



An
Bord
Pleanála

Record of Meeting 29N.PC0252 3rd meeting

Case Reference / Description	29N.PC0252 Reconfigured ferry terminal, roadways, buildings and lands, new jetty, dredging works and all ancillary works at Dublin Port Company Estate, Dublin Port, Alexandra Road, Dublin 1.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	3 rd		
Date	02/07/18	Start Time	11 a.m.
Location	Parnell Room	End Time	12.35 p.m.
Chairperson	Brendan Wyse	Executive Officer	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Brendan Wyse, Assistant Director of Planning		
Karla McBride, Senior Planning Inspector		
Diarmuid Collins, Senior Administrative Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

Representing the Prospective Applicant		
Eamonn O'Reilly, Chief Executive, Dublin Port Company		
Sarah Horgan, Project Manager		
Helena Gavin, RPS (Planning)		
Alan Barr, RPS (Environmental)		
Garrett Fennell, Solicitor and Public Affairs Consultant		

The meeting commenced at 11 a.m.

The Board referred to its previous meeting with the prospective applicant of the 24th April, 2018 and the record of same. The Board enquired if the prospective applicant had any comments to make on the record of this meeting. The prospective applicant replied that it had no comments.

The Board recapped on some of the matters which had been discussed at the previous meeting with the prospective applicant. These included the unified terminal building, the eastern berth and consultations with the National Parks and Wildlife Service (NPWS). The Board's representatives also advised the prospective applicant that they had met with the SID division of the Board since the time of the last meeting. The following was noted to the prospective applicant arising from this meeting:

- There was a particular focus on Berth 53 and the need for the project should be clearly set out, with particular regard to this berth.
- The matter of effects on industrial heritage should be addressed.
- The possibility of a Luas extension into the port area.
- Impacts on coastal processes and the SPA and consultations with the NPWS.
- The need to explain and justify a 15-year permission.

Prospective applicant's presentation:

Noting that this would likely be the final meeting in respect of this particular pre-application consultation process, the prospective applicant said that there have been some changes to the project since the time of the previous meeting.

The prospective applicant said that it has now completed its review of the Masterplan for the Port; this is due to be published circa 24th July, 2018. The reviewed Masterplan will include an SEA, NIA, a strategic traffic assessment and a strategic flood risk assessment.

The prospective applicant outlined the main differences between the reviewed Masterplan and the original one; these include provision that there will be no deepening of Dublin Port beyond the -10.0 metre CD already permitted; no port expansion by eastern infill into Dublin Bay and development on the Poolbeg Peninsula in a manner that does not involve IROPI. The prospective applicant said that it expects the MP2 project will be the final SID application with regard to development on the north side of the Port.

The prospective applicant set out the proposed indicative layout for the MP2 project with regard to the revised Masterplan. It also set out the main differences between the instant proposal and what was formerly being proposed; these include the reorientation of Berth 52; the omission of the new ferry terminal building, multi-storey car park and 2-tier ramp access structure; no extension now proposed for Berth 51A; no infill of Oil Berth 4 with contaminated waste; a new surface level car park in the east section of the site; a re-organised layout (which is indicative) and a reduced red line area.

With regard to the proposal for Berth 53, the prospective applicant said that it would have reasonable confidence that a robust case can be made with respect to this and that it can demonstrate that no negative effects will arise for the SPA. In relation to the overall industrial heritage of the Port lands, the prospective applicant noted that some demolition will be required as part of the proposed development.

The prospective applicant noted that, with the omission of the proposed new ferry terminal building, the existing waterside Terminal 1 will now be used instead. Proposals in this regard will include for the segregation of passengers and required security measures.

In relation to the 15-year planning permission being sought, the prospective applicant said that this was having regard to the scope of its Masterplan (which provides for up to the year 2040) and stated that the duration was in order to allow a degree of certainty with regard to long-term plans. In all 20 years will be required to provide new facilities. The prospective applicant acknowledged that 15 years is a long period in terms of possible environmental impacts, but it had been informed by a deep understanding of future consequences for the environment. It added that a key challenge for it is to sustain trade and growth whilst continuing to develop the lands in its ownership. In this latter regard, the prospective applicant noted how space constraints and ever-changing markets forces have to be considered.

The prospective applicant acknowledged that the proposed project element of Berth 53 would likely constitute the most significant part of the proposed development. It said that it would not be bringing the project forward if it were of the opinion that this part of the project would result in negative effects on the SPA. The Board's representatives said that they considered this might be the most contentious issue.

In relation to Berth 53, the prospective applicant noted that Berth 52 would be re-orientated in order to facilitate this project element. The prospective applicant said that the proposal for Berth 53 would make the berth as short as possible, that it would be open plan in nature and placed on piles. The revetment structure which

will support and protect the slope along the SPA – Port boundary was further elaborated upon by the prospective applicant. It said that is similar to the concrete mattress and that planning consent has already been obtained for a small section to the east of Berth 52 under the ABR Project. The planning application for the project will seek an extension to the revetment structure which the prospective applicant said would provide protection to the SPA. In response to the Board's query on this, the prospective applicant said that this will run along the planning boundary, but will be outside the area of the SPA. The prospective applicant added that mitigation will be achieved through design.

The prospective applicant advised that it has had meetings with representatives from Dublin City Council. The prospective applicant said it is confident that there will be no direct effects on the Great South Wall as a result of the proposed dredging to accommodate ship turning movements for vessels using Berths 52 and 53. It advised that a similar revetment structure would be installed at this location. The prospective applicant said that potential indirect effects were being considered such as pressures which might arise for the integrity of the wall. It confirmed to the Board that there are no turning movements in this area at the moment.

The prospective applicant noted for the record that it had received no submissions in relation to any visual impact arising from Berth 53 during its formal consultations on the SEA.

With regard to consultations generally, the prospective applicant said that it was satisfied it had been thorough to date. Aspects such as marine archaeology and effects on the built heritage have been discussed with the Department of Culture, Heritage and the Gaeltacht. The prospective applicant advised that it had received a written submission from the NPWS that was generic in content which it wishes to pursue further. The prospective applicant said that it would be seeking a meeting with representatives from the NPWS. It said it hoped such a meeting would take place prior to the lodging of the planning application.

With regard to its revised Masterplan, the prospective applicant said that it had received a detailed response from the NPWS with respect to scoping, but not in relation to the environmental report. The prospective applicant said that it is satisfied it now has a Masterplan in place which avoids the need for IROPI. The Board's representatives emphasised the importance of a meeting with the NPWS prior to seeking closure of the instant pre-application consultation process.

The Board enquired as to why the formerly proposed car park was now being omitted from the project. It was confirmed that surface level parking would be provided in the eastern section of the site.

The prospective applicant said its intention was to maximise the use of land and that State Services would continue to be provided in the NW section of the site as per the previous proposal. It noted for the record that it has a current planning application with Dublin City Council for a new checkout area; it hopes to have structures in relation to this in place by March 2019.

The prospective applicant said that it would not envisage a Luas extension running down to the heart of the Port. Such an extension would not be economically viable and might work against the core principles of the Port. The revised Masterplan includes a commitment to provide a dedicated bus service and a network of

pedestrian and cycle provisions. It is intended that the bus service will link the Point Luas Stop to Clontarf DART station via the Port Estate and that the dedicated bus service would be of particular benefit to employees of Dublin Port.

The prospective applicant said that it is satisfied it can justify the case for the proposed development generally. It is based on the need to accommodate larger ships and increased traffic volumes.

Responding to the Board's query on the matter, the prospective applicant said that proposed capital dredging would be carried out during the winter months so that tern colonies would not be affected. The tern colonies have not been affected to date by ship turning movements. It does not envisage any impacts arising from the proposed development.

Procedures:

Noting that its Guidelines to Applicants have been updated as recently as May 2018, procedures in relation to the making of a formal planning application were given by the Board as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.
- 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 site notice in accordance with the protocols set out in the Planning and Development Regulations 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 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. The Board said that it can offer administrative advice on procedural matters relating to the public notice which would include the confirmation of last dates for the making of written submissions. With regard to the public notice generally, the Board advised that, in this particular case, it should refer to the nearby Seveso Site and state clearly that a 15-year planning permission is being sought. The Board also suggested that the prospective applicant ought to consider referencing any demolition being proposed
- 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.
- 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. 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 Board also drew the prospective applicant's attention to the fact that the forthcoming Regulations to transpose the 2014 EIA Directive may require applicants to register EIA development on a central portal on the Department's website prior to lodging an application for planning permission. An acknowledgement from the Department in this latter regard will be required to accompany the planning application to the Board if the application is made after the commencement of these Regulations.
- The public notices should be prepared in the context of including references to any Seveso Site consideration or demolition of industrial heritage if considered necessary.

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.

Conclusion:

The record of the instant meeting will issue to the prospective applicant as soon as possible. The prospective applicant said it will decide at that point whether or not it will request closure of this pre-application case. Once such a request is received, the reporting inspector will complete a report and recommendation to the Board. The prospective applicant was advised that it should allow a few weeks for the formal SID determination to issue.

The meeting concluded at 12.35 p.m.

Brendan Wyse

Assistant Director of Planning