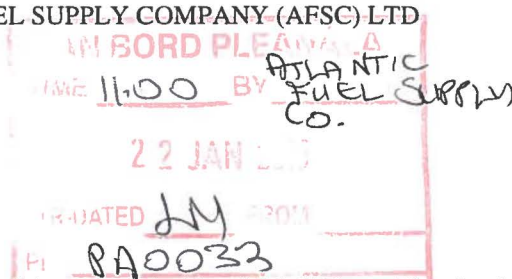


ORAL HEARING ON THE PROPOSED GALWAY HARBOUR EXTENSION, RENMORE AND TOWNPARKS TOWNLANDS, GALWAY

AN BORD PLEANÁLA REFERENCE: PL 61.PA0033

BRIEF OF EVIDENCE OF ATLANTIC FUEL SUPPLY COMPANY (AFSC) LTD

DATE: 22ND JANUARY, 2015



1.0 INTRODUCTION

1.1 My name is Aiden O'Neill and I am Director of Coakley O'Neill Town Planning Ltd based in Cork. I hold a BSc (Hons) in Environmental Planning (1993) and a Post Graduate Diploma in Town and Country Planning from The Queen's University of Belfast (1994). I have over 19 years' professional planning experience in the public and private sector in the UK and Ireland. I am a member of the Steering Committee of Energy Cork, the Transport and Infrastructure Committee of Cork Chamber, the Irish Environmental Law Association, and the Royal Town Planning Institute.

1.2 Atlantic Fuel Supply Company (AFSC) Ltd, on whose behalf this submission is made, operates the largest single oil terminal for inland distribution of oil products in the Republic of Ireland at Shannon Foynes Port.

2.0 FOCUS OF ORAL SUBMISSION

2.1 This oral submission seeks to supplement the contents of the submissions already made on behalf of AFSC Ltd to An Bord Pleanála.

2.2 It is premised is on safeguarding the role of Shannon Foynes Port as a Tier 1 Port of National Significance in the National Ports Policy 2013.

2.2 We find that the scale of the proposed development now before the Board is contrary to the National Ports Policy 2013, as well as the relevant policies of both the Regional Planning Guidelines for the West Region 2010-2022 and the Galway City Development Plan 2011-2017.

3.0 SUBMISSION IN DETAIL

3.1 The core objective of the National Ports Policy is to facilitate not just a competitive market, but also an effective one, for maritime transport services¹.

¹ National Ports Policy 2013, Executive Summary, Page 13 and Section 2.3 Page 23

- 3.2 To give effect to this, the National Ports Policy introduces a clear categorisation of the ports sector into Ports of National Significance (Tier 1), Ports of National Significance (Tier 2) and Ports of Regional Significance to allow the sector to develop in a sustainable manner.²
- 3.3 Critically, this new strategic and sustainable approach to port development was made in response to the so called laissez faire approach promoted by the 2005 Ports Policy Statement. Under the 2005 Policy, Port companies were encouraged to compete commercially with each other while the State provided limited direction on developing an overarching vision for the sector. In addition, and of particular relevance to the Galway Harbour Extension, no differentiation was made in the 2005 Policy between ports of national significance and those of more regional significance³.
- 3.4 Ports of National Significance (Tier 1), it is stated, are ports that are responsible for 15% to 20% of overall tonnage through Irish ports, and have clear potential to lead the development of future port capacity in the medium and long term, when and as required. Three ports fulfil these criteria, namely: Dublin Port Company, the Port of Cork Company and Shannon Foynes Port Company⁴.
- 3.5 Ports of National Significance (Tier 2) are ports that are responsible for at least 2.5% of overall tonnage through Irish ports; have the clear demonstrable potential to handle higher volumes of unitised traffic, and have the existing transport links to serve a wider, national marketplace beyond their immediate region. Two ports fulfil these criteria, namely the Port of Waterford Company and Rosslare Europort⁵.
- 3.6 The remaining commercial ports are categorised as Ports of Regional Significance. According to the National Ports Policy, this category includes the five smaller State-owned commercial port companies – Galway Harbour, Drogheda, Dun Laoghaire, New Ross and Wicklow – and all other ports that handle commercial freight. These five State-owned port companies collectively handle approximately just 3% of total tonnage in the State⁶.
- 3.7 Therefore, in the context of this hierarchy of ports, and as endorsed by the National Ports Policy, Ports of National Significance (Tier 1) are to lead the response of the State commercial ports sector to future national port capacity requirements⁷. The Policy also advocates a role for the Ports of National Significance (Tier 2) in developing additional capacity to aid competitive conditions within the unitised sectors in particular⁸.
- 3.8 Conversely, National Ports Policy in respect of Ports of Regional Significance such as Galway Harbour states that *it is clear that there is no longer a role for central Government in ports that fulfil a regional or local need*⁹. *The longer-term development of these ports is best placed within their regional and local communities to allow both develop in a manner that is mutually beneficial*¹⁰. It is further stated that this policy approach to ports such as Galway Harbour *is in line with broader Government reforms in respect*

² National Ports Policy 2013, Section 1.0, Page 20

³ National Ports Policy 2013, Section 1.0, Page 20

⁴ National Ports Policy 2013, Section 2.5, Page 25

⁵ National Ports Policy 2013, Section 2.6, Page 27

⁶ National Ports Policy 2013, Section 2.7, Page 29

⁷ National Ports Policy 2013, Section 4.2, Page 44

⁸ National Ports Policy 2013, Section 4.2, Page 44

⁹ National Ports Policy 2013, Section 2.7, Page 30

¹⁰ National Ports Policy 2013, Section 2.7, Page 30

*of local government, which seek to ensure that functions of national significance are carried out at a national level, while those of a regional and local significance are carried out at that level (our emphasis)*¹¹.

3.9 In this regard, and in applying a hierarchical methodology to port planning in Ireland, the National Ports Policy fully supports and safeguards the primacy of Tier 1 ports as being in the national interest, and Tier 2 ports as having the potential to handle higher volumes of unitised traffic, whereas ports such as Galway Harbour are to fulfil a role that is appropriate to their respective regional and local catchments.

3.10 It follows therefore that the Galway Harbour Port of Regional Significance, should not compete with the role and function of higher order ports such as Shannon Foynes.

3.11 In fact, according to section 2.7 of the National Ports Policy, it is clearly stated that:

*To provide clarity for future developments in the ports sector, National Ports Policy recognises a third category of ports: **Ports of Regional Significance**. These are ports that serve an important regional purpose and/or specialised trades or maritime tourism. 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 (our emphasis)¹².*

3.12 Section 2.7 of the National Ports Policy confirms that there is indeed a limitation on the future potential of regional ports such as Galway Harbour, which is contrary to the evidence presented by the applicant¹³. Furthermore, Section 2.7 of the National Ports Policy also confirms that the role of Ports of Regional Significance are to support balanced regional development and to support Ireland's national economic development, not lead it¹⁴.

3.13 It is our submission that, by reason of the scale of the proposed extension, there is indeed the real potential for the Port of Regional Significance that is Galway Harbour to compete with the commercial activities of Shannon Foynes Tier 1 Port of National Significance, which is contrary to the provisions of the National Ports Policy.

3.14 We note Table 2.2.1 (Baseline Traffic Projections) as contained in the EIS predicts an increase in liquid and bulk products at Galway Harbour from 500,741 tonnes in 2012 to 969,000 tonnes by 2018 (when Phase 1, i.e. the commercial port, is proposed to be operational) and 1,932,000 tonnes by 2023. On grounds of prudence, it is stated, traffic volumes have been maintained post 2023 at 2023 levels. We also note that these figures have been updated based on 2014 throughput, with Phase 1 to be operational from 2019¹⁵.

3.15 We find the evidence in the EIS and presented at the oral hearing lacking as to how this significant increase in traffic volumes to the extended Port is to be achieved. Instead, we are presented in the EIS

¹¹ National Ports Policy 2013, Section 2.7, Page 30

¹² National Ports Policy 2013, Section 2.7, Page 30

¹³ Witness Statement of Raymond Burke Consulting read in on 20th January, 2015, page 19, paragraph 5 and page 15 section 10

¹⁴ National Ports Policy 2013, Section 2.7, Page 30

¹⁵ Witness Statement of Raymond Burke Consulting read in on 20th January, 2015, page 15, Table 4.1(a)

and in the evidence at the oral hearing, with a series of potential sources of, and generalised statements about, increased traffic which, for the most part, could arise if the proposed development goes ahead. Even the DKM Business Case Report attached at Appendix 2.2.1 to the EIS is qualified in the Executive Summary (page ii) as *a high level initial analysis...and one could only be confident of the conclusion if one had access to the internal management plans of the port customers in question, which is not possible.* We find the absence of this to be particularly poignant given that the primary reason for the proposed development is to arrest the long-term decline in the Port's core traffic.

- 3.16 In addition, we find no information in either the EIS or the evidence presented at the oral hearing of the scale of development proposed in physical terms relative the volume of traffic projected.
- 3.17 We also find the assessment of alternative scales as presented in the EIS and at the oral hearing¹⁶ to be particularly lacking, in that the scenario where projected traffic volumes arise do not arise, which is identified as a potential vulnerability to the commerciality of the project¹⁷, is not assessed. Indeed, the assessment of alternatives is only predicated on the entire baseline volume of traffic being achieved, despite the potential, for example, of a significantly less throughput of at least 1million tonnes per annum¹⁸. Neither the alternatives assessment nor the business case put forward by the applicant test the option of a development of reduced scale.
- 3.18 It is also evident that, given the scale of development proposed, that the economic assessment as presented in the EIS and at the oral hearing, does not consider the economic impact of the proposed development on higher order ports in the country. We say this in the context of the projected increase in tonnage to 1,932,000 tonnes by 2023 in the EIS (2024 at the oral hearing), which is substantial when compared with the existing tonnage of 562,804 (2014 figure as presented at the oral hearing), and particularly so given that it is to come from the same catchment.
- 3.19 In our opinion, it is inevitable that the proposed extended Galway Harbour will compete with the Shannon Foynes Tier 1 Port of National Significance. Indeed, it is also our submission that the volume of traffic envisaged by Galway Harbour, as set out in the EIS, and as further updated by the applicant at the oral hearing¹⁹, could only be realised by displacing traffic from other higher order ports, in particular Shannon Foynes.
- 3.20 This is compounded by the fact that Shannon Foynes is only 130km from Galway Harbour. This distance is within one of the qualifying criteria for alternatives – that being for a port to be located within 1.5 hours/150km of the customer/region²⁰. It is further compounded by the fact that the application includes a rail link for freight which, as referenced by the applicant, is only likely to be feasible on traffic movements over 300km²¹.

¹⁶ Witness Statement of Gus McCarthy read in on 20th January, 2015, pages 8-9, section 7.2

¹⁷ Witness Statement of DKM 20th January, 2015, page 10, sections 3.3.3 to 3.3.7

¹⁸ Witness Statement of Raymond Burke Consulting read in on 20th January, 2015, page 15, section 4.3, Table 4.1(a)

¹⁹ Witness Statement of Raymond Burke Consulting read in on 20th January, 2015, page 19, paragraph 5

²⁰ Witness Statement of Gus McCarthy read in on 20th January, 2015, page 11, section 7.5

²¹ Witness Statement of Raymond Burke Consulting read in on 20th January, 2015, page 18, paragraph 4

- 3.21 On a further point, we also see that Table 2.2.2 in the EIS indicates that without development the Galway Harbour Company will still see a growth in traffic volumes for liquid and dry products to 840,000 tonnes in 2018 (2019 at the oral hearing). The projected peak traffic volume in 2018 without development for liquid and dry products (840,000 tonnes) is just 129,000 tonnes short of the projected peak traffic volume in 2018 (2019 at the oral hearing) with development for the same products. It is not clear to us why there is a significant drop in projected tonnage post 2018 (2019 at the oral hearing) without development, when an increase in tonnage is projected up to that point.
- 3.22 We note that the National Ports Policy further advises that *companies should engage with the relevant planning authorities to ensure that port masterplans and relevant planning and development strategies are complementary and consistent*²². In this way, it is stated, *there is potential to integrate masterplans within the existing planning hierarchy; this should be explored fully by the individual port companies and the planning authorities to ensure that the process becomes embedded into planning and development strategies and offers clarity to all stakeholders regarding the future development plans for each port.*
- 3.23 Whereas, for example, a detailed Shannon Foynes Port Company masterplan has now been prepared and will be fully embedded in the planning policy for the Limerick area²³, as well as for Clare and Kerry, to ensure a plan-led approach to the development of the Port in advance of significant development proposals, the Galway Harbour development has not been subject to detailed masterplanning to inform planning policy for the area in advance of this application now before the Board. The proposals now before the Board in this application represent a developer-led approach as opposed to a plan-led approach, which is contrary to the principles of proper planning and sustainable development and is against the advice of Section 4.3 of the National Ports Policy.
- 3.24 Furthermore, and in recognition of its regional focus, it is noted that Objective IO21 of the Regional Planning Guidelines for the West Region²⁴ supports the *sustainable redevelopment and expansion of Galway Harbour, and that all proposals will be subject to assessment on environmental sustainability, including impacts on the Natura 2000 network through Habitats Directive Assessment, visual, travel and transport impacts*". It is our submission that, as we consider the proposed development to be contrary to the provisions of the National Ports Policy for Ports of Regional Significance, then it follows that the proposed development is unsustainable and is therefore contrary to Objective IO21 of the Regional Planning Guidelines for the West Region.
- 3.25 It is also our submission that proposed development is contrary to Policy 5.2 of the Galway City Development Plan 2011-2017, which supports *further sustainable development of Galway Harbour subject to environmental, visual, economic viability and transportation considerations* as it does not represent the sustainable development of Galway Harbour in the context of the National Ports Policy.

²² National Ports Policy 2013, Section 4.3, Page 48

²³ The masterplan is referenced in the Mid West Area Strategic Plan 2012-2030 and the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary 2013, and its detailed provisions will be incorporated into the new Development Plan for Limerick City and County in 2016.

²⁴ Objective IO21 page 78

4.0 CONCLUSION

- 4.1 In conclusion, it is our respectful submission that the proposed development now before the Board is contrary to the provisions of National Ports Policy 2013. This national policy prioritises port development at Tier 1 and Tier 2 Ports of National Significance, whereas, by reason of its scale, the proposed extension of Galway Harbour will compete with, and potentially undermine, the Tier 1 Port of National Significance that is Shannon Foynes Port which is in relative close proximity, and which is recognised as one of the three core ports in Ireland under the Trans-European Transport Network (TEN-T).
- 4.2 It is also our submission that proposed development is contrary to Objective IO21 of the Regional Planning Guidelines for the West Region and Policy 5.2 of the Galway City Development Plan 2011-2017 as it does not support the sustainable development of Galway Harbour in the context of the National Ports Policy.
- 4.3 Having regard to the Habitats Directive, it is our submission that, as it is contrary to the National Ports Policy 2013 with respect to Ports of Regional Significance, there are no imperative reasons of overriding public interest to permit the proposed development having regard to its potential to either directly or indirectly impact four Natura sites i.e. Galway Bay cSAC and SPA and Lough Corrib cSAC and SPA.