



An
Bord
Pleanála

Inspector's Report ABP-320626-24.

Development

Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act, 2000, as amended. Deep Water Quay.

Location

Ros an Mhil (Rossaveel), Rossaveel Harbour, County Galway.

Planning Authority

Galway County Council.

Prospective Applicants

Department of Agriculture, Food and Marine.

Date of Consultation Meeting

10 October 2024.

Date of Site Inspection

13 September 2024.

Inspector

Stephen Rhys Thomas.

1.0 Introduction

- 1.1. The Board received a request on the 22nd August 2024 from Malachy Walsh and Partners (MWP) and McCann Fitzgerald LLP on behalf of the Department of Agriculture, Food and Marine, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicants by Direction dated 9th September 2024.
- 1.2. One pre-application consultation meeting was held on the 11th October 2024. The purpose of this report is to inform the Board of the nature of the pre-application consultations undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

- 2.1. The subject site is within the Connemara Gaeltacht circa 38km to the west of Galway City. The site adjoins the Rossaveel (Ros An Mhíl) Harbour, located on the North side of the North Sound approaches to Galway Bay. The inner harbour is positioned on the north eastern shore of upper Cashla Bay and is well sheltered. Rossaveel is a main ferry port for the Aran Islands. The site is located to the south west of the Fishery Harbour. The site is a reclaimed foreshore (2.4 Hectares) constructed from hard-core filled material (approximately 390,000 tonnes) with a 75 metre rock revetment made from an outer layer of large boulders. To the north east of the site is Rossaveel Ferry Pontoons and Fishery Harbour Centre consisting of two piers and a number of industrial/commercial buildings.
- 2.2. The subject site is generally located on the shores of Cashla Bay and comprises seabed workings and above highwater level workings to form the basis of a deep water harbour. Specifically, most of the terrestrial lands comprise reclaimed lands. Part of the development is located on the nearshore maritime area, seaward of the high water mark of ordinary or medium tides. The site also includes a specific ready-mix concrete batching plant to facilitate fabrication works.

3.0 Description of Proposal

3.1. Introduction

- 3.1.1. Permission to extend the duration of reference 17/967 was granted under reference 23/218, this decision was legally challenged, but no order has been made. The applicant carried on works until the 20th May 2024 and wishes to retain those works carried out between the expiration of reference 17/967 and up to May 2024, and to complete previously permitted works

3.2. Detail

- 3.2.1. To retain works carried out between 10th July 2023 and 20th May 2024:
- All drilling, blasting (17 blasts in total) and dredging works.
 - The set up of a specific ready-mix concrete batching plant resting upon a concrete base.
 - Delivery of 92 bespoke pre-cast concrete caisson units for the quay wall.
 - Delivery to site of two pre-cast concrete L-wall units (2.5m x 1.4m x 3.4m) weighing 12 tonnes each, a further 121 units remain already cast at an off site.
 - Seabed preparation and placement of 12m long pre-cast concrete round beams for the quay wall foundations, 48 linear metres of beam have been laid.
 - Removal of plant, equipment and caissons, and future removal of site offices and concrete batching plant.
- 3.2.2. To carry out previously permitted works to complete the deep water harbour, detail as follows:
- Construct quay wall, by placement of 346 pre-cast boxes and 121 L-wall units to full height, all on a foundation plinth of pre-cast concrete beams. Infill each box using mass concrete infill placed under water using tremie pipes. Structure dimensions, 200m frontage and 40m return walls at northern and southern end.

- Backfill to quay wall using rockfill to new ground level, sourced from a temporary bund around the quay perimeter.
- Backfill the remainder of the site with imported rockfill, capping layer of 800mm and a surface layer of bituminous track coat with stone chips.
- A concrete deck extending 36m from the back of the quay wall and 200m in length.
- Asphalt roadway that links the concrete deck to the existing road south of the site.
- Lighting columns, ducting, surface water drainage, outfalls, interceptor, foul pumping station and rising main to existing services.
- ESB substation.
- Placement of rock armour to revetments along the northern and southern extent of the reclaimed site.
- Construction of an approach channel of -7m above datum, by excavation and rock blasting of 1,000m³ isolated rock outcrops along each side of the proposed channel.
- Re-establish the temporary site compound.
- Re-establish the temporary concrete batching plant for use of quay wall construction.

The application is to be accompanied by an rEIAR and rNIS for those works already carried out between 11th July 2023 to date.

The application for those works now to be completed is to be accompanied by an EIAR and NIS.

4.0 Planning History

4.1. The Site

- 4.1.1. PA ref 23218 – Permission to extend duration of 17967, dated 11 July 2023 and to expire 10 July 2028.

- 4.1.2. PA ref 17967 – Permission for a deep water quay which will provide 200 metres of outside berthing frontage at Rossaveel Harbour. A reclamation area will also be constructed directly behind the deep water quay which will provide a hard surfaced link to the existing onshore. The development will also include low concrete sea walls, a rock armour revetment, access road, lighting, drainage infrastructure and other ancillary site works. An Environmental Impact Statement has been prepared for this development. Grant date 2 April 2018.
- 4.1.3. PA ref 061874 – Permission for a new deepwater quay, a ferry terminal and a small craft harbour (revisions to development previously permitted under PI. Ref. Nos. 02/1068 and 05/4856) Grant date 12 May 2006.
- 4.1.4. PA ref 054856 – Permission to retain an access road, embankment and reclaimed area (revisions to development previously permitted under ref 02/1068). Grant date 16 December 2005.

5.0 Legislation

- 5.1. Any subsequent application for Substitute Consent will be lodged under the provisions of section 177E of the Planning and Development Act, 2000, as amended and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant has included the details of the planning application made in the first instance to Galway County Council and works already completed and yet to be completed, section 3.0 and 4.0 of my report above refers. As per section 177K(1J)(a) to (g) of the Planning and Development Act 2000 as amended, the applicant has set out exceptional circumstances, table 1 of the applicant's submission refers and can be summarised as follows:

- (a) The development has been subject to EIA and has been monitored during construction and records show no significant impacts to the environment or adverse impacts to designated sites. The application is to be accompanied by an rEIAR and rNIS for those works already carried out between 11th July 2023

to date. The application for those works now to be completed is to be accompanied by an EIAR and NIS.

- (b) Development was carried out under permissions 17/967 as extended by 23/218. Works were carried out under the impression that required permissions had issued. Once it was ascertained that the duration of permission could be legally faulty and subsequent to the Council consenting to concede the case, works stopped on site. All of this was in the reasonable belief that the development had the relevant permissions in place to proceed with works.
- (c) No impairment to public consultation, both planning applications were deemed valid and correctly advertised. Any future applications will follow the required processes to ensure public participation.
- (d) The application is to be accompanied by an rEIAR and rNIS for those works already carried out between 11th July 2023 to date. The application for those works now to be completed is to be accompanied by an EIAR and NIS
- (e) Monitoring on site will continue, records have been kept, all to demonstrate that no significant effects on the environment or adverse effects on the integrity of designated site have or will occur.
- (f) The applicant has not previously carried out an unauthorised development.
- (g) Development ceased on the 20th May 2023. Regularisation of development between July 2023 and May 2024 will facilitate completion of the deep water quay as originally permitted.

7.0 Pre-Application Consultation Meeting

- 7.1. A Pre-Application Consultation meeting took place via Microsoft Teams on the 11th October 2024 at 11.00 am. Representatives of the prospective applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

This report should be read in conjunction with the copy of the presentation made to the meeting, and the written record of the pre-application consultation meeting held with the prospective applicant on file. The prospective applicant elected not to make comments on the written record that they received. It is not proposed to repeat the contents of the written record in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions
- Description of development and relevant background / planning history- clarity regarding the scope of any application.
- Procedural Advice / Queries arising with regard to any subsequent application for Substitute Consent, and legislative requirements relating thereto.

8.0 Conclusion

The meeting concluded with An Bord Pleanála representatives stating that they did not foresee the need for a further meeting but if requested by the prospective applicant, the request would be examined. I therefore recommend that the pre-application consultation process should be closed.

Stephen Rhys Thomas
Planning Inspector

22 September 2025