



An
Bord
Pleanála

Inspector's Report ABP-319811-24

Development	ORE port facility development including dredging and land reclamation
Location	Rosslare Harbour, Ballygillane Big, Co. Wexford
Prospective Applicant	Iarnrod Eireann
Planning Authority	Wexford County Council
Type of Application	Pre-Application Consultation under s.287 of the Planning and Development Act 2000, as amended, for Other Development in the Maritime Area
Date of Site Inspection	19 th July 2024
Inspector	Una O'Neill

1.0 Introduction

- 1.1. This report relates to pre-application discussions held with Iarnrod Éireann 'the Prospective Applicant' in respect of the development of an ORE port facility at Rosslare, Co. Wexford.
- 1.2. The Board received a request on 17th May 2024 from Gavin & Doherty Geosolutions, acting on behalf of Iarnrod Éireann ('the prospective applicant'), to enter into pre-application consultation under section 287 of the Planning and Development Act 2000, as amended, in relation to a proposed development consisting of a new ORE focussed purpose-built quay and berth (involving dredging and land reclamation) together with quayside storage and pre-construction areas.
- 1.3. One consultation meeting was subsequently held between An Bord Pleanála and the prospective applicant on 24th July 2024. The presentation provided by the prospective applicant and written record of the meeting are on file. This report should be read in conjunction with the written record on file. It is not proposed to repeat the contents of those records in detail here.
- 1.4. This report provides an overview of the proposed development, a summary of the meeting, the legislative provisions, and recommended list of Prescribed Bodies, that should be forwarded copies of any future application, which is included in Appendix A.

2.0 Site location

- 2.1. The subject site is located to the north and west of Rosslare Europort in Co. Wexford. The site is partly on land and partly in the nearshore area of a coastal planning authority, namely Wexford County Council. The terrestrial component of the site is comprised of brownfield hard standing areas and a small harbour (Ballygeary Harbour), all owned by Rosslare Europort. The site is c. 61 ha in area, comprising 21 hectares of reclaimed land and 40 ha of dredged area within the sea.

3.0 Proposed Development

- 3.1. The proposed development comprises the following:

- ORE purpose-built quay and berth (with berth pockets dredged down to -12 mCD water depth),
- ORE quayside storage and pre-construction areas,
- A navigable channel (dredged down to -10 mCD water depth),
- C. 1,300,000 m³ material is to be dredged; c. 1,500,000 m³ material required for reclamation, which will comprise a combination of dredged material and imported engineered fill,
- A management control centre and management offices and facilities.

3.2. The applicant states that the primary purpose of the proposed development is to provide a main staging, installation and storage facility to support offshore renewable energy projects for the east coast of Ireland and the Celtic Sea, as well as an operations and maintenance facility for the duration of the offshore renewable energy projects.

3.3. The applicant has indicated that a MAC application was submitted in December 2023 and at the time of the pre-application meeting this was not yet approved. I note that under S287(4) (a) of the Act as amended, 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.

4.0 Policy Context

4.1. The following policy documents are of relevance but, it should be noted, do not comprise an exhaustive list:

- EU Offshore Renewable Energy Strategy (2020)
- National Maritime Planning Framework (NMPF) (2021)
- Offshore Renewable Energy Development Plan 2014
- Draft Offshore Renewable Energy Development Plan 2022

- Marine Planning Policy Statement 2019
- Policy Statement on the Facilitation of Offshore Renewable Energy by Commercial Ports in Ireland (2021)
- Project Ireland 2040 - National Planning Framework 2040 & National Development Plan 2018-2027
- Climate Action Plan 2024
- Regional Spatial & Economic Strategy for the Southern Region
- Wexford County Development Plan 2022-2028

5.0 Pre-Application Consultation History

- 5.1. One meeting was held with the prospective applicant's representatives on the 24th July 2024. A presentation was provided at the meeting which is included in the file together with other information provided to the Board in respect of same. The record of the meeting is also contained in the file.
- 5.2. Issues raised at the meeting are identified and discussed in Section 8 below.

6.0 Legislative Context

6.1. Planning and Development Act 2000, as Amended

Part XXI Marine Development -Chapter III – Other Development in the Marine Area

6.1.1. 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,

S285 (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.

6.1.2. **S. 287(1)** of the Planning and Development Act, 2000, as amended ('the Act'), states that a person who proposes to make an application for permission under s.291 shall consult with the Board. S.287(2) of the Act states that the Board may provide its opinion regarding the making of the application 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.

6.1.3. Of note, under S.287(3) the Board may at any time conclude a consultation under this section where it considers it appropriate to do so.

6.1.4. An application for an opinion under S.287A is not being sought for this development.

6.1.5. **S287(4) (a)** states that ‘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’.

6.1.6. Eighth Schedule relates to Classes of Development Specified for Purposes of Chapter III of Part XXI, including:

1. Development referred to in the Seventh Schedule.

2. Development consisting of a trading port or pier for loading and unloading goods that—

(a) is connected to land, and

(b) can accommodate vessels of over 1,350 tonnes.

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21. A harbour or port installation, including—

- (a) loading or unloading areas,
- (b) vehicle queuing and parking areas,
- (c) ship repair areas,
- (d) areas for berthing or dry docking of ships, and
- (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—
 - (i) result in the enclosed area of water in the harbour or port installation being not less than 20 hectares,
 - (ii) involve the reclamation of an area of land of not less than 5 hectares,
 - (iii) involve the construction of a quay greater than 100 metres in length, or
 - (iv) be capable of admitting a vessel of more than 1,350 tonnes.

7.0 Relevant Cases

7.1. The following comprise recent marine related pre-application consultations which are considered of note:

- **ABP-315796-23**: Pre-application consultations in respect of a proposed offshore wind farm, comprising either 47 or 52 turbines and associated infrastructure on and around the **Arklow Bank**, approximately 6 – 15 km from the shore at Arklow, Co. Wicklow, lodged December 2022. Design option pre-application consultations were requested under **ABP-316331-23**. Both cases have been determined by the Board, with the consultations under section 287 concluded (ABP-315796) and an opinion issued under section 287A (ABP-316331).
- **ABP-315800-23**: Pre-application consultations in respect of the proposed **Dublin Array** offshore windfarm project, to have between 39 and 50 turbines (depending on type) located c.10km off the coast of Dublin and Wicklow. Design option pre-application consultations were requested under **ABP-318552-23**. Both cases have been determined by the Board, with the consultations under section 287 concluded (ABP-315800) and an opinion issued under section 287A (ABP-318552).

- **ABP-315801-23:** Pre-application consultations in respect of **North Irish Sea Array Windfarm Ltd.**, offshore wind farm off the coast of Dublin, Meath and Louth with a maximum of 42 turbines, lodged February 2023. Design option pre-application consultations were requested under **ABP-316332-23**. **ABP-310329-23:** S.182 Pre-Application Consultation for proposed onshore electrical and associated infrastructure (NISA). Both cases ABP-315801-23 and ABP-316332-23 have been determined by the Board, with the consultations under section 287 concluded (ABP-315801-23) and an opinion issued under section 287A (ABP-316332-23).
- **ABP-315803-23:** Pre-application consultations in respect of the **Oriel** offshore windfarm project, to have a maximum of 25 turbines located c.5km off the coast of Louth and Meath. Design option pre-application consultations were requested under **ABP-318274-23**. Both cases have been determined by the Board, with the consultations under section 287 concluded (ABP-315803-23) and an opinion issued under section 287A (ABP-318274-23).
- **ABP-315809-23:** Pre-application consultations in respect of the **Codling** offshore windfarm project would have a between 60 and 75 turbines located c.13km to c.22km off the County Wicklow coast. Design option pre-application consultations were requested under **ABP-318588-23**. Both cases have been determined by the Board, with the consultations under section 287 concluded (ABP-315809-23) and an opinion issued under section 287A (ABP-318588-23).

7.2. The following comprise recent marine related applications, which follow on from the above pre-app consultation meetings:

- **ABP-320768-24** – Application submitted for off-shore wind energy development known as **Codling Wind Park**, located in the Irish Sea, off the coast of County Wicklow
- **ABP-319866-24** - Application submitted for off-shore wind energy development known as the **North Irish Sea Array**, located in the Irish Sea, off the coast of counties Dublin, Meath and Louth.
- **ABP-319864-24** - Application submitted for off-shore wind energy development known as **Arklow Bank 2**, located in the Irish Sea, off the coasts of Co. Wicklow and Co. Wexford.

- **ABP-319799-24** - Application submitted for off-shore wind energy development known as **Oriel Wind Farm**, located in the Irish Sea, off the coast of County Louth.

8.0 Matters Arising

8.1. Proper Planning and Sustainable Development

8.1.1. The matters arising include inter alia:

- National Marine Planning Framework, and in particular the need to clearly indicate project compliance with NMPF policies and objectives.
- Policy context surrounding the proposal ranging from strategic to local, including the Regional Spatial Economic Strategy for the Southern Region and the Development Plan for the relevant Coastal Planning Authority, namely Wexford County Development Plan 2022-2028. Documentation needs to be robust in its assessment against national and local policy and use of best available scientific data.
- Public consultation process, including with prescribed bodies such as the NPWS.
- Potential impact on birds and extent of survey area, using most up to date data, and impact from construction and operation noise.
- Potential impact on migratory and /or mobile species, including marine mammals.
- Potential impacts on hydrodynamics, wave patterns and coastal processes (incl. patterns of erosion & deposition along the coastline).
- Potential impacts on seabed and benthic communities.
- Potential impacts on fisheries, shipping and navigation, cultural heritage, air quality and noise, landscape and visual, and cumulative impacts.
- Potential impacts from construction and operational phases- Construction Impacts, include inter alia: Dredging (increase in suspended sediment); Piling/Drilling/Blasting (increase in underwater noise); Reclamation (change to local hydrological and sediment dynamics); Increase in construction vessel traffic (disruption to shipping traffic). Operational Impacts, include inter alia: Operation of

ORE facility (provision of 21 ha of storage and operational areas and to facilitate construction, operation and maintenance of ORE projects); Operation of New Small Boat Harbour (provision of small boat harbour with enhanced facilities to replace Ballygeary Harbour for current users of Ballygeary Harbour); Increase in ORE vessel traffic (disruption to shipping traffic); Increase in freight vessel traffic from 2040 (disruption to shipping traffic).

- Survey work - methodologies adopted, modelling assumptions and any data gaps to be clearly set out.
- Potential impact on terrestrial habitats and species.
- Potential impacts on traffic and traffic management given other development in the area, specifically the permitted access road.
- Designated sites and habitats – consideration of Zone of Influence, noting extent of zone of influence can be large given mobility of species, and noting proximity to Seas off Wexford cSPA and recent additions to SACs in the area.
- Consideration of carbon sequestration and consideration of destination of any removed material (incl. any EPA Licence requirements).

8.2. Environmental Impact Assessment

8.2.1. It is proposed to submit an Environmental Impact Assessment Report with the proposed application. The following include matters which were outlined during the course of the consultation meeting.

- EIA scoping undertaken.
- Environmental factors include, inter alia:
 - Offshore considerations and associated surveys - including Bird and marine mammal surveys; Noise and Dust monitoring; Deployment of metocean equipment to measure current and wave patterns in the area; Deployment of FPODs and Soundtraps to record marine mammal vocalisations in the area; Geophysical survey campaign; Geotechnical survey campaign; Benthic ecology sampling; Water quality sampling; Terrestrial ecology surveys; Hydrodynamic modelling; Underwater noise modelling.

- Onshore considerations and associated surveys, including terrestrial surveys, bat surveys, visual impact; traffic assessment.
- Consideration of cumulative impacts.
- The importance of robust impact assessments, setting out of methodology, most up to date data, source of survey data, dates of surveys etc, and identify areas of uncertainty.

8.3. Appropriate Assessment

8.3.1. It is proposed to submit a Natura Impact Assessment Report with the proposed application. The following include matters which were discussed during the consultation meeting:

- Location of site partially within Seas off Wexford cSPA.
- Likely Zone of Impact of all elements of the proposal.
- Natura 2000 sites within likely zone of impact and proximity to QI's/SCI's.
- Recent addition of Harbour Porpoise as a QI in a number of nearby SACs.

8.4. Procedures

8.4.1. I recommend that the Board representatives provide the prospective applicant with a document containing all of the procedures required for the making of an application.

8.4.2. The prospective applicant should send a copy of the application, accompanying documents (including EIAR and NIS) and a copy of the public notice to the Prescribed Bodies listed in Appendix A. In forming the list in Appendix A, regard was had to, inter alia, the requirement under Schedule 1 of the Planning and Development (Maritime Development) Regulations 2023. Regard was also had, in drawing up the list, to the provisions of S.291(3)(b) and S.291(3)(d) of the Planning and Development Act 2000, as amended. The Board may wish to review that list and satisfy itself that it is sufficient. In this regard, I note that the prescribed bodies list (Appendix A) has been compiled on the basis of information that is available from the pre-application consultations and that the applicant who has been carrying out detailed studies and surveys in preparing the EIAR and NIS may consider other

bodies to be relevant. Accordingly, I recommend that any communication with the prospective applicant advise them that it is open to them to send copies of the application and its associated documentation to any other bodies that they consider relevant on the basis of the studies that they have carried out.

8.5. Transboundary Consultation

8.5.1. No transboundary issues arise.

9.0 Conclusion

- 9.1. Further to Section 287 of the Planning and Development Act 2000 (as amended), the applicant has entered into consultations with the Board prior to submitting an application for a ORE focussed purpose-built quay and berth facility together with quayside storage and pre-construction areas. The Board has given advice regarding the procedures involved and what considerations in relation 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. Following the completion of the pre-application meeting on 24th July 2024, I am of the opinion that the process should be concluded, and the Board should notify the prospective applicant that the process is closed and include the attached list of bodies that the applicant is requested to send copies of the application to, in accordance with S291(3)(b) and S291(3)(d).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Una O'Neill

Una O'Neill

Senior Planning Inspector

21st November 2024

Appendix A Prescribed Bodies

The following is a list of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Minister for Transport
- Minister for Defence
- Minister for Agriculture, Food and the Marine
- Environmental Protection Agency
- Maritime Area Regulatory Authority
- Minister for Rural and Community Development
- Marine Institute
- Inland Fisheries Ireland
- Health and Safety Authority
- Commission for Regulation of Utilities
- Failte Ireland
- An Taisce
- Southern Regional Assembly
- National Transport Authority
- Irish Aviation Authority
- Sustainable Energy Authority of Ireland
- Commissioner of Irish Lights
- Irish Coastguard
- Wexford County Council

Further notifications should also be made, where deemed appropriate.