under construction, they passed on an offer to sell and followed by multiple letters, meetings and promises and most recently in July 2020 when the Elliot's pulled out of an agreement to build a new home on an alternative site. It is highlighted that this ongoing situation with Waterford Airport has been an extremely stressful time for the family. Mrs. Elliot's husband John sadly passed away in November 2020 and she stated that she and her family do not wish to leave their home. Mrs. Elliot also wished the hearing to know that she is currently ill and in hospital. She wished it to be conveyed that her late husband John was steadfastly against the CPO of their home.

12.1.21. Mr. Lenaghan referred to Section 220 of the Planning and Development Act 2000 (as amended) which states, 220.—(1) The person holding an oral hearing in relation to the compulsory acquisition of land, which relates wholly or in part to proposed development by a local authority which is required to comply with section 175 or any other statutory provision to comply with procedures for giving effect to the

Environmental Impact Assessment Directive, shall be entitled to hear evidence in relation to the likely effects on the environment of such development. Some submissions are made in respect of the EIA Directive.

12.1.22. In relation to the proportionality of the proposal and whether it is lawful, reference is made to Article 8 of the European Convention on Human Rights which provides a right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society. Reference is made to Article 40.5 of Bunreacht na hEireann which states, "The dwelling of every citizen is inviolable, and shall not be forcibly entered except in accordance with law". Mr. Lenaghan submits that the constitutional protection is a high watermark to the family home. It is imperative that the Bord have regard to high level of protection that the constitution provides.

12.1.23. Mr. Lenaghan refers to the matter of cumulative effects as set out in the EIAR submitted as part of the planning application made under Section 175, of the Planning and Development Act, 2000 (as amended) in respect of the proposal to extend the runway at Waterford Regional Airport. He contends that the EIAR fails to adequately assess the cumulative effects of the project with the existing development in the area and that the standard that it needs to apply is with other projects under construction and other permitted development. It is considered that this has not been done because a site of a permitted solar farm at Pickardstown, Tramore, Co. Waterford was not included within the EIAR in order to assess the cumulative impacts.

12.1.24. In relation to the matter of proportionality, Mr Lenaghan refers to the previously permitted planning application for a runway extension at Waterford Regional Airport granted in 2014 and which has a life of ten years. It is considered that there is no proportionality given that the previous permission is extant. That extension was to be done in two phases the first a 150m extension to facilitate safety improvements. With a further 225m extension in the second phase. Why was the previously granted permission for the extension of the runway not carried. It is submitted that it is sufficient to meet the needs of Waterford Airport going forward. The development plan in force in 2014 is the same development plan which is currently in force. It is submitted that the ongoing operation of Waterford Airport and

its connectivity to international destinations is not contingent on the construction of the currently proposed runway extension.

12.1.25. The statement of evidence from Waterford City and County Council refers to Waterford Regional Airport, Section 7.11 states, that the airport is a key gateway to Ireland's south east and the availability of its convenient and increasingly frequent air services is making a growing contribution to the facilitation of both tourism and business activities in the region. Mr. Lenaghan submits that statement was one of its time produced in 2011 and cannot be reconciled with the current situation and notwithstanding the current pandemic, there has not been a commercial flight in and out of the airport since 2016. The policies set out in the Development Plan in relation to the airport which are being relied upon in the advancement of this proposal are not reconcilable with the facts as they are now. Objective INF 4 states, to assist the future expansion of services and routes at the Airport, the Council support the lengthening and widening of the runway, subject to compliance with proper planning and sustainable development and in compliance with Article 6 of the Habitats Directive. It is submitted that the Section 175 application made which includes an EIAR is not in compliance with the EIA Directive or the Planning and Development Act, (As amended).

12.1.26. In relation to National policy this includes the National Aviation policy of 2015 and this stated that Waterford Airport would be supported under the Regional Airport programme. The Regional Airport programme issued the latest report from February 2021, there was no reference to Waterford Airport. It is therefore contended that there is not support at a National level for the proposed development. He requested that the Board look at the National Planning Framework, Project Ireland 2040, the National Development Plan 2018-2021, in the context of Ireland South-East and the continued support for Waterford Airport is set out under National Strategic Objective 6 of the report. Mr. Lenaghan states that the NSO for Ireland North-west Airport and Ireland West Airport Knock there is continued support for Ireland West Airport Knock which includes an overlay of the main runway and an apron safety extension. He therefore contends that there is not specifically stated support of the extension of the runway at Waterford. Therefore, the national policy only alludes to continued support of Waterford Airport in the form that it is currently capable of operating at.

12.1.27. It is submitted that the planning application does not adequately demonstrate the need for the proposal at National level or local policy level. He states that there is not sufficient information before the Bord in relation to the exploration of suitable alternatives.

12.1.28. In the event that the CPO were confirmed, and the Local Authority then seek to exercise their powers to acquire the property, it is submitted that any compensation cannot adequately remediate the loss of her principle private residence and the memories she has of living there in excess of 30 years with her late husband Mr. John Elliot. It is therefore submitted that the encroachment on the property rights of Mrs. Elliot is disproportionate and unnecessary for the exigencies of the common good. It is submitted that there is not a demonstrable need and alternative methods have not been adequately considered in light of the grant of permission in 2014 for an extension of the runway which complied with safety standards set out by the ICAO. It is submitted that the need or justification has not been adequately established. Any confirmation would not be acceptable and there is a threat that if the CPO is confirmed that nothing may be done with the lands. The matter of funding concerns was raised. The €5 million pledged by Government is contingent upon the €7 million being found from other funding sources.

12.1.29. Submission from Mr. Frank Halley, Solicitor on behalf of Mr. Frank Moran and Mrs. Margaret Moran. The grounds of objection can be read in as their submission. Mr. Halley confirmed that they concur fully the submission made by Mr. Lenaghan on behalf of Mrs. Barbara Elliot. A submission was made directly by Mr. Frank Moran to the hearing in respect of this dealing with Waterford Regional Airport. Mr. Moran was approached in 2016 by Des Purcell of Purcell Properties on behalf of the CEO of Waterford Airport Desmond O'Flynn in relation to the proposal. Mr. Moran spoke to Mr. O'Flynn who confirmed that proposals were in place to extend the runway and advised Mr. Moran to look for other sites where they might like to live. In 2015 Mr. Moran stated that he spent time and money upgrading his home including the installation of new windows and the construction of an extension and decking area. They were advised by parties acting for Waterford Airport not to carry out further works to their house and they halted works on his property. These works were subsequently finished at a later date. Mr. Moran stated that a Mr. Dan Brown acted for Waterford Airport and they met in relation to negotiations to purchase their

property. Mr. Moran agreed to the request from Mr. Dan Brown that O'Shea Auctioneers value his property as the project was to proceed. Mr. Moran met with Mr. Dan Brown and Mr. Michael Walsh who confirmed that they were 99.9% sure that the project was to go ahead. Mr. Moran subsequently met with Mr. Brown in his home some weeks after that, and he was shown a document signed by the then Minister for Transport Mr. Shane Ross which stated that funding from Government was in place for the project. Then Mr. Moran heard no more on the matter until December 2019 when the CPO was issued by Waterford City and County Council upon his property. Mr. Moran explained that the whole process has placed severe stress upon himself and his family.

12.1.30. Questioning from the Inspector raised the matter of previous consultation with the landowners regarding the requirement to acquire the subject properties. Mr. McGree was requested to detail the consultation process, specifically when the process began and then to provide some history and context up to the present. In response to the matter Mr. McGree stated that he confirms the general timeline set out by Mr. Moran in his submission. Des Purcell, Auctioneer acting on behalf of the Local Authority approached the landowners in 2016 and commenced negotiations with them at that time in relation to the purchase of their properties. Des O'Shea subsequently took over that role for the Council in 2017 and continued negotiations. Mr. Walsh the CE was involved in negotiations. The formal process began with the issuing of CPO notices on December 11th 2019. Discussions proceeded for a number of years previous to that.

12.1.31. Questioning from the Inspector, raised the matter of the examination of reasonable alternatives. The Council was requested to give a summary of the examination of reasonable alternatives, specifically to explain how the current proposal which entails the acquisition of these properties is demonstratively preferable to the other alternatives. In response to the matter, Mr. McGree stated that the airport represents a significant investment in fixed assets at this location which have been invested in and developed over many years, that infrastructure has been identified as being deficient in terms of its length and width its capacity to take medium sized commercial aircraft such as Boeing 737s and Airbus 320s. The Planning Authority had outlined in the Waterford County Development Plan a two stage approach to the extension of the runway as detailed in section 7.1.1 of the

Development Plan. It was intended to extend in two phases - there was a medium term extension plan and a longer term extension plan. The longer term extension plan was to achieve a runway length of 2,288m that is what is currently proposed. The interim solution was a shorter extension to the south of the existing runway. The current CPO proposed that the extension to the southern end of the runway would be developed along with the northern extension of the runway. The proposed extension to the northern end of the runway is 490m and an extension of 363m is proposed to the southern end providing a total runway length of 2,287m. It is proposed to widen the runway from 30m to 45m and it is proposed to extend the taxiway by 8m to facilitate use by larger jet aircraft.

12.1.32. Mr. Mc Gree stated that presently there are no scheduled commercial flights in and out of the airport. One of the reasons the airport does not currently have commercial passenger flights is that the runway is not capable of accommodating the larger aircraft which operate. The current proposal to extend the runway has been designed specifically to accommodate these aircraft and facilitate the development of passenger routes at Waterford Regional Airport. In terms of alternatives, these are limited due to the constraints of the surrounding public roads to either end of the runway. The majority of the proposed development would take place on lands in the ownership of the Local Authority within the existing airport. The R708 is located to the north-east of the runway. That is the road which the two properties the subject of the CPO's front onto and it is a constraint. The R685 is situated to the south of the runway. Mr. Mc Gree stated that due to those two constraints there is very little opportunity for alternatives. Furthermore, having regard to the fact that the runway and other infrastructure at the airport are existing the proposal is to extend the existing runway between those two routes. Unfortunately, the proposal requires the demolition of the two properties, for safety reasons, to achieve the objectives of the Development Plan and to bring the airport up to code there is no alternative. These properties have previously been identified as obstructions to the existing runway in advance of any extension. There are safety concerns in relation to location at the end of the runway.

12.1.33. Question from the Inspector, can you detail how the permanent acquisition of these properties is proportionate to the interests of the common good served by the proposed project. Mr. Mc Gree stated that the project in itself is in the interests of

the common good. It is a project of public benefit. It has been identified in national, regional and local planning policy as a medium to long term objective. It is a regional driver for the Metropolitan area of the county and for the region as a whole. The project will facilitate the movement of passenger and cargo traffic in and out of the airport.

- 12.1.34. The Government in 2019 committed to providing grant aid funding of €5 million. Whether or not the acquisition of the properties are required is a technical issue. There are air traffic safety considerations in relation to the proximity of the two properties to the runway and any extension of the runway would require safety envelopes at either to facilitate the landing and taking off of aircraft. The location of properties at the end of the runway would be incompatible with the operation of the runway. A number of navigational aids would also be required to be installed within the Moran property if the runway were extended as proposed. Therefore, the acquisition of the properties is required to facilitate aircraft safety standards. The properties are located on lands which are zoned for runway extension and development and have been since the making of the County Development Plan in 2011. As part of the project the dwellings and any outbuildings would be removed, and the sites would form part of the safety zone of the Airport.
- 12.1.35. Questioning from Cathal Lenaghan to Liam Mc Gree. What is the main reason that as the previously permitted extension to the runway not carried out? Mr. Mc Gree stated that the development of the extension previously granted has been effectively rolled into the current proposal. The original proposal was to extend the runway to the south. The current proposal is to extend the runway to the south and north and also widen the runway. The current proposed extensions to the runway are required due to reasons relating to the types of aircraft which would operate.
- 12.1.36. Mr. Lenaghan questioned Mr. Mc Gree as to the reason why the permitted extension to the runway was not carried out to date. It was planned that the development would be carried out in two phases. Now for reasons of economy and efficiency it is proposed that the development would be carried out in one go rather than in two phases. Whether the extension of the runway is done in one phase or two is just a timing issue as it has always been intended to extend the runway to 2,288m. Given the funding approval for the project the Local Authority consider that it can be carried out in one phase.

- 12.1.37. Mr. Lenaghan questioned Mr. Mc Gree in respect of the previously permitted southern extension of the runway. Mr. Lenaghan noted that the southern extension of 150m the first phase, was required to address safety concerns and to facilitate other aircraft of larger capacity. The second phase an additional 200m of runway was required to facilitate take off and would have added further safety. Was there any reason why the phases were not carried out? Mr. McGree stated that the initial phase to the south was intended to be carried out for safety reasons. The runway at the time was not compliant with the relevant regulations. The initial phase was for safety purposes it was not intended to facilitate significant additional traffic. The subsequent phase would be to facilitate the further expansion of operations and allow for larger aircraft to operate at Waterford Airport.
- 12.1.38. Mr. Lenaghan questioned whether the 375m extension of the runway granted in 2014 would be sufficient to accommodate larger aircraft. The question was answered by Mr. Aidan Power. He stated no; that permitted runway extension would not be sufficient to carry aircraft including Boeing 737 and Airbus A320. At the time the extension to the south was looked at to be used by smaller jet aircraft. In the interim aviation has superseded that and smaller types are no longer competitive or viable. The aircraft operating at similar airports, such as Kerry and Knock are low cost carrier medium size jet aircraft.
- 12.1.39. Mr. Lenaghan raised the issue of national policy in relation to the national policy which underpins the proposed extension of the runway and requested that it be identified. In response Mr. Mc Gree referred to the statement of evidence which was provided by Waterford City and County Council. He referred to the National Planning Framework specifically planning policy. It is stated in the NPF that Waterford and the wider south-east region as served by a regional Airport which is geographically close to EU trading partners and which will be important in Ireland's response to Brexit and that infers international connectivity. While there is no specific reference to the lengthening or widening of the runway in the NPF it does provide a context and this is informed by regional and local policy.
- 12.1.40. Mr. Lenaghan raised a question in relation to the funding of the project. Is the financial support from Government contingent the applicants ability to find a party to deliver the project for a maximum cost of €12 million. In response Mr. Mc Gree stated that the cost of the project is capped at €12 million. The investment required

other than that provided by central government is €7 million will be provided from three Local Authorities Waterford City and County Council, Wexford County Council and Kilkenny County Council and also a consortia of private sector interests. Mr. Lenaghan sought to get clarification as to the most up to date details in relation to the confirmation of funding for the project. Mr. Mc Gree stated that he spoke to Mr. Michael Walsh the CE of Waterford City and County Council the week previous to the hearing and he confirmed that all parties are fully on board with the project and that they intend to maximise private funding of the project.

12.1.41. Question from Cathal Lenaghan to Mr. Aidan Power. Were the extension to the southern end of the runway to be carried out, how many passengers could be accommodated per annum? Mr. Power stated that there are no commercial aircraft currently operating in this part of Europe which could use the runway if it were only extended to the south. Mr. Lenaghan stated that the existing runway has a length of circa 1,440m and with the 375m extension to the south, the runway would have a length of 1,800m. In response Mr. Power stated that this length of runway is unsuitable for passenger aircraft. There are technical reasons as to why areas of the existing runway are unavailable due to the location of existing properties. The location of the properties to the north reduce the available runway to 1,290m. To the south end of the runway of the 365m only 150m is available for landing. Therefore, with the southern extension built only 1,580m landing distance would be available. For example, the length of the runway at Kerry airport is 2,000m and the length of the runway at Ireland West is 2,300m. Therefore, to try and operate mainstream aircraft such as Boeing 737 and the Airbus A320 to service the needs on a runway of 1,580m would not be possible. Mr. Lenaghan queried what type of aircraft would be suited to operate on the runway at Waterford if it were extended to the south. In response Mr. Power stated that there is nothing which can compete with mainstream operations. Perhaps an aircraft of 80 – 100 seats which could not compete commercially with the Boeing 737 and the Airbus A320.

12.1.42. Question from Cathal Lenaghan to Mr. Aidan Power. In terms of existing Regional airports Kerry Airport and Donegal Airport are probably the most similar to Waterford Airport, what aircraft predominately operate there? The Boeing 737 and the Airbus A320 operate at Kerry Airport and turboprop 50 seater aircraft operate at Donegal Regional Airport.

12.1.43. Question from Mr. Frank Halley to Mr. Liam Mc Gree. Was there consideration to consult with the Morans to try and resolve the issue once the funding for the project had been confirmed by the Government, prior to the issuing of the CPO? Mr. Des Purcell was previously acting on behalf of the Council. On the 14th of August 2018 a letter was issued to the effected landowners from the Chief Executive of Waterford City and County Council Mr. Michael Walsh stating that Mr. Des O'Shea of O'Shea and O'Toole acted on behalf of the Council would be acting on behalf of the Council. Mr. Des O'Shea met with the Morans on 6th of September 2018 to discuss the plans which the Council had and the intention to proceed with the project and the CPO. The agent for the Morans submitted correspondences to the Council on the 13th of August 2019 setting out their grounds for claim for compensation. Mr. O'Shea on the 3rd of September 2019 was in contact with Mr. Tom Grace a property agent acting on behalf of the Moran family and also Mr. John Rowan, Estate Agent who was acting on behalf of the Elliot family. Mr. O'Shea was again in contact on 19th of September 2019. Those are direct contacts and also correspondences which took place between Waterford City and County Council and the landowners prior to the issuing of the public notices in December 2019.

12.1.44. Question from Mr. Frank Halley to Mr. Liam Mc Gree. If the CPO is confirmed and the plan goes ahead, do you have a timeframe when the demolition of the property is likely to occur and when the Morans would be likely to be asked to vacate. Mr. Mc Gree stated that he would not have a definite date as to when notices to treat would be issued. There are separate parallel processes in relation to the Section 175 application which is currently before the Board. Mr. Mc Gree confirmed in his recent conversation with the Chief Executive of Waterford City and County Council, Mr. Michael Walsh was keen that the development should commence as soon as possible if permission were granted. Mr. Esmonde Keane, SC, on behalf of Waterford City and County Council stated that under the provisions of the Planning and Development Act that time periods for notices to treat under a CPO are imposed. Once a CPO is made operational and confirmed by the Board subject to there being no further legal proceeding that notice to treat should be served within 18 months of the confirmation of the CPO.

12.1.45. Closing comments from Cathal Lenaghan. It is submitted that the planning application does not adequately identify the need for the project that is underlying the

CPO which is sought to be confirmed. That the project is not in accordance with any strategic policy at national or regional level. It is considered that there is insufficient material before the Board in respect of the EIAR and that the EIAR is deficient. The CPO has not demonstrated that there is a need that advances the common good which is to be met by the acquisition of the land in question. It is considered that the land is not suitable to meet the need in the circumstances where there is an existing permission for a southern extension of the runway which has not been carried out. Therefore, to confirm the CPO and permit the project which is not required would encroach on the property rights of Mrs. Elliot and would be disproportionate. The airport can continue to operate in the absence of this project and CPO being permitted. Should they wish to expand the airport it can be achieved by carried out the extant permission. The CPO is premature in the absence of any planning consent and it is submitted that the EIAR submitted with the application before the Board is deficient. Therefore, there should be no confirmation of the CPO order made by the Council on the 11th of December 2019.

12.1.46. Closing comments from Frank Halley. In conclusion, the Morans now face the prospect of their house being bulldozed and having to relocate. They question the necessity for this action in circumstances where the airport for a number of years has operated at a limited capacity. They question if the proposed project at the Airport is justified. If the CPO is confirmed and the development does not take place, it would result in the Morans losing their property.

12.1.47. Closing comments from Mr. Esmonde Keane on behalf of Waterford City and County Council. In relation to the comments made by Mr. Lenaghan in relation constitutional rights and rights under the European convention on human rights. It should be noted that such rights are not absolute and are subject to potential interference in accordance law and in accordance with the common good. Here there is a clear common good to be secured by the development in question which requires the acquisition of these two houses along with the other lands and rights to be acquired in relation to the lands as covered by the CPO. The proposal does not represent an unjust attack upon the property rights of the objectors. There is no authority to state that it would in any way violate constitutional rights. The Environmental Impact Assessment Report has been prepared in full compliance with the EIA Directive as transposed into Irish Law. The Board and the Inspector have

before it all the information them to carry out the EIA which includes the EIAR and all information contained on the file. The necessity for the scheme has been clearly demonstrated and is not affected by the current Covid 19 restrictions. This is a strategic development that is required for the medium and long term development of the area this has been demonstrated at the national, regional and local level. The development is necessary to attract back into Waterford Airport commercial aircraft of the type envisaged including Boeing 737s and Airbus A320s. The evidence both in relation to the need for the scheme and proportionality has been clearly demonstrated. The existing curtailment of the houses in question and the restrictions on the existing operation of aircraft have been altered to in the evidence given and the need to accommodate larger more economic aircraft has been clearly detailed, therefore the requirement to extend the runway has been established beyond doubt. The Environmental Impact Assessment Report has in particular included an assessment of cumulative impacts in each of the chapters of same in relation to those effects together with other existing or approved developments or both, taking into account any existing restraints. No evidence of any additional environmental impacts other than those assessed has been given to this hearing either on behalf of Mrs. Elliot in respect of who Counsel has made submissions, however where to evidence has been provided or on behalf of the Morans. Therefore, it is stated that all likely environmental impacts have been taken into account. The CPO is considered proportionate. In relation to the undoubted interference to the homes and demolition of the homes of the Morans and Mrs Elliot, it does have to be proportionate in terms of assessing the common good and the benefit to be achieved by removing safety restrictions on the existing airport and by allowing the expansion of the airport to provide for a sustainable development. This will facilitate the continued and proper growth of the area. It will provide for the growth of the economy, improvements to be facilitated for tourism and provide general improvements to the public as a whole.

- 12.1.48. The Council wishes to acknowledge the impacts on Mr and Mrs Moran and Mrs Elliot. Those matters will be fully addressed if the scheme and CPO is confirmed and will be accompanied by a right to compensation fully in accordance with relevant legislation. Mr. Keane requests that the Board give favourable consideration to the development and the CPO.

12.1.49. I then read a closing statement, and the Oral Hearing closed at 12.51pm.

13.0 Assessment

13.1. Overview

I consider that the criteria which are relevant to the determination of the Board in this CPO case may be summarised as follows:

- that it serves a community need and the acquisition is necessary
- that the lands are suitable and proportionate
- that the development to be served accords with planning policy and the development plan
- that alternatives have been considered and that there is no alternative which is demonstrably preferable
- additional issues raised by the objectors

13.2. Community Need

13.2.1. The stated purpose of the CPO is to provide and improve transport facilities including public and air transport facilities at Waterford Regional Airport. The evidence submitted to the hearing by Mr. Aidan Power the General Manager of the Airport on behalf of Waterford City and County Council set out that there are existing deficiencies in the airport. This relates specifically to the existing runway. It was set out that an extension of the existing runway from its current length of 1,433m to 2,287 metres is necessary in order to facilitate the operation of medium range jet aircraft specifically Boeing 737s and Airbus A320s and also the extension of the runway will facilitate the development of cargo facilities at the airport. Upon questioning, Mr Liam Mc Gree on behalf of the Waterford City and County Council stated that currently there are no scheduled commercial flights operating at the airport. He confirmed that one of the main reasons why the airport does not have commercial passenger flights is because the runway is not capable of accommodating the larger aircraft which operate. Therefore, the proposed extension of the runway has been specifically designed to accommodate these aircraft and

facilitate the development of passenger routes at Waterford Regional Airport.

Waterford City and County Council set out in their submissions that the extension of the runway would facilitate commercial operations at the airport which would provide for the growth of the local and regional economy, would improve accessibility and connectivity and benefit tourism.

- 13.2.2. The evidence submitted by Mr Power highlighted that the extension of the runway including the acquisition of the two properties to the north owned by the objectors would also facilitate necessary safety improvements because the two properties owned by the Morans and the Elliots were identified in safety surveys of the airport as obstacles for the existing runway. Accordingly, it is clear that there is a requirement for the project to extend the runway at this existing in-service airport to improve aviation safety by the removal of obstacles close to the runway.
- 13.2.3. The Council set out that there is a public need for the scheme which fully justifies the CPO. Having regard to the details provided by Waterford City and County Council I am satisfied that they have demonstrated that the proposed extension of the runway is necessary to facilitate the ongoing operation of the Waterford Regional Airport and also to facilitate the expansion of commercial operations. The proposal would in turns benefit the local economy in Waterford and also of the surrounding South-eastern region by facilitating improved international connectivity. Furthermore, the proposal would benefit tourism sector in the region.
- 13.2.4. I conclude that the CPO would allow Waterford City and County Council to progress the project to provide/improve transport facilities, including public air transport facilities comprising the extension of the existing runway to facilitate flights by commercial aircraft and would therefore serve a community need. Therefore, I consider that it is demonstrated that there is a need for the project and that the proposed development is suitable to meet that need.

13.3. Suitability of lands to Serve Community Need

- 13.3.1. The subject lands are located to the north-east of the existing runway at Waterford Regional Airport. The property in the ownership of the Morans is circa 625m from the runway and the Elliots property is circa 660m from the runway. The lands are zoned 'ARA' 'Airfield Reserve Area', where it is the objective 'To allow for the future

extension of the runway facilities and to provide for the possible future realignment of the R685 Road. This area should be reserved free from inappropriate development which may prejudice the future expansion of the airport' as stated in the Waterford County Development Plan 2011-2017 (As Extended). The lands are located within the area of 57LAeq as indicated on Map A1 of Appendix 6 of the Development Plan which refers to Waterford Airport LAeq Noise Contours.

13.3.2. In terms of built heritage, there are no recorded or national monuments within the vicinity of the subject lands, nor are there sites of potential archaeological interest.

13.3.3. Accordingly, the subject lands have been specifically designated under the provisions of the County Development Plan for the future extension of the runway of the Waterford Regional Airport. Therefore, the lands have been subject to the statutory planning process in respect of the making of the development plan and have been identified as suitable for the subject scheme. In my opinion it is conclusively demonstrated that Plots 101 and 102 are necessary to facilitate extension of the runway and are suitable for the purposes outlined.

13.3.4. In relation to the proportionate nature of the rights to be acquired under the CPO's which are identified as Plots 101 and 102, no issues were raised in relation to the extent of lands. The matter of the proportionality was raised in respect of the principle of compulsorily acquiring the properties which are both permanent residences of the landowners. I consider that the subject CPO's are proportionate because the acquiring authority have satisfactorily demonstrated a necessity for the scheme in the interest of the common good. I consider that all of the lands identified under the CPO's are necessary for the purposes and there is no evidence of excess land take or unnecessary acquisition of lands or of rights over lands. I consider that the CPO's overall may be considered to be proportionate. Having regard to all of the above, I am satisfied that in principle, the lands are suitable for the proposed scheme.

13.4. Compliance with Planning Policy/Development Plan.

13.4.1. The hierarchy of plans relevant to this case are the National Planning Framework NPF, the Southern Regional Assembly Regional Spatial and Economic Strategy

(RSES) and the Waterford City and County Development Plan 2011-2017(as extended).

13.4.2. The NPF sets out national policy objectives to guide development within the state up to 2040. In relation to policy referring to aviation, the NPF refers to the matter of High-Quality International Connectivity and sets out on page 14 of the document ‘this is crucial for overall international competitiveness and addressing opportunities and challenges from Brexit through investment in our ports and airports in line with sectoral priorities already defined through National Ports Policy and National Aviation Policy.’ The document refers to specifically to Waterford City and Metropolitan Area and the regional airport on page 52. The NPF highlights the significance of Waterford Regional Airport having regard to its proximity to EU trading partners and the important role it can play in Ireland’s response to Brexit. The matter of connectivity to the European Union is referred to on page 108 of the NPF. The significance of connectivity and Ireland’s direct linkages with other EU countries by both air and sea is noted and specifically in light of the withdrawal of the UK from the EU. Accordingly, having regard to the overarching policies set out in the NPF in relation to aviation connectivity I am satisfied that the NPF sets out the policy context for the subject project. Furthermore, in respect of national policy I note Strategic Outcome no. 6 of the National Development Plan 2021 – 2030 which refers to High-Quality International Connectivity. This Strategic Outcome sets out the requirement for significant investment in Ireland’s airports and ports in order to safeguard and enhance Ireland’s international connectivity which is fundamental to the country’s international competitiveness, trading performance in both goods and services and enhancing its attractiveness to foreign direct investment. It was raised in the hearing that Knock Airport is specifically mentioned in the National Development Plan. It was highlighted that the NSO for Ireland North-west Airport and Ireland West Airport Knock that there is continued support for Ireland West Airport Knock which includes an overlay of the main runway and an apron safety extension. It was therefore contended at the hearing that there is no specifically stated support of the extension of the runway at Waterford Airport.

13.4.3. In relation to this matter, I note that Knock Airport is referred to in Chapter 11 of the National Development Plan 2021 – 2030 which refers to High Quality International Connectivity. National Strategic Outcome (NSO) 6 refers to strategic investment

priorities. In relation to airports and specifically Ireland West (Knock) it states that continued exchequer support for small regional airports is planned under the Regional Airports Programme (RAP) and that eligible airports include Donegal, Kerry and Ireland West (Knock). A project cited for funding under the RAP is a significant apron safety enhancement project at Ireland West Airport. While I would acknowledge that the National Development Plan does refer to this proposed project at Ireland West (Knock), I would note that the wording in this section of the Plan refers to a number of sizable projects which are proposed over the lifetime of the RAP which includes a significant apron safety enhancement project at Ireland West Airport. Accordingly, I would not accept the rationale presented at the hearing that because the proposed extension of the runway at Waterford Airport is not specifically referred to in the National Development Plan that it is not in accordance with national policy. As set out above other sizable projects which are not specifically referred to in the National Development Plan are proposed under the RAP. Furthermore, I am satisfied with the case made by the applicant that the proposed development is supported at a national level by the National Planning Framework which specifically refers to the necessity for high-quality international connectivity to provide for overall international competitiveness and to address the opportunities and challenges from Brexit through investments in port and airports. Regional policy is set out in the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES). The RSES contains strategy and objectives in respect of the regions airports and specifically in relation to Waterford Regional Airport. Strategy no. 6 refers to the region's high quality international connectivity and states that it aims to improve this through investment and increased capacity in ports and airports.

13.4.4. Objective RPO 148 of the RSES refers to National Aviation Policy and states that it is an objective to seek investment to sustainably deliver actions under National Aviation policy for Ireland that strengthen and develop the economic role of the regional airport at Waterford.

13.4.5. Objective RPO 150 refers to High Quality International Connectivity – Airports. It is an objective to achieve NSO: High Quality International Connectivity. Specifically in relation to Waterford Regional Airport this objective sets out the support for continued exchequer assistance for regional airports under the Regional Airports Programme, to support the role of Waterford Airport and to develop its potential as

key tourism and business gateways for the regions. The objective also supports strategic route development for airports outside of Dublin and supports the extension of Regional Airports Programme to all airports under 3 million passengers as permissible under EU guidelines.

- 13.4.6. The Waterford MASP (Metropolitan Area Strategic Plan) forms part of the (RSES). A guiding principle of the MASP is to promote Waterford as an International Gateway including the re-establishment of passenger flights at Waterford Airport. Policy in relation to Waterford Airport is set out in Section 8.3 of the Waterford MASP. The plan refers specifically to the extension of the runway and states investment in the project will enhance the international connectivity potential of Waterford for Business (including multi-national companies involved in export trade), support the development of TUSE, Research and Development with international partners and provide for increased tourist traffic. The MASP refers to current proposal to extend the runway and notes that it would significantly increase the capacity of the airport to cater for larger aircraft and more frequent flights. Policy Objective 16 of the Waterford MASP supports the further development of Waterford Airport including the development of an extension of the existing runway to accommodate larger aircraft. Policy Objective 18 of the MASP refers to tourism and states that it is an objective to support investment in infrastructure, including increased capacity of Waterford Airport to maximise the potential of tourism. The proposal, therefore, is in accordance the above detailed policies and objectives of the RSES.
- 13.4.7. The Waterford County Development Plan 2011-2017 (Extended) is relevant plan prepared by the Local Authority. Objective INF 4 of the Plan refers specifically to Waterford Regional Airport and states that it is an objective to assist the future expansion of services and routes at the Airport and that the Council support the lengthening and widening of the runway. Appendix A6 of the Development Plan is Waterford Regional Airport and Business Park Masterplan. The Masterplan sets out that the Council supports the development objectives of Waterford Regional Airport plc for the future development of the airport which are to increase the competitiveness of the South East Region and promote the balanced development of the Region in accordance with the National Spatial Strategy, promote the accessibility and attractiveness of the Region for both business and inbound tourism,

improve transport infrastructure for South East Region and provide and promote cargo facilities to support industry and inward investment in the Region.

13.4.8. In respect of the expansion of the airport Policy Airport 1 of the Masterplan confirms that the Council will support and co-operate with the relevant authorities, government agencies, businesses and interest groups to improve access to the Airport and to facilitate the appropriate development at the Airport. This policy has been fulfilled in terms of the co-operation involved in the funding of the proposed scheme. Objective Airport 1 of the Masterplan supports the future expansion of services and routes at the Airport and states that the Council support the lengthening and widening of the runway. The proposal, therefore, is in accordance with the above detailed policies and objectives of the Waterford County Development Plan 2011-2017 (Extended). It was raised in the hearing that the previous permission granted for the extension of the runway under Reg. Ref 14/89 was not carried out. The question also raised the matter as to why that permitted runway extension would not fulfil the currently proposed requirements. It was noted at the hearing that Waterford County Development Plan 2011-2017 (as extended) has not changed in the intervening period.

13.4.9. Under Reg. Ref. 14/89 Waterford County Council granted permission for phased extensions to the existing airport runway and turning circle within the airport (150m and 200m runway extensions, 350m total runway extension and 375m including turning circle) and all associated works. Mr. Lenaghan, BL on behalf of Mrs Elliot questioned Mr. Mc Gree, Senior Planner with Waterford County Council and also Mr. Aidan Power the Waterford Airport manager. In relation to the matter of the previously permitted runway extension Mr. Mc Gree stated that the current proposal effectively encompasses the previously permitted development which entailed an extension of the runway to the south and that the current proposal also includes the extension of the runway to the north. Regarding the matter of why the previously permitted extension of the runway was not carried out Mr. Mc Gree stated that it was originally planned that the extension of the runway would be carried out in two phases. The current proposal entails the carrying of the overall extension of the runway in one phase. Mr. Mc Gree stated that it had always been intended to extend the runway to an overall length of 2,288m. In relation to the intention to extend the runway, I note that as stated on page 6 of Waterford Regional Airport & Business

Park Masterplan (Appendix 6 of the Waterford County Development Plan 2011-2017) that Waterford Regional Airport plc proposes to extend the current runway from 1,433 metres to 1,850 metres and in the longer term to 2,288 metres and to expand the size to the terminal building to handle increase passenger numbers. Accordingly, it is clearly set out in the Waterford Regional Airport & Business Park Masterplan that it was a long-term objective to extend the length of the runway to 2,288 metres. The explanation provided by Mr. Mc Gree that it was originally planned to carry out the extension of the runway in two phases is clearly set out in this section of the Masterplan. Therefore, the intention in the long-term to the extend the runway to 2,288 metres is clearly set out in the Masterplan. Accordingly, I am satisfied with the explanation provided by Mr. Mc Gree that while the previously granted runway extension was not carried out, that it represented the first phase of the overall proposal to extend the runway.

13.4.10. In relation to the other matter raised in questioning by Mr. Lenaghan, as to why the permitted extension to the runway of 1,850 metres under Reg. Ref. 14/89 would not satisfactorily service the future operational needs of the Airport I note the response from Mr. Aidan Power, the manager of Waterford Airport. Mr. Power, confirmed that the extension of the runway to a length of 1,850 metres due to operational requirements would not provide a sufficient runway length to accommodate jet aircrafts including Boeing 737 and Airbus A320. The explanation provided by Mr. Power clearly sets out that a runway length of that currently proposed is required in order to accommodate the passenger jet aircraft which would operate commercial routes and that there are no passenger aircraft operating which would safely operate on the permitted runway length of 1,850 metres at this location having regard to the specific operation and safety considerations at Waterford Airport. In his response Mr. Power noted that previously at the time when permission was sought for the extension to the southern end of the runway that it was considered that the southern extension of the runway could facilitate flights by smaller jet aircraft. However, he confirmed that there are presently no commercial passenger aircraft operating in this part of Europe which could use the runway at Waterford Airport if it were only extended to the south. For comparison purposes Mr. Power stated that the runway length at Kerry Airport is 2,000m and at the runway

length at Ireland West Knock is 2,300m. I note that Ryanair currently operates services at Kerry Airport and Ireland West Knock using Boeing 737-800 aircraft.

13.4.11. Accordingly, I am satisfied with the detailed explanation provided by Waterford Airport manager Mr. Power that the construction of the previously granted southern extension of the runway was a first phase of a longer term objective and would not be suitable to accommodate all the operational needs of the airport to provide commercial jet aircraft passenger services.

13.4.12. I conclude on this basis that the CPO's comply generally with national and regional policy set out in the NPF and RSES and specifically with the Waterford County Development Plan's objective to assist the future expansion of services and routes at the Airport and to support the lengthening and widening of the runway.

13.5. Consideration of Alternatives

13.5.1. The objectors raised the matter of alternative development options in their submissions on file. In response, Waterford City and County Council confirmed in their statement to the hearing that alternatives were considered.

13.5.2. The issue of alternative means of extending the runway was further explored at the Hearing. In response to questioning by the Inspector in relation to the examination of reasonable alternatives, Mr. Mc Gree on behalf of Waterford City and County Council stated that the existing airport represents a significant investment in fixed assets at this location which have been invested in and developed over many years. The requirement to carry out the project was identified following an assessment of the existing infrastructure at the airport which concluded that the existing runway was deficient in terms of its length and width to be able to accommodate medium sized commercial aircraft. The proposed scheme comprises a 490m extension to the northern end of the runway and a 363m extension to the southern end which would provide a total runway length of 2,287m. It is also proposed to widen the runway from 30m to 45m and to extend the taxiway by 8m. Mr. Mc Gree confirmed that one of the reasons why Waterford Regional Airport does not have commercial passenger flights is that the existing runway cannot accommodate the larger aircraft which operate. Regarding the exploration of alternatives, Mr. Mc Gree outlined to the hearing that alternatives to the current proposal are very limited due to the existing

constraints which arise from the location of the surrounding public roads, which lie to the north and south of the runway. The R708 is located to the north-east of the runway and the R685 is located to the south of the runway. Waterford City and County Council concluded that the only suitable option to achieve the required extension of the runway was to extend it between these two routes. Mr. Mc Gree noted that the two dwellings situated to the north of the runway which are the subjects of the compulsory acquisition were previously identified as obstructions to the runway and that there are existing safety concerns in relation to location at the end of the runway.

- 13.5.3. The matter of an alternative means of addressing the extension of the runway was further raised in the questioning of Waterford City and County Council by Mr Lenaghan on behalf of Mrs Elliot. Mr Lenaghan questioned Mr. Mc Gree in respect of the previously permitted runway extension. In response to the matter Mr. Mc Gree provided a detailed response in respect of the relevant planning history and current context. This matter is discussed in depth under Section 13.4.9 of this report.
- 13.5.4. Mr. Lenaghan questioned Mr. Aidan Power as to whether the southern extension of the runway of 375m granted in 2014 would be capable of accommodating the take-off and landing of larger aircraft. In response Mr. Power confirmed that the operational requirements of current aircraft meant that this was no longer a feasible option. This matter is discussed in depth in Section 13.4.10 of this report.
- 13.5.5. Mr. Lenaghan in questioning Mr. Power asked what type of aircraft would be suited to operate on the runway at Waterford if it were extended to the south. Mr. Power stated that an aircraft with a seat capacity 80 – 100 seats could possibly operate. However, he reiterated that aircraft of that scale could not compete commercially with the Boeing 737-800 and the Airbus A320.
- 13.5.6. In relation to the matter of suitable alternatives I note the explanation provided by Mr. Mc Gree that the existing airport at Waterford represents a significant investment in fixed assets. Therefore, in order to continue benefiting from the existing significant investment it is necessary to upgrade the existing runway through its extension in order for it to become viable to operate passenger jet aircraft. Mr. Mc Gree highlighted that one of the main reasons that Waterford airport does not currently have commercial passenger flights is the existing runway cannot accommodate the

larger jet aircraft which currently operate. In respect of providing alternative to the current proposal, I note that these are very limited.

- 13.5.7. The statement made to the hearing by Mr. Power confirmed that contrary to the suggestion in the written objection from Frank and Margaret Moran that alternatives were not considered, he confirmed that alternatives were considered. He highlighted that there are significant constraints which include the alignment of the runway which is proposed to be extended and the existing regional roads to the north and south. It was highlighted at the hearing that the proposed scheme meets the runway design criteria and that the majority of the development is within the existing airport landholding which is within European safety requirements. In relation to this, I note that the area proposed to extend the runway to the north lies within lands zoned 'Airport Area' and the area proposed to extend the runway to the south lies within lands zoned 'Airport Area' and 'Airport Reserve Area'.
- 13.5.8. As detailed in the EIAR submitted with the application alternative design options were considered. The current proposal to split the runway extension into a north and south extension. A second design option was to extend the runway entirely to the south to include the permitted extension of 350m and provide an additional 504m extension to the south. A third design option was to extend the runway entirely to the north to provide an extension of 854m and a final option was the relocation of the airport.
- 13.5.9. The relocation of the airport was ruled out as an option as it would require the provision new road infrastructure to serve a relocated airport and the construction of airport facilities and associated development. The relocation of the airport would give rise to significant environmental impact and therefore was not considered a reasonable alternative.
- 13.5.10. The current proposal was the preferred option because it would avoid further encroachment towards Tramore Backwater SAC to the south and it would also avoid the requirement to re-align the R685. The provision of an extension to the runway entirely to the north was ruled out on the basis that it would require the re-alignment of the R708 and it would involve the use of unzoned lands to the north of the R708.
- 13.5.11. In response to the questioning regarding alternatives Mr. Mc Gree confirmed that the alternatives to the current proposal are very limited due to the significant

constraints arising from the surrounding road network which includes the R708 situated to the north-east and the R685 to the south. I note the case made by Waterford County Council that due to the fact that the runway and other infrastructure at the airport are existing and represent significant fixed assets and that the design options which involved the realignment of the adjacent regional roads the R685 and the R708 were ruled out that the current proposal to extend the existing runway between those two routes was the preferred design option. The chosen design option requires the demolition of the two properties subject of this CPO owned by the Moran's and the Elliot's, for safety reasons. It was highlighted in the submission from Mr. Mc Gree to the hearing that these two dwellings located to the north of the existing runway were previously identified as obstructions to the existing runway in advance of any extension. I note the case made by Waterford County Council in respect of the exploration of suitable alternatives and I am satisfied that the potential available alternatives have been considered and that the current proposal to extend the runway to the north by 490m and to the south by 363m is the best option taking into consideration the optimization of existing fixed assets and site constraints. It is argued by the objectors that in the 'do nothing' alternative scenario that the additional flights which would be generated by the subject extension of the existing runway could be accommodated at Dublin and Cork Airports. I note the argument made by the objectors in respect to the matter. However, the 'do nothing' scenario would result in the established longstanding policy objectives at national, regional and local planning levels for the extension of the existing runway not being fulfilled. This issue is discussed in depth in Section 13.4 of this report.

13.5.12. Accordingly, I consider that in the course of the hearing including the questioning at the hearing that the matter of alternatives had been fully explored and that there are no other suitable alternatives.

13.5.13. I conclude that that alternatives with respect to the design of the extension of the runway at Waterford Regional Airport have been fully considered and that there is no alternative which is demonstrably preferable.

13.6. Additional Issues Raised by Objectors

13.6.1. The objectors raised a number of other issues. The matter of the adequacy of the EIAR submitted with the Section 175 application was raised. Specifically, it was

contended that the EIAR fails to adequately assess the cumulative effects of the project with the existing development in the area. Reference was made to a permitted solar farm at Pickardstown, Tramore, Co. Waterford was not included within the EIAR in relation the cumulative impacts. Regarding the examination of cumulative impacts, I note that the EIAR submitted with the Section 175 application contains a comprehensive assessment of cumulative impacts within in each section of the report. Furthermore, I note that the site of the referenced permitted solar farm is located over 3km from the Waterford Regional Airport and that the objector has not provided evidence of any additional environmental impacts other than those assessed within the EIAR.

- 13.6.2. The issue of the funding of the project was raised. The objectors considered that the funding of the project may not be secure. The submission to the hearing from Mr Mc Gree on behalf of Waterford City and County Council stated that funding for the project was announced on the 11th of June 2019. The funding comprises an Exchequer grant of €5 million towards the Waterford Airport Runway Extension Project out of a total budget of €12 million. The project is a public-private partnership and the cost of the project is capped at €12 million. The remaining €7 million is being made up from private investment and local authority investment. The three Local Authorities participating in the funding of the project are Waterford City and County Council, Wexford County Council and Kilkenny County Council and there is also a consortia of private sector interests. In response to questioning in relation to the commitment of all the parties in the funding of the project, Mr. Mc Gree stated that he had spoken to the Mr. Michael Walsh the CE of Waterford City and County Council the week previous to the hearing. Mr Walsh confirmed to Mr. Mc Gree that all parties are fully on board with the project and that they intend to maximise private funding of the project. Accordingly, I am satisfied that the Waterford City and County Council have demonstrated that the funding for the project is available but ultimately is not a matter for the Board.

14.0 Overall Conclusion

- 14.1. Having regard to the above I conclude that:

- the acquisition of lands and interests under the CPO's would serve a need that advances the common good
- that the particular land is suitable to meet that need
- that alternatives have been considered and that there is no alternative which is demonstrably preferable
- that the acquisition is proportionate and necessary.

14.2. I recommend that the Board confirm the Compulsory Purchase Orders without modifications based on the reasons and considerations set out below.

15.0 Recommendation

Recommendation

On the basis of the above assessment I recommend as follows:

15.1. The Compulsory Purchase Order

It is considered that the land take is reasonable and proportional to the stated purpose of the extension to and widening of the existing runway. I am satisfied that the process and procedures undertaken by Waterford County Council have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of the lands would be in the public interest and the common good and would be consistent with the policies and objectives of the National Planning Framework, the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES) and the Waterford County Development Plan 2011-2017 (as extended).

DECISION

CONFIRM the compulsory purchase order for the reasons and considerations set out below in the Schedule.

REASONS AND CONSIDERATIONS

Having considered the objections made to the compulsory purchase orders, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory purchase order and also having regard to:

- (a) The need to provide the extension and widening of the existing runway,
- (b) the community need, and public interest served and overall benefits, including benefits to air travel users to be achieved from use of the acquired lands, and
- (c) the provisions of the National Planning Framework, Southern Regional Assembly Regional Spatial and Economic Strategy and Waterford County Development Plan and the policies and objectives stated therein, which specifically identify the proposed development
- (d) the proportionate design response to the identified need,
- (e) the submissions and observations made at the oral hearing, and
- (f) the report and recommendation of the Inspector,

it is considered that, the acquisition by the local authority of the lands in question, wayleaves and rights over land, as set out in the compulsory purchase order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

15.2. **Application for Approval of Proposed Extension to and widening of Existing Runway**

APPROVE the above proposed development in accordance with the said documentation based on the following reasons and considerations and subject to the condition set out below.

REASONS AND CONSIDERATIONS

- (a) The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- (b) the national, regional and local aviation policies and objectives, inclusive of those set out in National Planning Framework,
- (c) the range of proposed mitigation measures set out in the submitted environmental impact assessment report, Natura impact statement, and Schedule of Commitments and
- (d) the submissions made in relation to the application and the report and recommendation of the Inspector.

Proper Planning and Sustainable Development

It is considered that the proposed development is necessary to meet the foreseeable need for aviation travel at Waterford Regional Airport and to provide for the safe expansion of air traffic at the airport. It is further considered that, subject to the mitigation measures proposed and the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not present an unacceptable risk of water or air pollution, would not be prejudicial to public health due to noise impacts or otherwise and would be in accordance with the proper planning and sustainable development of the area.

It is considered that the proposed extension to and widening of the existing runway would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development for these European Sites in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following;

- the Site Specific Conservation Objectives for these European Sites,
- the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites.

The Board identified that the main likely impact arising from the proposed development on the Tramore Dunes & Backstrand SAC (Site Code: 000671) and Tramore Back Strand SPA (Site Code 00) by way of habitat degradation as a result of hydrological and hydrogeological impacts. Having regard to the mitigation measures proposed, the Board concluded that the proposed development would not, adversely affect any of the species within the relevant European Sites.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- The nature, scale, location and extent of the proposed development;
- The Environmental Impact Assessment Report and Addendum Environmental Impact Assessment Report and associated documentation submitted with the application;
- The submissions from the objectors and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report and Addendum Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and Addendum Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the schedule of Mitigation Measures in the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with

other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- Negative impacts on human health and population arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are insignificant to slight and temporary in nature. Adequate mitigation measures are proposed to ensure that these impacts are not significant.
- Benefits / positive impacts to population will arise in relation residual impacts on socio-economic considerations, the proposed development would have positive, long-term and significant impacts.
- Negative impacts on the Air and Climate, there is a potential for construction activity to impact on air quality in terms of dust, but adequate mitigation is proposed will ensure that impacts will be short term and not significant. In terms of the operational phase in relation to air quality, the modelling indicates that NO₂, SO₂ and CO levels which would be generated would be below the relevant air quality standards. In relation to climate having regard to the overall magnitude of the proposal and the limited extent to which the proposed extension of operations at Waterford Airport would contribute to CO₂ emissions compared to Ireland's EU 2030 Target, I am satisfied that the likely overall magnitude of the proposal on climate in the operational stage is negligible and long-term.
- Negative impacts on hydrology during the construction phase could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the existing drainage network and watercourses in the vicinity of the site, mitigation measures are proposed to manage surface water from the site. These impacts will be mitigated by measures outlined within the application and can therefore be ruled out. During the operational phase

hydrological impacts will be imperceptible. I am therefore satisfied that the potential for direct or indirect impacts on hydrology can be ruled out.

- Negative traffic impacts would arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. In relation to the operational phase traffic impacts would be slight. I am therefore satisfied that the potential for direct or indirect impacts on traffic can be ruled out.

The Board concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and Addendum Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable, having regard to its overall benefits.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 24th day of September, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development

and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed upgrade of the wastewater treatment system shall be subject to a separate application for planning permission.

Reason: In the interest of clarity.

3. Passenger numbers using the airport shall not exceed the number specified in design Year 2 as detailed in the further information submitted to the Board on the 24th of September 2021. Upon completed and operation of the upgrade of the wastewater treatment system, which shall be subject to a separate application for planning permission, passenger numbers using the airport shall increase to those between design Year 3 and design Year 5 as detailed in the further information submitted to the Board on the 24th of September 2021, in accordance with the operational requirements.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

4. (a) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report and Addendum Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

(b) All mitigation and environmental commitments identified in the Natura Impact Statement and Revised Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: In the interest of Environmental Protection and the proper planning and sustainable development of the area.

5. All excavated material shall where practicable be used on site. Any surplus excavated material to be removed from the site shall be brought to an authorised facility. Prior to removal of any surplus material, the Environment Department of Waterford City and County Council shall be informed of the appropriate quantity of material and the location of the proposed facility. No material shall be removed from the site until such time as the Environment Department has authorised its removal.

Reason: In the interests of Environmental Protection and development of the area.

6. A species identity bird strike log shall be kept at Waterford Regional Airport in order to monitor impact of the runway extension on qualifying species of the Special Protection Area. The remit of the bird strike log shall be agreed in writing with Waterford City and County Council's Heritage Officer. Prior to the commencement of development details of the agreed bird strike log shall be submitted to, and agreed in writing with the Planning Authority.

Reason: Having regard to the proximity of the site to a Special Protection Area in the interests of the proper planning and sustainable development of the area.

7. Prior to commencement of development, copies of reports detailing any site investigations carried out shall be submitted to the Department of Communications, Climate Action and Environment for record purposes. Should any significant bedrock cuttings or coring be created, they shall be

designed to remain visible as rock exposure rather than covered with soil and vegetation, in accordance with safety guidelines and engineering constraints. A digital photographic record of significant new excavations shall be provided to the Department of Communications, Climate Action and Environment.

Reason: In order to facilitate the monitoring and recording of the geology of the site by the Department of Communications, Climate Action and Environment.

8. Prior to commencement of development, a scheme for the voluntary noise insulation of existing dwellings shall be submitted to and agreed in writing by the planning authority. The scheme shall include all dwellings predicted to fall within the contour of 63 dB LAeq 16 hours. The scheme shall include for a review every two years of the dwellings eligible for insulation.

Reason: In the interest of residential amenity.

9. Surface water from the proposed development shall be drained in accordance with the proposals outlined in the planning application and the Environmental Impact Assessment Report. Full details of the design, construction, operation and monitoring of the surface water attenuation, treatment and disposal system shall be agreed in writing with the planning authority, in consultation with the Southern Regional Fisheries Board, prior to commencement of development.

Reason: In the interest of public health, prevention of flooding and limiting the risk of pollution of receiving waters.

10. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

Siobhan Carroll
Planning Inspector

18th January 2022