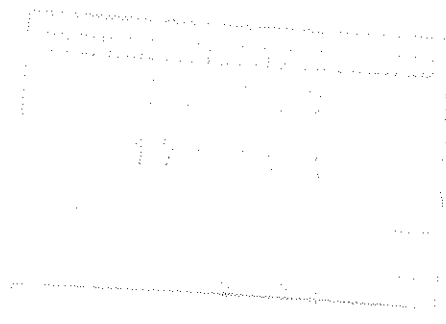
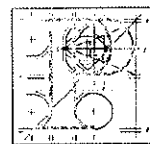


# Record Of Meeting

<b>Case Reference/Description</b>	06D.PC0155 Construction of a new cruise berth facility at Dun Laoghaire Harbour, Dun Laoghaire, Co. Dublin.		
<b>Case Type:</b>	Pre-app consultation		
<b>Meeting:</b>	Fifth		
<b>Date:</b>	7 <sup>th</sup> October, 2014	11a.m.	
<b>Location:</b>	Conference Room		
<b>Chairperson:</b>	Philip Green		

<b>Attendees:</b>
<b>Representing An Bord Pleanála</b>
Philip Green – Assistant Director of Planning
Conor McGrath – Senior Planning Inspector
Diarmuid Collins – Senior Administrative Officer
Kieran Somers – Executive Officer
<b>Representing Prospective Applicant</b>
Gerry Dunne – Dun Laoghaire Harbour Company
Paul O'Connell – Waterman Moylan Consulting Engineers
Stephen Little – Stephen Little and Associates





## Record Of Meeting

The meeting commenced at 11a.m.

The Board referred to the previous meeting held with the prospective applicant on the 12<sup>th</sup> August, 2014 and provided a record of same. It asked the prospective applicant if it had any comments to make on this. The prospective applicant said it had no specific comments to make.

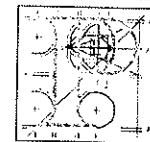
The Board invited the prospective applicant to provide it with an update on the project since the time of the previous meeting.

The prospective applicant indicated this was intended to be the final meeting in relation to the pre-application consultation process. It said that it has held a number of meetings with other bodies in the meantime. The prospective applicant referred in particular to its meeting with Dun Laoghaire-Rathdown County Council in August, 2014. It said that many issues were discussed at this meeting such as water supply and parking arrangements. It added that there are on-going consultations with the water services department of the local authority. There are also on-going consultations taking place with the National Parks and Wildlife Service in respect of such matters as Appropriate Assessment Screening and ecological aspects of the proposed development. Matters relating to underwater archaeology, a possible wreck site, were also being discussed with the Department.

The prospective applicant said that the business case underlying the proposed development is being set out in the application. It referred to the Port of Copenhagen model in this regard and advised that growth projections for cruise visits to Dublin Bay to 2020 indicate that there would be sufficient demand for cruise berth facilities at both Dublin Port and Dun Laoghaire.

The prospective applicant said that the proposed development is as per its previous meeting with the Board of the 12<sup>th</sup> August, 2014, adding that the level of detail is being worked up. The prospective applicant said the only significant change is in respect of bus parking arrangements. A wide passenger area running along the western/marina side of the access road will now be provided.

The Board queried the status of dredging investigations. The prospective applicant said that no further meetings have been held with the EPA. It said that the results of dredged material have now been received. Materials are generally clean with the exception of some higher levels of chromium which were detected in the turning circle area outside the harbour area. The prospective applicant stated that this will



## Record Of Meeting

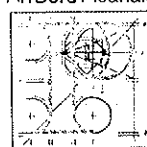
involve some further discussions with the Marine Institute. In terms of dredging and dumping at sea, the prospective applicant confirmed that relevant statutory licences will have to be obtained. Noting this, the Board reminded the prospective applicant that any significant environmental effects will need to be assessed thoroughly in the formal planning application and associated EIS documentation.

The Board, for its part, referred to the Harbours Bill (Amendment) 2014 which was published recently. It asked if this had any implications in respect of the project or the prospective applicant. The prospective applicant replied that it had no implications on the status of the harbour company.

In respect of the Diaspora Centre, the prospective applicant said that the Failte Ireland competition it had referred to in the previous meeting has not yet concluded. In respect of the existing Terminal Building, the prospective applicant confirmed that this will not be included in the planning application to be lodged. It would, however, have the potential to function as a turnaround facility if required in the future, notwithstanding any proposals for the accommodation of the Diaspora Centre.

The Board again emphasised that it is important the planning application be as robust as possible so that delays are not encountered during the application stage. The Board drew particular attention to the matter of comprehensive assessments being carried out in relation to matters such as Appropriate Assessment and marine ecology.

The Board enquired how far consultations have progressed with the NPWS and whether it has been determined if a Natura Impact Statement will be lodged with the application. The prospective applicant replied that no decision has been made yet as to whether Stage 2 assessment would be required. It said it had engaged a marine specialist who was liaising with the National Parks and Wildlife Service. The Board recommended that a precautionary approach might be best in such circumstances and given the lack of information available to the Board on the matter at this stage. It also said the National Parks and Wildlife Service could perhaps give advice in this regard although the Board is ultimately the competent authority on such matters.



## Record Of Meeting

The Board also said that the overall operation of the harbour area and interaction with other harbour users should be addressed thoroughly in the planning application in order to reconcile the marine leisure and marine tourism functions identified for the harbour in the National Ports Strategy.

In respect of visual impact, the prospective applicant said that internal views of the harbour are being assessed. The Board suggested that views should be taken from the piers facing towards Dun Laoghaire with illustrations provided of impacts when a ship is berthed.

The Board referred again to current port/harbour strategic infrastructure applications before it and referred the prospective applicant to further information requests that had issued and that were publicly available.

In respect of drawings to be included with the planning application, the prospective applicant presented the Board with some preliminary drawings in order to ascertain advice on appropriate scales. Its intention generally is to provide drawings at larger scale for the marine element of the proposed development and more detailed scales for the land-side development. The Board suggested that more detail and clarification might be provided with respect to contours and dredging works.

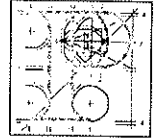
The revisions to the existing coal harbour car park, in order to accommodate a coach holding area, and the proposed access thereto, were outlined. It was suggested that the existing footpath arrangements in this area should be enhanced.

The Board also reminded the prospective applicant to be mindful regarding the timing of certain works as regards potential effects on marine and bird life.

### **Procedures:**

Procedures in relation to the making of a formal planning application to the Board were given to the prospective applicant. The Board also advised that the Guidelines for Applicants on its website have been updated recently, particularly in relation to oral hearing procedures. The formal procedures were given as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.



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- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- 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, 2001-2011 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 Board can give advice as regards the positioning of site notices if so required.
- 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 the elapsment of at least 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. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including



## Record Of Meeting

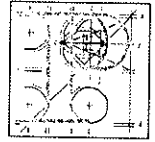
confirmation of dates/times could be communicated at that stage. The Board also reminded the prospective applicant that if a Natura Impact Statement is included with the application, the appropriate wording should be used in the public notice.

- 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 Board will provide a final list of these when it issues its formal SID determination to the prospective applicant.
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the County Manager 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. It should not await the elapsment of the period for the public to make submissions. 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 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.

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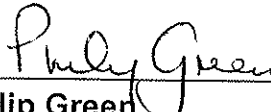
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

The Board also pointed out that the holding of an oral hearing is entirely at its discretion. The prospective applicant should not rely on the holding of an oral hearing. If one is held, the Board has discretion to conduct it according to a limited agenda.

## **Conclusion:**

The prospective applicant indicated that its intention is to lodge the formal planning application prior to the end of 2014. The Board noted this. It said it will issue the written record of the instant meeting shortly. It is a matter for the prospective applicant if it wishes to formally close the process thereafter or request a further meeting to discuss any outstanding matters.

The meeting concluded at 12.25p.m.

  
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**Philip Green**  
**Assistant Director of Planning**

