



An  
Bord  
Pleanála

## Inspector's Report 29N.PC0252

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### Development

Reconfigured ferry terminal, roadways, buildings and lands, new jetty, dredging works and all ancillary works.

### Location

Dublin Port Company Estate, Dublin Port, Alexandra Road, Dublin 1.

### Planning Authority

Dublin City Council

### Prospective Applicant

Dublin Port Company

### Inspector

Karla Mc Bride

## 1.0 Introduction

- 1.1. Dublin Port Company requested Pre-Application Consultations under Section 37B of the Planning and Development Act, 2000, as amended, for works in the Eastern section of Dublin Port. Three Pre-Application Consultations took place between An Bord Pleanála (the Board) and the prospective applicant on 1<sup>st</sup> December 2017, 24<sup>th</sup> April 2018 and 2<sup>nd</sup> July 2018 (see appended signed Records).
- 1.2. The primary purpose of these meetings was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, and to consider matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board's decision, and procedures involved in making the application
- 1.3. This Report provides an overview of the proposed project, a summary of the meetings and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

## 2.0 Site Location

- 2.1. The site of the proposed development is located within Dublin Port Estate. It occupies the Eastern side of the port which incorporates the Irish Ferries and Sea Truck terminals, extensive surface car parking and existing Berths 52 and 53. Planning permission was previously granted for the infilling of these berths under the ARB Project (29N.PA0034) for the redevelopment of Alexandra Basin and associated works. The site is bound to the N and E by the South Dublin Bay and Tolka Estuary SPA, and to the S by the River Liffey and the navigation channel.

## 3.0 Proposed development

- 3.1. The proposed development of the c. 57ha site would comprise:
  1. Demolition of the old eastern breakwater (including the Harbour Office) and the extension of Berth 50A westwards.

2. Further extension of Berth 50A by c.90m over high voltage ESB cables (buried beneath the river bed).
  3. Reconstruction of Oil Berth 3 to future proof it for future uses as a container berth as petroleum volumes decrease.
  4. New Berth 53 and access ramp which would extend eastwards for c.400m (open plan structure on piles with revetments (concrete mattress protection) along the SPA site boundary).
  5. Slight reorientation of permitted Berth 52.
  6. Dredging to -10mOD (N & S side of Liffey) and new quay walls (c.1000m).
- 3.2. The project was substantially amended during the pre-application consultations. The originally proposed demolition of existing terminal buildings, construction of a new terminal building, multi-storey car park and 2-tier elevated ramp and bridge structure, and works at Berth 51A and Oil Berth 4 were omitted.
- 3.3. A 15-year planning permission is being sought.

#### **4.0 Prospective applicants case**

- 4.1. Dublin Port Company is proposing a carry out further works at Dublin Port which would comprise the second phase of the overall strategy for the port up to 2040, as set out in the Dublin Port Masterplan 2012-2040 (recently reviewed). The first phase comprised the ABR Project which was permitted by the Board under 29N.PC0034 and these works have commenced. It was stated that the currently proposed MP2 Project would take account of economic growth trends and forecasts and that it is anticipated that Dublin Port will have reached full capacity by 2040.
- 4.2. The key elements of the Applicant's submission in support of the case being designated as strategic infrastructure are summarised as follows:
- It exceeds the statutory thresholds as specified in the Seventh Schedule of the 2006 Act as amended by S.78 of the 2010 Act, and it would:
    - Make provision for an intermodal transshipment facility, an intermodal terminal and passenger facility, which will exceed 5ha.
    - Involve the construction of one or more quays exceeding 100m.

- Enable a vessel of over 1,350 tonnes to enter within it.
- Satisfies criteria (a), (b) and (c) of S.37A (2) of the 2006 Act and supports national, regional and local policies and objectives.
  - (a) It would be of strategic economic importance to the region and state, the port currently handles 44% of all port volumes for goods, and it handled c.1.8m passengers, c.500,000 tourist vehicles and c.109 cruise vessels in 2016.
  - (b) It would contribute of national and regional spatial planning objectives which identify the need for high quality international, national and regional connectivity whilst recognising the role of Dublin Port as a Tier 1 Port.
  - (c) It would have a significant effect on the area of more than one planning authority as the works will have an economic impact on counties within the GDA and beyond.

4.3. Proposal is of a class of development falling within the Seventh Schedule and complies with all criteria set out in section 37(A)(2) of the Act, and the proposed development should be deemed a SID.

## 5.0 Pre-Application Consultations

5.1. Three Consultation meetings were held in 2017 and 2018.

5.2. The **first** Consultation meeting was held on 1<sup>st</sup> December 2017. The prospective applicant provided an update on the economic position of the port which is operating close to capacity, the status of the recently reviewed Dublin Port Masterplan and details of the nature and extent of the proposed works. The policy context for the project was explained (including European, national regional and local policy), the major constraints and options considered were identified, and the consultations undertaken to date were outlined.

5.3. The **second** Consultation meeting was held on 24<sup>th</sup> April 2018. The prospective applicant provided an update on the status of the project which included several amendments and omissions as well as design details in relation to the new terminal building, multi-storey car park, 2-tier elevated ramp and bridge structure, the

reorientation of permitted Berth 52 and proposed new jetty/Berth 53 which would be separated from the SPA boundary by a revetment structure. The key ecological site was identified as the South Dublin Bay and Tolka Estuary SPA and the key heritage sites included the old harbour office and lantern and the Great South Wall. Further survey details were presented in relation to ecology, birds and industrial heritage and it was indicated that a City Farm was the preferred the community gain option. It was confirmed that initial discussions had taken place with Dublin City Council and the Health and Safety Authority in relation to nearby Seveso sites.

5.4. The **third** and final Consultation meeting was held on 2<sup>nd</sup> July 2018. The prospective applicant provided a further update on the status of the project which included several amendments and omissions (including the omission of the new terminal building, multi-storey car park, 2-tier elevated ramp and bridge structure, Berth 51A extension and the infill of Oil Berth 4). Further details were provided in relation to the indicative layout of the site, the reorientation of permitted Berth 52, the scale and design of the proposed new jetty/Berth 53 and associated revetment structures, and additional dredging to accommodate turning movements for vessels using Berths 52 and 53. Discussions with the Department of Culture, Heritage and the Gaeltacht in relation to marine archaeology were referred to. The extension of the Luas was not considered economically feasible and public transport connectivity was described. It was confirmed that there would be no expansion into Dublin Bay and that the MP2 Project would be final SID application for the N side of the Port.

5.5. The Board's advice to the prospective applicant during the pre-application consultation meetings is summarised below:

- (a) Clearly state the rational and justification for the proposed development.
- (b) The request for a 15-year planning permission should be justified.
- (c) Scale and rational for the proposed new jetty/Berth 53 should be clearly stated and the need justified; consult with the NPWS in relation to potential impacts on the South Dublin Bay and Tolka Estuary SPA; and potential visual impacts should be assessed.
- (d) Detailed assessment of construction and design of the new jetty/Berth 53 required along with layout and servicing details including boundary treatment, buffers, landscaping and phasing.

- (e) Have regard to current national advice in relation to the implementation of EIA Directive 2014/52/EU in relation to EIS developments.
- (f) A comprehensive and detailed EIAR should be prepared which has particular regard to the impact of the proposed development on coastal processes, ecology (aquatic and terrestrial), archaeology, industrial heritage, water quality, flood risk and traffic management (including any new or modified road or rail proposals such as a Luas extension).
- (g) A comprehensive and detailed NIS should be prepared having regard to the presence of several European sites in the surrounding area.
- (h) Due consideration should be given to in-combination effects on the environment with other proposed developments in the wider area.
- (i) Public consultation should be as extensive as possible and consultations should take place with Prescribed Bodies and the local community.

## **6.0 Legislative provisions**

- 6.1. The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Planning and Development Planning Act 2000 as amended by Section 5 of the Planning and Development (Strategic Infrastructure) Act 2006 and by Section 78 of the Planning and Development (Amendment) Act 2010.

Strategic Infrastructure is defined in the Seventh Schedule of the 2006 Act and under Transport Infrastructure as:

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 20ha or more, or
- (b) Which would involve the reclamation of 5ha or more of land, or
- (c) Which would involve the construction of one or more quays which or each of which would exceed 100m in length, or
- (d) Which would enable a vessel of over 1350 tonnes to enter within it.

6.2. Section 37A of the Planning and Development Act, 2000, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006 and the Local Government Reform Act 2014, requires that any development specified in the Seventh Schedule should be made to the Board if the proposed development falls within one or more of the following:

- (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 spatial and economic strategy in force in respect of the area or areas in which it would be situate;
- (c) the development would have significant effect on the area of more than one planning authority.

## 7.0 Assessment

- 7.1. In my opinion the proposed development comprises a Seventh Schedule development as it meets the threshold requirements (c) and (d) as set out in section 6.1 above as it would comprise the construction of a jetty in excess of 100m and it would enable a vessel of over 1350 tonnes to enter within it.
- 7.2. There is an identified lack of spare capacity within the existing port estate to accommodate any additional cargo and vehicular transport generated by the predicted increase in the number of vessels and/or vessel size that would use Dublin Port in the future.
- 7.3. I consider that the proposed development meets the requirements of condition (a) of Section 37(A) (2) of the Planning and Development (Strategic Infrastructure) Act 2006 as it would be of strategic economic importance to the state and region due to its scale, location and the contribution it would make to connecting the eastern region to national, European and international markets. Dublin Port has been identified as Core Port of international significance in the Trans European Network (TEN-T) Guidelines and it forms part of the European Union's Core Transportation Network, and it is also designated as a Tier 1 Port of national importance in the National Ports Policy 2013.
- 7.4. Section 37(A) (2) (b) of the above Act requires the development to contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy (Project Ireland 2040-National Planning Framework, February 2018) or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.
- 7.5. European and national policy seeks to ensure that Ireland remains linked to international markets and regional policy recognises the economic and transport significance of Dublin Port and acknowledges the need to protect capacity and improve access. In my view the proposed development is of a scale that would substantially contribute to the spatial, economic and transportation objectives for the region as set out in Section 37(A)(2)(b).



- 7.6. The proposed development, which would serve the economies of Greater Dublin Area and beyond, would have a significant effect on more than one planning authority, having regard to Section 37(A) (2) (c) of the above Act.

## 8.0 Recommendation

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B)(4) Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development for the following reason:

### Reasons and considerations

Having regard to the size, scale and location of the proposed port related development it is considered that the proposed development comprising a 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, constitutes development that falls within the definition of transport infrastructure in the Seventh Schedule and is considered to be of strategic importance by reference to the requirements of Section 37A (2) (c) & (d) of the Act. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

## 9.0 Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- i. Minister for Housing, Planning and Local Government (Foreshore Unit)
- ii. Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- iii. Minister for Agriculture, Food and the Marine
- iv. Minister for Communications, Climate Action and Environment
- v. Minister for Transport, Tourism and Sport

- vi. Dublin City Council
- vii. Irish Water
- viii. Inland Fisheries Ireland
- ix. Transport Infrastructure Ireland
- x. Railway Procurement Agency
- xi. C.I.E
- xii. Environmental Protection Agency
- xiii. The Heritage Council
- xiv. An Taisce
- xv. Health & Safety Authority
- xvi. Irish Marine Institute
- xvii. Failte Ireland

Further notifications should also be made where deemed appropriate.

**Note:** The prospective applicant should be advised to submit a separate document (to the EIAR) with the planning application which outlines the mitigation measures, in the interest of convenience and ease of reference.

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Karla Mc Bride  
Planning Inspector

1<sup>st</sup> August 2018