

Brief of Evidence prepared on behalf of Shannon Foynes Port Company An Bord Pleanála Oral Hearing, Galway Harbour Extension PL61.PA0033

1.0 Introduction

My name is Mary Hughes and I have been retained by Shannon Foynes Port Company (SFPC) to represent them at this oral hearing. I am accompanied this morning by John Carlton, Port Services Manager with SFPC. I am a qualified town planner and Director of HRA | Planning Ltd. chartered town planning consultants based in Limerick city. I am a Corporate Member and the current President of the Irish Planning Institute (IPI). I graduated from Queen's University Belfast with a Masters Degree in Town & Country Planning in 1996 and secured a Diploma in Environmental Impact Assessment and Strategic Environmental Assessment Management from University College Dublin in 2000. I have in excess of 19 years' experience in Town Planning and environmental planning and I was the primary author of the Shannon Foynes Port Company Masterplan Vision 2041.

2.0 Scope of Evidence

This brief of evidence is not intended to unduly repeat the contents of the submissions already made to An Bord Pleanála on behalf of SFPC and contained on file. The submitted statements are taken as read. Instead this oral evidence is intended to focus on a number of issues which have been raised by the applicant's design team over the course of this hearing. The particular foci are matters concerning:

- National Ports Policy;
- Viable Alternatives;
- Implementation of SFPC's Masterplan: Vision 204; and
- Ecological Considerations

It is proposed to consider each of these four issues in turn. However prior to examining the salient issues within this statement I would like to remind the Board that SFPC is not seeking to undermine or compromise the regional status of Galway Harbour, nor is it seeking to absorb or relocate its existing customer base. The purpose of SFPC's submission is simply to ensure that SFPC can continue to function and operate as a designated Tier 1 port and that in accordance with the National Ports Policy 2013 that SFPC can *"lead the response of the State commercial ports sector to future national port capacity requirements"*

Of further note it should also be recognized that Tier 1 national status has not necessarily been given solely to the Port of Foynes. Tier 1 national status has been designated on SFPC which includes the two general cargo terminals of the Port of Foynes and Limerick Docks and the wider waters of the Shannon Estuary. This clarification is important as to date the focus of debate has tended to focus on the Port of Foynes and not necessarily Limerick Docks and the other deepwater sites with potential for port development and as identified in the Shannon Estuary Integrated Framework Plan (SIFP).

3.0 National Ports Policy

The brief of evidence presented by Mr. Gus McCarthy (section 4.3 therein) confirms the National Ports Policy 2013 (NPP) to be of particular significance to the proposed development and states that the NPP *"acknowledges the current proposals for the Galway Harbour Extension"*. It is submitted to the hearing that there is no express or implied reference or proposal within NPP that promotes the significant

development to and expansion of Regional Tier 3 Ports in the manner being pursued by the current proposal. Consequently it can only be concluded that NPP does not support the proposed scale or intended function of the commercial port development proposed for Galway Harbour.

It is submitted that the proposed development is far in excess of the infrastructural requirements required for a regional port and that the proposed development would be similar to the infrastructure required to operate a Tier 2 national port (Waterford & Rosslare). Research on ports would suggest that it is location, physical infrastructure (hard) and service (soft) characteristics that define the difference between regional and national ports¹. In our original submissions to the Board, the facts remain that the hard and service infrastructure proposed under the current Galway Harbour expansion proposal is similar to that which exists in Tier 2 Ports today and SFPC – a Tier 1 Port facility. This is demonstrated in Table 1.0 which provides the physical infrastructure detail of all Tier 1 and Tier 2 ports in the country.

Port	Working Quay Length	Max. Draught	Max. Ship Size	Tonnage 2013
Dublin	1,947m	9.0m – 10.5m	55,000dwt	19,865,000
Cork	952m	5.6m – 8.8m	60,000dwt	8,983,000
SFPC	657m	10.5m	56,000dwt	10,290,000
Waterford Port	850m	8.0 – 10.0m	40,000dwt	1,348,000
Rosslare Port	962m	7.2m – 10.0m	-	1,940,000
GHC Current	618m	6.1m – 8.1m	10,000dwt	521,000
GHC Proposal	660m	10.09m	40,000 tonnes	1,932,000 baseline scenario

Table 1.0 Source: Irish Ports Offshore Renewable Energy Sector, Port Websites & CSO 2013

It is also important to note the existing and predicted tonnage throughput for Galway Harbour particularly when compared with the designated Tier 2 National Ports of Waterford and Rosslare. It is clearly evident that the predicted medium base tonnage predictions for Galway Harbour at 1,932,000 tonnes in 2024 (2,162,000 tonnes high scenario) are akin to that of an existing Tier 2 designated port.

NPP 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 underline our emphasis). This point needs to be noted in the context of the evidence from Mr. Raymond Burke (pp.19) which stated that *“there is nothing in the Ports Policy document that says that regional ports cannot compete, expand or develop”*. Evidently there is a restriction as the future potential of commercial shipping in regional reports is limited and this is clearly stated in the NPP. Notwithstanding the limitation on regional ports as centres of commercial shipping it is an objective of the Galway Harbour expansion to increase and enhance commercial shipping within Galway Harbour by facilitating an increase in the size of ships to the port from 4,000 tonnes to 40,000 tonnes and by increasing tonnage throughput from

¹International Transport Forum ‘The Relationship between Seaports and the Intermodal Hinterland in Light of Global Supply Chains.’ 2008

554,000 tonnes in 2011 to just under 2 million tonnes per annum in 2024. This is not in line with NPP and the role of regional ports.

NPP 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”*. (section 4.1 pp.44). There is no reference or proposal within NPP that promotes the significant development or expansion of Regional Tier 3 Ports in the manner being pursued by the current proposal. Consequently it can only be concluded that NPP does not support the scale or intended function of the commercial port development proposed for Galway Harbour.

The National Ports Policy document does recognise Galway Harbour Company as an important strategic regional hub for petroleum importation, storage and distribution. Whilst NPP 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 NPP for the significant expansion of commercial port development in Galway. NPP 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,

It is thus submitted that contrary to evidence presented earlier this week, whilst the relocation of port facilities in Galway Harbour may be supported in NPP the significant expansion of port facilities is clearly not. Accordingly it must be concluded that the proposed development does not accord with NPP. The Board is reminded that the NPP adopts and pursues a tiered port categorization because the long-term international trend in ports and shipping is toward increased consolidation of resources in order to achieve optimum efficiencies of scale. This replaces the laissez faire approach to development promoted under the 2005 Guidelines. In effect NPP recognises that we must consolidate our port infrastructure so that Ireland can effectively compete. Failure to have sufficient regard to this National Policy would from a spatial and landuse perspective be remiss, in the interests of proper planning and sustainable development of the area.

4.0 Viable Alternatives

I refer to a statement made by Mr. Eamon Bradshaw in his evidence (pp.13) that *“Should the development not proceed the reality is that the port will go into decline resulting in their being no 24 hour accessible deep water commercial port in the entire west/northwest of the country”*. Contrary to that statement the fact remains that the SFPC facility is an accessible deep water commercial port that currently operates on 24 hour basis and which currently services the entire western seaboard of Ireland and inland counties. It is an operational Tier 1 designated port.

Furthermore the evidence of Captain Brian Sheridan concluded with an answer, that “no” there was no viable alternative to the Galway Harbour Extension proposal. Contrary to that opinion, I would remind the Inspector that the Port of Foynes (one of SFPC’s operational ports) is the main deepwater facility on the west coast of Ireland catering for vessels up to 200+m in length, and with a draught of up to

10.5m and vessels ranging from 2,000 to 56,000 deadweight tonnes (DWT), with quay walls of 657m in length and supporting quay side infrastructure. From a navigation and harbour management perspective it is thus submitted that there is a viable alternative port facility.

Mr. Gus McCarthy in his evidence states that *“alternatives within and beyond Galway Bay do not meet the project objectives”* (pp.18) and then clarifies that *“Foynes met most criteria but did not meet the criteria of a functioning rail connection and furthermore was at the outer limit in terms of the maximum proximity and was beyond the desirable limit of 100km”*(pp.16). As detailed later in this evidence the Foynes - Limerick rail line is advancing and it is possible that the Port of Foynes will have a functioning rail connection well in advance of the Galway Harbour proposals as the EIS for the proposed development states that rail will only be used to transfer goods when it becomes commercially viable. It is thus submitted that the consideration of a ‘functioning’ rail connection in the consideration of alternatives must be treated as aspirational when the proposed development itself does not provide solid proposals for rail use.

A significant degree of consideration appears to have been given by the Galway Harbour Expansion proposal to existing port hinterland areas and customer catchment areas in the consideration of alternatives. It is submitted that it is difficult and even unfeasible to delimit the hinterland of a port or its customer base as the hinterland varies with respect to commodity, the time and transport mode. Recent research² confirms that the rise of intermodality and associated transport corridors had a major restructuring effect on the hinterland reach of seaports. For example, before Dublin Port opened a new rail spur in 2011, Waterford Port could attract business from Coca Cola’s liquid concentrate plant in Ballina due to its rail connectivity. The point is that the development and expansion of port facilities cannot be justified on the basis of its existing customer catchment base and similarly an alternative location cannot be discounted simply having regard to its distance from existing or proposed markets or because existing customers say they will not relocate.

It should be noted that SFPC currently services a customer base covering the entire western seaboard of Ireland and stretching from Cork to Sligo and over to Leinster as highlighted in Figure 1. Figure 1 demonstrates that the Port of Foynes is truly a national port servicing the country of Ireland. The red dots represent the locations serviced by customers of SFPC and as can be seen the customer catchment, as it presently exists, extends as far north as Mayo and Leitrim on the northwest coast. The commodities traded into the Port of Foynes are similar to those envisaged to be traded by Galway Harbour following the proposed extension. The dots in Figure 1 demonstrate the trading patterns of animal feed, fertiliser, molasses, chemicals, coal & slack, biomass products, petcoke, all refined liquid petroleum products, construction materials including timber & steel, on shore wind energy components, and off shore energy vessels.

SFPC already services much of the north and north west of the country and Figure 1 comprehensively demonstrates that the ‘desirable limit of 100km’ or the limit of 150km as detailed in the EIS is irrelevant in the consideration of viable alternative sites as other factors including port charges, services and infrastructure also play a factor in the determination and establishment of a ports hinterland and its customer base.

² *International Transport Forum ‘The Relationship between Seaports and the Intermodal Hinterland in Light of Global Supply Chains.’ 2008*

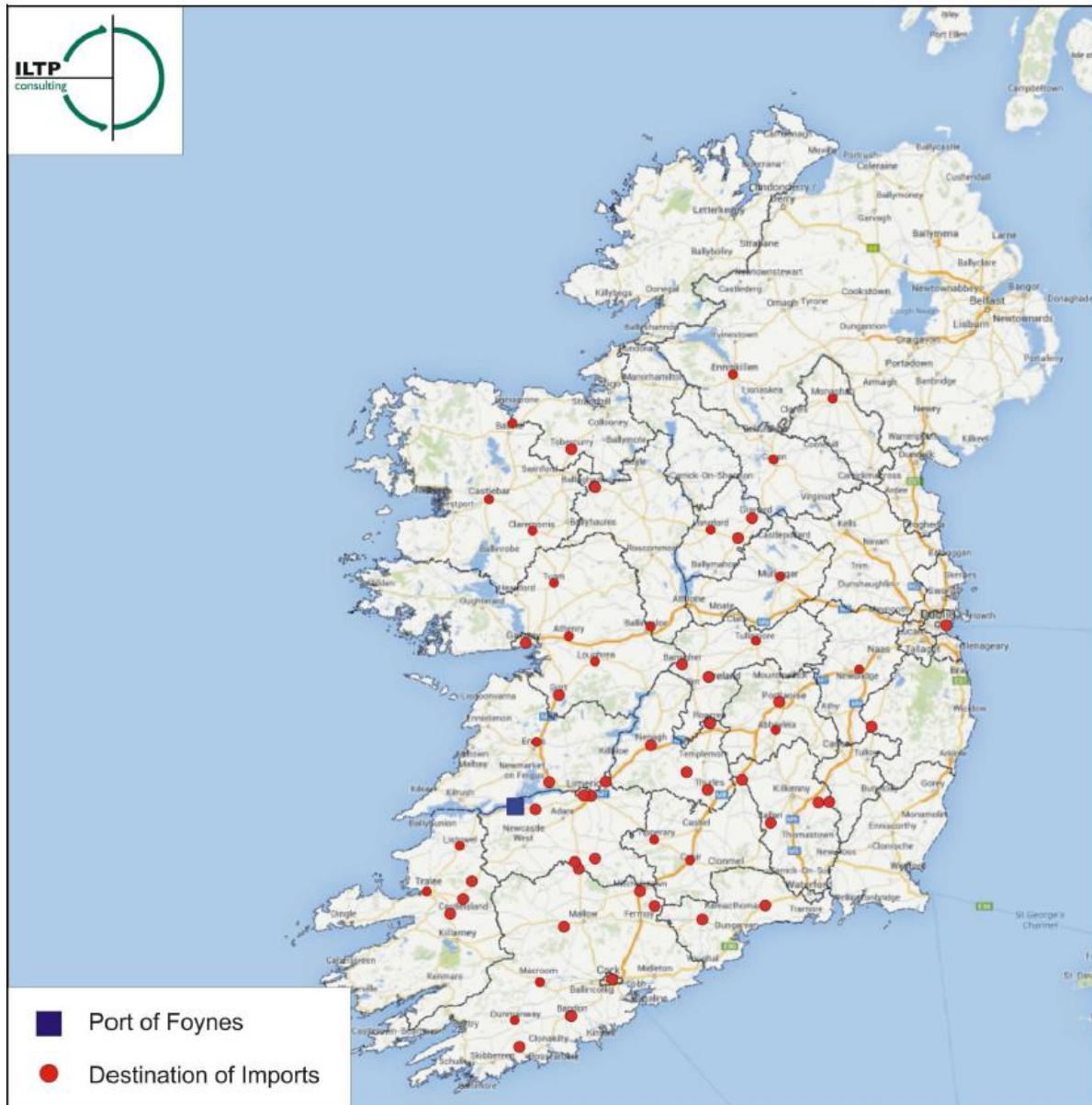


Figure 1. Destination of Imports from Foynes

In consideration of viable alternatives it must be reiterated again that it is not simply the Port of Foynes that has Tier 1 national status but in fact the entire SFPC operation which includes the main cargo handling ports of Foynes and Limerick. Limerick Docks was discounted at an early stage in the consideration of alternatives, because of port restrictions. However it should be noted that Limerick Docks is a significant export facility for scrap metal and currently serves most of the waste facility operators in the Mid West region. It is noted that scrap metal comprises one of the largest product groupings through the Port of Galway at 54,200 tonnes in 2014 and this is expected to increase following the proposed expansion plans. As Limerick Docks is currently being utilised as a viable port facility by other waste facility operators, notwithstanding its port restrictions, it is submitted that detailed consideration needs to be given to the facility in the consideration of alternatives, rather than being quickly discounted as detailed in the EIS.

SFPC and in particular the Port of Foynes is a viable alternative to the expansion proposals put forward by Galway Harbour. Limerick Docks could also be a viable alternative for the scrap metal trade. It is not simply acceptable to discount SFPC as a viable alternative on the grounds of distance and the fact that customers state that they will not travel to an alternative port. It has been demonstrated that a ports' hinterland and customer catchment is dynamic and is dependent on a number of externalities including transport infrastructure, port fees, port services and customer habits. If customers had no alternative they would travel to a port which has become and is becoming closer to Galway, as the road infrastructure improves including the motorway from Gort to Limerick and the proposed upgrade to the N69.

5.0 SFPC Masterplan: Vision 2041

The previous submission made by SFPC detailed the provisions of Vision 2041 – a masterplan for the future development of port activities on the Shannon Estuary. It is not proposed to reiterate these proposals here except to say that it promotes the significant expansion of the Port of Foynes.. SFPC handled 10.5 million tonnes in 2013. Since 2011 (the base year of Vision 2041) tonnage at SFPC's general cargo terminals has increased by 14% consistent with Vision 2041's mid to high average growth scenario. It is imperative to national policy that Vision 2041 is implemented and that the tiered hierarchical structure as set out in the National Ports Policy 2013 is not compromised as *"the continued commercial development of these three Ports of National Significance (Tier 1) is a key objective of National Ports Policy"* (S.2.5).

Contrary to express and indirect comments made at the hearing earlier this week, Vision 2041 is being implemented and a number of capital projects identified in the document are being advanced as detailed herein.

5.1 Port Investment

Phase I investment in infrastructure and port facilities are advancing to include the reclamation, capping and servicing of 1.5 hectares of quay side set down directly behind an existing deep-water jetty. All planning and foreshore consents are in place, the construction project has been tendered, the construction contract has been awarded and the contractor is currently mobilising on site. This phase 1 of implementing the objectives of Vision 2041 will be completed towards the end of 2015 at a cost of circa €12.5 million.

5.2 Enhanced Road Links

Improvement of the N69 Foynes to Limerick road network is a key objective of Vision 2041. The N69 National Secondary Road currently connects Foynes to Limerick along 32km of single carriageway. Limerick City & County Council along with the Mid West Road Design Office have commenced the feasibility and route selection process to upgrade the Limerick N69 road network to the Port of Foynes with a direct connection to the M7/N18 at Limerick. The scheme will provide improved access to the Port of Foynes and support the envisaged expansion of its capacity and usage as outlined in the government's National Ports Policy 2013.

5.3 Rail Access

The Foynes – Limerick rail freight line (26 miles long) was discontinued in 2000. The route corridor itself and the permanent way remains intact. Contrary to statements made by the applicants' team earlier this week, it must be clarified that reinstatement of the rail line is being advanced. SFPC engaged

Irish rail to complete an initial scoping study for the reinstatement of the Foynes to Limerick rail line. This study was completed in March 2014. Following positive recommendations and achievable results SFPC has now engaged Irish Rail to complete the second phase of studies which include full detailed design works required to bring the Foynes to Limerick rail line back into operation for freight cargo. This package of works will be completed in mid-2015 and includes a cost benefit analysis. The overall cost of reinstatement is currently projected at circa €15m and is expected to be funded by way of JV between SFPC and other parties. You will appreciate this is commercially sensitive and identities of other parties cannot be revealed at this stage. However it should be noted that rail reinstatement is also a Predefined Project under the CEF/Ten-T program with EU grant aid funding available of 50% for the feasibility and design works and 20% EU grant aid available for the works or actual reinstatement works. It is noted that Galway Harbour Company cannot apply for this funding as it is not designated either in the Core or Comprehensive Networks as defined by the EU in its CEF/Ten-t Regulations.

Thus contrary to the statements made earlier this week that SFPC Vision 2041 is not being implemented, the reality is quite to the contrary. It is quite clear from the evidence presented that SFPC Vision 2041 is being implemented and proactively advanced. SFPC is developing and shall continue to develop in accordance with its Tier I National Port status, as the 2013 Ports Policy makes it clear that Tier 1 ports *“have clear potential to lead the development of future port capacity in the medium and long term, when and as required”* (Executive Summary pp13).

6.0 Ecological Considerations

We already made a detailed submission in response to the applicant's submitted further information specifically relating to ecological issues at the Port of Foynes and the Natura Impact Report (NIR) prepared in support of Vision 2041. I wish to conclude on this matter by stating that contrary to the suggestion by the applicant, the Board cannot simply dismiss the consideration of an operational Tier 1 port from consideration of viable alternatives as part of an environmental assessment. SFPC is an operational, viable and feasible alternative port facility and thus must be considered.

Similarly the Port of Foynes cannot reasonably be discounted on ecological grounds as the fact remains that no project level ecological assessment has been undertaken. Therefore any contention that the Port of Foynes may be more or equally ecologically sensitive when compared with Galway Harbour should be dismissed as the statements are unfounded and are presented in the absence of any scientific evaluation or data.

7.0 Conclusion

Even before the IROPI assessment stage can be considered, it is necessary first of all to objectively conclude that no alternative solutions exist. This evidence has comprehensively demonstrated that a viable alternative solution does exist and that the capacity of SFPC ports can accommodate projected additional demand associated with the proposed development, including servicing of the west and north west catchment areas.

Furthermore, 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 Tier 2 National designated port and 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, and
- Generate new growth from sectors already serviced by the adjoining Tier 1 National Port.

The development represents a develop-led approach contrary to the planning and landuse approach set out in the national ports policy. Accordingly because the development is contrary to the provisions of national ports policy it cannot be considered to be in accordance with the proper planning and sustainable development of the area. Furthermore, having regard to the Habitats Directive, it is submitted that given the development is contrary to the National Ports Policy 2013 there can be no reasons of overriding public interest to permit the proposed development having regard to its potential to either directly or indirectly impact four Natura sites.