



An
Bord
Pleanála

Inspector's Report 05.PC0237

Application Type	SID Pre Application – Whether proposed development is or is not strategic infrastructure development.
Development	Quay extension at Killybegs Fishery Harbour Centre, Killybegs, Co. Donegal.
Location	Killybegs, Co. Donegal
Prospective Applicant(s)	Department of Agriculture, Food and the Marine
Planning Authority	Donegal County Council.
Date of Pre Application Meeting(s)	6th April, 2017
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The site is located in the Killybegs Fisheries Harbour centre which is one of the six harbours in the country designated under the Fisheries Harbour centre legislation. The harbour was the subject of a major redevelopment and extension in 2004 with the development of a new deep water quay at Rough Point. The port is primarily a fishing harbour and the bulk of the catch that is landed is processed locally in one of 12 no. fish processing plants that are located in the local area. In addition to fishing, there is also a commercial and cruise liner aspect to the existing operations at the harbour. This activity is however relatively small scale and is secondary to the primary role of the harbour as a fishing centre.
- 1.2. The site of the proposed development is at the northern end of the deep water quay developed in 2004. The existing deep water quay comprises a total of c. 450 metres of quay length which comprises a southern section of c. 300 metres in length and which can facilitate vessels with a maximum draft of 12 metres and a northern section which is currently c. 150 metres in length and which can accommodate vessels with a draft of up to 9.0 metres. The southern section of the existing quay is stated to be capable of accommodating vessels of up to 300 metres in length and up to 40,000 tonnes.
- 1.3. The layout of the existing harbour is such that the deep water berth is used for the mooring of deep sea trawlers, cruise liners and for some commercial cargo. Large boats are also currently berthed at Blackrock Pier which is located to the north of the deep water quay and this area is the subject of significant congestion. Further to the north of Blackrock Pier are the landing and town piers which are used for smaller vessels.
- 1.4. Killybegs is included in the National Ports Policy as a port of regional significance (Table 2.8) and the policy indicates that Killybegs handled a tonnage of c. 37,000 in 2011.

2.0 Proposed Development

- 2.1. The proposed development comprises the extension of the existing deep water quay at the northern end with the development of a 54 metre long quay extension. This extension would equate to a 4 percent increase in the total length of existing berthage at the harbour.
- 2.2. Immediately at the northern end of the extended quay it is proposed to construct 4 no. mooring dolphins. These dolphins would enable stern on mooring of boats in this area at the northern end of the deep water quay which could be used for the maintenance of vessels.
- 2.3. Access to the extended berth is to be facilitated by the dredging of the area to the front of the 53 metres extension plus an additional area to the south in front of the existing berth to a depth of -9.0 metres CD. The overall length of additional dredging proposed in this area is 67 metres.
- 2.4. The development is proposed to include ancillary elements such as navigation aids, and quay furniture.

3.0 Case Made by Prospective Applicants

- 3.1. Representatives of the Board met with the prospective applicant on the 6th April, 2017. Issues discussed at this meeting and detailed in the record of the meetings included, inter alia, the following:
 - The response to further information made by the prospect applicant stated that screening for appropriate assessment has been undertaken and that this assessment concluded that the proposed development would not be likely to have significant effects on three European site examined. It was however concluded that the potential for significant effects could not be ruled out in the case of St. Johns Point SAC. A Stage 2 appropriate assessment has been undertaken in respect of the potential impacts on this SAC and this assessment has concluded that the proposed development would not have an adverse effect on the integrity of the St Johns Point SAC site.
 - It was confirmed that the proposed development is for the purpose of rationalising the operation of the harbour and to reduce the pressure on the

Blackrock Pier which is currently very congested with the storage of boats. The proposed development would relieve this congestion and improve health and safety by the avoidance of the rafting up of boats. The proposed development would also provide a safe and improved facility for undertaking maintenance to boats.

- The primary effects arising from the proposed development are set out at point 6 on page 2 of the submission received by the Board from the prospective applicant on 6th march, 2017. This indicates that the basis of the development is improved safety and working environment and that it is not anticipated that there would be any increase in the number of vessels that would use the harbour were the development to be undertaken.
- There is not predicted to be any increase in the number of employees, the value of landings or local spending arising as a result of the proposed development.
- Stated that the largest fishing vessels in the Atlantic currently use the harbour and the proposed development would not increase the range or scale of vessels that could be accommodated.
- The level of existing commercial traffic at the harbour was the subject of some discussion with the prospective applicant during the course of the pre application meeting. It was confirmed that there are 11 no. cruise liners booked in for the 2017 season. It was stated by the prospective applicant that it was not anticipated that the existing level of cruise liner traffic would increase if the proposed development was undertaken and that the primary role of the harbour is as a fishing port and all other traffic would have to be accommodated ancillary to this main purpose.
- There is some level of existing commercial cargo at the harbour mainly related to the importation of product related to the wind energy industry and off shore oil and gas exploration. A total of 90 no. commercial freight vessels were accommodated in 2011 which equated to 0.7% of the total national number of vessels and 0.08% of commercial freight into Ireland. The level of commercial traffic at the harbour is therefore low in regional or national terms.

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 comprising the extension of a quay that would result in a total length that would be in excess of 100 metres in length. The development would also appear to be such that it would facilitate vessels of over 1,350 tonnes. The prospective applicant made reference to the case of Greenore Port (Ref. PC0226) where the principle of an extension to an existing quay that brought the development over the threshold prescribed in the Seventh Schedule was accepted by the Board.
- 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 Killybegs is not identified as a Tier 1 or Tier 2 port in the National Ports Policy document. It is identified as a port of regional significance however contended that the proposed development would not have any material impact in economic or social terms.
- That the proposed development would not result in any impact in terms of additional vessels, accommodation of additional catch, employment or local economic turnover. The sole purpose of the development is the improvement of the layout of the harbour for the maintenance and storage of the existing fleet and the improvement of safety. The proposed development would not therefore be of strategic economic or social importance to the state or region.
- That there are no specific references to the harbour at Killybegs in the NSS and therefore no objectives that would be met by the proposed development. The Regional Planning Guidelines for the border area recognises the important role that the harbour plays in the local economy however there are no specific objectives relating to the improvement or upgrading of the harbour that would be met by the proposed development.

- That, given the limited economic impact arising, the proposed development would not have a significant effect on the area of more than one planning authority.

4.0 Legislative Provisions

4.1. 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.’

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

5.0 Assessment

5.1. Compliance with the 7th Schedule

The proposed development at Killybegs comprises an extension to the existing berth measuring 54 metres in length. The development, when taken in conjunction with the existing northern section of the pier as completed in 2004 and the section of existing pier where the dredging pocket is proposed to be deepened to -9.0 metres CD, would result in a total quay length of c. 216 metres on the northern end. The proposed development would therefore meet sub paragraph (c) of Class 2 of the Seventh Schedule being a quay of greater than 100 metres in overall length. The information submitted by the prospective applicant regarding dredging indicates that a vessel of over 1,350 tonnes would be able to enter the harbour and berth at the extended quay and it would therefore appear that the proposed development would also meet the requirement of sub paragraph (d) of Class 2. 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.

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

- 5.2.1. The prospective applicant makes the case that the proposed development would not have any material impact in terms of additional fish landings at the harbour or its use for commercial traffic. The table given at point 6 on page 2 of the submission received by the Board on 6th April, 2017 sets out the predicted impacts arising from the proposed development relative to the existing situation. This indicates that there

will be no change in the scale of vessel that can be accommodated and that no increase in either the fisheries landings or number of commercial vessels is anticipated on foot of the proposed development. It is therefore submitted by the prospective applicant that there will not be any increase in employment arising and that the impact of the development in terms of local spending would not change.

- 5.2.2. The proposed development is justified by the prospective applicant on the basis of the benefits for health and safety arising from the separation of fishing and commercial activity from the general public and this would clearly lead to an improvement in the local environment with less congestion of vessels. The proposed development would also provide improved opportunities for the maintenance of the existing fishing fleet in the harbour. These benefits are however in my opinion of a local nature and I do not consider that they could reasonably be seen to have an economic or social importance outside of the local area.
- 5.2.3. With regard to the potential for additional cruise liner traffic, the prospective applicant states that the existing situation is that there are 11 no. vessels booked for the 2017 summer season and that it is not anticipated that this would increase on foot of the proposed development. I would accept the statement of the prospective applicant in this regard and also note the fact that, in common with all six fisheries harbour centres, the primary purpose is the fisheries activity and that this has to take precedence over other commercial or recreational activity.
- 5.2.4. In conclusion, having regard to the projected no increase in fisheries or commercial traffic at the harbour and the projection for there to be no impacts on employment or local economic turnover I do not consider that the proposed development would have any significant economic or social impact and that any such impacts which do arise would be local rather than regional or national in nature. I would therefore agree with the prospective applicant that the proposed development would not be of strategic importance to the state or region and does not come within the scope of s.37A(1)(a) of the Act.

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

5.3.1. In terms of the contribution that the proposed development would make towards the National Spatial Strategy and the Regional Planning Guidelines for the Border Area, there are no specific references in either document to Killybegs harbour. There are therefore no objectives that relate to the promotion of the development of commercial facilities at the site. For this reason, it is not considered that the proposed development can be seen to make a substantial contribution to the achievement of the objectives of either the NSS or the RPGs and I would therefore agree with the prospective applicant that the proposed development would not come within the scope of s.37A(1)(b) of the Act.

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

5.4.1. The proposed development is located such that it is physically separate from other planning authority areas. As set out above, the projected economic and social impacts arising are negligible and are not in my opinion such that they could reasonably be considered to have a significant effect on the area of other planning authorities outside of County Donegal.

5.5. **Conclusion**

5.5.1. In conclusion, the proposed development is in my opinion such that would not have a significant impact in terms of harbour activity or employment such as would extend beyond the local area. Killybegs and the commercial activity in the harbour is not the subject of any objectives contained in the NSS or the relevant regional planning guidelines and the impacts in terms of constructional and operational phase of the proposed development are such that they are not considered likely to have significant impacts on the area of other planning authorities.

6.0 **Recommendation**

6.1. On the basis of the above, it is my opinion that the proposed facility would exceed the threshold set out in the 7th 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 would also enable the berthing of a vessel of more than 1,350 tonnes. 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*.

- 6.2. 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.

Stephen Kay
Planning Inspector

25th May, 2017