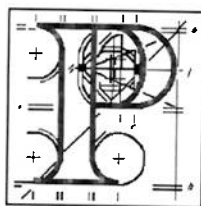


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-319047-24

Issue: Marine Development Consultation

Proposed Development: Offshore Renewable Energy (ORE) Terminal on a 250m quay extension and ancillary works

Location: Port of Waterford, Belview, County Kilkenny

Applicants: Port of Waterford

Planning Authority: Kilkenny County Council

Inspector: Kevin Moore

1.0. Introduction

- 1.1. The Board received a request on 10th January, 2024 from Port of Waterford to enter into pre-application consultation in accordance with section 287 of the Planning and Development Act 2000, as amended. Further details were provided by correspondence dated 6th February, 2024.
- 1.2. A Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 21st March, 2024.
- 1.3. This Report is prepared following the completion of the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, details relevant legislative provisions, provides a summary of the meeting and the advice provided by the Board, and recommends a list of Prescribed Bodies who should be forwarded copies of any future application to An Bord Pleanála.

2.0. Site Location

- 2.1. The Port of Waterford is located at Belview, approximately 5 miles downstream of Waterford City. It is the fifth largest commercial port in the State in terms of total tonnage. It is designated a Port of National Significance (Tier 2) within the terms of the National Ports Policy. It provides commercial shipping operations, offering facilities for bulk and breakbulk, liquid bulk and container cargoes. The port at present has approximately 960m of marginal quays at Belview and 280m of layby quay at Waterford city centre, the Frank Cassen Wharf, which is used for cruise ships on an occasional basis, together with open and covered storage areas and warehouses within a 265-hectare area of the designated Belview Port Zone. The port can accommodate large vessels, with ship drafts up to 9m and lengths of up to 190m.

- 2.2. The port is managed and operated by Port of Waterford, which is a State-owned commercial company.
- 2.3. The port has direct access onto the N29 National Primary Road which links Belview Port with the N25 National Primary Road (Cork-Rosslare Europort via Waterford) at Slieverue roundabout approximately 3km to the north-west. Four rail sidings come into the port, which allow for container loading to and from ships and from road transport.

3.0. The Proposed Development

- 3.1. The proposed development provides for a 250m extension to the existing wharves at the Container / Bulk Handling Terminal. It is proposed to be a continuation of the existing wharves, comprising a reinforced concrete suspended deck supported on reinforced concrete beams and steel piles and a retaining structure to the rear. Land reclamation, covering an area of approximately 1.25 hectares, forms part of the proposal. This area would be filled primarily with imported rock intended to be sourced from local commercial quarries. Two separate ORE facilities are proposed at the downstream area of the port, each with building facilities, berthing pontoons, yard areas, and staff parking. Further office facilities and parking are proposed on the north side of the railway. The proposed route for foul water drainage forms part of the design proposals.
- 3.2. In consideration of the loss of habitat resulting from the proposal, a site adjacent and to the north-east has been identified as a potential area for the provision of a biodiversity enhancement area.
- 3.3. The proposed development seeks to facilitate the Port's objective of being a key port for the Offshore Renewable Energy (ORE) sector. It would provide additional space primarily to provide more berthing space for ships serving the construction

of off-shore wind farms and thereafter the maintenance and operation of offshore wind farms. It would also provide additional space for the handling and temporary storage of wind turbines.

4.0. Pre-Application Consultation History

4.1. Port of Waterford previously entered into pre-application consultation under section 37B of the Planning and Development Act 2000, as amended, in relation to a 200m-250m extension of the existing wharves at the Container / Bulk Handling Terminal at the Port of Waterford to facilitate the development of the port as a key port for the Offshore Renewable Energy (ORE) sector (ABP-315199-22). Two pre-application consultation meetings were held. In light of legislative provisions under the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 and the consequent amendment of section 287 of the Planning and Development Act 2000, as amended, the applicant has now ceased this consultation process and engaged with the Board in accordance with section 287(4).

4.2. The changes in the current pre-application process from that previously are stated to be as follows:

- The length of quay extension is confirmed as 250m;
- Two ORE facilities are proposed, each with access gangway and landing pontoon;
- Offices and parking are included in an area to the north of the railway line;
- Foul water connection to the public network would be developed; and
- A site for biodiversity enhancement is included.

5.0. Legislative Provisions

5.1. *Planning and Development Act, 2000, as amended*

Part XXI - Maritime Development

Chapter III – Other Development in Maritime Area

Section 285

(1) Subject to *subsection (2)*, this Chapter applies to—

(a) development situated—

(i) wholly in the outer maritime area,

(ii) partly in the outer maritime area and partly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority,

(iii) partly in the outer maritime area, partly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority, and partly on land, or

(iv) partly in the outer maritime area and partly on land,

(b) development situated—

(i) wholly in the nearshore areas of more than one coastal planning authority,

(ii) partly on land and partly in the nearshore areas of more than one coastal planning authority,

and

(c) development of a class specified in the *Eighth Schedule* situated—

(i) wholly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority,

or

(ii) partly on land and partly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority.

Section 287

(1) Subject to *subsection (4)*, a person (in this Chapter referred to as a "prospective applicant") who—

(a) having regard to *subsection (3)* of *section 286*, is eligible to apply for permission to carry out development to which this Chapter applies, and

(b) proposes to make an application under *section 291* for such permission,

shall, before making the application, consult with the Board in relation thereto.

(2) The Board may, upon being consulted by a prospective applicant in accordance with *subsection (1)*, provide its opinion to the prospective applicant

regarding the making of the application concerned and, in particular, as respects—

(a) the procedures to be followed by the prospective applicant when making the application and by the Board when considering the application,

(b) the documents required to accompany the application,

(c) the need for the prospective applicant to create an internet website for the purpose of publishing the application and all documentation accompanying the application,

(d) the publication of notices in accordance with this Act, the furnishing of documentation to persons referred to in *subsection (3) of section 291* and the making of submissions and observations in relation to an application under that section,

(e) such persons as may be prescribed for the purposes of this Chapter,

(f) some or all of the matters that the Board is likely to take into consideration relating to—

(i) the National Marine Planning Framework,

(ii) objectives of maritime spatial planning,

(iii) principles of proper planning and sustainable development, and

(iv) the environment or any European site,

when making a decision under *section 293* in relation to the application,

(g) the fees payable to the Board in relation to the making of the application, and

(h) compliance by the prospective applicant with any direction of the Board under *subsection (3) of section 291*.

(3) The Board may, at any time, conclude a consultation under this section where it considers it appropriate to so do.

(4) (a) Subject to *paragraph (b)*, a prospective applicant for permission to carry out development consisting of port infrastructure to facilitate the deployment, maintenance or operation of offshore renewable energy infrastructure may consult with the Board in accordance with *subsection (1)* notwithstanding that the prospective applicant is not the holder of a maritime area consent granted for the occupation of a maritime site for the purposes of such proposed development.

(b) *Paragraph (a)* shall not be construed to entitle the prospective applicant referred to in that paragraph to make an application under *section 291* for permission for the development referred to in that paragraph without being the holder of the maritime area consent referred to in that paragraph.

Eighth Schedule – Classes of Development Specified for Purposes of Chapter III of Part XXI

21. A harbour or port installation, including ...

(e) areas for the weighing, handling or transport of goods or the movement or transport of passengers (including customs or passport control facilities), and any associated offices or other similar facilities that would – ...

(iii) involve the construction of a quay greater than 100 metres in length ...

6.0. Applicant's Submission

- 6.1. The Prospective Applicant submits that, under section 285(1)(c)(ii) of the Planning and Development Act 2000, as amended, the proposed development is of a class specified in the Eighth Schedule and is partly located on land and partly in the nearshore area of a coastal planning authority (Kilkenny County Council). It is further submitted that the key need for the proposed development is that it will facilitate the Port of Waterford objective of being a key port to serve Ireland's growing ORE sector over the next 10-15 years.

7.0. Outline of Pre-Application Consultation

- 7.1. At the meeting held on 21st March, 2024, it was noted that consultation was previously undertaken relating to ABP-315199-22 and that a complete restating of issues previously discussed was not required, with focus of the meeting being on providing an update on the project and main issues arising.
- 7.2. The prospective applicant outlined statutory processes relating to the proposal, noting that a Marine Area Consent (MAC) application had been submitted to the Maritime Area Regulatory Authority (MARA) in December 2023. Details of the project, on the Port of Waterford and on its Master Plan were outlined. Reference was made to government policy and the proximity of the port to proposed wind farms in the Celtic Sea. It was submitted that dredged materials may be reused as fill materials within the reclaimed area. The main update was stated to be the proposal for two ORE facilities. Baseline environmental surveys, public consultations, and stakeholder consultations were outlined. Details were provided on the proposed biodiversity enhancement area and consultations with NPWS.

- 7.3. Discussions related to clarification on the proposed biodiversity area, on the potential need for a dumping at sea licence, on National Ports Policy update, and issues of concern at public consultation. Procedural matters relating to an application were also discussed.
- 7.4. The main issues discussed on foot of previous consultations under ABP-515199-22 and remaining of relevance to the proposed development were outlined for the record of the meeting.
- 7.5. By letter dated 19th April, 2024, the prospective applicant clarified two items on the record of the meeting.

8.0. Assessment

8.1. Compliance with the Eighth Schedule

The proposed development would provide for a 250m extension to the existing wharves at the Container / Bulk Handling Terminal at the Port of Waterford. This complies with Class 21 of the Eighth Schedule of the Planning and Development Act, 2000, as referenced above.

I recommend that the Board determines that the development falls within Class 21 of the Eighth Schedule of the Act in the first instance as it involves quay development that would exceed 100 metres in length.

9.0. Conclusion

- 9.1. Further to section 287 of the Planning and Development Act 2000, as amended, the Port of Waterford entered into consultations with the Board prior to submitting an application for a proposed Onshore Renewable Energy Terminal. The Board has given advice to the Port of Waterford regarding the procedures involved and

what considerations relating to the effects of the proposed development on the environment and the proper planning and sustainable development may have on its decision in relation to the application. During the meetings held, advice was provided as noted on the file attached.

- 9.2. Having regard to section 287(3) of the Planning and Development Act 2000, as amended, the Board will note that, unlike a request under section 37B of the Planning and Development Act, it lies with the Board to close the consultation process. I recommend that the consultation process be closed to allow for the making of the application to the Board.
- 9.3. A recommended list of Prescribed Bodies, who should be forwarded copies of the application documentation, is as follows:
- (a) Department of Housing, Local Government and Heritage
 - (b) Department of the Environment, Climate and Communications
 - (c) Department of Transport
 - (d) Department of Defence
 - (e) Department of Agriculture, Food and the Marine
 - (f) Environmental Protection Agency
 - (g) Maritime Area Regulatory Authority
 - (h) Department of Rural and Community Development
 - (i) Marine Institute
 - (j) Inland Fisheries Ireland
 - (k) Health and Safety Authority
 - (l) Commission for Regulation of Utilities
 - (m) Fáilte Ireland
 - (n) An Taisce
 - (o) Kilkenny County Council
 - (p) Waterford County Council
 - (q) Southern Regional Assembly
 - (r) National Transport Authority

(s) Sustainable Energy Authority of Ireland

(t) EirGrid

(u) Commissioner of Irish Lights

(v) Irish Coastguard

(w) Uisce Éireann

(x) Transport Infrastructure Ireland

(y) Córas Iompair Éireann



Kevin Moore
Senior Planning Inspector

24th April, 2024