



An
Bord
Pleanála

Inspector's Report ABP-320733-24

Development	Proposed Redevelopment of Port Facilities
Location	Ringaskiddy, Co. Cork
Prospective Applicant	Port of Cork Company.
Type of Application	Pre-Application Consultation under S287, of the Planning and Development Act 2000, as amended.
Planning Authority	Cork County Council
Date of Consultation Meeting	1 st October 2024,
Date of Site Inspection:	23 rd September 2024
Inspector:	Jimmy Green

1.0 Introduction.

- 1.1. This report relates to a request from the prospective applicant, the Port of Cork Company (POCC), to enter into pre-planning consultations with An Bord Pleanála under Section 287 of the Planning and Development Act 2000, as amended, ('the Act') in respect of the proposed redevelopment of port facilities at Ringaskiddy, Co. Cork. The pre-application consultation request was received by the Board on the 3rd of September 2024 under the provisions of Section 287(4)(a) (Chapter III – "Other Development in Maritime Area") of the Act, under which a Maritime Area Consent (MAC) is not a pre-requisite to engage in pre-application consultations where the subject port development will facilitate the deployment, maintenance or operation of offshore renewable energy infrastructure.
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the proposed development.
- 1.3. The Board's representatives met with the prospective applicant on one occasion, the 1st of October 2024. The presentation provided by the prospective applicant and written record of this meeting are on file. This report should be read in conjunction with the written record of the pre-application consultation meeting with the prospective applicant. It is not proposed to repeat the contents of this record in detail here. The written record of the meeting was circulated to the Prospective Applicant on the 21st October, who subsequently provided additional details and clarifications including a fully annotated layout plan in a submission dated 2nd December 2024.

2.0 Site Location and Description.

- 2.1. The subject site is at the Port of Cork facility at Ringaskiddy, which is adjacent to the village of Ringaskiddy within the lower reaches of Cork Harbour approximately 5km east of Carrigaline, 13km south east of Cork City Centre. The site is to the south west of Haulbowline Island, west of Spike Island and south of Cobh which is located on the opposite shore. The existing port facility occupies the shoreline to the north of Ringaskiddy village main street. Ringaskiddy village main street (the start/end of the N28 road to Cork City) runs east-west along the southern side of the port lands with a number of smaller roads/streets running south (onto higher ground) from it.

- 2.2. The surrounding area is dominated by large industry and port facilities, the National Maritime College of Ireland is located to the east, with the Naval base at Haulbowline being located further to the northeast. There are significant pharmaceutical industrial sites to the west of the port.
- 2.3. Access to the site from landward is via a signal-controlled junction with the N28 (which proceeds onto the east to form the Main Street of Ringaskiddy and provides connectivity to the N40 (Cork southern ring road) to the North West). This junction also connects with the R613 which runs southwest towards Carrigaline. There is an alternative vehicular access to the port for the car ferry onto the main street of Ringaskiddy, however, this is gate controlled and only opens for the times that the ferry service runs, to encourage tourist traffic through the village. A condition of a previous consent precludes the use of this entrance for HGV traffic.
- 2.4. The existing Ringaskiddy port has a deep-water berth (DWB) in its western portion, this predominantly handles bulk cargo, although containers can be accommodated as there are refrigerated unit stacks present. The landward side of the DWB at Ringaskiddy West is occupied by a number of warehouse/bulk storage buildings which are operated by individual tenants and there is an existing liquid bulk delivery jetty (referred to as the ADM¹ jetty in application documents) located to the north west of the existing DWB with a breakwater located further to the north west.
- 2.5. Ringaskiddy East accommodates a ferry service and terminal currently in seasonal use for the Cork to Roscoff route (with two sailings weekly scheduled for next year April to November 1st). Ringaskiddy East also accommodates the Cork Container Terminal (CCT1) and trade car deliveries/storage. Ringaskiddy East has been recently upgraded and extended through the partial implementation of the PA0035 Strategic Infrastructure Development (SID) consent issued by the Board (and its associated alterations, discussed further below). The port lands to the east of CCT1 are used for storage of trade cars, and associated port services.
- 2.6. The Ringaskiddy port facility operates as part of the overall Port of Cork Company Operations which runs several facilities at various locations throughout the Cork harbour area. These other facilities include Cork City docks (predominantly dry bulk

¹ ADM – Archer Daniels Midland, a US agribusiness which formerly used this jetty facility.

goods), Tivoli Docks (predominantly containers, liquid bulk, and trade cars), Cobh (predominantly cruises), and Marino Point (predominantly dry bulk goods).

2.7. There are designated conservation sites in the vicinity of the Proposed Development including:

- Cork Harbour SPA [Site Code 004030], the closest part of which is centred on Monkstown Creek immediately north of the breakwater adjacent to the ADM Jetty.
- Great Island Channel SAC, [001058], approximately 5km north of the subject works.

3.0 Relevant Planning and other Consent History.

3.1. Planning History

3.1.1. The following is a list of planning history in the vicinity which are relevant in relation to the Proposed Development.

- **PL04.PA0035:** Permission granted by the Board in 2015 under Section 37E of the Act (Strategic Infrastructure Development [SID] application supported by an Environmental Impact Statement and a Natura Impact Statement) for the redevelopment of existing port facilities at Ringaskiddy, Co. Cork. This application was preceded by pre-application consultations under PL04.PC0131 confirming the SID status of the project. This consented development (and its permitted alterations – further discussed below) has been partially implemented/completed, and the works subject to the current pre-application query are stated to be those required to complete the outstanding elements of the previously permitted infrastructure. The works granted permission under PA0035 incorporate the following:
 - Ringaskiddy East, container and multi-purpose berths, (berths 314m and 200m in length respectively),
 - Ringaskiddy West – 182m deepwater berth extension,
 - Paddy's Point amenity area – new public pier, slipway, planting and landscaping and provision of public amenity area,

- Road improvements and external road works, and
- All associated development works, including dredging.

Permission was granted by the Board on 28th May 2015 subject to 18 no. conditions subsequent to an oral hearing and a further information request. The Board, in granting permission did not accept the recommendation of the inspector to refuse permission due to a lack of rail connection to the site, because of, inter-alia, the multi-location nature of the Port of Cork operations in the harbour and the existing rail infrastructure in the harbour area. Conditions attached to this grant of permission include:

- A ten – year consent,
- Phase 3 of the proposed development (link-span bridge and berth to accommodate roll-on/roll-off freight traffic) shall not become operational until such time as the N28 and Dunkettle road upgrade schemes are completed.
- Agreement and implementation of the Ringaskiddy mobility management plan.
- Prior to commencement of development, the final design of the New Port entrance at the junction between the R613 and the N28 to agreed.
- The existing port entrance adjacent to the junction of the L2545 and the Loughbeg Road shall not be used by port related HGV's.
- Use of the berth and associated mooring dolphins where a colony of breeding Terns had been recorded shall not occur between April and August (inclusive).
- Appropriate interim capacity for the treatment of domestic wastewater arising shall be provided on the site if the proposed development is operational before wastewater treatment capacity is available in the Cork Lower Harbour Main Drainage Scheme.

This permission was subsequently altered four times as follows –

- **PM0010** - Lengthening the main berth, extending the dredge pocket, alterations to mooring dolphins, amending the method of landside container

handling by using straddle carriers, lowering of container stack heights which consequently needed to be spread over a larger area with the carriers also requiring provision of a new two-storey maintenance and office building, expansion of the red line application boundary, and changing the previously proposed maintenance building to customs inspection. Alteration was permitted in June 2017, following Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). Certain amended conditions were applied which included; that pending the completion of the N28 and Dunkettle Road schemes (a) throughput at the permitted Ringaskiddy port facility will be limited to 322,846 TEU (Twenty-foot Equivalent Units), (b) Phase 3 (provision of link span bridge and use of the berth to accommodate roll on / roll off freight traffic) shall not become operational and (c) the container/multipurpose berth 1 shall be modified for use for containers and general cargo as shown in submitted drawings (16th December 2016). A further condition required that the proposed maintenance building does not exceed 22.5 metres in height.

- **304437-19** – Alterations to the customs inspection building, including a doubling in size from the permitted 324 square metres to 648 square metres, it's slight footprint relocation as well as other internal alterations including in relation to floor levels and inspection base. Determination by the Board was that the alterations were not considered to be material, and the decision was altered in July 2019.
- **310847-21** – Alterations to part of the departure lounge of the constructed ferry terminal to change use to office accommodation for maintenance and office staff, minor elevational changes to the terminal building, the provision of 4 no. modular units, 3 no. to accommodate drying area, toilets and showers for use by drivers of the container moving equipment and the fourth as a ship planner's office, realignment of a section of the existing noise reflective barrier, relocation of 44 no. car parking spaces. Determination by the Board was that the alterations were not considered to be material, and the decision was altered in October 2021.
- **PA-0035M** – Application documentation states that this is a modification to condition 5 of original permission, relating to reducing the timeline for agreeing

the Ringaskiddy mobility management plan from six months prior to one month prior to commencement.

- **PL04.PA0003:** Permission refused by the Board to the Port of Cork for the redevelopment of Ringaskiddy Port, including the construction of a container terminal and a multipurpose ro-ro berth comprising approximately 480m of new berths and a ro-ro berth of 182m, along with 18 hectares of reclamation, and replacement of the public pier slip away to the east of the site. This 2008 application had a design capacity of 400,000 TEU per annum for 2026. The decision noted the proposed relocation of commercial freight activities away from Tivoli, a location which is served by a railway line with reasonably direct access to the national road network, to Ringaskiddy which lacks a rail connection and is totally reliant on road-based transport. The Board considered that the proposed development would:

(a) adversely impact on the carrying capacity of the strategic road network in and around Cork City and in particular the carrying capacity of the strategic interchanges at Bloomfield, Dunkettle, and Kinsale Road and the Jack Lynch tunnel and would exacerbate serious traffic congestion at these strategic interchanges, and

(b) be unable to make use of rail freight carrying facilities in the future and would therefore represent a retrograde step in terms of sustainable transport planning (noting references to the potential for rail freight in the regional planning guidelines for the South West region and in the Cork Area Strategic Plan 2001 to 2020)

- 3.1.2. There are a number of other applications and permissions in the wider area relating to a range of industrial and storage uses within the vicinity of the port facility, including applications and consents in relation to the National Maritime College of Ireland and the MaREI centre to the east, general urban development associated with Ringaskiddy village to the south, Pfizer to the west, Jansen Sciences/Biologics to the south west and Cobh to the north.

3.2. Other Relevant Consents

- 3.2.1. A Maritime Area Consent (MAC) application in respect of the subject proposed dredging works at the Ringaskiddy East and West berths has been lodged with the Marine Area Regulatory Authority (MAC20230004 refers). The pre-application documentation states that this was lodged in June 2024. The MARA website notes that this application has been lodged, however, no further details are available.
- 3.3. A dumping at sea licence has also been applied for (Ref. no. S0021-03) and is currently under the consideration of the Environmental Protection Agency (EPA). That application is accompanied by Appropriate Assessment Screening and a Natura Impact Statement. At time of writing, the latest available correspondence/details in relation to this licence application are the responses from the applicant to queries raised by the EPA, (dated December 2024).
- 3.4. The following foreshore licences are of relevance in relation to the proposed development:
- **FS006441:** Foreshore licence granted to facilitate site investigation works at Ringaskiddy, in Cork Harbour, to aid the design of Phase I of the Ringaskiddy Port development for which permission was granted by An Bord Pleanála, in 2015. The site investigation works constituted a total of 33 no. 200 mm diameter boreholes.
 - **FS006408:** This Departmental reference relates to three consents, namely, a foreshore lease for a term of 35 years, a foreshore Licence for a term of 3 years, and a Ministerial consent under Section 10 of the Foreshore Act 1933, all of which were granted in December 2017. The foreshore lease and Section 10 Ministerial approval refers to the works consented by An Bord Pleanála under PL04.PA0035 including (a) the construction of the new extension to the existing deepwater berth at Ringaskiddy West, (b) the construction of the remaining section of the new container and multi-purpose berths at Ringaskiddy East, (as well as a sub-lease in relation to the provision of a public amenity area at Paddy's Point) and all associated works. The foreshore lease was subject to a condition that required all relevant works to be completed 'within 10 years of 28th of May 2025', however, subsequent to the pre-application consultation meeting, the prospective applicant has

provided details of a deed of variation to the lease made (September 2024) by the Maritime Area Regulatory Authority (MARA) extending this timeframe to the 31st May 2030. The foreshore lease excludes the proposed dredging areas, which were formally subject to the 3-year foreshore licence (referenced under FS006408), and are now subject to the MAC application (MAC20230004) currently under the consideration of MARA referenced previously above.

For clarity the Board should therefore note that the prospective applicant is a lessee under a lease made under section 2 of the Act of 1933² in relation to the proposed works, with the exception of the dredging for which a MAC is currently under the active consideration of MARA.

4.0 Description of the Proposed Development.

4.1. Context:

- 4.1.1. This pre-application consultation is taking place in relation to the redevelopment of the Ringaskiddy port facility, the works subject to this pre-application consultation are those which have been previously consented under PA0035, as amended, but which have not yet been completed under the provisions of that permission. The prospective applicant has confirmed that the works remaining to be completed from that consent require Appropriate Assessment (AA) as well as Environmental Impact Assessment (EIA), and accordingly an extension of the appropriate period of the issued consent is precluded under Section 42(8) of the Act.

4.2. Overview:

- 4.2.1. The pre-application consultation documentation states that the following works from the originally consented development have been completed:
- The new 361m Container berth/multipurpose berth CCT1, surfacing of existing port lands, demolition of existing link span, provision of terminal

² The Planning and Development Act, 2000 refers to the Foreshore Act, 1933 as the 'Act of 1933'.

transport equipment, maintenance building, administrative buildings, and entrance kiosks at Ringaskiddy East.

- Improvements to the external road entrance/access into the Ringaskiddy Port facility.
- Improvements to the internal link road between Ringaskiddy East and West.
- Public amenities including new pier, slipway, planting, landscaping, boat storage, lighting and fencing at Paddy's Point.

4.2.2. The initial submission layout drawings did not specifically clarify/delineate the elements which were subject to the current pre-application consultation process, however, these were clearly set out by the prospective applicant at the meeting, and further clarified in the correspondence and additional details received by the Board dated 2nd December, 2024, which included an updated site layout plan (Drawing no. M1099-1002, dated 13th October 2024). The updated layout clearly delineates the extent of the works that have been completed (as outlined above) and also sets out the extent of the works subject to the current pre-application consultation as set out below.

4.3. **Main Project Components.**

4.3.1. The Proposed Development is comprised of the following elements:

- Ringaskiddy East (Container Berth 2)
 - Construction of an additional 200m container berth,
 - Dredging of the seabed to a level of -13.0m chart datum (CD),
 - Installation of linkspan comprising a floating pontoon and access bridge,
 - Installation of container handling cranes, and
 - lighting and fencing,
- Ringaskiddy West (Deepwater Berth Extension)
 - A new 180m extension to the existing deepwater berth (DWB) which will comprise a filled quay structure (c. 231m) extending no further seaward than the edge of the existing DWB.

- Dredging works to varying levels to facilitate navigational access to the new facilities.
- Lighting.
- Road improvements:
 - Improvements to internal road network at Ringaskiddy East to facilitate future access to the N28.
 - Lighting and fencing.

5.0 Policy Context.

5.1. The following policy documents and legislation are of relevance in relation to the proposed development but, it should be noted, do not comprise an exhaustive list:

- National Marine Planning Framework,
- Marine Planning Policy Statement 2019,
- Project Ireland 2040 - National Planning Framework 2040 and the National Development Plan 2018-2027;
- Climate Action Plan, 2024;
- National Ports Policy, 2013;
- Regional Spatial Economic Strategy for the Southern Region, and
- Cork County Development Plan 2022 – 2028 (under which the land-based area of the port subject to the proposed works have been zoned as “Industry”),

6.0 Meeting Held.

- 6.1. One meeting was held with the prospective applicant's representatives on the 1st of October, 2024.
- 6.2. A presentation was provided by the Prospective Applicant, which is included on the file, together with other information provided to the Board in respect of same. The record of the meeting is also contained on the file. Issues raised at the meeting are identified and discussed in Section 8 below.

7.0 Relevant Legislative Provisions.

7.1. Section 285(1)(c) of the Planning and Development Act, 2000 (as amended) ('the Act'), notes that Chapter III (Other Development in the Maritime Area) of Part XXI (Maritime Development) applies to development of a class specified in the Eighth Schedule situated partly on land and partly in the nearshore area of a coastal planning authority³. The Eighth Schedule of the Act includes all developments listed in the Seventh Schedule and a wide range of marine and harbour/port infrastructure, underwater communications, pipelines and cables, land reclamation, extraction of aggregates, dredging, drilling, large marinas, as well as various energy generation and storage developments. Specifically, the Eighth Schedule includes the following class of development:

- *'Class 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 10 hectares.*
 - (iii) Involve the construction of a quay greater than 100m in length, or*
 - (iv) Be capable of admitting a vessel of more than 1,350 tonnes.*

³ Section 285(1)(c)(ii)(I) of the Act refers.

- 7.2. 'Nearshore Area' for the purposes of the Act has the meaning assigned to it in the Maritime Area Planning Act 2021, and essentially relates to the marine area below the line of the high water mark (including tidal rivers and tidal estuaries) extending out to sea by three nautical miles (or any other such distance as may be prescribed by regulation).
- 7.3. Section 286(3) of the Act states that a person shall not be eligible to apply for permission under the provisions of Part XXI, Chapter III, unless that person is either:
- (a) the holder of either a Marine Area Consent (MAC)⁴, or of a licence granted under section 3 of the Foreshore Act of 1933⁵ ("the Foreshore Act") authorising the licensee to do any act or acts referred to in that section for the purposes of the development on, or in relation to the maritime site in which the development is proposed,
 - (b) the owner of the land in the maritime area where the development will be carried out,
 - (c) the lessee under a lease made under section 2 of the Foreshore Act that includes the maritime site of the proposed development and that contains a covenant, condition or agreement that requires the lessee to carry out on that site the proposed development concerned⁶, or
 - (d) makes the application with the consent of the owner of the land in the maritime area⁷.
- 7.4. Section 287(1) of the Act, states that a person who is eligible to apply for permission under Section 291 shall, before making the application, consult with the Board. Section 287(2) of the Act states that the Board may provide an opinion in relation to a range of matters, including inter alia,
- (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,*

⁴ Section 286(3)(a)(i) of the Act refers.

⁵ Section 286(3)(a)(ii) of the Act refers.

⁶ Section 286(3)(c)(i) & (ii) of the Act refers.

⁷ Section 286(3)(d) of the Act refers.

- (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.'*

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

- 7.5. Section 287(4) of the Act states that *“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”*.

8.0 Matters Arising.

8.1. Proper Planning and Sustainable Development:

8.1.1. Over the course of the pre-application consultation there were a range of issues discussed with, and raised by, the Prospective Applicant through the meeting held and within the documentation submitted in support of the pre-application process. In this regard the Board is referred to the record of the meeting and other documentation attached to the file. I have summarised the broad matters arising below which include inter alia:

- A need for clarity in relation to the nature of the works previously completed, under the previous application and those which were subject to the current pre-application consultation. In this regard additional detail was provided by the prospective applicant at the meeting, and an updated and more fully annotated layout plan provided in correspondence dated 2nd December 2024. These additional details have informed the project description set out above and the Board are referred to the updated layout plan provided which sets out the previously consented works, the works that have been constructed under the previous consent, as well as the areas of dredging and works which will be subject to the future application at both Ringaskiddy East and West.
- In discussions the prospective applicant stated their intent to continue to build out parts of the previously consented works at the location of Container Berth 2 (CB2) under the auspices of the previous consent. These works are stated to have commenced in October 2024 with the intent for them to be completed prior to the expiration of the current consent, which the prospective applicant has stated to be in October 2025. Accordingly, it is likely that such works could be ongoing when any future application is lodged. In order to ensure that comprehensive and appropriate application documentation is lodged, the prospective applicant is intending to provide for the completion any part of CB2 not finished by the expiry date of the previous consent within the upcoming application. In this regard, the application and submitted documentation (including EIAR and NIS) will provide for assessment of this work. Closer to application stage the prospective applicant will identify which

works may necessitate consideration in this regard and the applicant has provided drawing no. CCT2-MWP-ZZ-ZZ-DR-S-1204, which outlines the identifiable phases/main elements required to provide the CB2 infrastructure. The application documentation will assess these phases and their potential for impact and provide up to date information in relation to the construction programme at the future lodgement date. I consider that this approach will allow for comprehensive consideration of the proposed development in the context of there potentially being ongoing and consented works taking place during the assessment of any future application, provided up to date and accurate information is provided throughout. For clarity, the Board should note that I do not consider this approach to represent design flexibility requiring an opinion from the Board. In this regard I note that the final design of the infrastructure is known and that the approach set out merely presents a viable means of informing a comprehensive assessment of any future application in the context of ongoing consented works taking place.

- The previous grant of permission (PA0035) that is currently in place for the subject infrastructure was noted, as were the previous supporting documents (Environmental Impact Statement and Natura Impact Statement). The applicant was advised that any future application must stand on its own merits and be informed by up-to-date assessments, information and surveys. Furthermore, the applicant was advised to provide comprehensive details of any 'prior to commencement' agreements reached with the Planning Authority under the current consent and to provide a schedule of condition compliance in order to fully inform the Boards consideration of any future application. The applicant undertook to include all relevant details within the future application.
- The policy context surrounding the proposal ranging from strategic, regional, and local issues set out in national legislation, the National Planning Framework, Regional Spatial and Economic Strategy, and local County Development Plan were noted as an important consideration. It will also be important for any future application to consider the requirements of the Climate Action and Low Carbon Act, as well as the Climate Action Plan and the established sectoral carbon budgets.

- Since the previous consent issued (May 2015) the National Marine Planning Framework (NMPF) has been adopted. The applicant was strongly advised to ensure that any future application considers all relevant policy objectives within the NMPF and that any supporting documentation clearly sets out how the proposed development complies with its provisions. While compliance with all NMPF planning policies will be required (and should be demonstrated), policies in relation to ports, harbours and shipping as well as interactions with other maritime users (such as fishers, and naval operations) are of particular importance. Furthermore, the NMPF policies relating to ocean health, biodiversity, water quality, seafloor and water column integrity, and underwater noise are also of note. The applicant was also advised that any proposed works must include sufficient and best practice up-to-date mitigation measures to ensure adequate protection of marine species and water quality.
- The prospective applicant was advised of, and noted, the provisions of the Cork County Development Plan 2022-2028 (CDP), which has issued since the previous grant of permission. In discussions in this regard the prospective applicant noted the provisions of the CDP (which zones the Ringaskiddy port facility as 'Industry') and advised that they continue to liaise with the Planning Authority in relation to the proposed development. Although not located within the functional area of the Cork City Planning Authority, the provisions of the Cork City Development plan are also a consideration within any future application, due to the proximity of the City, the multi-location nature of the Port of Cork facilities and the support within the City Development plan for the relocation of port facilities from the City and Tivoli docks.
- The applicant is fully aware of the range of issues raised and considered throughout the previous application process and was advised that these issues will remain significant considerations in any future application. These issues include, the principle of the proposed development, traffic and transportation, strategic location and alternatives (including consideration of rail links), noise, dust, air quality, climate, visual impacts, coastal processes, ecology (particularly marine ecology – and underwater noise mitigation/assessment), construction phase impacts and management, leisure and amenity as well as cultural heritage and protecting the amenities of

residents who could be affected during construction and/or operational phases. In discussions, the prospective applicant advised that all these issues would be discussed and detailed in full within any future application and that all necessary and relevant surveys, studies, and assessments were underway.

- The applicant was advised to pay particular attention to the traffic and transport provisions having regard to the nature of the conditions attached to the previous consent and the ongoing nature of the road design improvements in the area in the context of the N28 and Dunkettle road upgrade scheme. Liaison with the relevant roads design offices and Transport Infrastructure Ireland (TII) was also encouraged in this regard.
- During consultations the applicant has confirmed that a dumping at sea licence application (in relation to the proposed dredging material) has been lodged with the EPA and that this remains under their consideration.
- The prospective applicant is aware of the importance of continued liaison with stakeholders and relevant prescribed bodies throughout the planning processes for the currently proposed and previously granted infrastructure. The prospective applicant was advised to review all submissions made by relevant bodies and parties to the previous application on this site and to continue to liaise insofar as practicable.
- The coastal planning authority within whose functional area (including nearshore area) the proposed development would be situated or one whose functional area (including near shore) adjoins that part of the maritime area in which the proposed development would be situated may provide a dedicated report including their members views during any future application process. In this instance Cork County Council is the relevant coastal planning authority under the provisions of Section 291(3)(b)(V) from which a report (including members consideration) would be appropriate as part of any future application process.
- Potential impacts on cultural heritage and biodiversity were discussed in broad terms and it was stated that these would be dealt with in the relevant sections of the EIAR that would accompany any future application. The

Prospective Applicant was advised that submissions made by relevant parties and stakeholders in the previous application should be used to inform assessments, and any additional surveys carried out should be used to further inform the baseline.

- In relation to impact on fisheries the prospective applicant has stated that the area is not a busy location in this regard, however, community, and sectoral engagement is ongoing.
- Construction methods of the various elements of the proposed development were discussed. Any future application will be accompanied by a detailed construction and environmental management plan, and it is proposed that the application documentation will include details of how construction of the various shoreline and seabed elements will be carried out while minimising the potential for impacts to arise.
- The application documentation including EIAR will consider all potential operational impacts arising from the proposed development.

8.2. Environmental Impact Assessment

- 8.2.1. An Environmental Impact Assessment Report (EIAR) will be provided in relation to the proposed development. The initial submission from the Prospective Applicant, provides the standard headings for review within an EIAR and also lists the key environmental considerations in relation to the proposed development as well as a schedule of studies proposed inform the EIAR. The key environmental considerations listed include marine ecology, waste management, terrestrial ecology, ornithology, impacts on water quality and noise impacts.
- 8.2.2. The applicant has been advised to ensure that all assessments and relevant surveys are updated to ensure that robust findings can be made. Furthermore, the Prospective Applicant was advised that any EIAR should contain a robust alternatives discussion informed by environmental considerations as well as ensuring that a comprehensive cumulative impact assessment is carried out.
- 8.2.3. While the Board should refer to the record of meetings held that are on file, and the discussion details set out in the previous sections, the following include some of the

key matters which were outlined in relation to the EIAR during the course of the consultation meetings.

- Formal EIA scoping was not undertaken by the prospective applicant; however, they have submitted a wide range of informal scoping requests and consultations to a range of bodies.
- Due to the planning history of the site, the importance of ensuring up to date survey data and the importance of incorporating validity exercises on data and surveys used to inform assessments was discussed.
- The marine mammal population as well as all sensitive and protected species will be taken into consideration, and appropriate mitigation applied as necessary.
- Consideration of major accidents and disasters will be included within the EIAR, however, the prospective applicant has stated that the proposed development will not result in the provision of any COMAH⁸ facilities at Ringaskiddy Port.
- The ecological sensitivity of the site must be fully considered for both the terrestrial and marine species and habitats. It was acknowledged that the previously submitted details would be updated and reviewed and any future EIAR will need to address such issues and impacts in full.
- It is intended that all anticipated construction and operational phase impacts will be set out in full within the EIAR with all relevant mitigation measures included.
- The overall format of the EIAR was broadly discussed in terms of the nature of the proposed development and the various elements and topics which are intended to be covered.
- The potential for cumulative impacts to arise was discussed and the importance of considering all relevant projects including those permitted and proposed in the immediate area and which could be constructed/operational along the same timeframe as the subject proposed development.

⁸ Control of Major Accident Hazards Regulations

- As discussed previously the assessment of the permitted construction activity at CT2 was discussed. While the intention is to have these works completed before the expiry of the current consent this may be delayed, however, the up to date status of the works, and the potential impacts to arise from any further phases of construction, within the timeframe of the existing consent, or beyond that date, as part of any completion works which will be subject to the future application (if necessary) will be assessed within any future EIAR. In order to ensure a comprehensive EIAR is submitted it is intended to consider the impacts of the various identifiable construction phases of CT2, as set out on the drawing 'Main quay area, phased construction of main elements' dated November 2024, and received by the Board in December.

8.3. Appropriate Assessment

8.3.1. It is proposed to submit a Natura Impact Statement with any subsequent section 291 application, to inform the Board's Appropriate Assessment of any future application. The following include matters which were discussed during the consultation meetings.

- Consultation with the National Parks and Wildlife Service (NPWS) was encouraged.
- In preparing the NIS the Prospective Applicant has considered the likely Zone of Impact of all elements of the proposal, and to ensure that any conclusions arrived at are informed by up-to-date surveys, and assessments. In this regard any monitoring data or surveys carried out in compliance with previously applied conditions should be included in considerations.
- The range of Natura 2000 sites considered should not be based on proximity but arrived at following review of the relevant species and habitats of concern and consideration of the likely zones of impact that will arise from the proposed development. Consideration should include migratory, roosting and feeding interactions, as well as territorial patterns.
- Consideration of the efficacy of any mitigatory measures that were applied during the previously approved construction.

- The applicant was advised of the importance of the provision of a detailed and comprehensive Natura Impact Statement to show the impacts that could arise, and mitigation measures proposed to ensure the integrity of designated sites. The NIS is to contain all the required details in this regard and in terms of in-combination effects consider all relevant plans and projects.

8.4. Procedures and Process

- 8.4.1. From review of the submitted documentation and having regard to the meeting discussions and site visit completed, I am satisfied that the proposed development constitutes a Class 21, Eighth Schedule form of development that is located partly on land and partly in the nearshore area of Cork. In this regard the Board should note that the proposed development involves the construction of a quay greater than 100m in length, will be capable of admitting vessels of more than 1,350 tonnes and will constitute the provisions of roadways and areas within the port installation for the handling, transport and weighing of goods. Furthermore, the proposed development will provide further loading/unloading areas as well as additional berthing facilities albeit I note that some of these may be provided in the short term under the auspices of the extant permission that is in place.
- 8.4.2. The Proposed Development is located partly in the nearshore of Cork County Council (the Coastal Authority) where dredging, berths (both the additional container berth CB2 at Ringaskiddy East and DWB extension at Ringaskiddy West), and link span (floating pontoon and access bridge) are proposed, with the remainder of the subject works (including roads, lighting and fencing, and other servicing works) being provided on land as shown in the layout plans submitted.
- 8.4.3. As the Proposed Development is a class of development specified in the Eighth Schedule of the Act (Class 21) and is located partly on land and partly in the nearshore area of a coastal planning authority I am satisfied that the relevant criteria set out in Section 285(1)(c)(ii)(I) of the Act have been met.
- 8.4.4. I note that the initial submission from the prospective applicant stated that the proposed development consists of port infrastructure which “*may facilitate the deployment, maintenance or operation of offshore renewable energy infrastructure*”, and goes on to quote Section 287(4) of the Act (set out previously above in section

7.5 of this report), as being applicable to this pre-application request. Following queries on this matter at the pre-application consultation meeting, the applicant has further clarified in their submission of the 2nd December, 2024, that both the Ringaskiddy East and West quay extensions have been designed with sufficient loading capacity to support the import, assembly and deployment of offshore fixed-bottom wind turbines. The design of the subject infrastructure was informed through consultation with the offshore wind industry in relation to their requirements, furthermore the prospective applicant has also confirmed that the Port of Cork has a funding arrangement in place with the Irish Strategic Investment Fund specifically to assist in the development of Ringaskiddy East berth with capacity to support offshore renewable energy. Given the multipurpose functionality of the berths and port facilities at Ringaskiddy, and their design, I am satisfied that the subject works could facilitate the deployment, maintenance or operation of offshore renewable energy, and accordingly, the provisions of section 287(4)(a) of the Act are applicable, in that the applicant can engage in consultation with the Board in the absence of a MAC being in place. I also note that a Section 291 application cannot be lodged without the prospective applicant being the holder of such a MAC (Section 287(4)(b) of the Act refers), the prospective applicant has acknowledged this fact.

- 8.4.5. The Prospective Applicant is the lessee under a lease made under section 2 of the Foreshore Act issued for the purpose of constructing the subject development (with the exception of the proposed dredging works), FS006408 refers. This foreshore lease has a duration of 35 years and was initially subject to a conditioned construction timeframe (i.e. that works must be carried out within 10 years of the 28th May 2015). As set out in the details provided by the prospective applicant this construction timeframe has now been extended by MARA through a deed of variation (an extract of which has been included in the prospective applicant's submission dated 2nd December 2024) to the 31st May 2030.
- 8.4.6. The prospective applicant has lodged a MAC application with MARA in relation to the subject dredging works required (MAC2023004 refers – Capital Dredging of berths at Ringaskiddy East and West and of approaches to Ringaskiddy West berth extension). At time of writing this MAC remains under the consideration of MARA.
- 8.4.7. The Board will note that the foreshore lease and MAC mapping is not scalable for direct comparison to the layout of the Proposed Development, however, comparing

the extents of the mapping and layout on the basis of available background maps indicates that the relevant boundaries of the current MAC application are broadly consistent with the subject dredging works and the issued foreshore lease relates to the previously permitted development under (PA0035), furthermore in discussions the prospective applicant has confirmed that no amendments were required to the issued foreshore lease beyond the construction timeframes for which a deed of variation has since issued (September 2024) in relation to the current proposal.

- 8.4.8. On the basis of the above, and subject to MARA granting a MAC in relation to the dredging activities, I am satisfied that the prospective applicant will have the relevant third-party consents required to engage in a section 291 application to the Board in relation to the proposed development. The MAC (if granted) will be in place in relation to the dredging activities and the foreshore lease and associated deed of variation is in place in relation to the remainder of the relevant shoreside works.
- 8.4.9. The prospective applicant has confirmed their awareness that an application cannot be lodged under Section 291 of the Act until such time as the relevant MAC is in place⁹. The applicant is, therefore, aware of the legislative requirements articulated in Section 286 of the Act, which lists a number of prerequisites for applicants engaging in a section 291 application. This section requires that an applicant either has a MAC, or a foreshore licence in relation to the works, owns the land in the relevant marine area, is the lessee under a lease granted under section 2 of the foreshore act of 1933 for the proposed development, or makes the application with the consent of the maritime landowner.
- 8.4.10. The Prospective Applicant has confirmed in the pre-application meeting that they do not require an opinion from the Board in relation to flexibility under section 297B of the Act.
- 8.4.11. In relation to closing out the pre-application process the prospective applicant has confirmed that they do not require any further feedback and I am satisfied that the they are aware of all the relevant issues arising, are familiar with the processes involved, and that it is appropriate to close out the pre-application consultation process at this time. The prospective applicant's most recent correspondence notes the comprehensive feedback provided at the pre-application consultation meeting

⁹ Section 287(4)(b) of the Act refers.

and concludes by confirming that they have no further questions on procedures and that they would welcome the closure of the pre-consultation phase at this stage. The administrative section of the Board will remain available to engage with the Prospective Applicant up to the lodgement of any future planning application in relation to any relevant procedures concerning the documentation and details required including the provision of the stand-alone website, timing and statutory wording of notices, relevant prescribed bodies, application fee, etc.

8.4.12. In relation to the prescribed bodies for the purposes of any future application I recommend that the Board consider that the persons listed hereunder be served with the application and accompanying documents. In forming the list hereunder, regard was had to, inter alia, the requirements under Schedule 1 of the Planning and Development (Maritime Development) Regulations 2023 and to the provisions of S.291(3)(b) and (c) of the Planning and Development Act 2000 (as amended). In this regard I recommend that the Prospective Applicant should send the following persons a copy of the application, accompanying documents (including EIAR and NIS) and a copy of the public notice:

- The Minister for Housing, Local Government and Heritage;
- The Minister for the Environment, Climate and Communications;
- The Minister of Transport;
- The Minister of Defence;
- The Minister for Agriculture, Food, and the Marine;
- The Environmental Protection Agency (EPA);
- Cork County Council;
- The Maritime Area Regulatory Authority;
- The Minister for Rural and Community Development;
- The Marine Institute;
- Inland Fisheries Ireland;
- The Health and Safety Authority (HSA);
- Commission for Regulation of Utilities (CRU);

- Failte Ireland;
- An Taisce;
- Cork City Council;
- The Southern Regional Assembly;
- National Transport Authority;
- Sustainable Energy Authority of Ireland;
- Eirgrid;
- Commissioner of Irish Lights, and
- The Irish Coastguard.

The Board may wish to review the above list and satisfy itself that it is sufficient. In this regard, I note that the above list 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. Furthermore, I note that the status, capacity and development of the national roads network in the vicinity of the proposed development was a significant concern in relation to the previous application on this site, with specific conditions imposed in relation to the operational status of the various consented infrastructure pending the upgrade of road infrastructure in the vicinity, similarly a condition was imposed in relation to the status of capacity of the Cork Lower Harbour Main Drainage Scheme. Accordingly, I recommend that the prospective applicant be requested to send copies of any future Section 291 application to the following bodies, which are not included in the prescribed list above:

- Transport Infrastructure Ireland
- Uisce Eireann/Irish Water

8.5. Transboundary Consultation

- 8.5.1. Having regard to the provisions of S.291(3)(d) of the Planning and Development Act 2000 (as amended), the nature and location of the proposed development, I do not consider that the Proposed Development is likely to give rise to transboundary effects and accordingly I do not consider it necessary to engage in transboundary consultations.

9.0 Conclusion

- 9.1. Following the completion of the pre-application meeting on 1st October 2024, and the provision of additional details from the prospective applicant dated in their submission dated the 2nd of December 2024, I am of the opinion that the process should be concluded. In this regard, it is recommended that the Board notify the prospective applicant that the process is closed and include the list of bodies that the applicant is requested to send copies of the application to as set out previously above in accordance with S291(3)(b) and S291(3)(d), as well as the additional bodies identified in the interests of completeness.
- 9.2. 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.


Jimmy Green
Senior Planning Inspector

16th December 2024