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

10<sup>th</sup> March 2014

AN BORD PLEANÁLA  
 Received: 11/3/14  
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AN BORD PLEANÁLA  
 TIME \_\_\_\_\_ BY \_\_\_\_\_  
 11 MAR 2014  
 LTR-DATED \_\_\_\_\_ FROM \_\_\_\_\_

**Re: Third Party Submission on SID Application PL61.PA0033  
 Application by Galway Harbour Company to Develop an Extension to Galway Harbour**

Dear Sir / Madam,

HRA PLANNING Chartered Town Planning Consultants has been retained by Shannon Foynes Port Company (SFPC), Harbour Office, Foynes, Co. Limerick to make this third party submission and observation to An Bord Pleanála for consideration during the assessment of the SID application by Galway Harbour Company in respect of the above development. Please be advised that all correspondence should be addressed to the undersigned.

This submission is made pursuant to the provisions of Section 37E(3)(a) of the Planning and Development Act 2000-2013. It is accompanied by the statutory fee of €50.00 and a soft copy of the Shannon Foynes Port Company Masterplan Vision 2041, which demonstrates how SFPC will develop and expand as a Tier 1 port over the next thirty years.

**1.0 SCOPE OF SUBMISSION**

Shannon Foynes Port Company (SFPC) seeks to focus this submission on the commercial port activities associated with the proposed development including the proposed commercial quays, deep water docking facility, jetties, yards and associated dredging. It is submitted that this element of the development proposal by reason of its scale, extent, nature and resultant future operation of proposed port activities at this location is contrary to European and National Ports Policy and thus should not be granted permission.

This submission does not object to the proposed leisure elements of the development including the proposed marina, fishing quays, lifeboat station, nautical centre, passenger terminal and marina office. National Ports Policy endorses the development proposals in respect of the inner harbour for marine tourism and leisure facilities as well as for urban redevelopment and regeneration. It is thus submitted that this element of the development is adequately supported in policy at national and regional level and there is no objection in principle to this element of the development.



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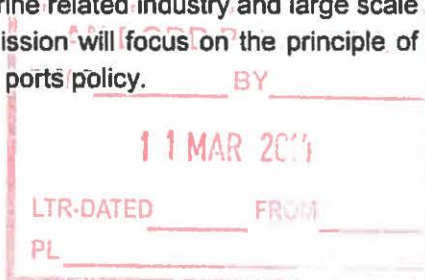
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## 2.0 SUBSTANCE OF SUBMISSION

It is submitted to An Bord Pleanála (the Board) that the proposed development by reason of its excessive scale and intended function;

1. Contravenes the “plan-led” approach to the development of ports and ports policy in Ireland and fails to recognise the hierarchical structure of ports at a national and international level.
2. Seeks to compromise the future development of Tier 1 Ports throughout the country, contrary to national policy;
3. Has not been adequately justified having regard to the national ports hierarchy and the consideration of other alternative particularly given its proximity to an identified Tier 1 Port; and
4. Is premature pending the preparation of a detailed economic, social and environmental masterplan for the Port and the surrounding area.

In advance of detailed consideration of each of the four points above, it is considered pertinent to provide the Board with a brief overview of the existing and intended future operations at SFPC as detailed in their Masterplan Vision 2041. It is also considered relevant to consider the proposed development of Galway Harbour (a designated Tier 3 Port) in the context of the existing operation at the Port of Foynes (a designated Tier 1 Port). Finally, having regard to the consideration of potential alternatives it is also relevant to highlight to the Board that following the preparation and adoption of an inter-jurisdictional integrated framework plan for the Shannon Estuary (SIFP), the authorities of Clare, Kerry, Limerick City and Limerick County Councils are undertaking a variation of their statutory development plans with the specific purpose of adopting the SIFP which identifies a number of natural deepwater sites and Strategic Development Locations (SDL) for marine related industry and large scale industrial development around the Estuary. . Thereafter, this submission will focus on the principle of the development in the context of adopted national and international ports policy.



## 3.0 OVERVIEW OF SFPC

### 3.1 Port Activities

SFPC services six facilities on the Shannon Estuary. The facilities at Foynes, Limerick Docks and Shannon Airport are owned by the company. The other three dedicated terminals are privately owned, including the Moneypoint coal transshipment facility, Tarbert Island for heavy fuel and Aughinish for bauxite imports and alumina exports.

Currently the activities of SFPC helps facilitate international trade valued at over six billion euro per annum through its six port facilities on the Shannon Estuary. The Port facilities are of national importance and this is reflected in the fact that 35% (CSO 2012) of Ireland’s bulk traffic now transits the Estuary, making SFPC the largest bulk port in the country. In 2012 SFPC handled over 10 million tonnes of cargo (10,094,000 tonnes) which increased by 8% between 2010 and 2011 and 2% between 2011 and 2012. The port’s dominance in the dry-bulk sector is particularly pronounced; it has a market share of around 63% in this sector (IMDO, 2012a).

Geographically, SFPC facilitates access to not only the immediate Limerick and Mid West region, but also a large part of Ireland. With some 2,000 ship movements per annum, SFPC caters for all cargo types through its facilities including the largest vessels trading into Ireland. Cargos include:

- Liquid bulk products (oils and chemicals);
- Dry bulk products (fertilizers, animal feedstuffs, coal, construction materials);
- Break bulk products (timber and steel);
- Recyclables and renewables

- Cruise Liners; and
- Once-off project cargoes involving heavy lifts and out-of-gauge type goods.

### **3.2 Port of Foynes**

The Port of Foynes (including Foynes Island) is the main deepwater facility on the Estuary catering for vessels up to 200+m in length, a draught of up to 10.5m and vessels from 3,000 to 40,000 deadweight tonnes (dwt). It is the only Port in the country with deepwater in excess of 20m. The inner Port is approached by a channel, with a minimum width of 100m and with a maintained depth of -7.8m.

The Port Estate including all existing zoned lands on its periphery comprises 93.31 hectares with 42.5 hectares of land in the ownership of SFPC and 50.7 hectares in third party ownership. Of the land that is in SFPC ownership, some 18.7 hectares is presently leased to port users, 5.8 hectares is occupied by warehousing and offices and 10 hectares remains available for development. (The remaining 8 hectares comprises roads and infrastructure). In addition the SIFP recommends that an additional 80 hectares of land be zoned by means of a variation of the Limerick County Development Plan to accommodate future development at the Port.

There is some 41,000sqm of warehousing within the Harbour facility, with 12,077sqm within the ownership of SFPC and 28,800sqm under the control of other port stakeholders. Significant open dock space is available and handling equipment to cater for a variety of cargoes. The main products handled are bulk solids, liquids and general cargo. Access to and from the Port is via the National Road Network - N69 Limerick to Tralee Road. Although presently unused, there is a direct rail line serving the Port linking Foynes with Limerick City that provides connectivity to the national rail network. SFPC and Irish Rail are currently undertaking preliminary works with the objective of reopening this rail line in the short to medium term. This is a key objective outlined in SFPC's Masterplan Vision 2041.

### **3.3 Planning for the Future**

Vision 2041 – a masterplan for the future development of Port activities on the Shannon Estuary was approved and launched in February 2013 and is recognised in the National Ports Policy. A soft copy of the document is attached to this submission and demonstrates the significant capacity for expansion on the Shannon Estuary and in particular at the Port of Foynes.

Vision 2041 promotes significant expansion at the Port of Foynes with projected tonnage figures increasing from 1.6 million tonnes in 2011 to 3.8 million tonnes in 2025. This will be achieved through a number of key initiatives including the development of a new deep water berthing facility within the Port of Foynes which will have the capacity to attract Panamax and post Panamax vessels and the provision of substantial new quay infrastructure in the inner port

Vision 2041 also refers to existing capacity at Ted Russell Docks in Limerick and the future capacity of the Shannon Estuary to accommodate port related development and associated industry as identified in the Shannon Estuary – Strategic Integrated Framework Plan (SIFP). Whilst SFPC do not propose new general cargo port facilities at other locations on the Estuary, the Estuary is potentially open to other third parties to develop such sites or to facilitate new marine related industries. SFPC does however seek to promote the Estuary as a significant economic driver as an Ocean Energy Hub. Of significance and having regard to the planned future development of existing SFPC's ports and the natural deepwater of the Shannon Estuary, it is important to recognise that such development can occur without the need to reclaim substantial land from the sea, without the need to potentially adversely impact on a Natura 2000 designated site and without the need for substantial dredging. The sites and facilities identified within Vision 2041 and the SIFP for development and future expansion have already undergone a process of environmental assessment such that the sites and facilities are deemed acceptable from an environmental perspective.

Ultimately it must be recognised that the continued commercial development and expansion of SFPC is a key strategic objective of National Ports Policy. The planned expansion of SFPC will service the national market including the west and northwest, in line with national ports policy.

#### 4.0 DETAILED GROUNDS OF SUBMISSION

##### 4.1 Contravention of National and International Ports Policy

There are a number of important international and national policy documents that recognise the importance of a hierarchical structure in port development and which seek to enhance and further develop European and national port structure through plan led development. These policy documents categorise the commercial ports, on a hierarchical basis and it is submitted that the proposed development of Galway Harbour contravenes this 'plan led' approach by reason of its nature and excessive scale and furthermore seeks to upset and imbalance the recently approved hierarchical structure of ports in Ireland.

##### 4.1.1 *Trans European Transport Network (TEN-T)*

Section 3.0 of the submitted Planning Report sets out the Strategic Policy Context supportive of the proposed development and specifically makes reference to the Trans European Transport Network in Section 2.3.3 of the report. This policy document is of significance as it recognises the importance of an efficient and integrated transport system supportive of other European policy including "European Transport Policy for 2010: Time to Decide" and the Europe 2020 Strategy. TEN-T recognises the need to build the missing transport links and remove any bottlenecks, as well as ensuring the future sustainability of transport networks across Europe by addressing energy efficiency and climate change challenges. This supports the promotion of a network of modern ports to support maritime freight operations, which are more fuel efficient and sustainable.

The TEN-T network includes 319 ports, 83 in the core network and 236 in the comprehensive network. Maritime transport infrastructures of the TEN-T have certain requirements, including

- Connection of TEN-T ports with railway lines, roads and, where possible, inland waterways;
- Availability of at least one terminal in the port open to all operators in a non-discriminatory way and applying transparent charges; and
- Adequacy of sea canals, port fairways and estuaries for connecting adjacent seas or providing access from the sea to maritime ports.

It is recognised that *"the ports of the trans-European network, service a hinterland and a catchment area which go beyond their local and national border"*<sup>1</sup>.

Significantly, Galway Harbour has not been identified as one of the three core ports in Ireland under TEN-T, the three core ports being SFPC, Cork and Dublin nor as a comprehensive port those being Waterford and Rosslare. It is not recognised as having the qualities or potential of a TEN-T Port and therefore contrary to any statement or inference in the Planning Report and associated Environment Impact Statement (EIS), any development or expansion of Galway Harbour can not be considered of significance in a European context and can not be deemed to be of strategic economic importance to the State.

##### 4.1.2 *National Ports Policy 2013*

The long term international trend in ports and shipping is to consolidate resources in order to achieve optimum efficiencies of scale. National Ports Policy 2013 establishes a set of overarching principles to underpin a policy framework that will allow the commercial ports sector to develop in a sustainable

<sup>1</sup> European Commission, *Ports 2030 – Gateways for the Trans European Transport Network* pp.8

manner. It recognises that the ports differ greatly in current capability and future potential. Commercial shipping in Ireland is centred on the five Ports of National Significance and Galway Harbour has been identified as a Port of Regional Significance. Ports policy states that *"notwithstanding their continuing importance as regional ports, they are not facilities of national significance"*. *"In the context of the long-term international trends in ports and shipping, these ports are limited in their future potential as centres of commercial shipping"* (pp.30).

National Ports Policy 2013 is very clear in its central objective *"that those ports considered to be of national significance must be capable of the type of port capacity required to ensure continued access to both regional and global markets for our trading economy. Government expects the Ports of National Significance (Tier 1) to lead the response of the State commercial ports sector to future national port capacity requirements. There is also a role in this regard for the Ports of National Significance (Tier 2) to develop additional capacity to aid competitive conditions, within the unutilised sectors in particular"* (section 4.1 pp.44). There is no reference or proposal within National Ports Policy that promotes the significant development or expansion of Regional Tier 3 Ports and in this regard it can only be concluded that National Ports Policy does not support the scale or intended function of the commercial port development proposed for Galway Harbour.

The policy document does recognise Galway Harbour Company as an important strategic regional hub for petroleum importation, storage and distribution. Whilst National Ports Policy endorses the development proposals in respect of the inner harbour for marine tourism and leisure facilities as well as for urban redevelopment and regeneration it is noted that there is no reference or support in the National Ports Policy 2013 to the significant expansion of commercial port development in Galway. National Ports Policy refers to the relocation (not expansion) of commercial port activities to a new site on reclaimed land (section 2.7.3 pp.33). Furthermore it reflects on the scale of the existing commercial freight traffic through the port (1% of national traffic) and the fact that more than half of the company's income comes from non-core port activity,

Thus, contrary to the submission of the applicant and the Pre-Application SID Inspectors Report dated 11<sup>th</sup> September 2013, it is submitted to the Board that whilst the relocation of port facilities in Galway Harbour may be supported in National Ports Policy 2013, the significant expansion of port facilities is clearly not. Accordingly it must be concluded that the proposed development does not accord with National Ports Policy.

#### **4.2 Compromising Future Development of Tier 1 Ports**

It is submitted to the Board that the proposed development has the potential to upset the hierarchical tiered structure of ports in Ireland and to compromise the future development potential of Tier 1 Ports, contrary to the central tenet and strategic objectives of national ports policy. The proposed development has the potential to do this in two ways:

1. Expanding the commercial port and providing port infrastructure of a scale and function similar to that of an existing Tier 1 Port located on the west coast, thereby upsetting the national ports hierarchy; and
2. The provision of another significant port on the west coast of Ireland in proximity to an existing Tier 1 Port could compromise the future ability of that Tier 1 Port to further develop and expand in line with national policy.

It is submitted to the Board that the development as proposed is similar in extent and nature to existing infrastructure presently accommodated in a Tier 1 Port and to permit such extensive development could compromise the existing port hierarchy. The Galway Harbour extension is to comprise 82.89 hectares and this is in contrast to the 93.31 hectare estate that presently comprises the Port of Foynes. In addition SIFP has recommended that an additional 127 hectares of land is zoned at Foynes to

accommodate port related development and it is understood that a variation of the Limerick County Council development plan shall be undertaken to facilitate such zoning. Galway Harbour is to provide 660m of quay berths accessed by a 10.09m OD channel when the Port of Foynes presently accommodates 657m of quay wall accessed by a channel of 7.8m + tide with plans i to extend the quay wall to 850m in the inner port and to provide up to 1000m of new quay wall as a deepwater berth. The scale of infrastructure to be provided by Galway Harbour as a Regional Tier 3 Port is similar to that which is currently provided by SFPC currently operating as a National Tier 1 Port and also located on the west coast of Ireland. This demonstrates that the extent and scope of development promoted within the planning application is far in excess of the intended function of a regional port. Such development if permitted could compromise the hierarchy of ports throughout the State and could challenge SFPC'S designation as a Tier 1 Port, contrary to national policy.

The DKM Business Case Report confirms that the development model projects port tonnage stabilising at just under two million tonnes per annum. This factor is significant in the context that Galway Harbour only handled 554,000 tonnes of cargo in 2011. Of further significance is that Galway Harbour currently accommodates ships just over 4,000 tonnes and wishes to expand to accommodate ships up to 40,000 tonnes, notwithstanding that SFPC, an identified Tier 1 Port on the west coast, already accommodates 40,000 tonnes ships.

Section 4.2.4 of the DKM Business Case Report details where potential future business can be secured to justify the increase in port traffic and business and indicates that such business could currently be using other ports. Of significance is that Galway Harbour anticipates that much new business will be derived from those sectors already identified by the neighbouring Tier 1 Port, including refuse derived fuel, timber products, turbines for planned windfarms, off shore renewables and wind energy. Since 2005 SFPC has handled the majority of wind turbine import projects in Ireland as well as importing petroleum products and coal. SFPC forecasts that significant future growth will derive from the identification of the Shannon Estuary as an Ocean Energy Hub and also from those sectors identified by Galway Harbour (this is further detailed in Chapter 5 of SFPC's Vision 2041).

Existing SFPC port infrastructure has the immediate capacity to accommodate increased tonnage and could readily and easily accommodate the sectoral growth in tonnage envisaged and forecasted by Galway Harbour. Furthermore the ongoing development of the Port of Foynes will increase capacity significantly in the short to medium term. It is thus submitted to the Board that if the expansion of Galway Harbour is permitted, then such extensive infrastructure could have the potential to compromise the future development of a Tier 1 Port, contrary to national policy. *"Government expects the Ports of National Significance (Tier 1) to lead the response of the State commercial ports sector to future national port capacity requirements"*<sup>2</sup>.

#### 4.3 Inadequate Justification and Consideration of Alternatives

Whilst the tourism and leisure element of the proposed development may be well justified from an economic, social and environmental perspective and justifies the relocation of commercial port activities, it is submitted to the Board that the need for such extensive port infrastructure has not been justified on sound commercial or economic grounds. Furthermore, it is submitted that the Consideration of Alternatives within the Environmental Impact Statement (EIS) is inadequate, particularly in the context of national ports policy. Galway Harbour experienced a 7 per cent decrease in the tonnage handled at the Port between 1998 and 2011. In the context of long-term international trends in ports and shipping, regional ports are limited in their future potential as centres of commercial shipping but yet Galway Harbour is proposing a significant expansion of its existing facilities.

<sup>2</sup> Section 4.1 - National Ports Policy 2013

It is submitted to the Board that the proposed development fails to justify the need for the proposed development having regard to alternative development options. Section 7.8 of the Planning Report (pp.18) under Consideration of Alternatives, states that, *"Shannon Foynes Port comprises a number of separate terminals along the Shannon. The port is a major deepwater port catering for bulk goods, particularly having regard to national ports policy has substantial landside handling and storage facilities. Whilst transport access to the hinterland is generally good, connectivity to the existing rail and motorway networks raises some concerns. Shannon Foynes is not regarded as a viable and appropriate alternative to the Galway Harbour Extension because of its distance from the main market that Galway Harbour serves. In this regard, Shannon Foynes serves a separate catchment area from Galway and it is not sustainable for it to service the Galway catchment, which extends as far north as Sligo"*.

It is submitted to the Board that this statement is based on assumptions and is not grounded in fact. It further fails to recognize the existence of Ted Russell Dock in Limerick or take into account the short term proposals to upgrade the N69 thereby affording excellent connectivity between the Port of Foynes and the national motorway network or the Atlantic Corridor, which is only partially complete, but which will provide direct access to Galway, Sligo and Letterkenny. Furthermore the Limerick to Foynes rail provides access to the national rail network and to all four corners of the country. Indeed the growth projections outlined in Vision 2041 were calculated on the basis that SFPC ports would serve the west and northwest markets by road and rail.

Little research has been undertaken on the extent of catchment areas afforded to different ports in Ireland. However, research would indicate that the competitive battle among ports will increasingly be fought ashore<sup>3</sup>. Hinterland connections are a key area for competition including transport costs and connections. According to the recent Competition Authority Review on Irish Ports (2013) *"while there is a tendency for importers and exporters to use the nearest port, better roads increase the potential for inter-port competition"* (S.2.57). The IMDO generally defines regional port hinterlands in terms of one hour driving time with the result that most of the catchment area for Galway could easily be serviced by the adjoining Tier 1 Port of SFPC having regard to the existing national road network and its general cargo facilities at Limerick Docks and Foynes. Whilst it is acknowledged that the 'one hour driving time' is theoretical and may not practically reflect the exact catchment area of Galway Harbour port operations, it does demonstrate the relatively small operational functions of a regional port.

However, transport is not the only determining factor that will influence port usage and regard must also be had to port charges, operating times, loading and unloading facilities. The DKM Business Case Report makes reference to the Proximity Principle in attempting to justify consideration of its alternatives and makes reference to the fact that consideration of other additional ports removed from Galway would contravene the proximity principle, and the consideration that each port should cater for its own hinterland, be it regional or national. This assumption completely contradicts the national hierarchy of ports in Ireland and is contrary to national ports policy and the recently published Competition Authority Report which seeks to enhance the Ports of Cork and SFPC to directly compete with Dublin Port.

Ports are capital intensive entities and thus require substantial investment and significant market hinterlands to justify that investment. SFPC has a considerable catchment area that includes the West and North West and hence the proposed development by Galway Harbour would have the effect of duplicating port capacity that already exists on the Shannon Estuary. The port capacity, provided by SFPC, is more than capable of servicing the needs of the Galway region. Indeed with the planned

<sup>3</sup> *International Transport Forum 'The Relationship between Seaports and the Intermodal Hinterland in Light of Global Supply Chains.'* 2008

motorway link between Gort and Galway and the upgrade of the N69 together with the reopening of the Foynes - Limerick rail line means that access and travel time will continue to improve.

The submitted application has failed to comprehensively consider alternatives to port expansion in Galway particularly having regard to the proximity of an existing Tier 1 Port, with plans for future expansion. Instead the application attempts to justify the need for expansion based on its obligation to service the surrounding regional area, without necessarily justifying the increased demand necessitating such expansion.

#### 4.4 Premature Pending Preparation of a Masterplan

The European Commission's Communication on a European Ports Policy<sup>4</sup> notes that ports should be ruled by long term strategic vision and planning. Furthermore, port masterplanning is recognised in national ports policy as a transparent method of aiding the engagement of local communities in the long term planning of ports. Therefore, best practise would indicate that a strategic vision for ports should be prepared to frame and guide future port development. This is further acknowledged in the National Ports Policy 2013 (section 4.3) where it considers such an approach to be consistent with policy to improve integrated planning for all modes of transport.

It is submitted to the Board that such strategic planning is devoid from the overall development proposal and it is argued that a development of the nature, scale and function proposed is premature pending the preparation of a masterplan to frame and guide port development in Galway and the region.

#### 5.0 CONCLUSION

There are a number of important considerations which will influence the decision of the Board relating to the proposed development notwithstanding consideration of Imperative Reasons of Overriding Public Interest (IROPI) which are necessary to enable the proposed development to proceed. However even before the IROPI assessment stage can be considered, it is necessarily first of all to objectively conclude that no alternative solutions exist. This submission has comprehensively demonstrated that an alternative solution does exist and that the capacity of SFPC ports can accommodate existing and projected demand associated with the proposed development, including servicing of the west and north west catchment areas.

The commercial port element of the proposed development does not adhere to National Ports Policy, as the proposed development seeks to:

- Provide for extensive port infrastructure similar in nature and extent to a neighbouring Tier 1 National Port, namely SFPC;
- Attract ships similar in size and scale to those currently utilising the adjoining Tier 1 National Port,
- Generate new growth from sectors already serviced by the adjoining Tier 1 National Port; and
- Compromise the future expansion and development of an adjoining Tier 1 National Port.

National policy clearly states that "*Government expects the Ports of National Significance (Tier 1) to lead the response of the State commercial ports sector to future national port capacity requirements*"<sup>6</sup>. The nature and scale of the proposed development of Galway Harbour seeks to provide significant port capacity which is likely to absorb a significant element of future port expansion requirements. Evidently

<sup>4</sup> Commission of the European Communities, Communication from the Commission 'Communication on a European Ports Policy', 2007

<sup>5</sup> Section 4.1 - National Ports Policy 2013

this is contrary to national policy and seeks to contravene the plan-led approach recently adopted and promoted by Government.

Accordingly it is requested that the expansion of the commercial port element of the proposed development is refused planning permission.

Should you require clarification on any issue please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mary Hughes', written over a horizontal line.

Mary Hughes MIPI

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