



An  
Bord  
Pleanála

## Inspector's Report 07.PC0232

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<b>Application Type</b>	SID Pre Application – Whether proposed development is or is not strategic infrastructure development.
<b>Development</b>	Construction of a new deep water quay facility and all ancillary works.
<b>Location</b>	Rossaveel, Co. Galway
<b>Prospective Applicant(s)</b>	Department of Food, Agriculture and the Marine
<b>Planning Authority</b>	Galway County Council.
<b>Date of Pre Application Meeting(s)</b>	7th November, 2016 and 6th April, 2017
<b>Date of Site Inspection</b>	1 <sup>st</sup> November, 2016
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The site is located at Rossaveel harbour in Connemara, c.40km to the west of Galway City. The harbour is located c. 1km to the south of Rossaveel Village and the surrounding area contains a number of industries that are related to the harbour activity including fish processing, boat and fishing equipment repairs and fuel supplies.
- 1.2. The harbour area is located on the north east corner of Cashla Bay and has good natural shelter from the prevailing winds. The existing harbour facility has two main piers, a dedicated passenger ferry terminal and berth and a recreational harbour area that has the capacity to accommodate approximately 40 no. small craft. The size of commercial vessel which currently uses the harbour is stated by the prospective applicants to be in the range of 15-24 metres in length and which require c.5 metres of water to operate.
- 1.3. The site is connected to Galway City by the R336 and R372 regional roads. The route does require that traffic passes through the villages of Barna and Spiddal. Proposed road upgrades in the form of the Barna to Scrib upgrade of the R336 and the Galway Outer Bypass route would result in improved connection with Galway City and the national road network.
- 1.4. The site of the current proposal is located to the south of the existing harbour activity and the existing main piers, ferry terminal and recreational harbour. The area in the vicinity of the proposed development currently comprises undeveloped reclaimed lands with an existing commercial building located to the east. The existing layout has a slipway in the general area of these commercial buildings
- 1.5. The existing land ownership in the harbour area is primarily the Department of Agriculture, Fisheries and the Marine (DAFM) with some lands also under the ownership of Udaras na Gaeltacht.

## 2.0 Proposed Development

- 2.1. The proposed development would involve the infilling and reclamation of an area of c.29,453 sq. metres in an area that measures c.200 metres north – south and c. 120 metres east – west. A new deep water quay is proposed to be created with a length of 200 metres along the full length of the infilled area. Lighting and drainage of the new berth is proposed on the quay and a dredged berthing pocket 30 metres deep is proposed to be dredged to a depth of -12 metres CD along the full 200 metre length of the berth. A small boat berth is indicated located at the northern end of the infilled area. Dredging of an approach channel of c. 600 metres in length is proposed to be undertaken to a depth of -8 metres CD. It is anticipated that the bulk of the dredged material would be reused in the construction of the reclaimed area that would link the quay to the existing shoreline.
- 2.2. The information provided by the prospective applicant indicates that the completed development would be capable of accommodating vessels of up to 5,000 DWT (dead weight tonnes).
- 2.3. Access to the proposed berth is indicated as being provided via the existing harbour access road and a continuation of the existing road that runs to the south of the existing commercial buildings to the east of the site of the proposed quay.

## 3.0 Case Made by Prospective Applicants

- 3.1. Representatives of the Board met with the prospective Applicant on the 7<sup>th</sup> November, 2016 and 6<sup>th</sup> April, 2017. Issues discussed at these meetings and detailed in the record of the meetings included, inter alia, the following:
  - The nature of the development and its planning history were set out. It was stated by the prospective applicant that previous applications that incorporated the deep water quay were made by the department to Galway County Council and that they were accompanied by an EIS. It was further clarified that it was intended by the prospective applicant that an application for the current proposal would also be accompanied by an EIS and that Mot and McDonald Consulting Engineers had been retained to prepare this EIS.

- The site location of the proposed development as well as the dumping-at-sea location (required for any excess dredge material which cannot be re-used in construction) was set out by the prospective applicant. With respect to this element, it said that there is an existing dumping-at-sea licence for 100,000 tonnes of material and that to date only c. 60,000 tonnes of this permitted tonnage had been disposed of at the site. The prospective applicant stated that it is expected that the quantities arising from the proposed development to be quite small and it is considered likely that the material which has to be disposed of could be accommodated within the existing dumping at sea licence.
- The prospective applicant noted that the existing port is one of six fishery harbour centres, but pointed out that, of these, only Castletownbere and Killybegs are identified under the National Ports Policy. It said the port is primarily associated with the food industry and hence comes under the remit of the Department of Agriculture, Food and the Marine.
- The main benefits and opportunities arising from the proposed development were set out by the prospective applicant as follows:
  - It will attract additional and larger fishing vessels.
  - It will facilitate ship-to-shore fish transfer systems.
  - It will facilitate upgraded fish processing facilities, such as cold stores.
  - Local support services will gain from increased economic output
  - There will be ancillary potential opportunities such as dry cargo services to offshore hydrocarbon developments as well as non-commercial benefits
- The prospective applicant made the overall point that the size of fishing vessels has increased over time and that the existing facility is not a fit in this regard as it cannot facilitate such larger vessels. It added that it also wishes to realise potential economic benefits from foreign fishing vessels being capable of landing at the port. Currently there is one large fish processing facility in the harbour and this facility needs a source of fish. The existing depth of -3.7 metres CD restricts the size of vessel to c. 30 metres in length

and the harbour needs to be able to accommodate larger pelagic vessels of 60-70 metres. It was stated the currently such vessels go to Castletownbere and Killybegs harbours and that it is government policy to encourage foreign fishing vessels to land their catch in Ireland. Volumes of fish landed at Rossaveel have reduced significantly over the years from an official 10,000 tonnes in 1990 to 3 – 4,000 tonnes today reflecting the fact that the harbour cannot accommodate modern larger vessels.

- Stated that the use of the harbour by larger fishing vessels reached a peak of 147 in 2000 and continued up to 2002 when a decision was made to restrict access for such vessels on account of health and safety issues and the ability of the inner harbour to safely accommodate them.
- The initial submission made by the prospective applicant to the Board states that the anticipated additional number of vessels attracted to the harbour post development would be approximately 143 no. This projection was based on the numbers using the port prior to the restrictions on larger vessels imposed in 2002. The outcome of a subsequent economic assessment was presented at the second pre application meeting held on 6<sup>th</sup> April, 2017 at which it was stated that the projections for additional vessels was increased to 300 per annum with an additional 15,000 tonnes of fish landings per annum.
- In terms of employment, it was stated that the existing fish processing facility is currently operating at approximately 25% of capacity and that employment at this facility is projected to increase from the current 30-35 FTEs to 60-65 FTEs with other projected increases in indirect employment in the local area.
- The prospective applicant stated that commercial cargo was not discounted at the proposed facility but that the primary purpose is as a fisheries port in accordance with its status as a fisheries harbour centre. The prospective applicant also stated that some cruise liner traffic had used the port in past years but that this was not the intention of the proposed development. Again, cruise liner traffic would have to be secondary to fishing activity and it was stated that cruise liners would use Galway rather than Rossaveel.

3.2. The application made by the prospective applicant is under s.37B of the Planning and Development Act, 2000 (as amended) and makes the following points in relation to the proposed development and whether it would or would not constitute strategic infrastructure:

- Consider that the proposed development would come within the scope of Class 2 of the Seventh Schedule of the Act being development of a quay that would be in excess of 100 metres in length and which would facilitate vessels in excess of 1,350 tonnes.
- With regard to the criteria under s.37A(2) of the Planning and Development Act, 2000 it is submitted that the proposed development would not meet any of these criteria.
- Submitted that Rossaveel Port is not identified as a Tier 1 or Tier 2 port in the National Ports Policy document and that on this basis it is not considered that it would be of strategic economic or social importance to the state or region. The economic assessment concludes that the proposed development would have a potentially significant impact in economic and social terms however it is considered that the extent of this impact would be local rather than regional in extent.
- That the port would not have any significant non fisheries commercial activity.
- That the NSS only makes reference to Rossaveel in the context of Map 10 where it is identified as a major fishing port. There are no specific policies or objectives relating to Rossaveel.
- With regard to the Regional Planning Guidelines, the RPGs for the western region (now the Northern and Western Regional Assembly) contains Policies IP14 and IP15 which promote the appropriate and sustainable development of the western ports in a general way. Stated that the only direct policy reference to Rossaveel is Objective IO22 which states '*continue the sustainable development subject to Habitats Assessment where appropriate and / or other relevant environmental assessment of Rossaveel for fishing, amenity and Island Transport facilities and assess the opportunity for port related development.*'

- Overall considered that while the proposed development could make a general positive contribution towards the fulfilment of some of the NSS / RPG objectives that this contribution would not be 'significant' in the context of potential strategic economic or social development.
- That the proposed development would not have a significant effect on the area of more than one planning authority being c. 30km south of the boundary with County Mayo and 20 km north of Clare.

#### **4.0 Relevant Planning History**

- 4.1. The prospective applicant stated during the course of pre application meetings that there have been previous applications for permission that incorporated a deep water quay at the port.
- 4.2. In 2002 an application was made to Galway County Council for permission for the construction of a deep water quay and a new ferry terminal. The proposed deep water quay was in the same general location as that currently proposed. It is stated by the prospective applicants that this application was accompanied by an EIS. Works relating to the ferry terminal were completed on foot of this permission but the deep water quay was not completed.
- 4.3. Another application for the deep water quay was made by Department of Communications Marine and Natural resources (as then existed) in 2006. It is stated by the prospective applicants that this application was also accompanied by an EIS.
- 4.4. In December 2015 the Department of Agriculture, Food and the Marine were granted a dumping at sea licence (EPA Ref. S022-01) which authorised the dumping of approximately 94,090 tonnes of dredge material c. 2.6km to the south of Cashla Point. The prospective applicants have stated to the Board that to date c. 60,000 tonnes of material have been dumped and that there is therefore capacity within the existing licence to accommodate the additional material generated by the proposed development.

## 5.0 Legislative Provisions

5.1. In terms of compliance with the terms of the 7th Schedule of the Strategic Infrastructure Act, 2006, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 2 under the heading of Transportation Infrastructure provides that the following shall be infrastructure development for the purposes of sections 37A and 37B:

*'A harbour or port installation (which may include facilities in the form of loading or unloading areas, vehicle queuing and parking areas, ship repair areas, areas for berthing or dry docking of ships, areas for the weighing, handling or transport of goods or the movement or transport of passengers (including customs or passport control facilities), associated administrative offices or other similar facilities directly related to and forming an integral part of the installation)—*

*(a) where the area or additional area of water enclosed would be 20 hectares or more, or*

*(b) which would involve the reclamation of 5 hectares or more of land, or*

*(c) which would involve the construction of one or more quays which or each of which would exceed 100 metres in length, or*

*(d) which would enable a vessel of over 1350 tonnes to enter within it.'*

5.2. Section 37A(1) says that an application for permission for any development specified in the Seventh Schedule shall be made to the Board under section 37E and not to a planning authority if, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situate,



(c) the development would have a significant effect on the area of more than one planning authority.

## 6.0 Assessment

### 6.1. Compliance with the 7<sup>th</sup> Schedule

The proposed development at Rossaveel comprises a new berth of 200 metres in length and would therefore meet sub paragraph (c) of Class 2 of the Seventh Schedule. The proposed new quay would also appear to be such as to be capable of accommodating a vessel of over 1350 tonnes. For these reasons it is considered that the proposed development comes within the scope of strategic infrastructure development as set out in the Seventh Schedule.

### 6.2. s.37A(2)(a) - Strategic Economic or Social Importance to the State or the Region

- 6.2.1. The prospective applicants contend that the proposed development, while having a potentially significant positive economic and social impact is such that it would be confined to a local area and would not therefore be significant at a regional or national level. It is also noted by the prospective applicant that Rossaveel is a fisheries harbour centre as designated in the Fisheries Harbour Centre Act, 1968, that the primary function of the harbour is as a fishing port and that the harbour is not identified in the National Ports Policy as either a tier 1 or 2 port.
- 6.2.2. With regard to the likely economic significance of the proposed development the prospective applicant has undertaken an economic assessment that indicates there is potential for an additional 300 vessels per annum to utilise the harbour on completion of the proposed development. The extent of this as an increase in the existing number of vessels using the harbour is not quantified in the information presented by the prospective applicant. It is however stated that the additional 143 no. vessels originally projected would generate an additional 2,254 tonnes of fish landings, which would be an increase of 62 percent over the recorded volumes for 2015 of 3,637 tonnes. With the revised projection for additional vessel numbers to 300 per annum, using the same proportional increase, there would be an increase of

c. 130 percent in volume terms over existing landings. Such an increase is clearly significant, however regard has in my opinion to be had to the fact that when measured by both volume and value the landings at Rossaveel are the lowest of any of the 6 fisheries harbour centres in the country with the only other centre at a comparable level being Howth.

6.2.3. The main basis for the proposed deep water berth development is a desire to restore Rossaveel to its status pre 2002 as a port capable of accommodating larger fishing vessels and in particular landings from the larger foreign registered vessels. The reduction in use of the port by these larger vessels has had a significant negative impact on ancillary port activity and employment including in the area of fish processing and maintenance and repair services and resulted in a local increase in unemployment. It is the stated aim of the prospective applicant that the proposed development would act to put Rossaveel back to the position that it had prior to 2002 in terms of vessel movements.

6.2.4. In terms of employment, the prospective applicant has stated that the main impact of the proposed development would be in the area of fish processing where the existing single processing facility is currently operating at approximately 25 percent of capacity with a peak season employment of c. 30-35 full time equivalents (FTEs). It is projected that the proposed development and the attraction of c. 300 additional large vessels per annum could result in employment in fish processing increasing to 60-65 FTEs spread over a longer peak season. The proposed development would also have positive employment impacts on suppliers and ancillary services in the vicinity of the harbour.

6.2.5. In terms of other non fishing commercial activity that would be supported by the proposed development of the deep water berth, the subject was explored with the prospective applicant during the course of the two pre application meetings held. The prospective applicant stated that commercial cargo was not discounted at the proposed facility, but that the primary purpose is as a fisheries port in accordance with its status as a fisheries harbour centre. It was also stated that some cruise liner traffic had used the port in past years but that this use was not the purpose of the proposed development, and that cruise liner traffic would have to be secondary to fishing activity. It was further stated by the prospective applicant that cruise liners currently use Galway rather than Rossaveel.

6.2.6. Overall therefore, on the basis of the information presented and the discussions undertaken as part of the pre application meetings I am of the opinion that the economic and social impact of the proposed development would be such that they would have a significant impact on the local economy of the Rossaveel and west Galway area. The proposed development is of a significant scale in relation to the existing facilities at the harbour and the physical development proposed is significant with a large area of infill proposed. The development is however focussed on accommodating larger scale fishing boats that previously used the harbour with the aim of revitalising and regenerating existing harbour and fishing related business and activities that have been in gradual decline since the early 2000s. While significant at a local level, the likely impacts in terms of employment and economic activity are not in my opinion of a scale that could reasonably be said to be of strategic economic or social importance to the region or nationally. The projected increase in fisheries activity, while significant relative to the existing situation, would still result in Rossaveel being one of the smallest of the six fisheries harbours centres with only Howth of the designated six centres being smaller. The potential for the deep water berth to be used for other commercial activity including cruise liners exists, however the legislation under which the harbour operates clearly requires that the primary activity undertaken is fishing and any commercial or other activity would have to be secondary to that. In any event, on the basis of the information presented by the prospective applicant, it would appear that the potential scope for commercial activity arising from the proposed development is limited. For these reasons, I do not consider that the proposed deep water berth is such that it would meet criteria (a) of s.37A(2), namely development that would be of strategic economic or social importance to the state or region.

**6.3. s.37A(2)(b) – Substantial contribution to the achievement of the objectives of the NSS or RPGs**

6.3.1. In terms of the National Spatial Strategy, the document only makes reference to Rossaveel in the context of Map 10 where it is identified as a major fishing port. There are no specific policies or objectives relating to Rossaveel cited in the NSS and I do not therefore consider that the proposed development would make any significant contribution to meeting any objectives set out in the NSS.

6.3.2. With regard to the Regional Planning Guidelines, the RPGs for the Western Region (now the Northern and Western Regional Assembly) contains Policies IP14 and IP15 which promote the appropriate and sustainable development of the western ports in a general way. The only direct policy reference to Rossaveel is Objective IO22 which states '*continue the sustainable development subject to Habitats Assessment where appropriate and / or other relevant environmental assessment of Rossaveel for fishing, amenity and Island Transport facilities and assess the opportunity for port related development.*' It is my opinion that while the proposed development could make a general positive contribution towards the fulfilment of this objective, that this contribution would not be substantial and is not in itself a basis why the proposed development should be considered to constitute strategic infrastructure.

6.4. **s.37A(2)(c) – Significant effect on the area of more than one Planning Authority**

6.4.1. The proposed development is located such that it is physically separate from other planning authority areas. Specifically, the site is located c. 30km to the south of the boundary with county Mayo and c. 20 km directly north across the sea from County Clare. The nature of the proposed development is such that it would likely generate additional commercial activity in the area of fish processing and this produce would have to be exported. At a regional level the volume of additional traffic generated by such additional processing activity is not considered likely to be significant and I do not consider that the proposed development would have a significant effect on the area of other planning authorities by virtue of additional traffic or other effects.

6.5. **Conclusion**

6.5.1. In conclusion, the extent of development proposed by the prospective applicant is significant and the proposed deep water berth would be a significant engineering project and one which would have a significant effect on the capacity of Rossaveel Harbour to accommodate fishing traffic and to fulfil its role as a fisheries harbour centre. The purpose of the proposed development is stated to be the restoration of the previous role of the harbour and the restoration of the capacity of the harbour to accommodate larger vessels. The potential for ancillary commercial or tourist traffic arising from the proposed development cannot be discounted, however any such

activity would have to be clearly ancillary to the main role of the harbour as a Fisheries Harbour Centre and in any event, on the basis of the information provided, the scope for such ancillary activity would appear to be limited. While the additional economic activity would clearly be significant at a local level I do not consider that it can clearly be stated that the economic and social impacts arising would be significant in a regional or national or national context.

- 6.5.2. Similarly, I do not consider that the proposed development would make a substantial contribution to fulfilling the objectives of the NSS or RPGs and is not such as to have a significant effect on the area of another planning authority.

## 7.0 Recommendation

- 7.1. On the basis of the above, it is my opinion that the proposed facility would exceed the threshold set out in the 7<sup>th</sup> Schedule of the *Strategic Infrastructure Act, 2006*, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 2 as, the proposed development would involve the construction of an area for the berthing of ships which would involve the construction of one or more quays which would exceed 100 metres in length and which would enable a vessel of over 1350 tonnes to enter within it. It is also my opinion that the proposed development does not fall within the parameters of s.37A(2)(a), (b) or (c) of the *Planning and Development Act 2000* as amended by the *SI Act, 2006*.
- 7.2. In view of the above, it is therefore recommended that the Board determine that the development in question does not constitute strategic infrastructure development as defined by Section 2(1) of the *Planning and Development Act 2000*, as amended by Section 6 of the *Planning and Development (Strategic Infrastructure) Act 2006* and

that the prospective applicant be informed accordingly.

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Stephen Kay  
Planning Inspector

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25<sup>th</sup> May, 2017