



An  
Bord  
Pleanála

## Record of Meeting

<b>Case Reference</b>	13. PC0224		
<b>Description</b>	Extension of jetty facilities including the reclamation of foreshore and extension of the port estate, Port of Foynes, Co. Limerick.		
<b>Case Type</b>	Pre-application consultation		
<b>Meeting No.</b>	2	<b>Start Time</b>	11.30 a.m.
<b>Date</b>	19 <sup>th</sup> October 2016	<b>End Time</b>	12.20 p.m.
<b>Location</b>	Offices of An Bord Pleanála		
<b>Chairperson</b>	Brendan Wyse	<b>Executive Officer</b>	Kieran Doherty

<b>Attendees:</b>
<b>Representing An Bord Pleanála</b>
Brendan Wyse, Assistant Director of Planning
Karla McBride, Senior Planning Inspector
Marcella Doyle, Senior Executive Officer
Kieran Doherty, Executive Officer
<b>Representing the Prospective Applicant</b>
John Carlton, Operations Manager, Shannon Foynes Port Company
Mary Hughes, Director, HRA Planning
Alan Barr, Technical Director, RPS

## **Introduction**

The representatives of An Bord Pleanála welcomed the representatives of the prospective applicant and introductions were made.

The representatives of An Bord Pleanála noted the comments made on the record of the first meeting by letter dated 30<sup>th</sup> August 2016, and stated that the record would not be changed but the letter would be kept on file. The representatives of An Bord Pleanála did not have any issues with the comments made but noted that the prospective applicant was now of the opinion that the proposed development constitutes strategic infrastructure development (SID) as listed in Class 2 of the Seventh Schedule and falls within the paragraphs referred to in section 37A(2)(a) and (b) of the Planning and Development Act, 2000, as amended.

## **Proposed Development**

The representatives of An Bord Pleanála referred to the queries that had been raised by the prospective applicant at the first meeting, summarised as follows:

- The proposed development description and that a ten-year permission will be sought.
- Clarification on the red line boundary of the application site as to whether or not the entire port estate should be included or just the two specific sites.
- The extent of detail required for the port expansion area and serviced industrial/storage land.
- The scope of traffic assessment required.
- The scope of public consultations to be undertaken.
- The list of prescribed bodies that will need to be notified pursuant to Article 213 of the Planning and Development Regulations 2001, as amended.
- The implications of the EIA Directive 2014/52/EU in terms of the preparation of the EIS.

The representatives of ABP responded as follows:

- **Duration of permission.** An application for a 10-year permission can be made.
- **Strategic infrastructure:**  
The proposed development appears to fall within the Schedule 7, section 2 of the 2000 Act, as amended under Transport Infrastructure. With regard to a harbour or port installation, it appears to comply with the thresholds as outlined in (c) the construction of quays in excess of 100m in length, and (d) enable vessels over 1350 tonnes to enter. However, it doesn't appear to

comply with (a) as it is not proposed to enclose an area of water in excess of 20 hectares.

The representatives of ABP queried whether the port estate lands be used for the *weighing, handling and transport* of goods, and associated administrative offices? Would this area be integral to port expansion and is any processing envisaged?

With regard to subsequent planning applications for development within this area, the local authority may require confirmation from ABP that the proposed development is not SID.

- **Site boundaries:**

The blue line boundary should include the entire port estate and the red line boundary should include the jetty extension, port expansion areas, and roadways. The red line boundaries should be drawn adequately to encompass anticipated development.

- **Extent of detail required:**

The planning application should comply with the prescribed environmental impact statement and Natura impact statement requirements. ABP would require sufficient information to enable the Board to carry out the necessary assessments.

- **Port expansion area:**

The planning application should show:

- Overall site layout
- Vehicular access points and internal road layout
- Buffer zones along the river, main port access, railway line and adjacent agricultural land
- Landscaping plan and boundary treatment
- Site drainage details
- Any administrative offices or other similar facilities
- Phasing details

- **Traffic Assessment:**

The planning application should show:

- Any special circumstances relevant to this proposal
- New or modified road or rail proposals in the area
- Sightlines and visibility at access points
- Road safety implications
- 2-3 traffic scenarios should be described, including maximum worst case volumes
- Effects on the local road network

- **Flood Risk Assessment:**

A flood risk assessment is likely to be required given the location of the development.

- **Public consultation**

Should be as extensive as possible with a particular emphasis on local communities.

- **EIA Directive 2014/52/EU**

- Any application lodged before May 2017 will be dealt with under existing legislation.
- Any application lodged after May 2017 will be dealt with under new arrangements.

- **Prescribed Bodies**

The list of prescribed bodies for the purposes of a planning application are as follows:

Minister for Housing, Planning, Community and Local Government  
Minister for Communications, Climate Action and Environment  
Minister for Agriculture, Food and the Marine  
Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs  
Minister for Transport, Tourism and Sport  
Limerick County Council  
An Chomhairle Ealaíon (Arts Council)  
Heritage Council  
Fáilte Ireland  
An Taisce  
Regional Fisheries Board  
Irish Water  
Transport Infrastructure Ireland  
Railway Safety Commission  
Health and Safety Authority

The list will be confirmed once the pre-application consultations are closed.

## **Prospective Applicant's Comments**

- Each part of the proposed development is completely inter-dependent on the other and cannot function without the other.
- Some processing currently takes place at the port. Raw materials arrive, are processed, and then removed on trucks.
- Any processing is port centric, as it occurs just at the port and could consist of bulk raw material being graded, mixed or sorted before being bagged or put into tankers.
- No manufacturing is envisaged on site.
- There is no market for container traffic through the port at this time.
- The proposed development is in accordance with the Limerick County Development Plan.
- Service sites will be required, not administration buildings.
- The port is currently working at full capacity.
- If ABP considered the quay to be strategic infrastructure and the land not, it could be seen as project splitting.
- Cargo projections will determine the proposed number of HGV movements.

## **Planning Application Procedures**

In the event that there would not be a further meeting, and the proposed development was considered to be strategic infrastructure, the formal procedures for making a planning application were covered as per the attached documents, including guidance with regard to a stand-alone website and how to submit graphical information data.

The prospective applicant was reminded that where development is proposed in the vicinity of a Seveso site, this must be stated in the public notices. Where an environmental Impact statement and a Natura impact statement are submitted with the application, this must be stated in the public notices.

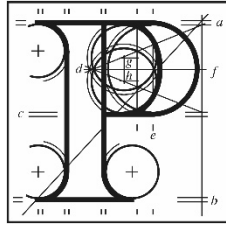
## **Conclusion**

The representatives of An Bord Pleanála stated that the record of the meeting would be issued shortly. The prospective applicant was advised to refrain from closing the pre-application process until the record was received in case a further meeting might be required. Once the prospective applicant requests closure of the process, the Senior Planning Inspector will report to the Board of An Bord Pleanála and a decision will be made on whether the proposed development constitutes strategic infrastructure development.

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**Brendan Wyse**  
**Assistant Director of Planning**

**November 2016**



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## S.37A Application Procedures

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2011 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
  - Planning Authority – 5 hard copies and 2 electronic copies.
  - An Bord Pleanála – 3 hard copies and 7 electronic copies.

The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.

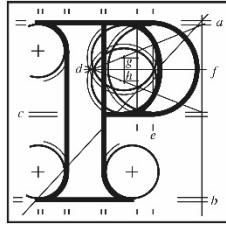
- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies is attached).
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.
- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.



- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

**The sequencing of the making of the application was summarised as follows:**

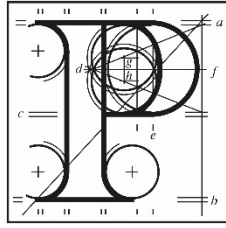
1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.



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### **Guidelines for Electronic Copies of Applications (Standalone Website & CD Copies)**

1. Each document/drawing should be clearly labelled:
  - EIS and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
  - Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & \* : < > ? / \ { | }.
  - Drawings should be saved with the drawing title and/or number, not just the drawing number.
  - Large documents to have 'contents' page e.g. EIS and to be paginated appropriately to allow ease of access to its various sections.
2. Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
3. Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
4. Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
5. The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.
6. All photographs/photomontages shall be in colour, not blurred and clearly legible.
7. All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.



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## Guidance Note on Providing Spatial Data on Strategic Infrastructure Developments

### About these Guidance Notes

These guidance notes have been prepared to assist applicants in submitting Geographical Information data relating to Strategic Infrastructure Development applications to An Bord Pleanála.

### Introduction

In order to assist An Bord Pleanála in keeping a record of Strategic Infrastructure Development Applications in spatial data format, applicants are being requested to submit the site boundary or extents of a site, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system for use in Geographical Information Software.

### Overview of Data Required

Applicants are requested to submit geo-referenced digital drawing or map files (ESRI shapefile) with the application, showing the following in Irish Transverse Mercator (ITM):

- The application site boundary

### Data Format and Conventions

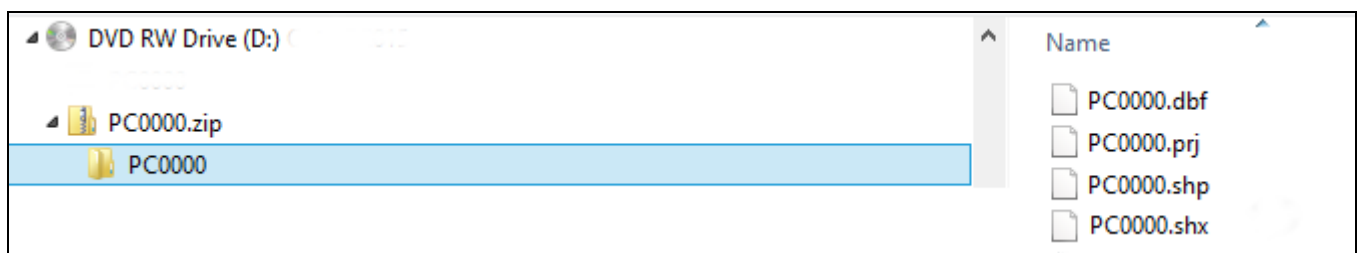
#### Data Format

The spatial data submitted should comply with the following format and shall be readable by ESRI ArcMAP version 10.1 and 10.2.

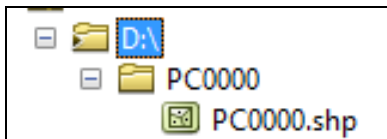
ESRI Shapefile (.shp)

#### File naming convention

The spatial data submitted should follow the following directory/file structure:



Directory / File Structure viewed in windows explorer, the example case number is PC0000.



**Directory / File Structure viewed in ArcMAP, (the folder has been unzipped) the example case number is PC0000.**

### **Spatial parameters**

All spatial data submitted must have the following set of parameters which is currently in use by An Bord Pleanála.

### **Horizontal Coordinate system**

Projected coordinate system name: Irish Transverse Mercator ITM (IRENET95)

### **Submission of GIS Data**

The data is to be submitted on a separate CD-ROM. The CD-ROM will be labelled digitally with the An Bord Pleanála Pre-Application Consultation Reference Number, Project Title and date of submission in yyymmdd format.

### **Data Quality**

#### **Topological Rules**

The topological rules which apply are as listed below. The data submitted must not violate these topological rules.

The site boundary is to be represented by a polygon. The polygon must not overlap or self-intersect.

#### **Completeness**

All mandatory attributes in the shapefile are to be updated. Please refer to section 8 for the list of mandatory fields.

## Data Specification

The details of the data to be submitted are as follows:

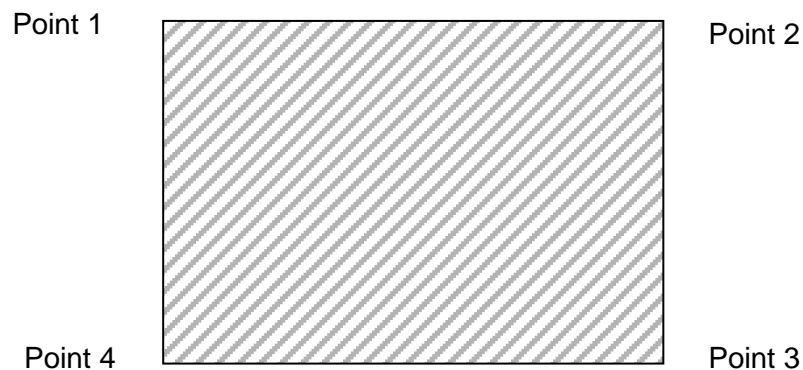
### Preparation of ESRI Shapefile

The ESRI shapefile should have the following fields;

Field Name	Data Type	Field Value	Description
FID	Object ID	Default	Object ID automatically created by default.
Shape	Geometry	Polygon	See Notes 1, 2 and 3.
GIS_REF	Text		The An Bord Pleanála Reference Number. This field is to be left blank and will be completed by An Bord Pleanála.
PRE_APP	Text	xxxxxx	The An Bord Pleanála Pre_application Consultation Reference Number e.g. PC0000. This field is to be completed by the applicant.

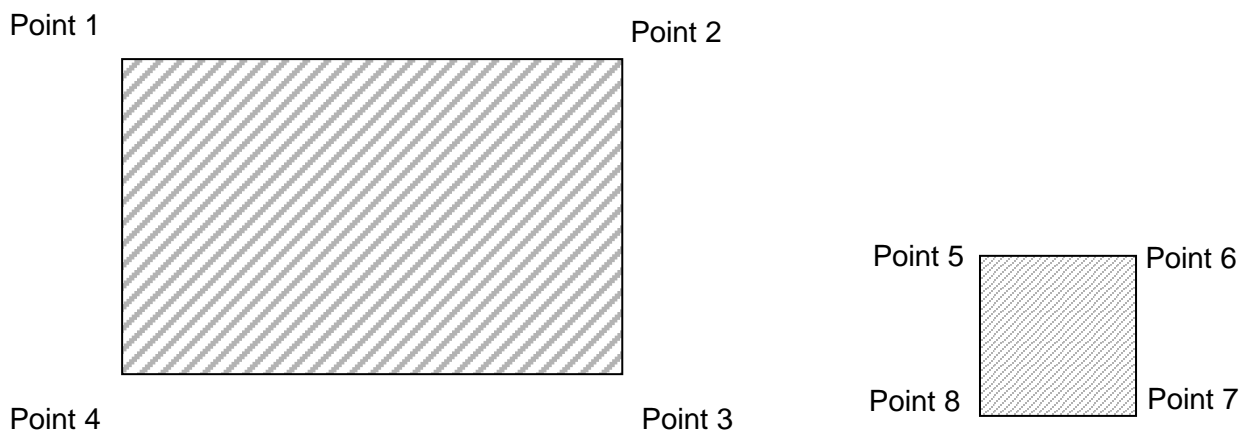
#### Notes:

1. Where the application site is contained within a single parcel, the application site boundary shall be represented by a polygon outlining the site as seen from an aerial view. The outline shall correspond to the outer edge of the application site, as shown on example below by points 1, 2, 3, and 4.



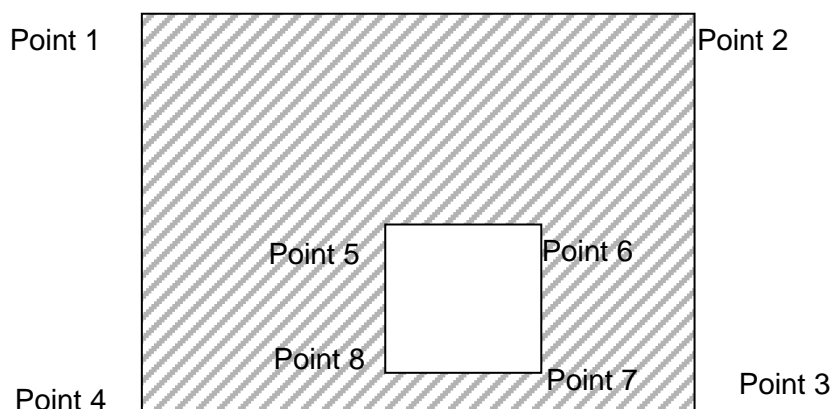
**Aerial View of an Application Site Boundary**

- Where the application site is contained within two or more distinct parcels which are not adjoining to each other a multi-part polygon shall be used to represent the application site outline. The site outline or boundary shall be represented by a single multi-part polygon outlining each of the boundaries of the site as seen from aerial view. The outline shall correspond to the outer edge of each parcel which forms a part of the application site, as shown on example below by points 1, 2, 3, 4 represent one parcel and points 5, 6, 7 and 8 representing another parcel.



**Aerial View of an Application Site Boundary where there are two or more distinct parcels which do not adjoin each other**

- Where the application site surrounds or entirely encloses a parcel of land which is not included in the application the application site shall be represented by a donut polygon. The site outline or boundary shall be represented by a donut polygon outlining the boundaries of the site as seen from aerial view. The outline shall correspond to the outer and inner edges of lands which form a part of the application site, as shown on example below by points 1, 2, 3, 4, 5, 6, 7 and 8.



**Aerial View of an Application Site Boundary where the site surrounds or encloses a parcel of land which does not form a part of the planning application**

## Glossary

**Attributes** – Nonspatial information about a geographic feature in a GIS, usually stored in a table and linked to the feature by a unique identifier. For example, attributes of a river might include its name, length, and sediment load at a gauging station.

(<http://support.esri.com/en/knowledgebase/Gisdictionary/term/attribute> accessed 23/10/15)

**ESRI Shapefile** – A vector data storage format for storing the location, shape, and attributes of geographic features. A shapefile is stored in a set of related files and contains one feature class. (<http://support.esri.com/en/knowledgebase/Gisdictionary/term/shapefile> accessed 23/10/15).

**Field** – An attribute field (or item) are characteristics used to describe each feature in a geographic data set usually viewed as columns in a table. (<http://gisgeography.com/gis-dictionary-definition-glossary/#F> accessed 23/10/15).

**Geographical Information (GI)** – is information about places on the Earth's surface, knowledge about where something is, knowledge about what is at a given location (GOODCHILD 1997). (<http://stats.oecd.org/glossary/detail.asp?ID=6246> accessed 23/10/15).

**Geographical Information Software** – The software component of a geographical information system.

**Geographical Information System** - is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. (<http://www.volusia.org/gis/whatsgis.htm> accessed 23/10/15)

**Irish Transverse Mercator (ITM)** - Irish Transverse Mercator (ITM), is the geographic coordinate system for Ireland. It was implemented jointly by the Ordnance Survey Ireland (OSI) and the Ordnance Survey of Northern Ireland (OSNI) in 2001. The name is derived from the Transverse Mercator projection it uses and the fact that it is optimised for the island of Ireland. ([https://en.wikipedia.org/wiki/Irish\\_Transverse\\_Mercator](https://en.wikipedia.org/wiki/Irish_Transverse_Mercator) accessed 23/10/15)

**Polygon** - A polygon is a closed, connected set of lines that defines a geographic boundary with an area and perimeter. Examples are lakes, forests and country boundaries. (<http://gisgeography.com/gis-dictionary-definition-glossary/#P> accessed 23/10/15)

**Projected Co-ordinate Reference System** - A reference system used to locate x, y, and z positions of point, line, and area features in two or three dimensions. A projected coordinate system is defined by a geographic coordinate system, a map projection, any parameters needed by the map projection, and a linear unit of measure. (<http://support.esri.com/en/knowledgebase/GISDictionary/search> accessed 23/10/15).

**Spatial Data** - Information about the locations and shapes of geographic features and the relationships between them, usually stored as coordinates and topology. (<http://support.esri.com/en/knowledgebase/GISDictionary/term/spatial%20data> accessed 23/10/15).