

The Secretary,
An Bord Pleanála,
64, Marlborough Street,
Dublin 1.

By Email: bord@pleanala.ie

30th August 2016

**Re: Pre-application discussions under Section 37B of the Planning & Development Act 2000
as amended.
Your Ref: 13.PC0224**

Dear Sir / Madam,

I refer to our recent meeting on the 12th inst, in relation to the above mentioned development and minutes of that meeting received from An Bord Pleanála (ABP) dated 19th August 2016. At that meeting, and as appropriately reflected in the minutes under the title 'Conclusion', it was agreed that the prospective applicant would make a further written submission to the Board. The purpose of this submission is twofold. It seeks to:

- Provide additional information to the Board in respect of the proposed development;
- Clarify the applicant's position in relation to whether the proposed development is / is not SID; and
- Request elaboration of and correction to the minutes as presented.

1.0 ADDITIONAL INFORMATION

1.1 Nature & Extent of Port Expansion Area

Whilst the extent and nature of development proposed to facilitate a connection between the east and west jetty is clear and well-articulated in submitted drawings, the prospective applicant considers that the purpose and need for the port expansion area requires further elaboration.

The Port of Foynes estate is currently 100% occupied with no further scope to facilitate the ongoing growth in tonnage through the port. It is proposed to extend the port estate to include development of 38.17 hectares of land for the provision of serviced, marine related industrial development sites which will enable the jetty extension works to facilitate the tonnage growth currently being experienced and

forecasted into the short and medium term as outlined in Vision 2041.

The land will be used for the weighing, handling and transport of goods that are imported / exported into and from the Port of Foynes. The development of the additional lands is required to ensure the continued efficient utilisation of the proposed jetty extension works and will include the following:

- Facilitate covered / uncovered storage of imported / exported goods;
- Provide warehousing & distribution activities;
- Accommodate on site processing;
- Accommodate port centric logistics – a process that adds value to inbound and outbound logistics through the Port of Foynes and which can be applied to finished products, bulks, part-processed materials and components for assembly. Such a process could include processing, assembling and segregation activities.

For the purpose of the proposed application, it is intended to divide the port expansion area into a number of serviced marine related industrial sites. These site will be managed by SFPC and leased to prospective customers as the need and demand occurs. The requirement for port land between port users and port activities can differ substantially and translates into different types of storage whether it be covered, uncovered, liquid or other and for on-site processing facilities. Accordingly, to ensure adequate flexibility and in order to meet the diverse needs of prospective clients, it is proposed to seek planning permission for sites only with each prospective client then seeking planning permission for individual on-site activities.

1.2 Interdependency of Development

There are three integral elements which determine the operating capacity of any port, namely;

- Sufficient water depths to accommodate actual and projected ship size,
- Sufficient berthage/quay lengths and quay set down areas; and
- Sufficient land available in the vicinity of the port for covered and uncovered storage (to store cargoes being imported or exported through the port) and / or to promote port centric activities and services. Land requirements for a bulk port are directly related to tonnage throughput.

Because of the nature of the cargoes currently trafficked through the Port of Foynes, industry trends towards larger vessels and the nature of future cargos expected to be trafficked through the Port of Foynes (principally bulk goods), SFPC will only be in a position to accommodate this predicted increase in cargo traffic by undertaking holistic and integrated development within the port. Facilitating growth within the Port can only happen if two key elements are delivered, including:

1. Increasing the capacity of its ship berthage./quays; and
2. Procuring additional land for the development of appropriate covered storage space and uncovered storage in the vicinity of its harbour in Foynes for use by persons engaged in the import and/or export of goods through the Port of Foynes.

Unlike the other 2 Tier One ports in Ireland, Shannon Foynes Port Company currently specializes in dry bulk, break bulk and liquid cargoes as a general port. The storage demands for these types of cargo are typically greater than container and/or ferry ports because of the sizes of each shipment and the duration that these types of cargos are stored in port. This is a consequence of a longer dwell time, where generally cargos are required to be stored within the port area prior or after export or import. Therefore, in addition to the availability of berthage/quays of sufficient capacity and size for vessels docking at the Port of Foynes, the users of port facilities in Foynes have traditionally required and currently require suitable storage facilities nearby to facilitate storage of cargoes being trafficked through the Port.

Accordingly, each element of the proposed development is inter-dependent on the other and it would be neither practical nor viable for either element to proceed in isolation.

2.0 CLASS OF DEVELOPMENT

As previously stated in the pre-application documents submitted to ABP, and contrary to the initial opinion expressed by the prospective applicant at the pre-planning meeting on the 12th inst. the prospective applicant is now of the opinion that the proposed development is an infrastructure development listed in Class 2 of the Seventh Schedule for the purposes of Sections 37A and 37B of the Act having regard to the following provisions of the Planning & Development Act 2000 as amended.

“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”.*

With respect to the above definition it is submitted that the proposed development:

- (a) Comprises a port expansion area of 38.17 hectares which is in excess of the 20 hectares specified in the Seventh Schedule and which is *‘directly related to and forming an integral part of the installation’* (the port) as detailed in S.1.1 of this report. Furthermore, the land will be used for the weighing, handling and transport of goods.
- (c) Comprises the construction of 117.5m of new quayside which is in excess of the 100m length specified in the Seventh Schedule.
- (d) Will enable a vessel of over 1350 tonnes to enter within it.

It is thus the considered opinion of the prospective applicant, and it is submitted to the Board, that the development falls within a Class listed in the Seventh Schedule. Furthermore, as detailed in the previous pre-application submission to the Board it is submitted that the development complies with a number of other conditions / requirements such that the proposed development is of national and regional significance. Furthermore it would contribute to the fulfilment of objectives in the Mid-West Regional Planning Guidelines and other relevant regional policy is of national, regional and local significance.

3.0 WRITTEN RECORD OF MEETING

In reference to the Written Record of the Meeting the prospective applicant wishes to make the following comments and would be grateful if ABP would facilitate the following additions to the Record.

Page 3 - Under title ‘Presentation by the prospective applicant’ in reference to the third paragraph, second sentence, insert word ‘inter-related’ such that the sentence reads ‘There are two ***inter-related*** aspects to the proposed development’.

Page 4 – First paragraph, first sentence, insert words ‘of two separate jetty extensions’ such that the sentence reads ‘ Responding to the Board’s query and having regard to the relevant threshold in the

Seventh Schedule, the prospective applicant states its opinion that the proposed development **of two separate jetty extensions** would not constitute strategic infrastructure development’.

Page 4 – Second paragraph, second sentence, rephrase wording and insert words ‘port centric development’ such that the sentence reads **‘This area would primarily be used for marine related industry including covered and uncovered storage facilities and port centric development’.**

Page 4 - Third paragraph, third sentence rephrase wording to **‘A Scoping Study and Preliminary Design Study have been completed to examine the feasibility of re-opening the rail line between Foynes and Limerick’.**

Page 4 - Third paragraph, fourth sentence rephrase wording **‘the prospective applicant has commenced a detailed design study with 50% of the eligible cost of the study coming from EU’s CEF/TEN-T funding’.**

Page 4 – Third paragraph, after fifth sentence insert new wording **“However, the line can only be reinstated if it is commercially viable to do so”.**

Page 5 – First paragraph, first sentence, insert new wording ‘that it has scoped works to the jetty extension and that it has received responses’ such that the sentence reads as follows, **‘In terms of EIA Scoping, the prospective applicant advised that it has scoped works to the jetty extension and that it has received responses from the DAHG Underwater Archaeology Department, Clare County Council and the Irish Whale and Dolphin Group’.**

Page 5 – Third paragraph, after last sentence, insert new sentence **‘The applicant has extensive baseline line data as a result of the planning application made in 2012 for the reclamation of land to the rear of Berth 6 & 5’.**

4.0 CONCLUSION

I trust that this submission provides further clarity on the nature and extent of the port expansion area and that it clearly sets out the prospective applicants position in relation to the Seventh Schedule and the Class of Development proposed. We look forward to further engagement with ABP on this matter and the proposed development.

Yours sincerely,



Mary Hughes MIP
Director HRA | PLANNING