

3FM PROJECT

DUBLIN PORT COMPANY - RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

3FM Project
Further Response
Rev F
August 2025

Contents

GLOSSARY	I
1 INTRODUCTION	1
1.1 Background	1
1.2 Response 2 - Overview of Further Submissions and Observations Received	1
1.3 Methodology.....	2
1.4 Structure of this Response.....	3
2 REGISTER OF FURTHER SUBMISSIONS & OBSERVATIONS	5
2.1 Capacity & Need.....	5
2.1.1 Index No. 10 - Maritime Area Regulatory Authority (MARA)	5
2.1.2 Index No. 3 – Dublin Stevedores Ltd.....	5
2.1.3 Index No. 6 - IBEC	5
2.1.4 Index No. 13 - Pembroke Beach DAC	5
2.1.5 Index No. 16 - Rushfleet	5
2.2 Consultation.....	6
2.2.1 Index No. 15 - Ringsend & District Historical Society.....	6
2.2.2 Index No. 20 - William Kelly	6
2.3 Terrestrial Ecology & Ornithology (including Natura Impact statement)	6
2.3.1 Index No. 2 – Development Applications Unit – Department of Housing, Local Government and Heritage (DHLGH)	6
2.3.2 Index No. 14 - Peter & Mary Carvill	6
2.4 Noise & Vibration.....	6
2.4.1 Index No. 1 – Amphitheatre Ireland Ltd.....	6
2.5 Traffic and Transport	7
2.5.1 Index No.18 - Transport Infrastructure Ireland	7
2.5.2 Index No. 9 - Kevin Enright.....	7
2.5.3 Index No. 19 - William Kelly & Others	7
2.6 Multi-thematic (Including Planning Policy & Land Use)	7
2.6.1 Index No. 4 – Graham McDonnell	7
2.6.2 Index No. 5 - Grainne Hughes	8
2.6.3 Index No. 7 - Jason McDonnell.....	8
2.6.4 Index No. 8 - Joe & Christina Whelan	8
2.6.5 Index No. 11 - Ning Rodgers	8
2.6.6 Index No. 12 - Patrick Smith	8
2.6.7 Index No. 17 - Sandymount & Merrion Residents Association.....	9
3 RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS	10
3.1 Capacity & Need.....	10
3.1.1 MARA.....	10
3.1.2 Dublin Stevedores Ltd	11
3.1.3 IBEC.....	13
3.1.4 Pembroke Beach DAC.....	14
3.1.5 Rushfleet.....	14
3.2 Consultation.....	16
3.2.1 Ringsend & District Historical Society	16
3.2.2 William Kelly.....	17
3.3 Terrestrial Ecology & Ornithology (including Natura Impact statement)	19
3.3.1 DAU	19
3.3.2 Peter & Mary Carvill	27
3.4 Noise & Vibration.....	46
3.4.1 Amphitheatre Ireland Ltd.	46
3.5 Traffic & Transport.....	47

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

3.5.1	Transport Infrastructure Ireland	47
3.5.2	Kevin Enright.....	49
3.5.3	William Kelly & Others	51
3.6	Multi-thematic (Including Planning Policy & Land Use)	53
3.6.1	Graham McDonnell, 12 Pigeon House Road	53
3.6.2	Grainne Hughes, 49 Pigeon House Road	59
3.6.3	Jason McDonnell, 12 Pigeon House Road.....	63
3.6.4	Joe & Christina Whelan, 15 Pigeon House Road.....	71
3.6.5	Ning Rodgers, 32 Pigeon House Road	76
3.6.6	Patrick Smith, 24 Pigeon House Road	82
3.6.7	SAMRA	85
4	CONCLUSIONS	114
	APPENDICES	115

GLOSSARY

AA	Appropriate Assessment
AADT	Average Annual Daily Traffic
ABP	An Bord Pleanála (the Board)
ABR	Alexandra Basin Redevelopment
ACP	An Coimisiún Pleanála (the Commission)
AEP	Annual Exceedance Probability
AER	Annual Environmental Reports
BS	British Standard
BWI	Birdwatch Ireland
CAP	Climate Action Plan
CBC	Core Bus Corridor (National Transport Authority BusConnects)
CCR	Climate Change Risk
CD	Chart Datum, depths in the Port vary with tidal conditions and all depths (and heights) are referenced to an appropriate datum point called “chart datum”.
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CIWEM	Chartered Institute of Water and Environmental Management
CL	Conservation Limit
CLVIA	Cumulative Landscape and Visual Impact Assessment
CMP	Conservation Management Plan
CO₂e_q	Total estimated greenhouse gas emissions
COMAH	Control of Major Accident Hazards
COSHH	Control of Substances Hazardous to Health
CRTN	Calculation of Road Traffic Noise
CWMP	Construction Waste Management Plan
CWP	Codling Wind Park
CWPL	Codling Wind Park Limited
DAS	Dumping at Sea
DAU	Development Applications Unit
dB	Decibel (Sound)
dB(A)	Decibel, expression of sound level. The (A) denotes that levels are “A”- weighted.
DBF	Docklands Business Forum
DCC	Dublin City Council
DCDP	Dublin City Development Plan
DEB	Dublin Eastern Bypass
DECC	Department of the Environment, Climate and Communications
DHLGH	Department of Housing, Local Government and Heritage
DMP	Dust Management Plan
DoT	Department of Transport
DPC	Dublin Port Company
DSL	Dublin Stevedores Ltd.
Dublin Port Estate	DPC owned lands in the north port area bounded by the River Liffey to the south and East Wall Road to the west.
EA	Environment Agency

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

EC	European Commission
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
ELV	Emission limit values
EMS	Environmental Management System
EPA	Environmental Protection Agency
EQS	Environmental Quality Standards
ESB	Electricity Supply Board, also refers to a mooring structure on the south side of the River Liffey, near the Poolbeg power station owned by the Electricity Supply Board
EU	European Union
FRA	Flood Risk Assessment
GA	General Arrangement
GDA	Greater Dublin Area
GHG	Green House Gases
GI	Ground Investigation
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GPP	Guidance for Pollution Prevention
GQRA	Generic Quantitative Risk Assessment
GSI	Geological Survey of Ireland
GSW	Great South Wall
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
HML	High Mast Lighting
HSA	Health and Safety Authority
IAQM	Institute of Air Quality Management
ICWWS	Irish Coastal Wave and Water Level Modelling Study
IE	Industrial Emissions
IED	Industrial Emissions Directive
IEL	Industrial Emission Licence
IEMA	Institute of Environmental Management and Assessment
IFI	Inland Fisheries Ireland
IGB	Irish Glass Bottle
ISPS	International Ship and Port Security code, originally introduced by the IMO (International Maritime Organisation) and later incorporated into EU legislation.
ITM	Irish Transverse Mercator
IW	Irish Water
IWDG	Irish Whale and Dolphin Group
IWeBS	Irish Wetland Estuarine Bird Survey)
kg/m³	Specific density (weight per volume)
kHz	Kilohertz (Frequency)
kJ	Kilojoule (Energy)
km	Kilometre (Distance)
km²	Kilometre squared (Area)
LCA	Landscape Character Assessment
LCA	Life Cycle Assessment
LGV	Light Goods Vehicle
Linkspan	Structure to level the height difference between the quay and the cargo deck of a ship in order to provide safe and fast access for loading and unloading.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Lo-Lo	Lift-on Lift-off , cargo mode which involves shipping containers lifted on and off ships with quayside cranes
LUP	Land Use Planning
LVIA	Landscape and Visual Impact Assessment
m	Metre
MAC	Maritime Area Consent
MARA	Marine Area Regulatory Authority
MI	Marine Institute
mm	Millimetre
MMO	Marine Mammal Observer, a qualified marine mammal observer is a visual observer who has undergone formal marine mammal observation training.
MRFS	Mid Range Future Scenario
ms	Millisecond (10-3 seconds) (Time)
ms-1 or m/s	Metres per second (Velocity)
MSFD	Marine Strategy Framework Directive
MSP	Marine Spatial Planning
MSPD	Marine Spatial Planning Directive
MW	Megawatts
NBDC	National Biodiversity Data Centre
NHA	Natural Heritage Areas
NIAH	National Inventory of Architectural Heritage
NIS	Natura Impact Statement
NMPF	National Marine Planning Framework
NMS	National Monument Service
NNG	Night Noise Guideline
NNR	National Nature Reserves
NPWS	National Parks and Wildlife Service
NRA	National Road Authority (now TII)
NTA	National Transport Authority
OD	Ordnance Datum
OECD	Organisation for Economic Co-operation and Development
OEE	Operation and Maintenance Facility
OPW	Office of Public Works
PAM	Passive Acoustic Monitoring
PCMP	Project Carbon Management Plan
PDA	Planning and Development Act
PE	Population Equivalent
PM	Particulate Matter
POM	Programme of Measures
PPC	Pollution Prevention Control
PPE	Personal Protection Equipment
PPS	Planning Policy Statement
PRA	Preliminary Risk Assessment
PSA	Particle Size Analyses
PTS	Permanent Threshold Shift, a permanent elevation of the hearing threshold due to noise exposure
RBMP	River Basin Management Plan

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

RMP	Register of Monuments and Places
Ro-Ro	Roll-on Roll-off, cargo mode which includes freight trailers, tourist vehicles and trade car imports all of which are driven on or off ferries / specialised ships.
RPS	Rural Planning Services
RTG	Rubber Tyred Gantry
RWMP	Resource Waste Management Plan
SAC	Special Area of Conservation
SAM	Static Acoustic Monitoring
SAMRA	Sandymount & Merrion Residents Association
SCI	Special Conservation Interest
SDZ	Strategic Development Zone
SEA	Strategic Environmental Assessment
SEL	Sound Exposure Level, the constant sound level in one second, which has the same amount of acoustic energy as the original time-varying sound i.e., the total energy of a sound pulse
SFRA	Strategic Flood Risk Assessment
SI	Site Investigation
SIA	Planning and Development (Strategic Infrastructure) Act 2006
SID	Strategic Infrastructure Development
SMR	Sites and Monuments Record
SOP	Standard Operating Procedures
Sound Exposure Level (SEL)	The accumulated acoustics energy over a specified duration. For a one-second duration it is equal to SPL. A simplified explanation could be that SEL is the SPL of a given amount of acoustic energy if squeezed into 1 second, however it's better to think of SEL as the integrated acoustic energy over as specified duration.
SPA	Special Protection Area
SPAR	South Port Access Route
SS	Suspended Sediment
SSG	Ship to Shore Gantry
SSSI	Site of Special Scientific Interest
TIA	Traffic Impact Assessment
TII	Transport Infrastructure Ireland
TSHD	Trailing Suction Hopper Dredger
TSS	Total Suspended Solids
TTA	Traffic and Transportation Assessment
TTS	Temporary Threshold Shift, a temporal elevation of the hearing threshold due to noise exposure
TTTCC	Through-the-tide-cycle Counts
UFT	Unified Ferry Terminal
UK	United Kingdom
WFD	Water Framework Directive
WHO	World Health Organisation
WWTP	Wastewater Treatment Plant
ZTV	Zone of Theoretical Visibility

1 INTRODUCTION

RPS, on behalf of Dublin Port Company (DPC), has prepared this document following an invitation from An Coimisiún Pleanála (ACP / the Commission) on 16th July 2025 to make a submission on the further observations received in relation to the *DPC Response to Submissions and Observations* submitted on the 7th March 2025 regarding those observations received in relation to the planning application for the 3FM Project (the Proposed Development) submitted on 23rd July 2024 (Case Ref **PA29N.320250**).

This submission sets out a response to items raised in the submissions and observations circulated by the Commission on 1st May 2025.

1.1 Background

A planning application for the 3FM Project was submitted to the Commission (then An Bord Pleanála) on 23rd July 2024 under Section 37E of the Planning and Development Act 2000, as amended (the Planning Act), seeking approval for a Strategic Infrastructure Development (SID). The application was accompanied by all statutory documentation, including *inter alia* a Planning Report, an Environmental Impact Assessment Report (EIAR), and a Natura Impact Statement (NIS), along with a full suite of architectural, landscape, and engineering drawings.

All documentation was made publicly available for viewing and download via the dedicated project website: <https://www.dublinport3fm.ie/>, which remains active. Additionally, physical copies were accessible at the offices of the Commission, Dublin City Council (DCC) and Port Centre.

The public consultation period ran from 31st July 2024 to 25th September 2024.

In a letter dated 25th October 2024 the Commission confirmed that 51 valid submissions and observations had been received, in addition to the Chief Executive's Report submitted by DCC. Subsequently, in a letter dated 27th January 2025, the Commission informed DPC that an additional submission had been received from the Environmental Protection Agency (EPA). In this letter the Commission considered it appropriate to invite DPC to make a submission on the submissions and observations circulated to DPC in October 2024 and January 2025.

Accordingly, a *DPC Response to Submissions and Observations, March 2025* was prepared to systematically address all matters raised within the 53 submissions and was submitted to the Commission on 7th March 2025. This response was circulated to the 53 parties who had made initially made submissions, inviting comment.

Subsequently, in a letter dated the 1st May 2025, the Commission confirmed that 20 further submissions and observations had been received in relation to the *DPC Response to Submissions and Observations, March 2025* and indicated that DPC would be given an opportunity to respond in due course.

In a further letter dated 16th July 2025, the Commission invited DPC to respond to the 20 submissions and observations received within the timeframe stipulated, i.e. not later than 5.30 pm on the 1st August 2025.

1.2 Response 2 - Overview of Further Submissions and Observations Received

A total of 20 valid further submissions and observations were received by the Commission. These were categorised into the source groups listed below. The number of parties within each source group is denoted by the number in brackets.

- Prescribed bodies (3)
- Commercial organisations (5)
- Specialist interest groups (2)
- Residents Groups
 - Residents of Pigeon House Road (6)
 - Residents Associations (1)
- Other members of the public (3).

1.3 Methodology

DPC has completed a systematic review and response process to ensure that all further submissions and observations were examined and items raised thoroughly addressed. The process involved:

- **Assignment of References:** Each of the further submissions and observations were assigned a unique reference number (1–20) by the Commission (**Table 1.1**).
- **Initial Review and Primary Thematic Categorisation:** A preliminary review revealed that the majority of the further submissions and observations associated with one of the primary overarching themes that had emerged in the initial submissions and responses phase, however the submissions from residents and residents’ associations were multi-thematic so a “multi” theme was added to facilitate responding to individual residential submissions in their entirety.
- **Detailed Review and Primary Thematic Allocation:** Each submission was assigned to its relevant primary theme and further analysed to identify individual matters (hereafter ‘items’) raised by observers, all of which were responded to by DPC. A matrix table (**Table 1.2**) was prepared to summarise the thematic distribution of submissions and observations. This matrix lists 20 themes along the horizontal axis, while the 20 submissions (categorised into source groups) are listed along the vertical axis, identifying the primary theme featured in each observation. This structured approach has ensured a transparent, consistent, and methodical response to the submissions while also facilitating clear navigation through the document. The six primary themes identified from this process were:
 - Capacity & Need
 - Consultation
 - Terrestrial Ecology & Ornithology (including Natura Impact statement)
 - Noise & Vibration
 - Traffic and Transport
 - Multi-thematic (Including Planning Policy & Land Use) - residential submissions.

Table 1.1: Further Submission/Observation Name by Index Number

Index no.	Submission/Observation Name
1	Amphitheatre Ireland Ltd.
2	Development Applications Unit – Development of Housing, Local Government and Heritage (DHLGH)
3	Dublin Stevedores Ltd.
4	Graham McDonnell
5	Grainne Hughes
6	IBEC
7	Jason McDonnell
8	Joe and Christina Whelan
9	Kevin Enright
10	Maritime Area Regulatory Authority (MARA)
11	Ning Rodgers
12	Patrick Smith
13	Pembroke Beach DAC
14	Peter & Mary Carvill
15	Rachel Lopez, Ringsend & District Historical Society
16	Rushfleet
17	Sandymount & Merrion Residents Association (SAMRA)
18	Transport Infrastructure Ireland (TII)
19	William Kelly & Others
20	William Kelly

1.4 Structure of this Response

The document is organised into four main chapters and series of appendices, as outlined below:

- **Chapter 1: Introduction, Background, Methodology, and Structure**

This chapter introduces the purpose of the document of response, provides a background on the planning application and consultation process, outlines the methodology used to review and categorise the further submissions and observations received, and explains the document's structure.

- **Chapter 2: Register of Further Submissions & Observations**

Chapter 2 provides a complete register of the 20 further submissions and observations received, listing the responses by their primary theme, itemising the elements raised and referencing the corresponding subsections of this document where a response is provided by DPC.

- **Chapter 3: Response to Further Submissions & Observations**

This chapter contains six sections (Sections 3.1 to 3.6), each corresponding to a distinct primary theme identified in the review process. Each section begins with a summary of the matters raised by observers under that theme, followed by the DPC's response which refers to documentation submitted with the original planning application and, in some cases in order to fully address items, appendices attached to this report which contain necessary explanatory and technical notes to fully address items raised in submissions.

- **Chapter 4: Conclusions**

The final chapter reiterates how this document comprehensively addresses all matters raised in the submissions and observations in accordance with the Commission's requirements.

- **Appendices**

As noted above, this response is supported by a number of appendices which provide information to fully address specific items raised by observers. These are:

- Appendix 1 – MAC Application correspondence from MARA
- Appendix 2 – Minutes of Meeting Between DPC and Pigeon House Road Residents
- Appendix 3 – Legal Submission in Response to the Legal Case Law Observations Raised

- **Drawings**

As noted above, this response is supported by drawings which provide information to fully address specific items raised by observers. These are:

- Drawing CP1901-3FM-RPS-S45-06-DR-C-0662
- Drawing CP1901-3FM-RPS-S45-07-DR-C-0711.

With regard to the above, it is considered that the structured approach of this document ensures clarity, transparency, and ease of reference, facilitating a comprehensive review of DPC's response by the Commission and the relevant stakeholders.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Table 1.2: Matrix of Further Submissions per Primary Theme

Source Group	Index number	Identification	Primary Themes																			
			Capacity & Need	Planning Policy & Land Use	Consultation	Assessment of Alternatives	Engineering Design & Site Management	Terrestrial Ecology & Ornithology (including Natura Impact statement)	Marine Ecology (Benthic Biodiversity & Fisheries, Marine Mammals)	Land, Soils, Geology & Hydrogeology	Water Quality & Flooding	Air Quality	Climate	Noise & Vibration	Coastal Processes	Traffic & Transport	Cultural Heritage	Landscape & Visual	Population & Human Health	Risk of Major Accidents & Disasters	Cumulative Effects & Environmental Interactions	Multi-thematic (Including Planning Policy & Land Use)
Prescribed Bodies	2	DAU																				
	10	MARA																				
	18	Transport Infrastructure Ireland																				
Commercial Organisation	1	Amphitheatre Ireland Ltd.																				
	3	Dublin Stevedores Ltd																				
	6	IBEC																				
	13	Pembroke Beach DAC																				
	16	Rushfleet																				
Specialist Interest	14	Peter & Mary Carvill																				
	15	Rachel Lopez, Ringsend & District Historical Society																				
Other Members of the Public	9	Kevin Enright																				
	19	William Kelly & Others																				
	20	Willaim Kelly																				
Pigeon House Road Residents	4	Graham McDonnell																				
	5	Grainne Hughes																				
	7	Jason McDonnell																				
	8	Joe & Christina Whelan																				
	11	Ning Rodgers																				
	12	Patrick Smith																				
Sandymount and Merrion Residents Association	17	SAMRA																				

Key

	Primary Theme		Additional Theme
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2 REGISTER OF FURTHER SUBMISSIONS & OBSERVATIONS

This chapter provides a complete register of the 20 further submissions and observations received, listing the responses by their primary theme, itemising the elements raised and referencing the corresponding subsections of this document where a response is provided by DPC.

2.1 Capacity & Need

2.1.1 Index No. 10 - Maritime Area Regulatory Authority (MARA)

The Maritime Area Regulatory Authority’s submission raised one item identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.1.1.1	Item 1 – MAC Application

2.1.2 Index No. 3 – Dublin Stevedores Ltd.

Dublin Stevedore’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.1.2.1	Item 1 – Apparent deficiencies in the Applicants Growth in Trade Projections
3.1.2.2	Item 2 – Failure to properly consult stakeholders operating within Dublin Port
3.1.2.3	Item 3 – Applicants Environmental Impact Assessment Report (EIAR)
3.1.2.4	Item 4 - Competition Issues
3.1.2.5	Item 5 - Land Utilisation Dwell Time and International Comparisons

2.1.3 Index No. 6 - IBEC

IBEC’s submission raised one item identified below, which has been responded to in the referenced section and item within Chapter 3:

Reference	Item
3.1.3.1	Item 1 – In favour of the 3FM Project

2.1.4 Index No. 13 - Pembroke Beach DAC

Pembroke Beach DAC’s submission raised one item identified below, which has been responded to in the referenced section and item within Chapter 3:

Reference	Item
3.1.4.1	Item 1 – In favour of the 3FM Project

2.1.5 Index No. 16 - Rushfleet

Rushfleet’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.1.5.1	Item 1 – No specific consultation and Lack of Consent
3.1.5.2	Item 2 – Incompatibility with the Poolbeg West SDZ
3.1.5.3	Item 3 – Consideration of Alternatives
3.1.5.4	Item 4 – Employment & Socio – Economic Impacts

2.2 Consultation

2.2.1 Index No. 15 - Ringsend & District Historical Society

Ringsend & District Historical Society’s submission raised one item identified below, which has been responded to in the referenced section and item within Chapter 3:

Reference	Item
3.2.1.1	Item 1 – Lack of Consultation with Community Bodies

2.2.2 Index No. 20 - William Kelly

William Kelly’s submission raised one item identified below, which has been responded to in the referenced section and item within Chapter 3:

Reference	Item
3.2.2.1	Item 1 – Inadequate Northside Public Consultation

2.3 Terrestrial Ecology & Ornithology (including Natura Impact statement)

2.3.1 Index No. 2 – Development Applications Unit – Department of Housing, Local Government and Heritage (DHLGH)

DHLGH’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.3.1.1	Item 1 – Archaeology
3.3.1.2	Item 2 – Nature Conservation, Clarification of In Combination Disturbance on the Tern Colony
3.3.1.3	Item 3 – Nature Conservation, Clarification of numbers of birds of SCI species; usage at the Poolbeg outfall; and usage at the Goose Compensation Field
3.3.1.4	Item 4 – Nature Conservation, Outline Badger Conservation Plan

2.3.2 Index No. 14 - Peter & Mary Carvill

Peter & Mary Carvill’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.3.2.1	Item 1 – Importance of the intertidal area in the vicinity of the ESB/UE discharge channel and weir
3.3.2.2	Item 2 – Necessary Scientific Data
3.3.2.3	Item 3 – Black-tailed Godwits – Usage of the Intertidal Area in the vicinity of the ESB/UE discharge channel and weir
3.3.2.4	Item 4 – Black-tailed Godwits – Disturbance Issues
3.3.2.5	Item 5 – Black-tailed Godwits – Noise Disturbance
3.3.2.6	Item 6 – Black-tailed Godwits – Dredging
3.3.2.7	Item 7 – Black-tailed godwits – In combination effects
3.3.2.8	Item 8 – EIA Report & Global Populations

2.4 Noise & Vibration

2.4.1 Index No. 1 – Amphitheatre Ireland Ltd.

Amphitheatre Ireland’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.4.1.1	Item 1 – Residual Concerns in Relation to Noise and Vibration During the Construction Phase
3.4.1.2	Item 2 – Concerns in Relation to Noise and Vibration During the Operation Phase

2.5 Traffic and Transport

2.5.1 Index No.18 - Transport Infrastructure Ireland

The Transport Infrastructure Ireland’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.5.1.1	Item 1 – Commitment to submission of the required information prior to commencement of development
3.5.1.2	Item 2 – Submission of pre-commencement of development information to planning authority
3.5.1.3	Item 3 – Suggested Planning Condition No.1 – Works on the National Road Network
3.5.1.4	Item 4 – Suggested Planning Condition No.2 – CEMP
3.5.1.5	Item 5 – Suggested Planning Condition No.3 – CTMP

2.5.2 Index No. 9 - Kevin Enright

Kevin Enright’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.5.2.1	Item 1 – Rail Freight Bridge Across the Liffey
3.5.2.2	Item 2 – TEN-T Policy
3.5.2.3	Item 3 – Rail Freight Comparisons with Other Ports/HGVs

2.5.3 Index No. 19 - William Kelly & Others

William Kelly & Others’ submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.5.3.1	Item 1 – Unmanaged Hazardous & Abnormal Loads excluded from the Dublin Tunnel
3.5.3.2	Item 2 – Measure ROAD7 of the NTA Transport Strategy for the Greater Dublin Area, 2022-2042
3.5.3.3	Item 3 – Examination and Coordination by State Agencies

2.6 Multi-thematic (Including Planning Policy & Land Use)

2.6.1 Index No. 4 – Graham McDonnell

Graham McDonnell’s submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.6.1.1	Item 1 – Consultation
3.6.1.2	Item 2 – Pollution – Air & Noise
3.6.1.3	Item 3 – Pollution – Noise & Air Monitoring – Data Access
3.6.1.4	Item 4 – Concerns Over Potential Property Damage
3.6.1.5	Item 5 – Assessment of Rail Alternatives
3.6.1.6	Item 6 – Visual Impacts and Accessibility
3.6.1.7	Item 7 – Community Gain

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

2.6.2 Index No. 5 - Grainne Hughes

Grainne Hughes' submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.6.2.1	Item 1 – Vibration and Noise Concerns
3.6.2.2	Item 2 – Concerns Over Potential Property Damage
3.6.2.3	Item 3 – Concerns related to Increased Traffic and Pollution
3.6.2.4	Item 4 – Concerns related to Rodents

2.6.3 Index No. 7 - Jason McDonnell

Jason McDonnell's submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.6.3.1	Item 1 – Lack of Consultation
3.6.3.2	Item 2 – Pollution – Air and/or Noise
3.6.3.3	Item 3 – Pollution – Noise & Air Monitoring – Data Access
3.6.3.4	Item 4 – Concerns over Potential Property Damage
3.6.3.5	Item 5 – Assessment of Rail Alternatives
3.6.3.6	Item 6 – Visual Impacts and Accessibility
3.6.3.7	Item 7 – Community Gain
3.6.3.8	Item 8 – Noise Concerns

2.6.4 Index No. 8 - Joe & Christina Whelan

Joe & Christina Whelan's submission raised several items responses identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.6.4.1	Item 1 – Concerns related to Increased Traffic and Pollution
3.6.4.2	Item 2 – Visual Impacts
3.6.4.3	Item 3 – Community Gain
3.6.4.4	Item 4 – Concerns over Potential Property Damage
3.6.4.5	Item 5 – Correction Regarding Previous Response to Submissions
3.6.4.6	Item 6 – Assessment of Bridge Crossing Alternatives

2.6.5 Index No. 11 - Ning Rodgers

Ning Rodgers' submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
3.6.5.1	Item 1 – Concerns over Potential Property Damage
3.6.5.2	Item 2 – Concerns related to Increased Traffic and Pollution
3.6.5.3	Item 3 – Visual Impacts
3.6.5.4	Item 4 – Community Gain
3.6.5.5	Item 5 – Assessment of Alternatives
3.6.5.6	Item 6 – Consultation

2.6.6 Index No. 12 - Patrick Smith

Patrick Smith's submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Reference	Item
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3.6.6.1	Item 1 – Assessment of Alternatives
3.6.6.2	Item 2 – Concerns related to Increased Traffic
3.6.6.3	Item 3 – Community Gain

2.6.7 Index No. 17 - Sandymount & Merrion Residents Association

Sandymount & Merrion Residents Association's (SAMRA) submission raised several items identified below, which are responded to in the referenced sections and items within Chapter 3:

Reference	Item
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3.6.7.1	Item 1 – The issue of a large-scale trailer park on the southern edge of the scheme
3.6.7.2	Item 2 – Concerns over a lack of 'joined up' Luas proposals
3.6.7.3	Item 3 – Concerns over the Natura Impact Statement.
3.6.7.4	Item 4 – Concerns over asbestos and dust.
3.6.7.5	Item 5 – Concerns over heavy metals in groundwater.
3.6.7.6	Item 6 – Drainage concerns
3.6.7.7	Item 7 – Air quality concerns.
3.6.7.8	Item 8 – Cycling infrastructure concerns & climate
3.6.7.9	Item 9 – Noise concerns.
3.6.7.10	Item 10 – Visual Impact Concerns
3.6.7.11	Item 11 – Traffic Concerns

3 RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

This Chapter contains six sections (Sections 3.1 to 3.6), each corresponding to a distinct identified primary theme (**Table 3.1**). Each item begins with a summary of the matters raised by observers, followed by DPC’s response which refers to documentation submitted with the planning application and, in some cases in order to fully address items, a drawing and appendices which contain necessary explanatory and technical notes to fully address items raised in submissions. These appendices and the additional drawing should be read in conjunction with the relevant response.

Table 3.1: Chapter 3 Structure – Primary Thematic Responses & Sections References

Key Theme	DPC Response
Capacity & Need	Section 3.1
Consultation	Section 3.2
Terrestrial Ecology & Ornithology (including Natura Impact statement)	Section 3.3
Noise & Vibration	Section 3.4
Traffic & Transport	Section 3.5
Multi-thematic (Including Planning Policy & Land Use)	Section 3.6

3.1 Capacity & Need

3.1.1 MARA

Reference	Item
3.1.1.1	Item 1 – MAC Application

3.1.1.1 Item 1 – MAC Application

Submission

The Maritime Area Regulatory Agency’s (MARA’s) second submission notes DPC’s commitment to submit a MAC Application before the second anniversary of the grant of permission and that DPC has already undertaken a pre-MAC application meeting with MARA to determine the requirements of a future MAC application.

MARA also welcomes the preparation of a standalone document titled “*Summary of Mitigation Measures.*”

MARA’s submission focuses on the requirement for a Rehabilitation Schedule within the meaning of Section 95 of the Maritime Area Planning Act 2021 (MAP Act). MARA state the following “*MARA wish to highlight that the application for development permission referred shall have attached to it, a Rehabilitation Schedule that would otherwise have been required to be attached to the MAC.*”

MARA also sets out the obligations under Section 96(1) for the Holder of a MAC for the rehabilitation of the maritime area including a clear programme for inspection and maintenance of infrastructure within the maritime area.

DPC Response

DPC sought clarity from MARA as to whether or not a Rehabilitation Schedule is required to be submitted to An Coimisiún Pleanála (ACP) at this stage in the planning process. MARA’s clarification email is included as Appendix 1.

MARA confirmed that a Rehabilitation Schedule is not required for the planning application but will be required when a MAC is sought subsequent to a grant of permission. This is because Section 75(4) (a) to (c) of the MAP Act removed the requirement for DPC to obtain a MAC for the 3FM Project, instead requiring that DPC apply for one within two years of a grant of permission.

MARA also made the following comment: “*The important point to note is that if the planning permission hasn’t included for this rehabilitation phase/proposal and therefore hasn’t been assessed by the planning authority in*

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

the governing permission then an applicant would be required to seek planning for that proposed rehabilitation phase of works. So in the Rehabilitation Schedule you are required to outline the expected timelines for obtaining other consents (i.e. planning)."

DPC re-confirms its commitment to apply for a MAC from MARA within two years of a grant of permission. DPC intend to seek a Term for the MAC of 99 years in line with the existing Foreshore Leases held by DPC for the ABR Project and MP2 Project under the Foreshore Act 1933, as amended. MARA has confirmed to DPC that there is no maximum Term specified within the MAP Act.

Given that DPC is seeking a 15-year grant of permission from ABP, it would not be appropriate to seek planning permission at this point in time, for potential works within the maritime area which may be required circa 99 years in the future.

DPC intends to prepare a Rehabilitation Schedule as part of its MAC application and fulfil its obligations under Section 96(1) including a clear programme for inspection and maintenance of infrastructure within the maritime area and Section 96(2)(d) *'the re-use of infrastructure for the same or another purpose'*. The Rehabilitation Schedule will include an outline of the expected timelines for obtaining other consents including planning prior to the end of the MAC's Term.

3.1.2 Dublin Stevedores Ltd

Reference	Item
3.1.2.1	Item 1 – Apparent deficiencies in the Applicants Growth in Trade Projections
3.1.2.2	Item 2 – Failure to properly consult stakeholders operating within Dublin Port
3.1.2.3	Item 3 – Applicants Environmental Impact Assessment Report (EIAR)
3.1.2.4	Item 4 - Competition Issues
3.1.2.5	Item 5 - Land Utilisation Dwell Time and International Comparisons

DPC notes the further submission dated 25 April 2025 from Thomas Barry & Co, Solicitors on behalf of Dublin Stevedores Limited (DSL). DSL, through their agents comment as a preliminary point that it is of concern to them that DPC has not engaged with the fundamental points that DSL made in their submission on 3FM.

DPC does not accept this assertion and contends that it has carefully and deliberately addressed each of the points raised by DSL in their submission within the combined response document submitted by DPC in March 2025 under the specific headings of;

- 3.1.1.3 - Consideration of Need & Capacity
- 3.3.1.2 - Consultation
- 3.4.1.2 - Consideration of Alternatives
- 3.15.1.3 - Cultural Heritage
- 3.17.1.1 - Employment and Socio Economic factors of Stakeholders

The DPC response has expressly and individually addressed each of the issues raised by DSL on a distinct itemised basis and the further observations raised by DSL in Messrs Barry's correspondence of 25 April 2025 are addressed in the order they are raised below.

3.1.2.1 Item 1 – Apparent deficiencies in the Applicants Growth in Trade Projections

Submission

The DSL submission on this issue is based on a contention that DPC has a "bias against bulk cargo" or "an aversion towards bulk cargo business" and a suggestion that consequently DPC is failing to facilitate a growth in bulk cargo sought by DSL and other unnamed parties. DSL also claim that DPC has failed to address the growth in bulk, with rising demand suggested in recent years, DSL comment that there is an overall duty on the part of DPC to facilitate trade in an efficient and cost effective manner.

DPC Response

As set out in the detailed response to the DSL submission on this issue in March 2025, DPC reiterates that the company has, over a considerable period set out very clear strategic objectives for the proposed future development focus of Dublin Port, with a detailed rationale and justification for the approach, taking account of national and international policy, efficient use of scarce land, quay side access and market demand. This has been set out in the Dublin Port Masterplan 2012 which was reviewed in 2018.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The 3FM Project gives effect to these strategic objectives. DPC must have regard to broader considerations other than the preferred model of a particular economic operator in the Port.

There are opportunities for any economic operator to explore arrangements with other Ports on the provision of additional facilities to support their business objectives for bulk.

3.1.2.2 Item 2 – Failure to properly consult stakeholders operating within Dublin Port

Submission

DSL reiterate their contention that DPC has not adequately consulted with stakeholders on the proposed development, claiming that the consultation that did occur was late and with insufficient time afforded to the process. They claim that DPC failed to have any meaningful consultation with DSL in relation to the proposed development, either in general or as specific updates occurred.

DPC Response

DPC's response from March 2025 has very carefully outlined the full extent of the consultation that has occurred in relation to future strategy, direction and development plans within Dublin Port. Chapter 3 of the EIAR sets out in detail the extensive amount of consultation that had taken place concerning the strategic direction of Dublin Port generally, but more specifically in relation to the 3FM Project. It is not correct to suggest that the DPC consultation was primarily addressed at statutory bodies – the public consultation on 3FM had a very broad reach and secured engagement from a wide range of stakeholders, including local business and commercial interests (including tenants).

DPC does not accept suggestions that there was a lack of consultation on 3FM generally or with DSL specifically. DSL has had ample opportunity to input to DPC's consultative processes on the strategic direction of Dublin Port since 2011, and more recently on 3FM. Such engagement is encouraged and facilitated by DPC.

3.1.2.3 Item 3 – Applicants Environmental Impact Assessment Report (EIAR)

Submission

DSL suggests that DPC has failed to properly engage with issues raised by DSL concerning the EIAR and raises specific issues on three areas set out below;

- Consideration of Alternatives Heritage - DSL contend that the EIAR contains no assessment of the potential effects of the reduction of bulk cargo on DSL or similar operators.
- Wider consideration of Cultural Heritage Element – Human Health – DSL contend that the EIAR fails to address the consideration of stevedores in the context of the Ports cultural heritage.
- Employment & Socio – Economic factors of Stakeholders – DSL contend that DPC has failed to address the effects of the proposed development on employment levels and the commercial viability of stakeholders and businesses operating within the Port.

DPC Response

Consideration of Alternatives Heritage - In the EIAR and in the response to the previous submission from DSL submitted by DPC in March 2025, DPC set out how the Assessment of Alternatives was carried out for the 3FM Project. The evaluation of alternatives in Volume 2, Part 1, Chapter 4 of the EIAR set out the potential environmental impacts to demonstrate why the chosen option is preferable from an environmental perspective.

DPC reaffirms that it does not believe there is any obligation under the EIA Directive to expressly review alternatives taking into account potential effects on different businesses and that DPC has met the legal obligations to consider reasonable alternatives as required under EIA Directives and Irish transposing legislation.

Wider consideration of Cultural Heritage Element – Human Health – DPC further welcomes the DSL observations and comments on cultural heritage and notes that they remain aligned with the very strong DPC commitment to Port Heritage & Conservation. This commitment to Port Heritage is reflected not just in the EIAR (Chapter 16), but also in the Dublin Port Conservation Strategy which expressly deals with the intangible aspects of cultural heritage including dock workers and stevedores.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Employment & Socio – Economic factors of Stakeholders – Chapter 18 of the EIAR sets out the socio economic impact of all aspects of the 3FM Project in quite considerable detail with a significant net benefit forecast during construction and operational stages. The assessment in Chapter 18 details both Construction GVA and operational GVA, both of which demonstrate very positive outcomes.

DPC reaffirms that it does not believe there is any obligation under the EIA Directive to expressly review alternatives taking into account potential effects on different businesses and that DPC has met the legal obligations to consider reasonable alternatives as required under EIA Directives and Irish transposing legislation.

3.1.2.4 Item 4 - Competition Issues

Submission

DSL referenced an issue on competition policy which they addressed in their submission dated 24th September 2024.

DPC Response

DPC contends that competition matters are not issues that fall within the scope of the planning system and as such do not merit consideration or rebuttal in the context of this submission. For the record, DPC does not accept the suggestion that the 3FM raises competition issues, but contends that the development fully accords with all relevant EU and national policy contexts relevant to the development and operation of Ports.

3.1.2.5 Item 5 - Land Utilisation Dwell Time and International Comparisons

Submission

Land Utilisation Dwell Time and International Comparisons – DSL references a comment in the submission of 24 September 2024 raising a query about the land utilisation dwell time and international comparators.

DPC Response

DPC addressed comments from DSL on the consideration of need and capacity in the initial response and reiterates that all issues in relation to the consideration of need and capacity, were adequately addressed in the EIAR and fully set out the rationale for the project as evidenced in Chapter 2 of the EIAR. The specific issues raised by DSL on International comparators on land use were fully set out in 2.2.4.1 of Chapter 2 and do not require additional clarification.

DPC believes that it has fully addressed the all the observations and comments of DSL on the 3FM Project in relation to the specific headings against which these were raised and further addresses specific additional comments made in their latest correspondence.

DPC welcomes DSL’s comments and observations and looks forward to further engaging with DSL on this project in the coming years.

3.1.3 IBEC

Reference	Item
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3.1.3.1	Item 1 – In favour of the 3FM Project
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3.1.3.1 Item 1 – In favour of the 3FM Project

Submission

The IBEC second submission remains fully supportive of the 3FM Project.

IBEC state the following: *“Our members see a clear need for a resilient and future-proofed Dublin Port. The trade flows managed by Dublin Port are the backbone of the region’s economic and social development.”*

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

“For Dublin Port to operate effectively and efficiently, it is imperative that the capacity of the Port for different cargo modes should remain ahead of demand. This demand has been calculated accurately based on sound economic modelling by DPC.”

DPC Response

DPC welcomes the continued support for the 3FM Project from IBEC, DPC acknowledges IBEC’s emphasis on the necessity of a resilient and future-proofed Dublin Port, which is vital for the region’s economic and social development.

3.1.4 Pembroke Beach DAC

Reference	Item
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3.1.4.1	Item 1 – In favour of the 3FM Project
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3.1.4.1 Item 1 – In favour of the 3FM Project

Submission

The Pembroke Beach DAC second submission is fully supportive of the 3FM Project.

Pembroke Beach DAC state the following: *“We are fully supportive of the Application in principle as we believe that the proposal will redress issues faced by the Port in its operations, whilst also serving to increase linkages and connectivity between both sides of the River Liffey.”*

“We acknowledge DPC’s response to our original submission noting that the engagement which has taken place between DPC and the National Transport Authority (NTA) leading to the NTA’s satisfaction that ‘the SPAR bridge has been designed in such a manner as would accommodate the extension of the LUAS Red Line in the future.’”

“We agree with the NTA’s recommendation ‘in the event of a grant of permission, a condition is attached requiring consultation on the detailed design of the SPAR bridge in order to ensure that an extension to the Luas Red Line can be accommodated.’ We welcome DPC’s commitment to engage with and consult the NTA/stakeholders in the manner requested.”

“In conclusion, we support this Application and wish it to be granted.”

DPC Response

DPC welcomes the support for 3FM Project from Pembroke Beach DAC (Glass Bottle Site). DPC confirm that the detailed design of the SPAR Bridge will ensure that a potential extension of the Luas Red Line across the River Liffey can be accommodated. DPC wish to reiterate its commitment to ongoing liaison with the NTA in this regard. DPC also commits to continued dialogue with its neighbours including Pembroke Beach DAC representing the Glass Bottle Site.

3.1.5 Rushfleet

Reference	Item
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3.1.5.1	Item 1 – No specific consultation and Lack of Consent
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3.1.5.2	Item 2 – Incompatibility with the Poolbeg West SDZ
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3.1.5.3	Item 3 – Consideration of Alternatives
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3.1.5.4	Item 4 – Employment & Socio – Economic Impacts
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3.1.5.1 Item 1 – No specific consultation and Lack of Consent

Submission

Rushfleet claim that there has been no direct or substantive engagement with them regarding the 3FM Project. They also claim that DPC required a letter of consent from Rushfleet before making a planning application. Rushfleet also raise an issue around DPC not acknowledging their potential entitlement to a “potential reversionary lease”.

DPC Response

There has been extensive consultation and engagement by DPC on the 3FM Project and in the context of the Masterplan which forms the strategic backdrop to the current application. The full extent of the consultation exercise undertaken for the 3FM Project is fully set out in Chapter 3 (Volume 2) of the EIAR. Rushfleet, through its planning advisors has participated in the consultative processes to date to an extent that it has been fully appraised of DPC's strategic plans for the lands that are the subject matter of the current application. DPC (through its agents, Lisney) have met with Rushfleet on a number of occasions over the last 2 years to an extent that they are fully aware of the DPC proposals for the 3FM Project

As a matter of law, there is no requirement for DPC as the landowner of the site currently occupied by Rushfleet to seek their consent before making the current application. This is a non issue.

Equally the response from Rushfleet raises issues concerning landlord and tenant law which are of no consequence to the planning system.

3.1.5.2 Item 2 – Incompatibility with the Poolbeg West SDZ

Submission

Rushfleet claim that DPC is seeking to reclassify established land use categories within the SDZ in an attempt to exclude their use of the lands.

DPC Response

The DPC 3FM proposal is firmly in accordance with the Poolbeg West SDZ. The Planning Report submitted with the application highlights (at Sections 6.4.3 and 7.4.2.1) the compatibility of the project with the Planning Scheme. The 3FM Project seeks to actively deliver on a vision which will see port operations being integral to the future of the Poolbeg Peninsula.

3.1.5.3 Item 3 – Consideration of Alternatives

Submission

Rushfleet contend that the absence of a commercial impact assessment on their business suggests that the EIAR consideration of alternatives lacks credibility.

DPC Response

Chapter 4 of Volume 2 of the EIAR submitted with the planning application contains a very detailed assessment of alternatives for the Project which meets the relevant EU and national guidance documents. DPC is satisfied that it has met all the relevant legal obligations on the consideration of alternatives.

There is no obligation in the EIA Directive for a commercial impact assessment on a specific business to be undertaken, nor for a comparative economic analysis of various alternative options. The main focus of the EIA Directive is the assessment of alternatives relevant to the project, with an indication of the reasons for selecting the project taking into account environmental effects. (Article 5(1) (d) of the EIA Directive (2014/52/EU)

3.1.5.4 Item 4 – Employment & Socio – Economic Impacts

Submission

Rushfleet say that they have had no communication from DPC on the commencement of the 3FM Project and request that any discussions on relocation and compensation should be commenced immediately if DPC wishes to proceed with its development.

DPC Response

The 3FM Project is still subject to planning consent and until the planning status of the Project is confirmed, DPC is not in a position to discuss any details on commencement of works.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

DPC will negotiate with affected tenants to give as much notice as possible in the event that planning consent is secured.

DPC welcomes the further submission from Rushfleet and believes that it has fully responded to the issues that Rushfleet and its advisors have raised.

3.2 Consultation

3.2.1 Ringsend & District Historical Society

Reference	Item
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3.2.1.1	Item 1 – Lack of Consultation with Community Bodies
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3.2.1.1 Item 1 – Lack of Consultation with Community Bodies

Submission

Rachel Lopez, Ringsend & District Historical Society's second submission makes observations on the 3FM Project's consultation process. There are no observations made related to Cultural Heritage (including Archaeological, Architectural & industrial).

The Ringsend & District Historical Society acknowledge that Dublin Port Company (DPC) may comply with the processes required for its pre-planning Community Consultation exercise, but it is the considered opinion of the Ringsend & District Historical Society that it falls down because of the too few Community bodies that DPC regard as stakeholders. They ask DPC to clarify who they regard as stakeholders.

Furthermore, the Ringsend & District Historical Society noted that a significant number of people attending the Public Information Day held by DPC at the Poolbeg Yacht and Boat Club on 13th August 2024 were unaware of the 3FM Project up to that stage.

The Ringsend & District Historical Society noted that through the future phases of the 3FM Project development, DPC intend to consult further with the local stakeholders. The Ringsend & District Historical Society and others mentioned in their original submission wish to now be included in this phased approach.

DPC Response

DPC appreciates and welcomes further comments from the Ringsend & District Historical Society regarding the 3FM Project consultation process.

DPC believes that significant and meaningful consultation has taken place during the pre-application phase of the 3FM Project with the local community and interest groups within the Ringsend/Irishtown area but is nevertheless keen to take on board the constructive comments made.

The 3FM Project public consultation process is set out in Chapter 3 of the EIAR. Section 3.4.4.4 sets out Consultations undertaken with Local Community and Interest Groups.

As requested, the range of local stakeholders consulted comprise the following:

- Public Representatives (TDs, Senators and Councillors)
- Ringsend Community Services Forum
- Stella Maris Rowing Club
- St Patricks Rowing Club
- Irish Nautical Trust
- Half Moon Swimming Club
- Poolbeg Yacht & Boat Club
- 1st Port Sea Scouts
- Ringsend Registered Fishermen & Private Boat Owners Club
- South Bank Combined Boat Clubs Development Committee
- Sea Safari
- Dublin Bay Old Gaffers Association
- Poolbeg Training CLG (Rinn Voyager)
- Raytown Angling
- Liffey City Currach Regatta

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- Ringsend & Irishtown Tidy-towns & Environment
- Docklands Oversight and Consultative Forum
- Diving Ireland (Irish Underwater Council)
- Residents at Coastguard Cottages and Pigeon House Road
- Sandymount & Merrion Residents Association (SAMRA)
- Clontarf Residents' Association
- Dublin Bay Watch; and
- Ringsend River User Groups.

The Ringsend Community Services Forum (RCSF) is an umbrella group representing 72 local groups including the local Resident Associations. Regular updates on the 3FM Project were filtered through to the individual member groups via RCSF Newsletters.

Notably, the RCSF Website cites the Ringsend & District Historical Society as one of its members. It may be that RCSF's Newsletters were not received by the Ringsend & District Historical Society, as intended, which may explain, to some extent, the observations made.

Pre-application Public Consultation took place in two phases (November – December 2021) and (March – May 2023) as set out in Chapter 3 of the EIAR, Section 3.4.4. For each, a public awareness campaign was undertaken comprising leaflet drops to local residential areas, posters in local businesses and shops, use of billboard advertising at prominent locations on East Wall Road, use of a wide range of social media outlets, newspaper articles and radio interviews.

It is clear from the significant number of submissions received that the public consultation process reached a wide audience.

Following submission of the 3FM Project application to An Bord Pleanála, DPC undertook further extensive consultation, including the Public Information Days referred to by the Ringsend & District Historical Society, to inform all stakeholders of the 3FM Project final design and to encourage public participation in the development assessment process.

DPC allocates a considerable resource and commitment to Heritage matters and has a Port Heritage Team. DPC will be pleased to engage with the Ringsend & District Historical Society, including in relation to specific community gain elements for the 3FM Project that address cultural heritage.

3.2.2 William Kelly

Reference	Item
3.2.2.1	Item 1 – Inadequate Northside Public Consultation

3.2.2.1 Item 1 – Inadequate Northside Public Consultation

Submission

William Kelly's second submission makes observations on the 3FM Project's consultation process.

Mr Kelly claims that the core issue raised in his original complaint has not been addressed by DPC. Mr Kelly also claims that the resident and working populations of East Wall Road, Inner Clontarf Road and Malahide to Northern Cross have not been afforded the same standard of public consultation as was organised for the Poolbeg, Ringsend, Sandymount and Merrion populations.

DPC Response

DPC appreciates and welcomes further comments from Mr Kelly regarding the 3FM Project consultation process.

DPC believes that significant and meaningful consultation has taken place during the pre-application phase of the 3FM Project with all local communities and interest groups including those located on the North Side of the Liffey.

At the outset of the 3FM Project, direct consultations were held with the Clontarf Residents' Association who expressed no concerns about the 3FM Project and subsequently did not make a submission on the 3FM Project to An Bord Pleanála.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

DPC was nevertheless keen to ensure that all residents, both North and South of the River Liffey were consulted on the 3FM Project.

Pre-application Public Consultation took place in two phases (November – December 2021) and (March – May 2023) as set out in Chapter 3 of the EIAR, Section 3.4.4.

The first Pre-Application Consultation took place at a time when public health restrictions concerning COVID-19 were still in place, and comprised an online portal, which set out the evolving details of the Project through a Virtual Consultation Room (VCR).

DPC launched the VCR on 18th November 2021. The VCR was advertised in the following ways:

- Print advertising in National and Local Media (The Irish Times, Business Post, Sunday Times, Southside People, Northside People);
- Social Media Channels (Organic & Promoted Posts across Twitter, LinkedIn, Facebook, Instagram);
- Digital display advertising including Irishtimes.com; and
- Billboard advertising, including prominent locations on East Wall Road

The VCR was an online interactive space where the public could learn more about the 3FM Project and make observations. Care was taken to present information in a user-friendly way to aid visualisation and understanding of the project. The VCR also provided information on how the public could submit their views and perspectives on the 3FM Project proposals, including through the portal itself.

The second public consultation process for the 3FM Project was initiated on 21st March 2023 and continued until 15th May 2023. Unlike the first consultation process, which had been conducted during the COVID-19 pandemic, this exercise was not constrained by public health restrictions and several in-person events were held. It was decided to retain the Virtual Consultation Room which had been heavily accessed previously as the feedback had been universally positive that the format allowed for effective engagement and an understanding of the key elements of the project.

A series of Public Information Days on the 3FM Project took place at Poolbeg, Ringsend and Clontarf to allow face-to-face interaction between interested parties/members of the public and key DPC and RPS staff directly involved in the 3FM Project. The venues and dates of these events were as follows:

- Poolbeg Public Information Day held at Poolbeg Yacht and Boat Club, 18th April 2023;
- Ringsend Public Information Day held at Clanna Gael Fontenoy GAA, 19th April 2023;
- Clontarf Public Information Day held at Scoil Uí Chonaill GAA Club, 20th April 2023.

Mr Kelly acknowledges that the Clontarf Public Information Day held at Scoil Uí Chonaill GAA Club, 20th April 2023 did not come to his attention but claims that, in his opinion, the location of the venue was too remote from the affected populations.

DPC used the Scoil Uí Chonaill GAA Club venue because it lies at the heart of the local community and is known to all local residents, It is the same location used for previous Public Information Days held in support of both the Alexandra Basin Redevelopment Project and the MP2 Project and is therefore associated with previous DPC Strategic Infrastructure Development project events.

Following submission of the 3FM Project application to An Bord Pleanála, DPC undertook further extensive consultation, including Public Information Days, to inform all stakeholders of the 3FM Project final design and to encourage public participation in the development assessment process.

Mr Kelly claims that the venue used for the Public Information Day held at Clontarf Parish Church Hall on 15th August 2024 was unsuitable.

DPC acknowledges that the preferred event location was the Scoil Uí Chonaill GAA Club but on this occasion, it was not deemed suitable for displaying the quantum of material required to adequately portray the full extent of the 3FM Project. DPC therefore selected an alternative location within the heart of Clontarf which offered sufficient bright, airy space and good carparking. The photograph below was taken during the event.

DPC is pleased that Mr Kelly was able to attend this event where he was able to read professionally produced display material and discuss the 3FM Project in person with a number of senior DPC staff and senior RPS Engineers and Scientists who played key roles in the development of the 3FM Project, including the RPS Traffic lead.

It is important to note that a number of residents from Ringsend attended this event who were unable to attend the other Public Information Days held earlier that week emphasizing DPC's intention to make the Public Information Days available to all, across the selected venues.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

DPC believes that it is critically important to listen and engage with all stakeholders who feel they may be impacted by the 3FM Project. Going forward, DPC would therefore be pleased to commit to continued consultation with local residents and wider stakeholders, including Mr Kelly, during the next stages of the 3FM Project.



Clontarf Public Information Day 15 August 2024

3.3 Terrestrial Ecology & Ornithology (including Natura Impact statement)

3.3.1 DAU

Reference	Item
3.3.1.1	Item 1 – Archaeology
3.3.1.2	Item 2 – Nature Conservation, Clarification of In Combination Disturbance on the Tern Colony
3.3.1.3	Item 3 – Nature Conservation, Clarification of numbers of birds of SCI species; usage at the Poolbeg outfall; and usage at the Goose Compensation Field
3.3.1.4	Item 4 – Nature Conservation, Outline Badger Conservation Plan

The Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage (DHLGH) has made a second submission under the headings Archaeology and Nature Conservation which are addressed in the following sections.

3.3.1.1 Item 1 – Archaeology

Submission

In their April 2025 submission, DHLGH note that *“The further information submission has been reviewed and as it results in no alterations that could give rise to substantive known/potential impacts on underwater cultural*

heritage, The Department's previous recommended conditions remain unchanged. No further comment is required."

DPC Response

DPC is satisfied that these issues have been addressed sufficiently within their previous Response to Submissions.

3.3.1.2 Item 2 – Nature Conservation, Clarification of In Combination Disturbance on the Tern Colony

Submission

In their April 2025 submission, DHLGH note that their original (September 2024) submission recommended that the Board request Further Information (FI) on three topics namely, an amended NIS (addressing crane operation, bird counts and light-bellied geese), an otter survey and a badger survey. The DHLGH acknowledges that DPC's Response to Submission (March 2025) contains responses to these three FI requests and has in addition responded to submissions on related issues by third parties.

The DHLGH note the following in their April 2025 submission: *"the DPC has not specifically addressed in its response whether the in combination disturbance of the noise and movement of gantry cranes transferring containers from ship to shore 35m above the Lo-Lo wharf and only 50m from the ESB tern platform, and at night illuminated, might not adversely affect the continued breeding success of the common tern colony utilising this platform once the Lo-Lo terminal becomes operational..."*

If the Board is of the view that adverse effects on the tern colony will not occur consideration might also be given by the Board to attaching conditions to any permission, if granted, to provide for the monitoring of the breeding success of the common tern colony on the ESB platform. Such condition should require the applicant to apply appropriate and proportionate remedial measures if operational activities were found to be adversely affecting the terns' breeding success".

DPC Response

DPC previously directly assessed the DHLGH's requests regarding Further Information for the 3FM Project in their March 2025 Response to Submissions, in which an overshadowing study (Appendix 3.6.4 of the DPC Response to Submissions, March 2025) and three complementary case studies (Sections 3.6.1.5.1-3.6.1.5.3 of the DPC Response to Submissions, March 2025, highlighting Montrose Port, Ringaskiddy Deepwater Port and Leith Docks respectively) were presented to further support the applicant's NIS.

In addition, DPC previously assessed the 3FM Project's in-combination effects in direct response to BirdWatch Ireland's (BWI's) submission (Section 3.6.1.5 of the DPC Response to Submissions, March 2025); and also Peter and Mary Carvill's submission (Section 3.6.1.6 of the DPC Response to Submissions, March 2025), which contained items regarding potential noise disturbance at construction phase and abandonment (overall disturbance risks) at the Tern colony. The DHLGH response was cross referenced to the BWI's response as the items raised at that time shared mutual themes regarding the potential risks at the Tern Colony.

As those responses remain pertinent to the current submission, they are summarised and/or referred to below including some additional points on the assessment of operational noise for clarity to respond more fully to the DHLGH's second submission.

DPC has submitted a detailed application for the 3FM Project supported by an EIAR which addresses terrestrial biodiversity and ornithology in Chapter 7 Biodiversity, Chapter 21 Summary of Mitigation Measures and Conclusions (Volume 2, Part 2 of the EIAR); draft Construction Environmental Management Plan (CEMP); Screening for Appropriate Assessment Report; and Natura Impact Statement.

The DPC Response to Submissions in March 2025 also included Operational Phase Airborne Noise Predictions as Appendix 3.6.8 which are taken from the assessment of noise presented in Chapter 12 of the EIAR. Table 12.1.22 of the EIAR confirms the various activities that were modelled to be occurring simultaneously within Areas K, N, L and O of the 3FM Project. Appendix 3.6.8 confirms that with the exception of the Tom Clarke Bridge (site E as depicted in Appendix 3.6.8) and Poolbeg Marina (site F as depicted in Appendix 3.6.8), all other sites do not have predicted noise levels exceeding 60 dB(A) LAeq. Predicted noise levels at the ESB Dolphin (site B as depicted in Appendix 3.6.8) do not exceed mid-50s dB(A) and predicted noise levels at the CDL Dolphin (site D as depicted in Appendix 3.6.8) do not exceed mid-40s dB(A).

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

These are the predicted noise levels of simultaneous activities associated with port operations at Areas K, N, L and O, and including the following activities at Area N:

- Ship to shore cranes (x6)
- E-Rubber tyred gantries (x8)
- Reach stackers (x4)
- Electrified internal terminal tractors (x4)
- HGVs (x3)
- Ship (x1)
- Container handling

As such these predicted noise levels are the cumulative noise levels to inform an ‘in-combination’ assessment. It is this order of magnitude of noise level rather than the precise decibel level which is of greatest interest to the ornithology team. (Cutts *et al.*, 2009) considered impacts to birds utilising the Humber Estuary and summarised the general thresholds due to the potential effects of construction disturbance on birds. A Waterbird Disturbance Toolkit²⁴ developed by TIDE25 (Cutts *et al.* (v3.2), March 2013) evolved from this earlier study by Cutts *et al.* and usefully includes assessment predictions of how waterbirds will respond to a variety of noise sources, including a summary graphic of likely disturbance effect for a noise level and distance of receptor from source, which was presented as Figure 3.6.1 of the DPC Response to Submissions, March 2025. This graphic shows that the cumulative operational noise levels are capable of generating a response in waterbirds at the lowest level (level 1 - no effect) in the majority of cases, moving to the second lowest level of disturbance response (level 2- head turning, scanning) at the ESB Dolphin.

With this in mind, Section 4.2.4.3.3.1 of the NIS records that for operational phase *“the existing high levels of anthropogenic noise, traffic and disturbance associated with the operational use of the Dublin Port estate has resulted in the birds that breed and overwinter here becoming habituated to much of the human activity in the area. The nature of such activity will not change in the 3FM Project operational phase.”*

DPC provided further information in its Response to Submissions, March 2025 to specifically address DHLGH and BWI concern regarding the potential impacts to the Tern Colony. In particular, the possibility that the terns may not continue to occupy the breeding sites at all if conditions are different upon their return as the landscape surrounding their nesting habitat will change by undertaking **visualisations, overshadowing assessment** of the proposed development, assessment of **shipping movements** and also by considering evidence from three comparable **case studies**.

Visualisations of the proposed 3FM Project were presented in the DPC Response to Submissions, March 2025 to show views from the tern nesting structures (Appendix 3.6.5). They show that construction of the proposed 3FM Project will not result in major encroachment of the SPA tern colony and the demolition of the sludge jetty will actually create more open water between the SPA colony and existing port lands to the south-west. In addition, the height of the proposed statcom building associated with the proposed Codling Wind Park onshore infrastructure does not exceed 25m above ground level, and which will cause no overshadowing effects on the colony. It should be noted that the construction of the new Lo-Lo terminal (Wharf N) is programmed to take circa six years to construct meaning that the visual differences will be gradual for the returning terns.

In direct response to this second submission from the DHLGH, DPC has also taken the opportunity to show a Night Time Illumination of Area N at Operational Phase (Figure 1). This visualisation shows stacked containers, operational gantry cranes transferring containers from ship to shore and night-time illuminations with light spill from high mast lighting columns with directional cowls. The ESB Dolphin is highlighted and shows low levels of artificial illumination as a result of Area N against ambient night time light levels during hours of darkness in mid summer. Figure 2 is a further visualisation showing the operation of the facility in daylight conditions.

This additional ‘night time’ visualisation, in addition to the additional daylight and previously submitted visualisations (Appendix 3.6.5 of the Response to Submissions, March 2025) confirms that there will be no encroachment, overhanging or overswinging of the ESB Tern Colony by gantry cranes transferring containers from ship to shore during the operational phase of the 3FM Project, nor will the colony be impacted by light spill from Area N. In addition, terns are present on the ESB platform primarily in late-April, May, June and July when day length ranges from around 15 hours of daylight to over 17 hours per day when the period of darkness is shortest across the annual cycle.

Results from an **overshadowing** study (previously submitted in Appendix 3.6.4 of the Response to Submissions, March 2025) has shown that the proposed Area N will not cause overshadowing of the tern colony at the CDL Dolphin (NHA designation). This concluded that potential in-combination effects between the Codling Wind Park and the 3FM Project will not arise. In addition, the study indicated that shadowing of

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

3FM Project infrastructure (i.e., ship to shore gantry cranes) will be cast over the tern colony at the ESB Dolphin only during the early morning in the breeding season, and even then, only on occasions when the cranes are at the full extent of the western limits of their rails i.e., closest to the colony. However, it should be emphasised that any shadow cast will be temporary, lasting approximately 1 hour in April and May and approximately 30 minutes in June and July. The shadow would also be slow moving, caused by the rising sun. However, this will only occur on days when the sun is not covered in cloud. On dull and cloudy days, the sun will be obscured, so will not cast a shadow, so the effect will not occur and the tern colony will endure a standard dull day in Dublin. Thereby shadow will only occur in extreme circumstances, be short term, and temporary. This type of shadow effect is considered by the ornithological team at RPS to be regarded by the birds as no different from a cloud moving in front of the sun.

DPC's Response to Submissions, March 2025 also provided an operational phase summary of shipping manoeuvres prepared by the Dublin Port Harbourmaster in conjunction with HR Wallingford (presented in Appendix 3.6.9). This data presented therein is from existing vessel **shipping movements** on approach to the existing river berths and in the area where the proposed turning circle is to be located, and not projected vessel movements. This information clearly demonstrates that this is not a new activity that does not already occur in this area. Vessels do turn and manoeuvre in the area in which it is proposed to locate the turning circle element of 3FM Project. The work required to facilitate the turning circle is principally below the water line in the form of dredging. There is no above ground (or above the water line) infrastructure, aside from a manoeuvring ship as and when it occurs. The proposed turning circle as part of the 3FM Project will not see a major encroachment of vessel movements in proximity to the tern colonies, compared to existing levels with vessels already passing within 40m of the dolphins during turning manoeuvres. Ships manoeuvring within the circle, performing a swing movement, enabling the ship to move into the appropriate berth, will be temporary and short in duration. The presence of successful colonies at Dublin Port and Leith Docks where ships pass close by, is indicative that terns have shown they are tolerant of vessel movements and there is no detrimental effect on the terns breeding success.

We refer also to the Complementary **Case Studies** on Disturbance to Terns in Port Environments which were included in our March 2025 response, including Montrose Port and Leith Docks in Scotland and Ringaskiddy Deepwater Port in Cork. We can confirm that night-time operations do occur in those port environments and they remain relevant as submitted case studies.

This information noted above, supported by the case studies submitted previously by DPC, considered the proximity of Port Infrastructure and Shipping, demonstrating successful tern colonies in comparable working port environments. DPC's previous response with regard to overall disturbance risks concluded that *"On the basis of the information contained in the application documentation (including the NIS) and the additional information presented above, from experiences derived from sites with very similar scenarios, and the scientific analysis and evaluation presented in the DPC Habitats Directive appraisal reports previously submitted, it is concluded that there will not be a significant change in the existing conditions in relation to the presence of the structures, overshadowing or movement of vessels within Dublin Port as a result of the 3FM Project."*

In the 3FM Project's NIS, no in-combination effects were identified with regard to the turning circle and CDL dolphin and SPA platform, given that this is not a wholesale change in operational vessel movements as they currently do turn and manoeuvre in the area in which it is proposed to locate the turning circle. The proposed turning circle as part of the 3FM Project will not see a major encroachment of vessel movements in proximity to the tern colonies, compared to existing levels with vessels already passing within 40m of the dolphins during turning manoeuvres. Ships manoeuvring within the circle, performing a relatively slow swing movement, enabling the ship to move into the appropriate berth, will be temporary and short in duration. The presence of successful colonies at Dublin Port and Leith Docks where ships pass close by, is indicative that terns have shown they are tolerant of vessel movements and there is no detrimental effect on the terns breeding success. Similarly, these ports have lighting facilities in place and operating during the breeding season, which do not impact the colonies.

When this information above is considered alongside the comprehensive assessment of noise in the 3FM Project NIS and additional information provided in DPC's March 2025 response to the Birdwatch Ireland submission under 'Item 1 – Potential Piling Noise Impact on the Tern Colony', it is our professional opinion from the information presented, from experiences derived from sites with very similar scenarios, and from the assessments undertaken the scientific analysis and evaluation presented in the 3FM Project NIS and the mitigation proposed therein, that it can be concluded that there will not be any significant in-combination disturbance effects as a result of operational phase noise, movement of gantry cranes transferring containers from ship to shore at Masterplan Area N, and nighttime illumination.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

In these circumstances, DPC considers that there is sufficient information to enable the competent authority to assess the potential in-combination effects of the proposed Lo-Lo container terminal in Masterplan Area N, and the Dublin Port tern colony, and that the competent authority is enabled to conclude that there will be no such adverse effects.

Regarding conditions to provide for the monitoring of the breeding success of the common tern colony on the ESB platform, mitigation measures are already in place to provide predator control for the ESB platform, organised by DPC. These measures include: the installation of trail cameras to monitor predation, the installation of baffles on the mooring chains of the Great South Wall Pontoon, the installation of sloped wooden boards around the pontoons' perimeters, the installation of wooden boards covering the top one third of the ladders to prevent access by otters and welding a metal skirt above the mooring chains.

The partnership with BirdWatch Ireland is ongoing to monitor the tern colonies on all four structures used by the breeding terns, through a series of visits to the structures during the breeding season to carry out a census of nests, to assess nesting success (productivity), and to fit British Trust for Ornithology (BTO) metal rings and individually inscribed colour-rings to the chicks. In recent years there has been an increased effort to catch and colour ring adult terns on the nest. Many adult birds in the colony bear metal rings only, which were fitted as chicks prior to the beginning of colour ringing efforts, and due to difficulties reading these metal rings in the field, have not been recorded since. The re-trapping and colour-ringing of some of these adults therefore presents an opportunity to better-monitor survival, recruitment, movement, and natal fidelity.

3.3.1.3 Item 3 – Nature Conservation, Clarification of numbers of birds of SCI species; usage at the Poolbeg outfall; and usage at the Goose Compensation Field

Submission

In their second submission, the DHLGH accept clarification on the discrepancy between the numbers of birds of SCI species, with specific regard to black-tailed godwits.

The DHLGH also note in their submission: *“While the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species.”*

With regard to usage by light-bellied brent geese of the neighbouring Goose Compensation Field, the DHLGH also note: *“the Department accepts the company’s contention that tree planting and landscaping proposed for Area O should provide a barrier to mitigate any visual impacts on the Goose Compensation Field. The bird surveys undertaken in connection with the present application did not record any usage of the Goose Compensation Field by brent geese likely due to the grass having been allowed to grow too long there. The Department had engaged with Dublin City Council over this matter, and the grass in the Compensation field has now been mown to a level suitable for its use again by the geese to graze on.”*

DPC Response

DPC is satisfied that these issues have been addressed sufficiently within their previous Response to Submissions.

3.3.1.4 Item 4 – Nature Conservation, Outline Badger Conservation Plan

Submission

In their submission, the DHLGH welcomes the otter and badger surveys that have now been undertaken and submitted as FI together with an outline Badger Conservation Plan as also requested. The DHLGH request that consideration should be given to retaining Setts 3 & 4 within the finalised Badger Conservation Plan and state: *“It is not clear to the Department why the closure of these two latter setts is necessary given that they are both in an area which it is eventually intended to be a park. In the case of Sett 4, given its location at the coastal edge of the site, its closure especially seems unnecessary. The Department recommends that it should be a condition of any planning permission granted for FM3 that when the finalised Badger Conservation Plan for the development area is being drawn up consideration should be given to the retention of Setts 3 & 4 and that DPC should liaise with the NPWS concerning its proposals for these setts.”*

DPC Response

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The Department has recommended that a condition be attached to any planning permission granted to require DPC to give consideration to retention of badger Setts 3 and 4 and liaise with the NPWS concerning its proposals for these setts when drawing up its finalised Badger Conservation Plan. Construction of elements of the proposed 3FM Project in the immediate area surrounding badger Setts 3 and 4 may not occur for a number of years after the commencement of construction, in accordance with Appendix 5.4 at Volume 3, Part 2 of the EIAR showing a 3FM Project High Level Programme and accompanying sequence drawings. Consequently, such a condition provides a mechanism for DPC to update any baseline information on the use of badger setts at the relevant time and also provides a mechanism for liaising with the NPWS on finalising intentions for these setts when drawing up its finalised Badger Conservation Plan. DPC confirms that it is happy to accept such a condition.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS



Figure 1: Night Time Illumination of Area N at Operational Phase (with ESB Dolphin highlighted and showing low levels of illumination)

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS



Figure 2: Visualisation of Area N at Operational Phase

3.3.2 Peter & Mary Carvill

Reference	Item
3.3.2.1	Item 1 – Importance of the intertidal area in the vicinity of the ESB/UE discharge channel and weir
3.3.2.2	Item 2 – Necessary Scientific Data
3.3.2.3	Item 3 – Black-tailed Godwits – Usage of the Intertidal Area in the vicinity of the ESB/UE discharge channel and weir
3.3.2.4	Item 4 – Black-tailed Godwits – Disturbance Issues
3.3.2.5	Item 5 – Black-tailed Godwits – Noise Disturbance
3.3.2.6	Item 6 – Black-tailed Godwits – Dredging
3.3.2.7	Item 7 – Black-tailed godwits – In combination effects
3.3.2.8	Item 8 – EIA Report & Global Populations

In their submission, Peter and Mary Carvill state that they remain of the opinion that the concerns they have raised previously regarding birds of conservation interest, were not adequately addressed by DPC, neither in the NIS, nor in the DPC Response to Observations Document.

3.3.2.1 Item 1 – Importance of the intertidal area in the vicinity of the ESB/UE discharge channel and weir

Submission

Peter and Mary Carvill state within the introduction to their submission: *“we are of the view that the DPC have been unwilling to acknowledge the importance of this location. They have failed to take seriously the potential ex-situ consequences of the proposed 3FM development for the conservation objectives of the Dublin Bay SPAs through displacement of the wintering and migrating birds that feed and roost at the GSW mudflats. As a result neither the possibilities that may exist for the mitigation of these consequences nor the question of whether there is a need to invoke the IROPI provisions of the Habitats Directive, have been given due consideration.”*

The submission also refers to on-site observations and concerns they have alerted DPC to and also make reference to the Holohan judgment of the Court of Justice of the EU (Case C 46/17).

DPC Response

DPC has been collecting a wealth of data since 2016 on the over-wintering bird populations within the inner Liffey channel and the Tern colonies through sponsoring the Dublin Bay Bird Project, working in close collaboration with BirdWatch Ireland, and by commissioning project-specific survey campaigns on a project-by-project basis undertaken by professional ornithologists.

DPC has welcomed the engagement with Peter and Mary Carvill which commenced in 2022 and has resulted in the sharing of useful data in relation to birds, particularly with regard to the feeding and roosting activities of Black-Tailed Godwit and other SCI bird species within the intertidal area in the vicinity of the ruptured ESB/UE discharge channel and weir. From the outset, the Carvills have emphasised their belief in the importance of this site, particularly from the perspective of conserving the habitat of the Black-Tailed Godwit for which they have a clear passion.

In doing so, the Carvills have aided DPC’s understanding of the environmental baseline and constraints associated with the 3FM Project. DPC’s knowledge of the environmental constraints has enabled mitigation through engineering design for all elements of the 3FM Project as set out in Chapter 4 of the EIAR, Assessment of Alternatives and Chapter 5, Project Description.

Consultation on the 3FM Project commenced in April 2021 with meetings held with a range of Government Departments and key stakeholders as set out in Chapter 3 of the EIAR, Consultation and Project Scoping. The consultations were based on a preliminary General Arrangement Drawing, Option 1 of March 2020 as set out in Chapter 4, Assessment of Alternative (Figure 4.12). The issues raised during the consultations enabled the 3FM Project to evolve over time. Option 2 of November 2021 as set out in Chapter 4, Assessment of Alternative (Figure 4.13) shows the movement of the proposed Turning Circle from a location close to the Great South Wall and the intertidal area in the vicinity of the ESB/UE discharge channel and weir to a location upstream

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

which is better from both a navigational safety and environmental perspective. This process of design evolution continued throughout the consultation process, by taking onboard the issues raised by statutory bodies, interested parties and the public to ensure the 3FM Project complies with the principles of proper and sustainable development.

The key port-related strategic infrastructure development required to achieve Dublin Port's ultimate capacity of 73.8 million tonnes throughput of cargo per annum, which lies most proximate to the intertidal area in the vicinity of the ESB/UE discharge channel and weir is the proposed Lo-Lo Terminal at Area N. The evolution of the design of the Lo-Lo Terminal has been dictated by the following environmental factors:

- The wharf providing the main hardstand for the Lo-Lo Terminal has been purposefully designed to be completely open-piled to ensure no change to the coastal processes within the inner Liffey, notably the tidal flow and sediment transport regime. No significant impact is therefore expected with regard to the nature of the intertidal area downstream of the ESB/UE outfall channel and weir as a result of the 3FM Project because this open-piled structure design was adopted.
- The wharf was deliberately designed to stop short of the intertidal area downstream of the ESB/UE outfall channel and weir to the east which is recognised as an area that the waterbirds of Dublin Bay use. It was also designed to maximise its separation with the ESB dolphin to the west which hosts a colony of Common Tern, whilst attaining DPC's requirement for a 650m long berth.
- The wharf design was also constrained to the south due to the presence of the Great South Wall and the ESB/UE discharge channel and weir. The wharf was therefore designed to be offset from the Great South Wall and the main ESB/UE discharge channel with access to the wharf being made by bridging over the gap.
- The wharf was additionally constrained to the north by the port's main navigation channel. The northern extent of the wharf was therefore aligned to the existing Poolbeg Oil Jetty.
- Furthermore, in order to minimise disturbance to birds feeding within the intertidal area in the vicinity of the ESB/UE discharge channel and weir, the eastern end of the wharf was designed to be used, during the operational phase of the development, to facilitate an oil manifold and above ground oil pipelines to deliver oil from tankers berthed mid-ship at the eastern end of the wharf to the NORA oil storage facility. Dolphins are located to the east of the wharf to facilitate the berthing of the oil tankers. These ships currently only use the berth one to two times per annum. The wharf's operational phase use at its eastern end was therefore deliberately designed to be low level, ensuring minimal operational activities and noise levels at this eastern end. In addition, railings have been proposed at the eastern end of the wharf and on the bridge connections between the dolphins. This design feature will maximize the opportunities for birds to perch/rest on such structures, just as they have been observed to do presently around Dublin Port.

Based on the above, DPC wishes to assure Peter and Mary Carvill, that the importance of the intertidal area in the vicinity of the ESB/UE discharge channel and weir has been acknowledged and was indeed a fundamental factor in the design process of the 3FM Project. This acknowledgement includes acceptance of the Carvills' data regarding the numbers of birds using the area at certain times. The Carvills' input to the consultation process has been both constructive and helpful. Bird count data collected by DPC as part of the 3FM Project baseline surveys has corroborated the data supplied by the Carvills and confirmed the importance of the environmental constraints used to underpin the engineering design. DPC welcomes this additional data and submits that it assists An Coimisiún Pleanála in carrying out the necessary assessments of the potential impact of the 3FM Project.

The approach taken by DPC to design the 3FM Project, as set out above, is to ensure a negligible direct impact on the intertidal habitat located downstream of the ESB/UE discharge channel and weir. The steps taken to minimise disturbance at the operational phase of the proposed development will effectively reduce to inconsequential levels any potential *ex-situ* operational phase disturbance of the proposed 3FM Project related to the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA (the Dublin Bay SPAs).

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The further responses to items 3, 5 and 7 in the following sections expand on planned repair works by Uisce Éireann and our consideration that the effects on this area from the repair of the damaged outfall will effectively end its use by the black tailed godwit, consequently supporting, our conclusion that 3FM Project's impact will be inconsequential.

In relation to the conservation objective attribute of 'Distribution' for non-breeding waterbird special conservation interest species (SCIs), the corresponding conservation target for these waterbird SCIs is to avoid a significant decrease in the range, timing or intensity of use of areas by the SCI species. The design of the project and low level use of this eastern end of Area N as described above, together with the mitigation measures proposed as part of the project will avoid imperilling this conservation attribute and target.

A separate response to the legal case law points raised by the Carvills has been prepared by DPC's solicitors and is included in Appendix 3.

3.3.2.2 Item 2 - Necessary Scientific Data

Submission

Peter and Mary Carvill's submission's introduction also states: *"we maintain, therefore, that it is not possible, in the absence of the necessary scientific data regarding the GSW mudflats, submitted to the Board by the Dublin Port Company, for the Board, as the competent authority, safely to give a positive Appropriate Assessment regarding those aspects of the 3FM Project that are likely to impact the birds that feed and roost on those mudflats."*

Starting on Page 3, Peter and Mary Carvill's submission goes on to state: *"The work undertaken by the Dublin Port Company in preparing the Natura Impact Statement was not comprehensive in regard to the GSW mudflats. They understated the numbers of black tailed godwits and the length of time during the tidal cycle that the birds continue to feed there. This has resulted in a failure to recognise the importance of these tidal mudflats in the overall context of the Dublin Bay SPAs and their species of conservation interest."*

DPC Response

DPC has commissioned a suite of site-specific surveys to support an Environmental Impact Assessment and an Appropriate Assessment, and has provided datasets on the results of these surveys in the planning application, at Appendix C to the NIS. A further Through-the-Tide Cycle Count (TTTCC) waterbird survey was undertaken in daylight hours on 19th September 2024 during an extreme low tide state (at lowest astronomical tide (LAT) of +0.03 m) as suggested by the Carvills during a consultation event, to provide evidence of foraging or roosting birds during this event and to inform our March 2025 response to the September 2024 submission. For the avoidance of doubt, peak counts of Black-tailed godwits recorded during this survey are as follows:

Peak Count	Site
57	Poolbeg (not within the Natura 2000 network)
0	Shelly Banks (within the South Dublin Bay and River Tolka Estuary SPA)
15	Bull Island (within the North Bull Island SPA)

Any ornithological survey, when dealing with mobile species, will not record every individual movement or bird. Rather it is a snap-shot method to provide a robust understanding of site usage, rather than a complete census of waterbirds across all space and all time. This method is entirely acceptable for impact assessment purposes, and provides a robust understanding of bird movements and usage within a site over a prolonged period, helping to identify the regular and core areas used and ultimately identify habitats of importance for waterbirds at a range of geographical scales for impact assessment purposes. The surveys commissioned by DPC for the 3FM Project, in addition to other publicly available datasets and survey data provided by the Carvills have provided a robust evidence base upon which to base the impact assessments.

The data that the Carvills have provided during the consultation process, particularly with regard to the feeding and roosting activities of Black-Tailed Godwit and other SCI bird species within the intertidal area in the vicinity of the ESB/UE discharge channel and weir, has highlighted the importance of this site, particularly from the perspective of conserving habitat of the Black-Tailed Godwit and in doing so, the Carvills have played an

important role in supplementing DPC’s understanding of the environmental constraints associated with the 3FM Project. DPC agrees with the content of the additional scientific information that Mr and Mrs Carvill are providing and takes the view that the provision of additional scientific data to An Coimisiún Pleanála, from any party, makes for a more robust assessment and a more robust planning determination process.

Of importance, DPC observes that in its second submission to the 3FM Project consultation, the DHLGH (Department of Housing, Local Government and Heritage) has accepted the clarification provided the *DPC Response to Submissions, March 2025*, on the discrepancy between the numbers of birds of SCI species with specific regard to black-tailed godwits.

The DHLGH also note in their second submission that *“while the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species.”*

Cumulative impacts within a port environment are almost always included by the nature of ongoing events, but it is noted that new projects may introduce sympatric pressures. Whether they are additive, cumulative, or combined is often difficult to precisely identify, however these impacts are considered through the process. With non-static events (e.g., tidal cycles), temporary and infrequent impacts such as water discharge, the mobility of bird species and existing habituated human disturbance events, allocating proportional contribution of each impact source to the overall waterbird response is an inexact science. Taking a pragmatic and proportionate view, using best scientific evidence available and our extensive experience of assessing ornithological effects of port projects in estuaries and coastal regions, DPC has built a mosaic picture of impacts for consideration.

The close proximity of Dublin Bay to so many important waterbird sites makes the area particularly significant for the high concentrations of waterbirds that rely on the Bay throughout the annual cycle. In particular, Sandymount Strand holds the largest concentration of post-breeding terns in Ireland, attracting birds from colonies across Ireland and further afield, making it one of the most important tern staging-sites in North-west Europe (Burke *et al.*, 2020). The safeguarding of the passage populations of Roseate Tern, Common Tern and Arctic Tern, the breeding population of Common Tern and the non-breeding populations of a variety of waterbird species are listed as components of the conservation objectives for the South Dublin Bay and River Tolka Estuary SPA (NPWS 2015b).

DPC therefore considers that a comprehensive ornithological survey campaign was commissioned to ensure that bird usage of areas of the port in the zone of influence of the proposed 3FM Project, and that potential effects of the proposed 3FM Project in the adjacent areas to the port and across the SPAs that are important for avian species, were comprehensively captured and identified. These surveys included concurrent Through-the-tide Cycle Count surveys (TTTCC) across the SPAs across the year, from April to March.

It should be noted that no matter how robust an ornithology survey programme is, the data it provides is based on a snapshot process, building up a contextual picture, and it cannot record every single bird at every moment. This is not a flaw or shortfall, but rather an accepted characteristic of industry standard, best practice sampling methodology. However, DPC reiterates that it has carried out all aspects of the design and assessments based on the assumption that this location in the vicinity of the discharge channel and weir is regularly used by SCI species of waterbirds of the Dublin Bay SPA sites.

3.3.2.3 Item 3 – Black-tailed Godwits – Usage of the Intertidal Area in the vicinity of the ESB/UE discharge channel and weir

Submission

Peter and Mary Carvill’s submission summarises observations they have based on *“over hundreds of hours’ observations”* and expresses concern with the DPC conclusion that that any displacement of the birds using the GSW mudflats will not have a significant impact on the conservation objectives of the Dublin Bay SPAs.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The submission also provides a series of photographic images of the location particularly timed with low tide feeding activities.

It is noted by Peter and Mary Carvill on Page 2 of their submission that: *“nationally (and internationally) significant numbers of black-tailed godwits consistently use the GSW mudflats for feeding night and day during the periods around low spring tides between October and April”* and provide information on observed numbers and interpretation of same.

In their submission, Peter and Mary Carvill highlight on Page 3 that Black-tailed godwits have been observed roosting inside the weir. Page 3 also states: *“DPC in the 3FM Response to Submissions pp102, 238 and 239 indicates that that this area inside the weir will no longer be available to birds for roosting, following upgrade works by the ESB and Uisce Éireann.”*

On Page 7 of their submission, Peter and Mary Carvill’s submission also states: *“We have observed black-tailed godwits roosting inside the weir from 0.3m MLW to 1.2m MLW. Our observations on a day in April this year was that up to 90% of birds displaced by rising tide flew inside the weir to roost. It is not however possible to count or estimate the numbers of birds inside the weir as there is no access. Any view from the Great South Wall is substantially blocked. Furthermore a fence has recently been erected inside the gate alongside the outflow channel which blocks previous views of birds using the exposed sand inside the weir.”*

DPC Response

DPC notes and understands the comments raised and refer to our responses on Items 1 and 2 regarding the importance of this area and the scientific data.

Surveys, and Poolbeg/Great South Wall Disturbance surveys can be found in Chapter 7 Biodiversity, Section 7.5 Avian Biodiversity of the 3FM Project EIAR. Surveys were coordinated to cover a range of tidal, weather and time of day conditions to assess avian roosting and foraging territories, disturbance levels and peak counts across the range of conditions. The peak TTTCC survey counts from a simultaneous multi-site survey campaign commissioned by DPC were 318, 369 and 550 at Poolbeg, Shelly Banks and Bull Island respectively. Additionally, iWeBS (Irish Wetland Estuarine Bird Survey) data suggests an average count of 285 Black-tailed godwits in the Poolbeg survey area (2016/17 survey data, Birdwatch Ireland). In this regard, the peak counts from the DPC commissioned survey campaigns are similar to the numbers of birds cited by Mr and Mrs Carvill as having been recorded at this location. As set out above DPC agrees with the content of the additional data that Mr and Mrs Carvill have provided.

In addition, DPC wishes to reiterate comments from DHLGH, (with which DPC agrees), who in their second submission, accept clarification on the discrepancy between the numbers of birds of SCI species, with specific regard to Black-tailed godwits.

Notably, the Bull Island survey accounts for 150% of the Bull Island SPA population, suggesting that any disturbance as a consequence of the proposed 3FM Project would not impact the majority of the population using Bull Island (Appendix 3.6.6 ‘Percentage Of Qualifying Species Per Site, Per Month’ of DPC’s Response to Submissions, March 2025).

The area inside the weir at the Great South Wall, Area N, has been identified as a foraging site for SCI species in the ornithological assessment supporting the NIS, however, this area has been artificially created due to a failure in the UE/ESB discharge channel and weir, a point also made by the DHLGH (see Item 2). Once planned maintenance works have been undertaken by UE/ESB, it is our view that this area will be rendered a less attractive feeding area for the non-breeding SCI waterbird species that use it, in the absence of the 3FM Project. DPC’s Response to Submissions, March 2025 (Section 3.6.1.6, Item 1) stated that *“once the cooling water channel is functioning effectively once again, this area will no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project.”*

As explained further in our response to Item 7, DPC takes this view on the basis that once the maintenance works are undertaken, the combined ESB power station discharge water and Uisce Éireann effluent:

- Will flow as intended over the weir at the end of the channel at all stages of the tide removing (submerging behind the weir, and eroding in front of the weir) the previously exposed organic rich intertidal area turning these areas into subtidal habitat;

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- Will likely increase in its overall hydraulic flow rate as Ringsend WwTW increases its overall discharges due to accommodating increasing pe (population equivalent) capacity;
- May, in addition, increase in its overall hydraulic flow rate as ESB has additional consent to discharge along this channel from its recently consented 65 MWe flexible thermal generation ('Poolbeg Flexgen') project; and
- May decrease in organic content and be a 'cleaner' discharge in future due to treatment plant upgrades when compared to typical discharge in previous decades.

Notwithstanding our view on the eventual fate of the area as a result of the activities of others, DPC has taken significant efforts to ensure that the 3FM Project design and, in particular, the operational use of Area N does not cause long term loss or deterioration of the intertidal areas waterbirds use, and together with the mitigation measures proposed as part of the project, this approach will avoid a significant decrease in the range, timing or intensity of use of this area by the SCI species concerned as a result of operational phase of 3FM Project (see response to Item 1).

The results of co-ordinated TTCC surveys indicate that Bull Island SPA can currently accommodate significantly more Black-tailed godwits than it is designated for. DPC considers that there is sufficient habitat within Bull Island SPA for any SCI feature species individuals of birds which currently feed at the discharge channel and weir location. If, as a result of the other proposed maintenance works identified above (i.e. not 3FM Project), this area at the end of the discharge channel is rendered a less attractive feeding area for the non-breeding SCI waterbird species that use it, causing a significant decrease in the range, timing or intensity of use of this area by the SCI species concerned, DPC takes the view that those birds shall be able to utilise Bull Island SPA, where the majority of the SPA population forage, and Shelly Banks in the South Dublin Bay and Tolka Estuary SPA.

DPC reiterates again, for the avoidance of doubt, the position of NPWS in the DHLGH's second submission, that *"while the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species."*

DPC also notes the comments regarding the new fence which has been placed on land outside their ownership and jurisdiction.

3.3.2.4 Item 4 – Black-tailed Godwits – Disturbance Issues

Submission

In their submission, Peter and Mary Carvill raise concerns that the Dublin Bay Special Protection Areas (SPAs) face increasing pressure from human population growth and recreational activities, including disturbances such as loose dogs chasing waterbirds and walkers disrupting feeding and roosting behaviour, causing birds to expend extra energy and lose feeding opportunities.

They state "These SPAs are under pressure from the increasing recreational activity that reflects a growing population. Notably, the population of the Glass Bottle development will greatly increase the recreational pressure on the South Dublin Bay and Tolka Estuary SPA. More often than not, at low tide we observe loose dogs running about on the Sandymount and Merrion Strands, often chasing the waterbirds that roost and feed there. Frequently walkers walk out to the water at low tide, requiring the feeding or roosting birds to fly off. There is no policing of these activities and the city bye-laws do not take account of the SPA status of these areas. This results in loss of feeding opportunity, and extra expenditure of energy reserves by the birds when flying away from these disturbances."

The submission continues "The importance of the GSW mudflats is enhanced by the fact that they are inaccessible to direct disturbance by people and their dogs and the birds can feed there undisturbed for long periods. There are relatively few locations within the Dublin Bay SPAs where waterbirds can enjoy undisturbed feeding. Such sites will become even more important as the human (and dog) population grows."

DPC Response

Dublin Bay is recognised by the DHLGH as suffering from significant recreational pressures. The Conservation Objectives Supporting Document for North Bull Island SPA & South Dublin Bay and River Tolka Estuary SPA (NPWS, 2014¹) has a section on this very pressure (Section 5.4.3 on p62, *et seq*). Whilst DPC acknowledge the issues raised by the Carvills, and recognise that the DHLGH are also aware of the issue, recreational pressure by amenity users of Dublin Bay is not an aspect of 3FM Project giving rise to disturbance. It is not the function of DPC to regulate, legislate or enforce bye laws relating to amenity use and control of dogs along the coastal areas of Dublin Bay. The 3FM Project will have a neutral effect on amenity use, control of dogs and residential development.

Also, whilst acknowledging that the small area of intertidal habitat at the base of the Great South Wall is inaccessible and undisturbed for long periods, DPC would also reiterate (as set out in Item 3), that the areas have been artificially created as a direct result of a failure in the sheet piled outer wall of the UE/ESB discharge channel. This has been corroborated by DHLGH in their recent submission which states *“While the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of the habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that the construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species”*.

Once planned maintenance has been carried out on the cooling water channel, which DPC is advised is likely to occur during 2026, these areas will be rendered a less attractive feeding resource for the non-breeding SCI waterbird species that use it, in the absence of the 3FM Project. DPC stated this in the submitted NIS (Section 4.2.4.3.3.2). It is our view that in time, the area will no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project. As stated above, notwithstanding our view on the eventual fate of the area as a result of the activities of others, DPC has taken significant efforts to ensure that the design and operational use of Area N does not cause long term loss or deterioration of the intertidal areas waterbirds use, together with the mitigation measures proposed as part of the project, which will avoid a significant decrease in the range, timing or intensity of use of this area by the SCI species concerned as a result of the operational phase of 3FM Project.

3.3.2.5 Item 5 – Black-tailed Godwits – Noise Disturbance

Submission

In their submission, Peter and Mary Carvill highlight on Page 3 that Black-tailed godwits have been observed roosting inside the weir. Page 3 states: *“DPC in the 3FM Response to Submissions pp102, 238 and 239 indicates that that this area inside the weir will no longer be available to birds for roosting, following upgrade works by the ESB and Uisce Éireann.”*

On Page 6 of their submission, Peter and Mary Carvill raise concerns that birds feeding at the intertidal area by the discharge channel and weir will be disturbed by noise levels during construction, stating *“The highest level of noise generated in Area A² is at the curved weir during the Construction sequence. It is clear from this new information that the levels of noise will be such that, if it occurs while the mudflats are exposed by the tide to wintering waterbirds, it will undoubtedly impact the birds feeding or roosting there, most probably rendering much, if not all, of the mudflats area unattractive to feeding birds over a period of several years.”*

Further on Page 6, Peter and Mary Carvill claim that DPC omitted species from results and highlight that they observed godwits being disturbed by clapping and a helicopter noise.

DPC Response

¹

[https://www.npws.ie/sites/default/files/publications/pdf/South%20Dublin%20Bay%20and%20River%20Tolka%20Estuary%20SPA%20\(004024\)%20Conservation%20objectives%20supporting%20document%20-%20\[Version%201\].pdf](https://www.npws.ie/sites/default/files/publications/pdf/South%20Dublin%20Bay%20and%20River%20Tolka%20Estuary%20SPA%20(004024)%20Conservation%20objectives%20supporting%20document%20-%20[Version%201].pdf)

² ‘Area A’ in the Carvill submission refers to a location marked as ‘A’ in Appendix 3.6.7 of the DPC Response to Submissions in March 2025. This area is at the weir at the end of the cooling water channel of 3FM Area N.

Anthropogenic disturbance of wild birds has been defined as “any phenomenon that causes a significant change in the dynamics or ecological characteristics of populations of birds” (EU Commission 1992). There is a wealth of research relating to disturbance of birds, and many studies have demonstrated that disturbance can have a significant effect on the behaviour and distribution of breeding or wintering birds, either by affecting nesting behaviour, foraging or roosting habits. It has been established that distance from the source of disturbance and the scale of the disturbance (e.g. noise level, duration, magnitude) influence the response of birds (Beale and Monaghan 2004). However, it is extremely difficult to prescribe a set distance beyond which disturbance will have no effect on birds. This situation is complicated by many factors such as the type of disturbance, species of bird, tidal cycle and weather conditions. It is also known that some species can become habituated to certain types of activities (Ward 1990).

As noted in Section 4.2.4.1 of the NIS, the sounds that birds hear can be divided into threatening and non-threatening sounds. Examples of non-threatening sounds are wave noise on a beach or constant traffic noise from a road. Threatening sounds include impulsive sounds such as gunfire, explosion or barking of a dog. The sound of construction is not impulsive (sudden, loud or shocking) but tends to be continuous and low frequency noise such as that made by machinery and vehicular traffic. On average, birds hear less well than many mammals, including humans. Acoustic deterrents or gas banger devices are not generally effective because birds habituate to them and eventually ignore them completely. Devices that purport to use sound frequencies outside the hearing range of humans are most certainly inaudible to birds as well because birds have a narrower range of hearing than humans do (Birkhead 2012)³.

This is corroborated by DHLGH who state in their response “*It is noted that birds breeding (or over wintering) in the Dublin Port estate have become habituated to much of the current human activity in the area, the nature of which activity will not change in the operational phase of 3FM.*”

Also as noted in Section 4.2.4.1 of the NIS, Dooling (2002)⁴ reviewed the literature on how well birds can hear in noisy (windy) conditions and suggested that birds cannot hear certain mechanical noises as well as humans can in these conditions.

Figure 4.5 of the NIS shows this worst-case scenario as falling on or around the boundary of the ‘moderate to high’ (level 3) and ‘high’ (level 4) response range categories. The literature cited in the NIS (Cutts *et al.*, 2009) considered impacts to birds utilising the Humber Estuary and summarised the general thresholds due to the potential effects of construction disturbance on birds. Noise up to 50dB(A) is found to have no effect whereas noise between 50dB(A) and 85dB(A) causes head turning, scanning behaviour, reduced feeding and movement to nearby areas. Above 85dB(A), response includes preparing to fly away, flying away and possibly leaving the area. The authors in that study noted that birds will habituate to regular noise below 70dB(A) and recommend that ambient construction noise levels should be restricted to below this level (Cutts *et al.* 2009).

Cutts *et al.* (2009) showed that birds were found in general, to accept a wide range of steady state noise level from 55dB(A), up to 85dB(A), therefore complete exclusion within up to 250m was considered very unlikely. The study also presented evidence from repair work to a pipeline in the Humber Estuary has shown that disturbed birds (within 100m) are likely to return within a short time frame once disturbance ceases, potentially within 30 minutes, and with no evidence of effects on numbers during surveys the following week, emphasising the short-term nature of any impacts.

A Waterbird Disturbance Toolkit⁵ developed by TIDE⁶ (Cutts *et al.* (v3.2), March 2013) evolved from this earlier study by Cutts *et al.* and usefully includes assessment predictions of how waterbirds will respond to a variety of noise sources, including a summary graphic of likely disturbance effect for a noise level and distance of receptor from source

This literature was used to support the impact assessment in the NIS.

³ Birkhead, T. (2012). *Bird sense: What it's like to be a bird*. Bloomsbury, London.

⁴ Dooling, R. (2002). *Avian hearing and the Avoidance of Wind Turbines*. US Department of Energy, USA.

⁵ https://tide-toolbox.eu/tidetools/waterbird_disturbance_mitigation_toolkit/

⁶ The TIDE (Tidal River Development) project is a partnership of port and waterways administrations, universities and environmental agencies around the Elbe, Humber, Scheldt and Weser estuaries founded as the EU INTERREG IV B project ‘TIDE’ to propose the integrated management of estuaries leading to benefits for ecology, economy and society.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Appendix 3.6.7 of the DPC Response to Submissions in March 2025 illustrates noise contour plots from the airborne noise assessment originally submitted with the 3FM planning application. This assessment is presented as Appendix 4 of the NIS. The visualisations presented in the March 2025 response to Submissions are extracted from the same assessment used to inform the NIS. These noise predictions were known to the ornithology team preparing the NIS when assessing construction phase effects in the NIS. Using output plots from the construction phase noise model provided by the 3FM Project airborne acoustics expert, noise levels at the end of Area N (at the end of the cooling water channel) were predicted, under a worst case scenario, to not exceed 85dB(A) during construction activities across years 4-11 of construction phase.

In relation to construction noise impacts on waterbirds, at Section 4.2.4.3.1.2 of the NIS states (on p94) that *“this airborne noise modelling predicts that noise levels may exceed 80dB(A) to 85dB(A) at some locations near the source during some construction activities, notably during concrete breaking for demolition, and during piling”*.

On this impact pathway, the NIS concludes that *“while it is likely that construction of the proposed Lo-Lo terminal will cause some displacement of birds from the western end of the feeding area, this will not have any significant impact on bird populations given the generally small numbers availing of the intertidal resource and its limited extent”*. The NIS states that –

- *“For SCI species of South Dublin Bay & River Tolka Estuary, there will be no significant decrease in the range, timing or intensity of use of areas by the target species, other than that occurring from natural patterns of variation.*
- *For SCI species of North Bull Island SPA, there will be no significant decrease in the range, timing or intensity of use of areas by the target species, other than that occurring from natural patterns of variation.”*

DPC have acknowledged in previous submissions and survey results that black-tailed godwit use the intertidal area at the discharge channel and weir. DPC would refute the Carvill’s claim that birds using the intertidal habitats at the discharge channel and weir were omitted from survey results. Disturbance survey results did not include black-tailed godwits on every occasion as black-tailed godwits were not observed in the survey area on every occasion.

In response to the Carvill’s claim that noise levels generated by construction during the 3FM Project will lead to the intertidal area becoming unattractive for feeding birds over a period of several years, we confirm that the NIS explicitly acknowledges that potential impact, as quoted above. It is pertinent to note that this small area of artificial habitat is in existence only as a direct result of a failure in the sheet piled outer wall of the UE/ESB discharge channel.

This has been corroborated by DHLGH in their recent submission which states *“While the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of the habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that the construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species”*.

The DHLGH’s view is consistent with that of DPC’s in relation to effects on North bull, however, it is the role of An Coimisiún Pleanála, to assess as to whether or not the proposed 3FM Project will result in adverse effects upon the integrity of North Bull Island SPA.

DPC has stated its view on the effect of the repair works to the ruptured discharge channel in the long term, as an attractive feeding site for non-breeding waterbirds. For the avoidance of doubt, DPC is of the view that these intertidal areas likely will cease to be available to the non-breeding SCI waterbird species that use the habitat, in the absence of the 3FM Project. DPC stated this in the submitted NIS (Section 4.2.4.3.3.2) and in response to other items above. It is our view that in time, following planned repair and maintenance works by UE/ESB, the area will no longer be available to the avian community and therefore will cease to be a foraging/roosting site, even in the absence of the 3FM Project. As stated previously, notwithstanding our view on the eventual fate of the area as a result of the activities of others, DPC has taken significant efforts to ensure that the design and operational use of Area N does not cause long term loss or deterioration of the intertidal

areas waterbirds use, and together with the mitigation measures proposed as part of the project, which will avoid a significant decrease in the range, timing or intensity of use of this area by the SCI species concerned as a result of operational phase of 3FM Project.

On the basis of these assessments, DPC therefore considers that birds in all parts of the SPA are expected to rapidly habituate to construction phase noise sources from the 3FM Project and conclude that there will be no adverse effects upon the integrity of South Dublin Bay and River Tolka Estuary SPA.

3.3.2.6 Item 6 – Black-tailed Godwits – Dredging

Submission

On Page 6 of the submission, Peter and Mary Carvill claim the loss of some part of the existing mudflats that are above the low spring tide minimum as a result of dredging. The submission states *“The response of the Port Company indicates that dredging will be below the Mean Low Water Springs tide level. As, by definition, half the spring low tides uncover ground that is below that level, we are concerned that this may indicate the loss, through dredging, of some of the mudflat area that is being used for feeding by the godwits and other waders at low spring tides. This needs to be clarified.”*

DPC Response

Capital dredging is required to create the berthing pocket for vessels berthed at Wharf N. The design dredged depth is -13.0m CD. The proposed berthing pocket includes two areas which have previously been subject to capital dredging:

- Existing Berth 48 (Poolbeg Oil Jetty) dredged to -10.0m CD
- Localised widening of the navigation channel undertaken in 2022 as part of the MP2 Project dredged to -10.0m CD. This area lies immediately to the east of the Poolbeg Oil Jetty and to the north of the ESB/UE Discharge Channel.

The intertidal area in the vicinity of the ESB/UE discharge channel and weir, depicted by the Mean Low Water Spring Mark (MLWS) is shown in Figure 3. This drawing clearly indicates both the proposed dredging area (marked as ‘Proposed Berthing Pocket Dredge Depth -13.00m C.D.’ on the figure) and the tide line of Mean Low Water Springs (marked by a blue dashed line and described in the legend as ‘MLWS +0.70m CD’). The proposed dredging area does not overlap with the blue dashed line. Habitat loss of intertidal area would occur if the proposed dredging area intersected with the dashed blue line and this overlap does not occur because the design of 3FM Project, including its proposed dredging design evolved to avoid loss of intertidal habitat at this location.

The intertidal habit between MLWS and High Water is not impacted by the proposed 3FM Project. A line of boulders is located immediately to the north of the discharge weir which has created a localised relatively shallow area. This area can be observed in Peter and Mary Carvill’s submission (Figure 6) which shows a high concentration of feeding Black Tailed Godwit. This area located to the north of the ESB/UE discharge channel will not be lost as a result of the proposed capital dredging works.

DPC once again reiterate, these areas of habitat on both sides of the weir have been artificially created as a direct result of a failure in the sheet piled outer wall of the UE/ESB discharge channel. This has been corroborated by DHLGH in their recent submission which states *“While the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of the habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that the construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species”.*

As detailed further in our response to Item 7, once planned maintenance is undertaken, these areas will no longer be available to waterbirds in the long term and therefore will likely cease to be a foraging / roosting site, even in the absence of the 3FM Project. Uisce Éireann have confirmed to DPC that the programme for the installation of sheet piles to repair the ESB discharge channel is scheduled to commence in 2026.

DPC therefore confirms that the dredging design has avoided loss of intertidal habitat above MLWS and that the artificial habitat in the vicinity of the discharge channel and weir will become less attractive as a consequence of planned maintenance works during 2026 and not as a consequence of the 3FM Project.

3.3.2.7 Item 7 – Black-tailed godwits – In combination effects

Submission

In their submission, Peter and Mary Carvill highlight on Page 6 the proposed cooling water channel maintenance works *“It seems clear that the work on the waste water outflow channel is a prerequisite of the proposed development of the container terminal by the Port Company, and is therefore de facto an integral part of that development. The Port Company acknowledges that this work is to be carried out before the Port Company’s development. (p.102). To disregard the in-combination effects of the work on the outflow channel on grounds that an application for planning approval for that work has not yet been submitted, could be seen as being in the nature of project-splitting.”*

In their submission, Peter and Mary Carvill also highlight on Page 3 that Black-tailed godwits have been observed roosting inside the weir. Page 3 states: *“DPC in the 3FM Response to Submissions pp102, 238 and 239 indicates that that this area inside the weir will no longer be available to birds for roosting, following upgrade works by the ESB and Uisce Éireann.”*

In addition, their submission states *“Inside the curved weir, black tailed godwits, teal and gulls frequently roost after feeding on a rising tide or awaiting the exposure of the mudflats. The Port Company states clearly that this roosting area will no longer be available to the bird population. Recently, we had observed teal and wigeon roosting on the wall there particularly during stormy weather, safe from disturbance by people or dogs. Since the erection of the fence referred to in the previous paragraph, these birds roost only at a small area of the upstream end of the enclosed area where there is no fence, clearly being deterred from roosting inside the fence.”*

DPC Response

DPC is aware of the planned maintenance works to repair the discharge channel and weir. In addition, DPC is aware of Uisce Éireann’s proposals to upgrade the treatment levels and capacity of Ringsend Wastewater Treatment Plant and also ESB’s Flexgen Project. Each of these ‘other works’ are unrelated to 3FM Project, are being funded and progressed by other bodies under their own legislative authorities and none of these ‘other works’ have any co-dependency with DPC’s proposals for the 3FM Project, or vice versa. Therefore, DPC emphatically confirms that project-splitting has not occurred.

As it is appropriate to do so, DPC has been cognisant of these ‘other works’ and has given due consideration to them in the 3FM Project design development and the environmental assessment process. In particular, the “other works” are described in Chapter 15 of the EIAR and they are considered alongside the 3FM Project under the Assessment of Cumulative Effects and as part of Appropriate Assessment under In Combination Effects.

In the design evolution phase DPC consulted with the ESB and Uisce Éireann, as stakeholders, to understand their proposals, including the likely nature and timing of their construction and operational activities, to inform the design of the 3FM Project. The wharf at Area N was therefore designed to offer spatial separation and structural independence from the discharge channel and weir allowing independent construction, operation and future maintenance access to both the Port and the discharge channel and weir infrastructure.

In terms of construction sequence, the selected design again allows for the discharge channel and weir maintenance works either to precede or to succeed the 3FM Project construction at Area N. However, given the programme for the 3FM Project it was considered highly likely that the planned maintenance works would precede the construction of Wharf N at the stage when the EIAR and NIS were being written and this assumption was used to progress the relevant assessments. In the development of this response to the second submission from the Carvills, DPC sought an update on the likely timing for the planned maintenance works and Uisce Éireann confirm this is likely to be January to October 2026 which supports the assumption that the planned maintenance works will precede the 3FM Project construction works at Area N.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

With regard to roosting inside the discharge channel and weir, the deck of Wharf N overhangs the aerial space above the northern portion of channel immediately upstream of the curved weir which in the NIS, as part of the 3FM Project assessment alone, was identified as making this part of the channel footprint less attractive to bird roosting. However, if the planned maintenance works happen first, as is most likely, this will result in impounding upstream of the curved weir meaning this area will no longer be intertidal and thus be less attractive to the Dublin Bay waterbird populations so that the 3FM Project would have no further impact of roosting at this location. Conversely, in the very unlikely scenario that the Wharf is built ahead of the planned maintenance works, this would be a temporary effect until the planned maintenance works result in the impounding of the outlet channel.

The maintenance works will result in the curved weir impounding water upstream which will spill over the weir's crest in free discharge when the tide is lower than its crest and continue to spill in drowned (submerged) condition where the tide backwaters the weir. This will result in subsequent submerging at all stages of the tide upstream of the weir and erosion downstream of the weir. To support this hypothesis the existing morphology of the intertidal area in this vicinity was surveyed. As shown by a hydrographic survey and high-resolution images (in Figure 4 to Figure 7 of this response), the existing breach has scoured the seabed, creating a localised 0.6m deep channel demonstrating the erosion process occurring due to the current spill location. Once repairs to the sheet pile wall, have been implemented and flow rates increase in the discharge on the upgrade of UE treatment plant and the ESB Power Plant, this scouring action will be redirected and will lead to the erosion of the artificially created habitats on both sides of the weir.

In addition to the location and quantity of the future discharge, its water quality was also considered. Reductions in organic and nutrient loading in estuaries and coastal waters have had notable effects on bird populations (Burton et al., 2022). These reductions are primarily driven by improvements in wastewater treatment, which aim to decrease the levels of organic matter and nutrients entering these waters. Key findings from this study concluded that wastewater discharges often provide food for birds, either directly or by enriching sediments and increasing invertebrate and algal blooms. The nutrient reduction of these discharges can decrease food availability for birds. The impact of reduced nutrient loading varied across different Special Protection Areas (SPAs), with some sites showing significant changes in bird populations, indicating that local conditions and species-specific responses play a crucial role. Additionally, studies undertaken in England and Wales by the British Trust for Ornithology observed that although waterbird populations were declining at several sites, the declines were not consistently correlated with the timing of wastewater treatment improvements, suggesting that local conditions and species-specific responses play a crucial role. Overall, while the reduction in nutrient loading aims to improve water quality, it also poses challenges for bird populations that rely on nutrient-rich environments.

On the basis of the above quantity (flow) and quality (discharge) changes, DPC considers that once maintenance works are undertaken, the combined ESB power station discharge water and Uisce Éireann effluent:

- Will flow as intended over the weir at the end of the channel at all stages of the tide removing (submerging behind the weir, and eroding in front of the weir) the previously exposed organic rich intertidal area turning these areas into subtidal habitat;
- Will likely increase in its overall hydraulic flow rate as Ringsend WwTW increases its overall discharges due to accommodating increasing pe (population equivalent) capacity;
- May, in addition, increase in its overall hydraulic flow rate as ESB has additional consent to discharge along this channel from its recently consented 65 MWe flexible thermal generation ('Poolbeg Flexgen') project; and
- May decrease in organic content and be a 'cleaner' discharge in future due to treatment plant upgrades when compared to typical discharge in previous decades.

Monitoring and adaptive management are essential to balance water quality improvements with the conservation of bird populations. In this instance, it is expected that the flow will increase, but the nutrient value will fall, thereby over time there will be a reduction in the areas suitability for feeding once the artificial source is upgraded. However, the proximity of the Dublin Bay SPAs, where a high proportion of the Black-tailed godwit

population have been observed foraging and roosting, would suggest that local conditions and the availability of the surrounding SPAs will enable the adaptation of the part of the population that currently use the discharge channel and weir for foraging.

DPC therefore takes this view that *“once the cooling water channel is functioning effectively once again, this area will no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project.”* DPC understand that this other work will occur in 2026 meaning that the 3FM Project has no further in combination effect upon completion of the maintenance works. In circumstances where the potential cumulative environmental effects of these works by UÉ/ESB have been fully assessed by DPC, there can be no question of project-splitting as implied by Mr. and Mrs. Carvill in their submission.⁷

3.3.2.8 Item 8 – EIA Assessment Report & Global Populations

Submission

The Carvill’s submission states that *“based on our observations since 2022, we believe that the Port Company has not provided adequate scientific data/information to warrant those conclusions and to satisfy the requirements of the EIA Directive in regard to the GSW mudflats and the likely impacts on the Dublin Bay SPAs”*.

The Carvills present bird counts sourced from IWeBS datasets for Dublin Bay for the five years up to 2020/2021 and states that *“These figures, when compared with the numbers of black-tailed godwits we have observed regularly feeding at the GSW mudflats when exposed by low tides, indicate that a significant proportion of the total numbers of black-tailed godwits that winter or are on migration in the Dublin Bay SPAs regularly use the GSW mudflats to feed when the mudflats are exposed. Our count of 2261 black-tailed godwits feeding at the site on 2 April of this year exceeds the peak IWeBS counts for three of the five years listed above. That such numbers of birds are feeding there belies the suggestion that the GSW mudflats are not significant and that the loss of this site for feeding will not impact the conservation objectives of the North Bull Island SPA”*.

In their submission, Peter and Mary Carvill also highlight on Page 9 that: *“Our count on 2 April represents 3-4.5% of the estimated global Icelandic black-tailed godwits. In this context, Article 4.2 and 4.4 of the EU Birds Directive are clearly applicable to the GSW/Poolbeg tidal mudflats.”*

DPC Response

DPC refers to our response to Items 2 and 3.

The submission by Peter and Mary Carvill makes reference to the large numbers of waders utilising the adjacent areas of mudflat at Poolbeg/Great South Wall and Sandymount strand, specifically citing numbers of 3-4.5% of the estimated global Icelandic Black-tailed godwit population.

The peak TTTCC survey counts from the survey campaign commissioned by DPC were 318, 369 and 550 at Poolbeg, Shelly Banks and Bull Island respectively, and as previously noted, the Bull Island survey accounts for 150% of the Bull Island SPA population. The 3FM project ornithological assessment states as follows in section 7.5.2 of Volume II of the EIAR *“Dublin Bay qualifies under Criterion 5 of the Ramsar Convention (1988) as a Wetland of International Importance as it regularly supports greater than 20,000 waterbirds, and under Criterion 6, as it supports more than 1% of individuals of a global population of waterbirds (Tierney et al., 2017). The bay regularly exceeds this threshold for international importance of Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit”*

In this regard, the peak counts from the DPC commissioned survey campaigns and our stated position in the EIAR that Dublin Bay supports more than 1% of individuals of a global population of Black-tailed Godwit is not inconsistent with the view taken by the Carvills as regards the proportion of the global population of the species that is present. As set out above, DPC agrees with and welcomes the additional data submitted by the Carvills.

DPC notes and understands the comments raised and wishes to highlight the response of DHLGH who in their submission, accept clarification on the discrepancy between the numbers of birds of SCI species, with specific regard to Black-tailed godwits.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

As per the results of co-ordinated TTTCC, the peak counts of Black-tailed godwits from the survey campaign commissioned by DPC account for 0.4-0.6%, 0.5-0.7% and 0.7-1.1% of the global population at Poolbeg, Shellybanks and Bull Island, respectively.

As previously noted under our response to Item 2 above, a further TTTCC waterbird survey was undertaken in daylight hours on 19th September 2024 during an extreme low tide state (at lowest astronomical tide (LAT) of +0.03 m) as suggested by the Carvills, to provide evidence of foraging or roosting birds during this event and to inform our March 2025 response to the September 2024 submission. For the avoidance of doubt, peak counts of Black-tailed godwits recorded during this survey are as follows:

Peak Count	Site
57	Poolbeg (not within the Natura 2000 network)
0	Shelly Banks (within the South Dublin Bay and River Tolka Estuary SPA)
15	Bull Island (within the North Bull Island SPA)

The area inside the weir at the Great South Wall, Area N, has been identified as a foraging site for SCI species, however, this area has been artificially created due to a failure in the UE/ESB discharge channel. DPC is of the view that these intertidal areas will be rendered a less attractive feeding resource for the non-breeding SCI waterbird species that use the habitat, in the absence of the 3FM Project. DPC stated this in the submitted NIS, at Section 4.2.4.3.3.2 and in response to other items above. It is our view that in time, the area will no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project. As stated previously, notwithstanding our view on the eventual fate of the area as a result of the activities of others, DPC has taken significant efforts to ensure that the design and operational use of Area N does not cause long term loss or deterioration of the intertidal areas waterbirds use, together with the mitigation measures proposed as part of the project, will avoid a significant decrease in the range, timing or intensity of use of this area by the SCI species concerned as a result of operational phase of 3FM Project.

SCI birds which currently feed at Poolbeg discharge channel and weir shall have suitable habitat available to them in North Bull Island SPA and other intertidal flats in South Dublin Bay and River Tolka Estuary SPA, where the majority of the SPA population forage, in the absence of the artificially created intertidal habitat at Area N.

As we have stated above, it is our view that once planned maintenance works in this area are completed, the habitats will become less attractive to the waterbirds that use them, and eventually no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project. DPC reiterates the view of DHLGH who have stated that *“while the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by black-tailed godwit and other SCI species, and that construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species.”*

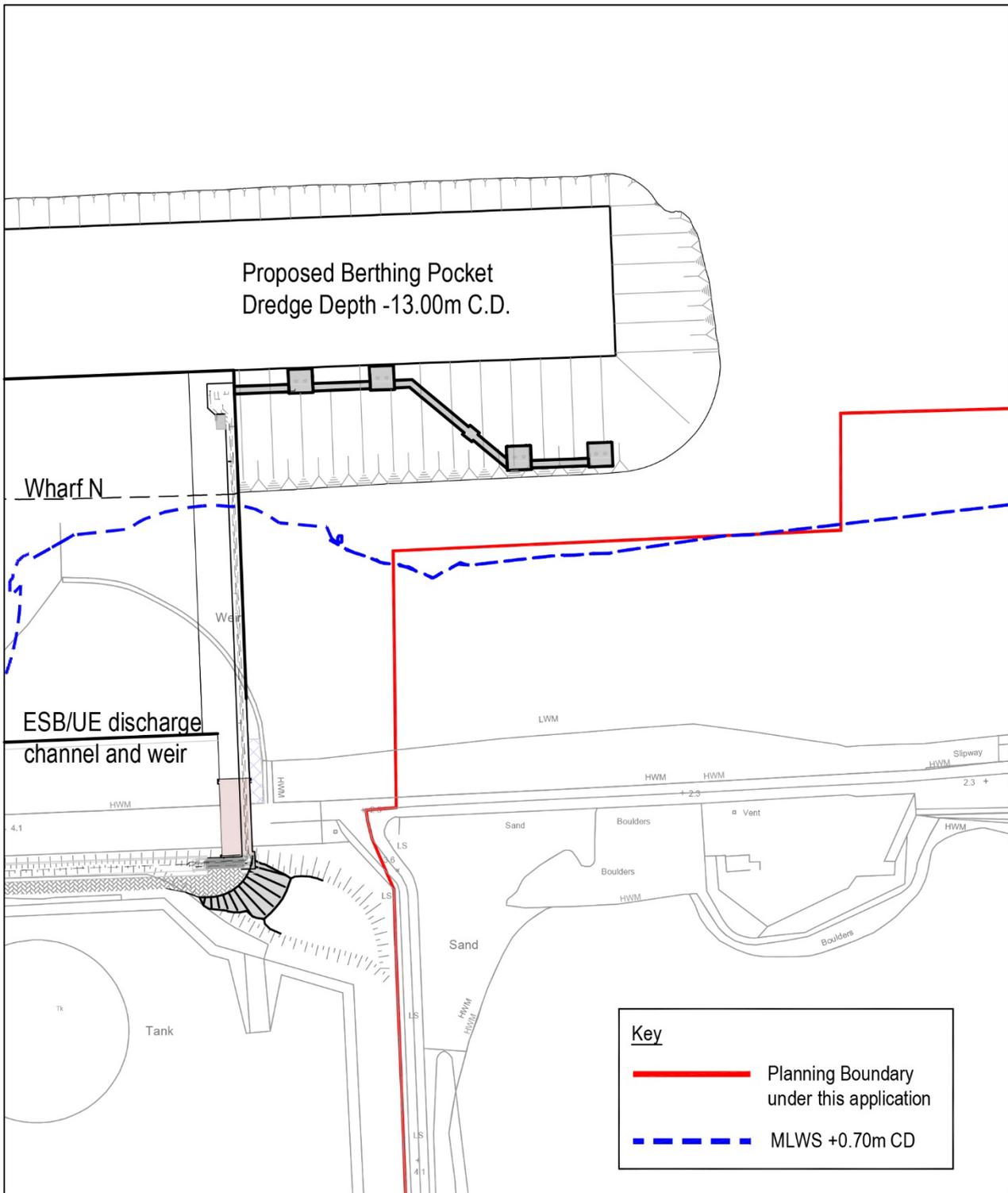


Figure 3: Proposed Dredging Pocket at Wharf N relative to Mean Low Water Springs (MLWS)



Figure 4: Aerial Image of the vicinity of the Poolbeg discharge channel (ref GOOGLMAPS)

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

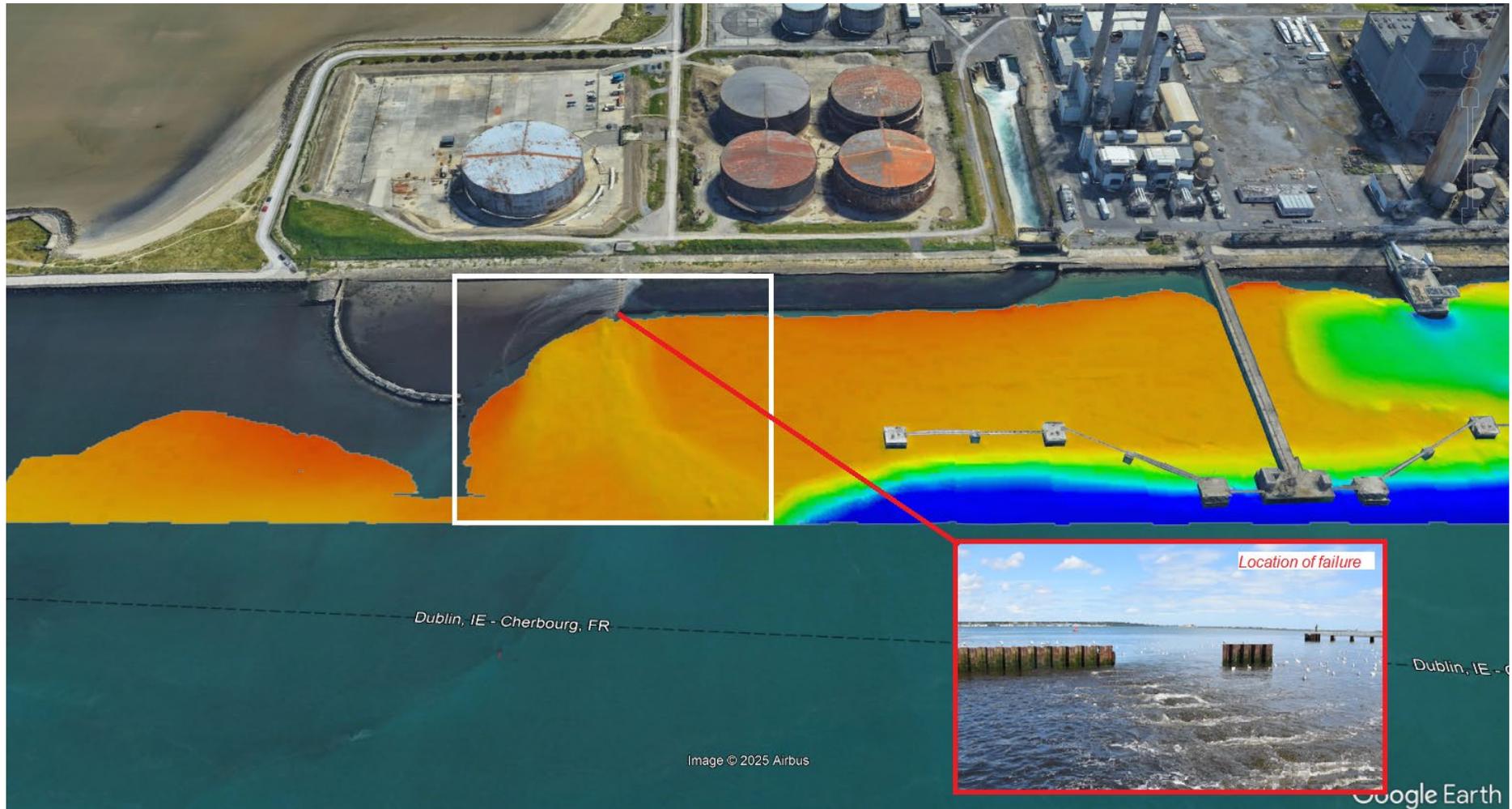


Figure 5: Overview of Hydromaster survey in 2024 within the vicinity of the Poolbeg discharge channel. Location of breach shown in red box whilst the white box illustrates the extent of a more detailed 3D view presented in Figure 6

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

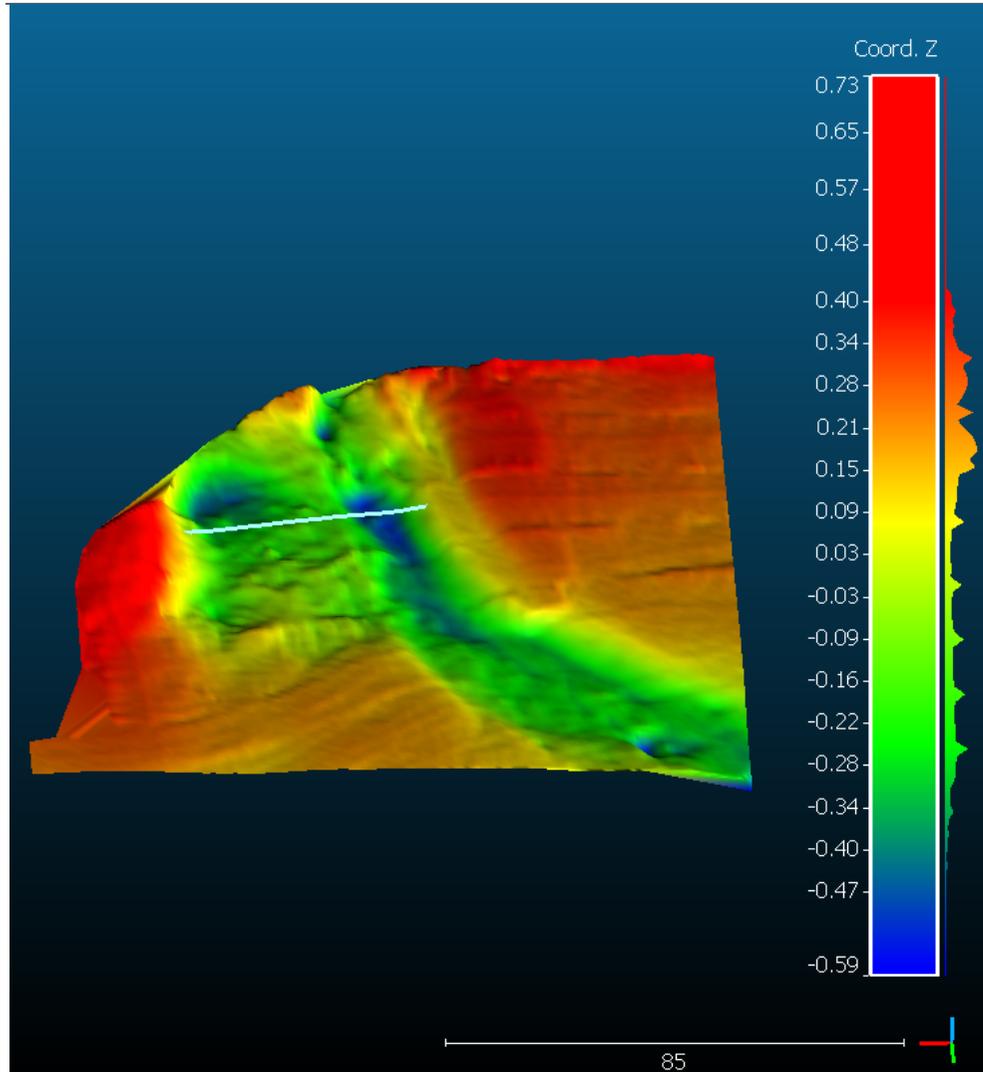


Figure 6: High resolution detail of scouring of the seabed as a result of the existing breach to the outfall channel. Location of cross section illustrated by white line (see Figure 7)

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

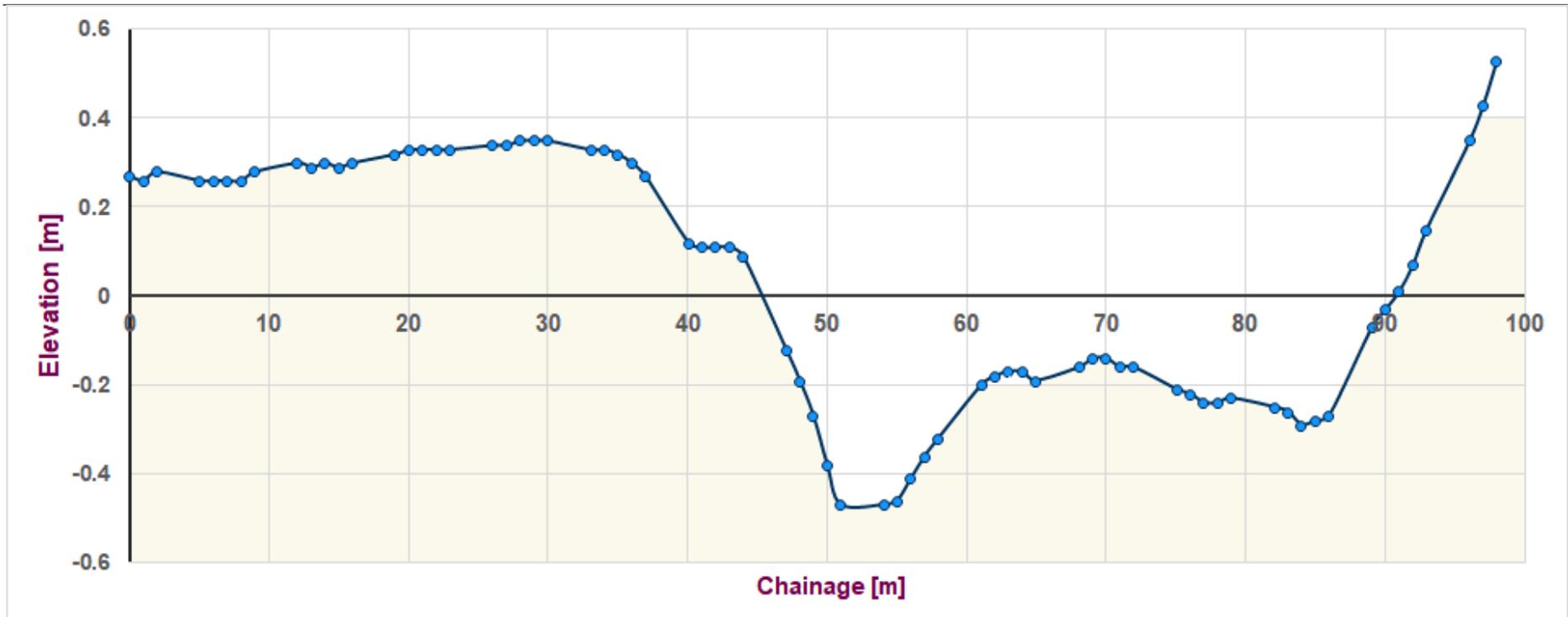


Figure 7: Cross section of bed elevation, highlighting the scouring of the seabed as a result of the outfall channel breach

3.4 Noise & Vibration

3.4.1 Amphitheatre Ireland Ltd.

Reference	Item
3.4.1.1	Item 1 – Residual Concerns in Relation to Noise and Vibration During the Construction Phase
3.4.1.2	Item 2 – Concerns in Relation to Noise and Vibration During the Operation Phase

3.4.1.1 Item 1 – Residual Concerns in Relation to Noise and Vibration During the Construction Phase

Submission

In their submission, Amphitheatre Ireland Ltd. express residual concerns in relation to noise and vibration impacts during live performances. In their submission, John Spain Associates, on behalf of Amphitheatre Ireland Ltd. state: *“Specifically in relation to residual concerns, although the DPC response addresses noise and vibration levels during the construction phase and confirms the implementation of noise monitoring during the operational phase, our client remains concerned about the potential for noise and vibration ingress during live performances at The 3Arena. This concern does not appear to have been fully addressed in the submitted response documentation.*

Given the nature of the events held at The 3Arena, which routinely include high-intensity performances, it is imperative that the proposed development does not interfere with the day-to-day operations of the venue or diminish the quality of these performances. Any disruptions from noise or vibration could significantly affect attendee experience and compromise the operational integrity of the venue.

To address these concerns, our client respectfully requests that this aspect be incorporated into the schedule of conditions to be set out by An Bord Pleanála to DPC should permission be forthcoming, to ensure that noise and vibration break-in do not adversely affect performances at The 3Arena.”

DPC Response

As detailed in our previous response to submissions, there will be no significant construction phase noise or vibration impact from the proposed 3FM Project on performances at the 3Arena. Notwithstanding this, our response to submissions detailed how a range of proposed mitigation measures will be in place as detailed in the draft Construction Environmental Management Plan (CEMP) to ensure that there will be no noise or vibration impact from the proposed 3FM Project, including on the 3Arena which is noted to be a nearby commercial receptor. The mitigation measures are fully detailed within the draft CEMP, however some examples include:

- Ensuring that mechanical plant and equipment used for the purpose of the works are fitted with effective exhaust silencers and are maintained in good working order;
- Careful selection of quiet plant and machinery to undertake the required work where available;
- All major compressors will be ‘sound reduced’ models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use;
- Any ancillary pneumatic percussive tools will be fitted with mufflers or silencers of the type recommended by the manufacturers;
- Machines in intermittent use will be shut down in the intervening periods between work;
- Ancillary plant such as generators, compressors and pumps will be placed behind existing physical barriers, and the direction of noise emissions from plant including exhausts or engines will be placed away from sensitive locations, in order to cause minimum noise disturbance. Where possible, in potentially sensitive areas, acoustic barriers of enclosures will be utilised around noisy plant and equipment.
- Handling of all materials will take place in a manner which minimises noise emissions;
- Audible warning systems will be switched to the minimum setting required by the Health & Safety Authority.

On 10th January 2025, a meeting was held at the DPC offices, attended by the author of the Terrestrial Noise and Vibration chapter of the EIAR, representatives from DPC, RPS, Amphitheatre Ireland Ltd., John Spain Associates and Waterman Moylan. The aim of this meeting was to discuss, amongst other issues, the potential noise and vibration impacts from the proposed 3FM Project. It was the understanding from this meeting and

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

the discussions with Amphitheatre Ireland Ltd. and its representatives that the concerns related to potential construction phase noise and vibration impacts had been alleviated.

In particular at this meeting, it had been discussed that the vast majority of performances will take place during evening periods when there will be no construction phase activities taking place for the proposed 3FM Project. The primary concern related to matinee performances, of which it was estimated that there would be 2-3 per year. At the meeting, it was agreed by all parties that close liaison would take place between the Environmental Facilities Manager for the 3FM Project construction works and Amphitheatre Ireland Ltd. in the build up to these particular performances to ensure that there would be no construction phase noise and vibration impacts on such performances.

With close liaison between the Environmental Facilities Manager for the 3FM Project construction works and Amphitheatre Ireland Ltd. in the build up to any particular performances at the 3Arena which may be of concern in tandem with the array of mitigation and monitoring proposals included in the draft CEMP, there should be no basis for residual concerns related to construction phase noise and vibration impacts from the proposed 3FM Project at the 3Arena.

DPC are fully committed to incorporating all measures included within the draft CEMP, as agreed with DCC, including the appointment of the Environmental Facilities Manager to monitor and to assess the environmental implications of all construction works associated with the 3FM Project.

3.4.1.2 Item 2 – Concerns in Relation to Noise and Vibration During the Operation Phase

Submission

In their submission, Amphitheatre Ireland Ltd. request that the schedule of conditions to be set by the Board should include a condition to address noise and vibration levels during the construction and operation phases of the 3FM Project. In their submission, John Spain Associates, on behalf of Amphitheatre Ireland Ltd. state: *“It is respectfully requested that the condition requires that break in noise and vibration levels of the construction and operational phase of the scheme shall not impact on performances at the 3Arena.*

Specific provision should be included in such a condition that, should any impacts arise, a clear and specific procedure be implemented to promptly address and mitigate these effects. This condition would ensure the continued operational integrity of The 3Arena and protect the interests of all parties involved.”

DPC Response

The previous Amphitheatre Ireland Ltd. submission articulated concerns related to the potential construction phase noise and vibration impacts from the proposed 3FM Project at the 3Arena and did not raise concerns related to noise ingress from the operational phase of the 3FM Project during performances. During the meeting between DPC and Amphitheatre Ireland Ltd (and their various representatives) on 10th January 2025, noise and vibration concerns related to the operational phase were not raised or discussed.

For clarity, as noted in Chapter 12, Section 12.1.7.2 of the submitted EIAR, worst-case operational phase noise predictions from the 3FM Project (at Plots K, L, N & O) will be more than 30dB(A) below the existing noise levels at the 3Arena and therefore have no potential to generate any operational phase noise impact at the 3Arena. The only operational aspect of the 3FM Project in relatively close proximity to the 3Arena is the proposed SPAR road. The purpose of the SPAR is to move port HGV traffic off the East Wall Road (R131), where it is closer to the 3Arena, therefore lowering the traffic noise levels from the East Wall Road incident at the 3Arena. The predicted traffic noise levels in 2040 with the 3FM Project in place will be more than 3dB(A) lower than the predicted traffic noise levels in 2040 if the 3FM Project is not in place. On this basis, the operational phase effect of the proposed 3FM Project will be beneficial for the 3Arena in relation to noise levels. There is no potential for operational phase vibration impacts from the 3FM Project at the 3Arena.

3.5 Traffic & Transport

3.5.1 Transport Infrastructure Ireland

Reference	Item
3.5.1.1	Item 1 – Commitment to submission of the required information prior to commencement of development

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

3.5.1.2	Item 2 – Submission of pre-commencement of development information to planning authority
3.5.1.3	Item 3 – Suggested Planning Condition No.1 – Works on the National Road Network
3.5.1.4	Item 4 – Suggested Planning Condition No.2 – CEMP
3.5.1.5	Item 5 – Suggested Planning Condition No.3 – CTMP

3.5.1.1 Item 1 – Commitment to submission of the required information prior to commencement of development

Submission

Transport Infrastructure Ireland (TII) note that in their original submission, TII recommended that conditions should be applied in the event of the approval for the proposal in the interests of the protection of the safety, capacity, and efficiency of the national road network and its users. Within their submission dated 10th April 2025, TII state: *“TII welcomes the applicant’s acceptance of the proposed planning permission conditions, in the event of approval of the proposal. However, TII is concerned that the confirmations offered in subsection 3.14.1.3 of the March 2025 Response to Submissions do not commit to the submission of the required mitigation information prior to commencement of development as requested.”*

DPC Response

DPC wish to reconfirm that they accept the proposed planning conditions suggested by TII and are committed to the submission of the required mitigation information prior to commencement of development as requested.

3.5.1.2 Item 2 – Submission of pre-commencement of development information to planning authority

Submission

In their submission, TII state: *“TII is concerned that the confirmation to submit pre-commencement of development information to both TII and DCC (Dublin City Council). TII considers that this inappropriate as TII is not a planning authority and thus is not the competent authority for the determination of compliance with planning permission conditions, and therefore to submit formal planning compliance submissions to TII has no effect.*

TII is a statutory consultee under Planning and Development statutes. As such, TII relies on planning authorities to uphold official national road policy set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and to recognise TII Publications in appropriate instances. Accordingly, TII recognises that it is not a planning authority and therefore cannot recommend the achievement of compliance with conditions of a planning permission which is a function of the relevant planning authority. It is TII’s opinion that compliance submissions must be made to the planning authority and not TII. The planning authority can circulate compliance submissions made to them for review by TII to inform their compliance determination especially if TII is referenced.”

DPC Response

DPC wish to reconfirm that they accept the proposed planning conditions suggested by TII and will submit the requested pre-commencement of development information to the relevant planning authority as outlined in all pertinent conditions attached by ABP to the application.

3.5.1.3 Item 3 – Suggested Planning Condition No.1 – Works on the National Road Network

Submission

In their submission, TII recommends the following pre-commencement planning condition: *“1. Prior to commencement of development, plans and details of works on, or in the vicinity of the national road network required which shall in accordance with TII Publications shall be submitted for the written agreement of the planning authorities in consultation with TII.”*

DPC Response

DPC accept this recommendation as a pre-commencement planning condition.

3.5.1.4 Item 4 – Suggested Planning Condition No.2 – CEMP

Submission

In their submission, TII recommends the following pre-commencement planning condition: “2. Prior to commencement of development, the final Construction Environmental Management Plan (CEMP) shall be submitted for the written agreement of the planning authorities subject to the written agreement of TII. The CEMP will reflect mitigation and monitoring for the national road network.”

DPC Response

DPC accept this recommendation as a pre-commencement planning condition.

3.5.1.5 Item 5 – Suggested Planning Condition No.3 – CTMP

Submission

In their submission, TII recommends the following pre-commencement planning condition: “3. Prior to commencement of development a Construction Traffic Management Plan (CTMP) that shall be submitted for the written agreement of the planning authorities subject to the written agreement of TII and shall

- a) demonstrate prior and ongoing consultation with the Dublin Tunnel management, via TII and the relevant road authorities, and
- b) demonstrate consultation with the M50 PPP Contractor via TII and the relevant road authorities, and
- c) include detailed information on the traffic management, including signage (static and VMS) to ensure the strategic function of the national road network is protected.”

DPC Response

DPC accept this recommendation as a pre-commencement planning condition.

3.5.2 Kevin Enright

Reference	Item
3.5.2.1	Item 1 – Rail Freight Bridge Across the Liffey
3.5.2.2	Item 2 – TEN-T Policy
3.5.2.3	Item 3 – Rail Freight Comparisons with Other Ports/HGVs

Dublin Port Company (DPC) notes the additional submission from Mr Kevin Enright, dated 25 April 2025 . DPC notes Mr Enright’s comment that he is not acting on behalf of any other party.

3.5.2.1 Item 1 – Rail Freight Bridge Across the Liffey

Submission

Mr. Enright contends that the 3FM Project will not be rail enabled as freight intended for rail transport will be rapid road shunted by electric vehicle from the South Port Estate to a rail terminal for onward carriage. Mr. Enright suggests that this mode of carriage of the freight will be time consuming and uncompetitive and unlikely to be used.

DPC Response

Dublin Port is a rail enabled port which can directly receive, handle and despatch freight by rail. There is active use of rail for the movement of freight.

DPC also supports operational integration through intermodal transport which allows for the efficient transfer of freight between ship, rail and road transport. For intermodal rail transport in Ports, rail can typically cover the longer distance portion of the journey, with other vehicles being used for the short haul element from a rail terminal to shore side. This is what is being proposed in the context of 3FM with what is commonly called the *last mile* from the ship to the rail terminal being managed by road shunting.

DPC would struggle to make a financially sustainable business case to support the inclusion of heavy rail infrastructure on the SPAR bridge and on the lands for development as part of the 3FM Project. The current

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

and anticipated volumes of rail freight traffic would not support the capital investment or the shoreside land take required.

Rapid road shunting of freight by EV from the South Port Estate over the new SPAR bridge to rail intermodal facilities in the North Port Estate represents a cost effective and practical approach to maintaining and growing rail enablement.

3.5.2.2 Item 2 – TEN-T Policy

Submission

Mr Enright states that TEN-T requires a rail freight connection to Dublin Port given its core designation and he claims that this is independent to the establishment of freight corridors under TEN-T. He claims that the designation of Dublin Port as the GDA Port Cluster raises undefined issues concerning rail connectivity and he has sought clarity from DG Move as to what this means.

DPC Response

Mr Enright's response seems to neglect to realise that Dublin Port has got a rail freight connection at present and the proposal is to ensure that the 3FM Project area will be rail enabled to facilitate intermodal connectivity. He also fails to address the impact of the exemption under the TEN-T Regulation for Ireland as an isolated network.

DPC is compliant with relevant obligations on rail connectivity under TEN-T and the proposed connectivity of the 3FM Project area remains consistent with these requirements.

DPC contends that the issue at question for Mr Enright has in fact been settled by the express provisions of EU Regulation 2024/1679, which involves connecting Dublin Port and the Greater Dublin Area Cluster to rail as per Recital 24 of the Regulation which references connection of important urban nodes by road or rail or both to the trans-European transport network "as long as they are economically viable and feasible". The status of Ireland as an isolated network also provides further clarity in this regard.

The North Wall site immediately adjoins the Dublin Port owned lands and is directly connected to the Port through its rail connection along Alexandra Road. As such it is within the environs of Dublin Port and the Greater Dublin Area. The GDA Port Cluster is specifically noted in the EU Regulation 2024/1679 (Annex ii) and consequently there is no legal ambiguity on this issue for An Coimisiún Pleanála.

3.5.2.3 Item 3 – Rail Freight Comparisons with Other Ports/HGVs

Submission

Mr Enright contends that the Government targets set in the 2023 Climate Action Plan on road transport emissions will not be met without a 50% reduction in road transport emissions by 2030. He extrapolates that as the 3FM Project will create the largest container port in Ireland, the emissions targets will not be met without a rail freight connection to the new terminal.

Mr Enright claims that DPC has a built in bias towards road transport and needs to address the consequences of the increase in HGV traffic as a consequence of the development.

DPC Response

DPC contends that the EIAR has fully addressed the consistency of the 3FM with the Government's climate action targets, in Chapter 11 of the EIAR. Additionally the impact on traffic and roads is set out in Chapter 14 of the EIAR

In summary it is clear from the TTA in Chapter 14 of the EIAR that the 3FM Project represents a significant planning gain in traffic and transportation with significant reductions of HGVs from public roads leading to less noise, vibration, and air quality as well as a reduction in wear and tear on local roads.

It is also important to recognise that there are significant inroads being made in the transmission technologies driving HGVs which are securing major reductions in emissions through increased use of biofuel, AdBlue, electrification and alternative power sources.

DPC is satisfied that it has fully addressed the issues raised by Mr Enright and confirms that the different assessments that he cites on Climate and Traffic have been carried out in detail in the EIAR as indicated.

3.5.3 William Kelly & Others

Reference	Item
3.5.3.1	Item 1 – Unmanaged Hazardous & Abnormal Loads excluded from the Dublin Tunnel
3.5.3.2	Item 2 – Measure ROAD7 of the NTA Transport Strategy for the Greater Dublin Area, 2022-2042
3.5.3.3	Item 3 – Examination and Coordination by State Agencies

A submission was received from William Kelly, Eoin Barkely, Tara Duchaussoy currently residing at Nos.57, 56 and 55 Saint Brendan Avenue, Artane, Dublin 5, respectively. This grouped submission is addressed below.

3.5.3.1 Item 1 – Unmanaged Hazardous & Abnormal Loads excluded from the Dublin Tunnel

Submission

Within their submission, William Kelly and Others state: *“DPC statement of the PCU capacity of the Port Tunnel is not relevant to the subject matter of our submission, which is the further expansion of Port HGV traffic volumes, both Hazardous cargo and Dimensional loads, which are excluded from the tunnel, and which are diverted via East Wall Road, Alfie Byrne link, Inner Clontarf Road, and Malahide Road out to Northern Cross in an entirely unmanaged manner.”*

DPC Response

As outlined in our previous Response to Submissions, DPC wish to highlight that there are established statutory procedures and regulations, controlled and enforced by the appropriate authorities, relating to the management of both Hazardous Loads and Abnormal Loads on the in-charge road network, including tunnels.

Again as stated in the previous Response to Submissions (Section 3.14.1.13), such matters are outside the control of DPC and outside the scope of this proposal.

3.5.3.2 Item 2 – Measure ROAD7 of the NTA Transport Strategy for the Greater Dublin Area, 2022-2042

Submission

The following comment has been made in this submission: *“DPC refer to the NTA Transport strategy for Greater Dublin Area, 2022-2042, item Road7 which relates to “The agreed routing of port vehicles when the Tunnel is closed”. DPC state that they are progressing this matter with TII and other stakeholders.*

As of April 2025, the affected stakeholders who live or work along, and commute via the de facto DCC specified route for diverted Port HGV traffic, have not been consulted, & this has been reported to ABP separately.

Item Road7 simply notes an intention to identify a route on existing the Dublin road network to be designated to provide connectivity for HGV traffic from the M50/M1 in the event of emergency closure of the tunnel.

There does not appear to be any proposal to apply a HGV exclusion zone to north side streets as already applies in Sandymount/ Merrion Dublin,4 since 2007.

It is also very noteworthy that none of the Tunnel safety regulations and traffic segregation/separation specifications are extended to HGV diversions via the above city streets.

The hazardous goods tankers and containers travel through dense commuter traffic alongside bus, car and bikers and are excluded from the left hand lane by bus lanes. They also operate 24/7, with no night hours relief for residential streets.

We repeat that this is a potentially catastrophic accident risk throughout the exposed routes on a daily basis.

If it can happen, it will.”

DPC Response

The issues described in the submission above relate to the progression Measure ROAD7 of the NTA Transport Strategy for the Greater Dublin Area, 2022-2042, which states: *‘It is intended that a route on the existing road network will be identified and designated which will provide surface connectively for HGV traffic from the*

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

M50/M1 Junction to Dublin Port and its surrounding area in the event of an emergency or prolonged closure of the Dublin Tunnel.'

The issues identified in the submission include the extent of Stakeholder involvement and related technical details such as the lane designation of HGVs & Hazardous Loads for the selected route and if the DCC HGV Management Strategy will require amendments to accompany the selected route.

DPC recognise that these are legitimate concerns that local stakeholders may have.

DPC highlight that they are also a stakeholder in the progression of Measure ROAD7 and pro-actively contribute towards the process.

Hence, as outlined in our previous Response to Submissions these existing matters that are outside the control of DPC.

3.5.3.3 Item 3 – Examination and Coordination by State Agencies

Submission

In their submission, William Kelly and Others state: *"It is essential that examination of the 3FM expansion plan must require that the designated agencies DCC, NTA, TII, which are responsible for overall traffic infrastructure and management, provide ABP with alternative secure routings for the excluded Port Tunnel traffic, which fully address the very obvious safety and health risks.*

These agencies, and the EPA, do not appear to have made submissions to ABP in respect of the road transport aspect of the 3FM project, despite Port traffic being noted for specific decisions at Road7 in the NTA 2022-2042 Greater Dublin Transport Strategy.

Expansion of port traffic volumes must obligate input & coordination by all state agencies, given the safety, health, and environmental concerns.

Whilst DPC maintain that the 3FM Project is not directly related to the existing Dublin Transport issues, the redirection of greatly expanded Poolbeg volumes toward the Port Tunnel by a new Liffey bridge most definitely imposes obligation on planners to address the Port tunnel operating model and/or to apply alternative routing for the increased HGV volumes of Hazardous and Dimensionally excluded categories, currently diverted via city streets.

The statement that 3FM is not expected to increase "abnormal loads" does not address this safety bottleneck to the expansion of Poolbeg HGV traffic across the Liffey.

If it can happen, it will."

DPC Response

As outlined in our previous Response to Submissions the 3FM Project is a project prepared for planning submission that comes from the Dublin Port Masterplan 2040, first issued in 2012 and reviewed in 2018. This Masterplan sets out a vision for the development and operation of Dublin Port up to the year 2040 and predicts an increase in throughput during this period. As stated on Page 16 of the Masterplan: *'Since its adoption in 2012, the Masterplan has informed National Ports Policy and Transport Policy as well as planning and permitting authorities in determining policies and proposals concerning Dublin Port.'*

Therefore, the predicted increase in overall Port throughput until the year 2040 has already been a material consideration for the road authorities, since 2012, and has already informed transport policy, including the preparation of the NTA Transport Strategy for the Greater Dublin Area, 2022-2042 and the need for Measure ROAD7. Hence Measure ROAD7 is already a measure that is being progressed in response to the increased throughput from Dublin Port until 2040, to which the 3FM Project will contribute.

The 3FM Project proposal has been subject to relevant traffic and transport assessment which identified any traffic impact and appropriate management and relevant proposed mitigation measures. It is highlighted that DCC, NTA and TII all made submissions to ABP in respect of the road transport aspect of the 3FM Project, and these submissions have been responded to by DPC in the same manner as the other received submissions.

3.6 Multi-thematic (Including Planning Policy & Land Use)

3.6.1 Graham McDonnell, 12 Pigeon House Road

Reference	Item
3.6.1.1	Item 1 – Consultation
3.6.1.2	Item 2 – Pollution – Air & Noise
3.6.1.3	Item 3 – Pollution – Noise & Air Monitoring – Data Access
3.6.1.4	Item 4 – Concerns Over Potential Property Damage
3.6.1.5	Item 5 – Assessment of Rail Alternatives
3.6.1.6	Item 6 – Visual Impacts and Accessibility
3.6.1.7	Item 7 – Community Gain

3.6.1.1 Item 1 - Consultation

Submission

In his submission, Graham McDonnell wishes to express that the DPC responses to his previous observations do not allay his concerns regarding the SPAR. Mr McDonnell re-states from his previous submission, that *“the residents of the Pigeon house road were not consulted at any stage of the planning, we only got so see the plan when it has been finalised.”*

DPC Response

As outlined in our previous response to submissions DPC confirms that Chapter 3 of the EIAR fully sets out the consultation process undertaken during the planning process. The consultation processes on the overarching Master Plan and on the specific 3FM Project over a 3-year period are summarised below:

- In 2010/2012 initial public consultation was held during the preparation and update of the overarching Masterplan, under which the 3FM Project lands are contained,
- Public Consultation on the Masterplan Review (2017-2018)
 - Stage 1: 2017 Masterplan Review Consultation Process
 - Stage 2: 2018 Masterplan Review Consultation Process
- Public Consultation on the Dublin Port Post-2040 Dialogue Papers (2020)
- Public and Statutory Consultation on the 3FM Project (2021-2024)
 - Pre-application consultation meetings with An Bord Pleanála (2021-2024)
 - Pre-application consultation meetings with Dublin City Council (2021-2024)
 - Pre-application consultation meetings with Prescribed Bodies and key stakeholders (2021)
 - Public Consultation (2021-2023)
- First Public Consultation Process (November – December 2021) (which included boat tours on which some local residents from Pigeon House Road participated).
- Second Public Consultation Process (March – May 2023)
- DPC Responses to the Public Consultation Process (2024)
- Consultation with local community and interest groups (2021-2024)
- Additional Pre application consultation with prescribed bodies & key stakeholders (2021-2023)
- Public Consultation post submission of 3FM Project application for consent (2024)

DPC believe that significant and meaningful Public Consultation has taken place since the pre-application phase of the 3FM Project with the local community and interest groups. It is clear from the significant number of submissions received that the public consultation process reached a wide audience.

DPC also has undertaken an extensive community engagement programme for many years and has engaged with Pigeon House Road Residents generally (as well as on the 3FM Project since 2021) individually, collectively, and as members of local community organisations. DPC also confirms its commitment to ongoing consultation and engagement with the residents of Pigeon House Road as the proposed 3FM Project progresses as outlined in the draft Construction Environmental Management Plan (CEMP).

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

All public consultation processes for both the Masterplan and the 3FM Project involved the generation and distribution of local publicity, including door to door leaflet drops, billboards, and coverage on mainstream and social media.

3.6.1.2 Item 2 – Pollution – Air and Noise

Submission

In his submission, Mr McDonnell refers to a public meeting held in 2024 where the (then) Minister for Transport Eamon Ryan stated that *“his preferred plan was to reinstate the Rail hub in the Port at the bottom of Sherriff street and transfer containers directly to a holding centre in the midlands for distribution?”*

Mr McDonnell also notes that Mr Ryan “agreed there would be a massive increase in pollution from the two additional roads, in parallel to the East link approach road. But said this would be mitigated by the introduction of electric trucks, can DPC give assurances this will be introduced. That both themselves and Covanta (Incinerator) with switch solely to the use of electric vehicles for use on the SPAR. The estimate he gave would be 1 million additional truck journeys annually. Which will rise exponentially as Covanta has stated it will import waste to burn as it's not at full capacity. While DPC cannot speak for Covanta they could restrict the number of trucks it allows to use the road?”

Mr McDonnell also states: *“The road will be in operation 24/7 by HGV, this is to be additional to both Eastlink traffic, Port traffic and the pollution from the Docked ships who run engines while docked as no electrical facilities are available to them from the DPC. Nothing in their response mitigates this and its impact on the residents of the Pigeon house rd.”*

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project's traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and the R131 servicing the Bridge adjacent to Pigeon House Road and up to 50% of HGVs from the East Wall Road per day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke and the R131 by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly, the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls access. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council's HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides both benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the

SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c.17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.1.3 Item 3 - Pollution – Noise and Air Monitoring and Data Access

Submission

Mr McDonnell has queried whether both construction and operational noise and air quality will be monitored on an ongoing basis and if this is accessible to residents.

DPC Response

As outlined in our previous response to submissions DPC re-iterate that both the construction and operational phase noise was assessed and concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties in Pigeon House Road.

Similarly regarding air quality, the assessment of emissions to air (including dust) during the construction and operational phase concluded that with dust minimisation measures implemented, fugitive emissions of dust from the site are not predicted to be significant and pose no nuisance, human health or ecological risk to nearby receptors.

The assessment of both construction and operational phase traffic emissions also found negligible impact on air quality from traffic disruption caused in the vicinity of the proposed project.

A draft CEMP was prepared and submitted as part of the 3FM planning application, which details all aspects of controlling environmental impacts at the nearest sensitive properties to the 3FM Project.

The CEMP includes various sub-plans which address specific environmental disciplines, including a Noise & Vibration Management Plan (NVMP). The document details the requirements for compliance noise monitoring to be completed during each stage of the construction process and for at least two years post construction into the operational phase.

Dust mitigation and air quality mitigation is also reiterated in the draft CEMP. Whilst there will be no residual dust impacts or air quality impacts, monitoring of dust and air quality data is required by the CEMP during construction and for at least two years post construction into the operational phase.

Under the CEMP, if required, a complaints procedure will be implemented and operated by the Contractor throughout the construction phase and all efforts will be made to address any noise, vibration, dust or air emission issues at the nearest sensitive properties. After completion of the 3FM Project DPC's environmental social and governance team will remain in place with regard to any arising complaints.

Under the CEMP all environmental monitoring data is reported on a monthly basis and is submitted to DCC. Data may be accessed by the residents through DCC.

3.6.1.4 Item 4 – Concerns Over Potential Property Damage

Submission

In his submission, Mr McDonnell expresses concern over vibration impacts on the houses on the Pigeon House Road. Further within his submission, Mr McDonnell states: *“At a meeting with DPC, we discussed the method of piling to be undertaken during construction, we did ask that they DPC undertake an engineer’s report on the present condition of the cottages, file that, and report on re-examination, during, and after SPAR CONSTRUCTION.*

DPC were to give a clear undertaking that if any damage occurred due to the construction of SPAR, they DPC would meet any costs incurred to correct possible damage, this was to be put in writing. We are still awaiting this, and it is not mentioned in the document.”

DPC Response

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road will be approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

DPC and their consultants met residents of Pigeon House Road to listen to and address concerns regarding property damage. The minutes of this meeting held in September 2024 are appended and these explain the processes of structural survey and vibration monitoring that will be put in place during the 3FM Project construction and remain in place for two years post construction.

As confirmed in these written minutes (reproduced in Appendix 2) which were provided to the residents in late September 2024, DPC wish to re-emphasize that Building Condition Surveys will be completed at properties on Pigeon House Road in advance of the commencement of any construction works in this area. In addition, baseline vibration monitoring will be completed at these properties prior to the commencement of construction works and then subsequently while piling activities are taking place to ensure vibration levels from piling do not exceed the relevant threshold limit.

A complaints procedure will continue to be operated by the Contractor throughout the construction phase and all efforts will be made to address any vibration issues at the nearest sensitive properties.

In the unlikely event that property damage is identified, directly attributable to the construction of the 3FM Project, DPC commits to meeting the costs incurred to correct any damage.

3.6.1.5 Item 5 – Assessment of Rail Alternatives

Submission

Mr McDonnell refers again to the 2024 public meeting, attended by the (then) Minister for Transport, highlighting that Mr Ryan's preferred alternative would be: *"the use of a Revitalized Rail head in the docks to transfer containers to a holding area.*

Doing this there would be no need for the amount of upheaval and increase in pollution on the whole area. Why was this alternative never mentioned? Capacity could be endless and not restricted to the restrictions of the peninsula for storage of the containers."

DPC Response

As noted in the previous response to submissions, the alternatives assessment included Strategic Transport Connectivity Scenarios (Chapter 4.3.3 of the EIAR) and this considered the rail connectivity and network.

DPC has engaged with Irish Rail on the potential for a North Wall Freight Depot and has committed to funding the development of a rail intermodal facility at the existing depot. DPC recognises that the development of a dedicated intermodal rail freight depot on Irish Rail-owned lands at North Wall is a distinct and separate project to the 3FM Project and will need to be pursued through a development agreement between DPC and Irish Rail. It will also be subject to its own statutory consent process. DPC and Irish Rail are engaged in extensive discussions on this proposal and both companies recognise the importance of such a facility to support enhanced rail freight connectivity for Dublin Port. Ensuring that more customers use rail freight facilities will also be a factor of cost, inland connectivity, and convenience, which are primarily matters for Irish Rail to address directly.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

During the evolution of the 3FM Project, DPC conducted an origin and destination study which determined that 73% of Port Volumes have an origin or destination within 90km of Dublin Port, with 61% of volume having an origin or destination within 40km of the Port. The All-Island Strategic Rail Review noted that future rail freight services will be most viable where there is sufficient critical mass with increased tonnage lifted and indicates that this is most likely for distances in excess of 100km. As nearly 75% of Port Volumes have an origin or destination less than 100km from Dublin Port, the critical mass potential for migration to rail freight is very limited. It is also relevant that this study indicated that the 27% of volume which is outside the 90km is widely dispersed and only 6% of this residue is suitable for rail freight.

In summary, having reviewed alternatives for rail connectivity for the 3FM Project, and the port more generally, DPC believes that the preferred option, which is most beneficial from a cost, sustainability and environmental perspective is the servicing of rail freight for the port from a dedicated intermodal rail freight depot at North Wall, accessed by a dedicated bridge over East Wall Road, with new proposed 3FM terminals accessing the depot via transfer on the SPAR.

DPC's preferred strategic transport layout, having considered connectivity of the port, therefore remains an at-grade crossing, immediately east of Tom Clarke Bridge which provides for future light rail expansion, as identified in the Masterplan, reviewed 2018.

3.6.1.6 Item 6 - Visual Impacts and Accessibility

Submission

In his submission, Mr McDonnell expresses concern on the visual impact and access restrictions to the river: *"A big plus of my cottage's location is the view of the river, the SPAR, pushes this away to consume the view and reduce it to a sliver, my new view will comprise largely of traffic or the side of the road barrier. This impacts my view and quality of life, where I live.*

Access to the river was reduced with the construction of the Eastlink in 1984, to a couple of stepped slips. The new plans cuts them off and only allows access from the rowing club locations. Restricting access even more."

DPC Response

As noted in the previous response to submissions DPC would like to reiterate that the proposed SPAR design is the result of an in-depth process which considered and assessed different options, in particular, the road level in the context of the view from Pigeon House Road.

The predicted significance of visual impact for the residential properties at Pigeon House Road will be moderate adverse with the mitigation of a reduced road level in order to accommodate the river view from the Pigeon House Road properties. This results in the road having been lowered from optimal road design alignment with additional speed restrictions put in place in order to achieve this alignment. While the proportion of the sea/River Liffey visible in view will reduce it will still be possible to observe the surface of the River Liffey and vessels coming and going as at present along with the port itself.

In view from properties at Pigeon House Road the SPAR will be a new feature in the foreground extending the visible road network. Traffic on the SPAR will be read with traffic on the existing R131 and busy East Link Toll Plaza. Traffic on the SPAR will be located further away than traffic on the existing R131 and not as prominent in views from properties at Pigeon House Road. Also noting that future HGV movements on the SPAR road occur at a further distance from properties on Pigeon House Road.

To the upstream, the SPAR Bridge will be a new feature visible in front of and at a similar level to the Tom Clarke Bridge with little change in the visual resource. The SPAR Bridge like the Tom Clarke Bridge will be a lifting bridge that is opened to allow larger vessels to gain access upstream. The lifting of both bridges is a very temporary feature when it occurs, and the default appearance of the bridges is in the lowered position. The port infrastructure and operations on the northern side of the river along with traffic on the R131 and the built form along the North Quay will remain the dominant visible features in this view.

In views downstream from Pigeon House Road properties the existing harbour and its activities are prominent including the existing container terminal and traffic on the road network. However, under the proposed 3FM Project, the container terminal will be relocated to Area L and the proposed Maritime Village will be the main component of the view to the east for these properties rather than the container terminal removing visibility of the existing ship to shore cranes and stacked containers. The Maritime Village development proposes high quality buildings and external public realm and will have less of a detrimental impact upon the view.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

With regard to concerns related to river accessibility the existing stepped access points will be retained accessing the water below the new viaduct construction and a new public slipway will be constructed as part of the Maritime Village proposals for the 3FM Project, therefore improving overall public access to the river.

3.6.1.7 Item 7 – Community Gain

Submission

Mr McDonnell raises concern on the community gain proposals and states: *“The Community gain only concerns boat owners, yacht club members, rowing club members, an elite few in our community.”*

No community gain for the majority of people living in the immediate area, residents on the Pigeon House Rd.”

DPC Response

As outlined in our previous response to submissions the 3FM Project is designed to deliver significant community gain and amenity enhancements for all.

The full detail of the community gain is set out in Chapter 1 of the EIAR. This includes the following eleven elements which include a community benefit fund, heritage and biodiversity enhancements (again including funding), enhanced recreational amenity and enhanced public realm, all of which DPC consider will benefit the wider community including those living within the immediate area.

Community support through:

- Establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area.

Heritage & Biodiversity enhancements through:

- Commissioning a new Public Access Feasibility Study regarding the Great South Wall so as to identify improved public interpretation, accessibility, facilities and conservation possibilities,
- Provision of up to €1 million funding to implement the study recommendations.
- Provision of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- Provision of Interpretative Markers to delineate the alignment of the Great South Wall (GSW)

Other community gain elements comprise enhanced recreational amenity through:

- 7km of new or upgraded Active Travel Path (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the North Port Estate, SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port Estate, and from there to the 4.0km Tolka Estuary Greenway currently under construction by Dublin Port. DPC will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula
- Development of a sailing, rowing and maritime campus (Maritime Village) adjacent to the existing Poolbeg Yacht and Boat Club in conjunction with local yacht and boating clubs, including a public slipway and facilities for maritime skills training.
- Provision of Recreational Space
 - Port Park and Wildflower Meadow (2.5ha)
 - Coastal Park (1.6ha)
- Provision of 1.1ha extension to Irishtown Nature Park.

Enhanced public realm through:

- Development of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.

Whilst one key feature of the community gain and amenity strategy is the replacement of the existing Poolbeg Yacht & Boat Club and Stella Maris Rowing Club facilities with a new sailing, rowing, and maritime campus, referred to as the Maritime Village, this element of the proposal also involves the development of a public slipway which will be of additional benefit to all users, including those not affiliated to local Clubs or marine organisations.

The other ten elements are of general benefit to the local community. The provision of funding for community gain is provided explicitly so that the community can identify opportunities that would be of specific interest

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

rather than a project dictating these, in particular, DPC would encourage the residents of Pigeon House Road to come forward with community benefit proposals to avail of this funding which will be administered by DPC in consultation with local stakeholders.

In addition to the above, although not directly linked to the 3FM Project, DPC have an ongoing joint investment programme with DCC to provide community gain directly to the residents of Pigeon House Road through landscaping and greening initiatives. These include works on the grass verge running opposite 1A to 64 Pigeon House Road, works to the Ringsend College allotment, the addition of new bins and adding planters for the roadside.

3.6.2 Grainne Hughes, 49 Pigeon House Road

Reference	Item
3.6.2.1	Item 1 – Vibration and Noise Concerns
3.6.2.2	Item 2 – Concerns Over Potential Property Damage
3.6.2.3	Item 3 – Concerns related to Increased Traffic and Pollution
3.6.2.4	Item 4 – Concerns related to Rodents

3.6.2.1 Item 1 – Vibration and Noise Concerns

Submission

In her submission, Grainne Hughes wishes to express that there is nothing in the previous DPC response to alleviate her concerns.

Ms. Hughes states in her submission: *“We will have increased noise and disruption - our houses are built on reclaimed land and our house physically shakes when a large boat turns in the river. When there was pile driving going on in Alexandra Quay our whole house shook - also this was supposed to be from 8am but we heard pile driving starting as early as 715am.*

This level of noise and disruption is unacceptable - we cannot relax in our own home.”

Further within the submission, Ms. Hughes also states: *“This project will be disrupting our lives for 15 years has there been any consideration for people who are facing out onto this, who are going to have to live with noise and disruption into old age.*

The roll on roll off is proposed to be 24/7. - what level of noise protection is in place while we sleep”

Ms. Hughes concluded that *“There are so many unanswered questions and we understand that eventually this will be a great amenity and will be lovely to look at but ultimately its going to take a very long time and lots of disruption, frustration and noise and we would like to have this as minimal as possible.”*

DPC Response

Whilst incidents of noise complaint raised in this submission relate to a separate construction project and a specific operational issue, we consider that the manner in which DPC has addressed these concerns offers practical examples of DPC’s ongoing commitment to controlling noise and vibration matters and their ongoing commitment to engaging with the residents of properties at Pigeon House Road.

Regarding the previous noise complaint arising in March 2025 in relation to the ABR Project, DPC confirms that, following receipt of residents’ noise complaints due to the pile driving at Alexandra Basin West an internal investigation was undertaken promptly and mitigation measures enacted in accordance with the ABR Project’s CEMP. Monitoring data was interrogated to understand the timing and source of the occurrence.

DPC’s Environmental Facilities Manager specified the following mitigation measures:

- No piling is to take place outside permitted working hours
- Contractor to confirm that noise reduction measures are in place on the piling hammer
- Contractor to confirm whether difficult ground conditions resulted in extended or loud piling
- Minimise the duration of impact piling on individual piles and use vibro-piling as possible.

DPC’s Contractor ensured that efforts were maintained to minimise all activities that may cause exceedance including but not limited to inspections and servicing as required, noise dampening housings, newer machinery with appropriate noise reduction appliances, and changing process to mitigate noise. Within 48 hours of receiving the complaint the contractor had;

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- re-briefed operatives regarding the working hours
- ceased the type of piling operation (16 ton drop hammer) which was not repeated on the project
- identified mitigation against difficult driving and operational improvements (including replacing damaged dampener or isolation rings on the hammer and ensuring the hammer was correctly seated).

With regard to the proposed 3FM project it is important to note that piling works for the proposed 3FM Project will differ from the ABR piling methodology reported above. A different piling method is to be used for this element of the 3FM Project with less noise and less vibration.

Regarding the previous noise complaints associated with the night-time activities at berths 19-21 (Ramp 6) in 2021, a detailed noise assessment was commissioned to review and provide recommendations to address the issues associated with the noise complaints. The complaints related primarily to noise associated with HGV movements from one particular vessel using the ramp at the berth. The assessment included noise monitoring and on-site observation of the activities at the ramp during operations. The assessment report included a range of mitigation measures to substantially reduce the noise impact associated with this activity:

- The use of rubber matting in areas where it was observed that the hard interfaces between vessel ramps and Ramp 6 was generating the impulse noises when HGVs passed over these areas;
- Addressing issues around speed of vehicle movements (i.e. supervision of speed limits) using the ramp which was observed to have been a contributory factor;
- A range of other measures including more effective communication strategies between operators and drivers and the use of toolbox talks.

Observations following the implementation of the mitigation measures at this time were that a substantial improvement had been achieved in reducing any nuisance associated with this activity.

It should be noted that the operation of the proposed 3FM Ro-Ro ramp has been mitigated by project design and environmental assessment and this nuisance will not occur in the 3FM Project's operational phase.

As outlined in our previous response to submissions the engineering design has evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata. The 3FM Project's selected piling method differs from the ABR piling method because it results in less noise and less vibration.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

With regard to noise, DPC wish to re-iterate that construction phase noise was assessed in accordance with the lowest applicable noise threshold limits from BS5228:2009+A1:2014. Under worst-case assumptions, there is potential for predicted noise levels to exceed this noise threshold limit with no noise mitigation measures in place at Pigeon House Road. Section 12.1.7.1 of the submitted EIAR includes worst-case construction noise predictions with noise mitigation measures in place, which are all below the applicable BS5228:2009+A1:2014 noise threshold limit. A draft CEMP was prepared and submitted as part of the 3FM planning application, which details all aspects of controlling environmental impacts at the nearest sensitive properties to the 3FM Project.

In particular the EIAR Chapter 12.1 and draft CEMP included, a temporary noise barrier is proposed to ensure the relevant BS5228:2009+A1:2014 noise threshold limit will not be exceeded in years 4-8 in the vicinity of Pigeon House Road / Coastguard Cottages (see EIAR Section 12.1.7.2). The NVMP will provide specific details on temporary noise barriers to be deployed in this area during this period and the monitoring requirements to ensure that the appropriate compliance noise monitoring is completed. If required a

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

complaints procedure will be implemented and operated by the Contractor throughout the construction phase and all efforts will be made to address any noise or vibration issues at the nearest sensitive properties.

With regard to the operational phase and Ro-Ro terminal, Section 12.1.5.6 contains detailed noise modelled predictions of proposed operational Port activities as a result of the 3FM Project at the nearest noise sensitive properties. Predicted noise levels from the proposed Port activities, with mitigation measures in place, will be below existing ambient (L_{Aeq}) and background (L_{A90}) noise levels at properties along Pigeon House Road. On this basis, the proposed 3FM Project will not result in increased noise levels at these properties.

In relation to the operation of the proposed Ro-Ro ramp for the 3FM Project, there are a number of reasons why the potential for noise nuisance from this proposed ramp will be substantially less than the incident in March 2021 previously experienced by the residents along Pigeon House Road. These reasons support the worst-case predicted noise levels included within the 3FM Noise Impact Assessment which indicate that there will be no noise impact at the properties on Pigeon House Road from the operation of this ramp and include:

- the proposed ramp in the 3FM Project is a considerably greater distance from the properties at Pigeon House Road when compared with the ramp at berths 19-21 (Ramp 6);
- the ramp is located below berth level. In the case of berths 19-21 where the noise nuisance was previously experienced, this was not particularly significant as there was a clear unobstructed noise propagation pathway between the ramp activity and the properties on Pigeon House Road. In the case of the 3FM ramp however, this is hugely significant as the ramp is substantially screened at source in the direction of the properties on Pigeon House Road;
- the ramp is also substantially screened by a variety of structures, buildings and proposed 3FM 4m noise mitigation high barriers in the direction of the properties on Pigeon House Road;
- the proposed 3FM ramp will be new and built with due consideration for the reduction of noise levels in terms of its structural elements, as compared with a decades old ramp (Ramp 6, berths 19-21) which was built prior to noise mitigations.

3.6.2.2 Item 2 – Concerns over Potential Property Damage

Submission

Ms Hughes states within her submission: *“We are also concerned about damage to our property. - what is the contingency for this?”*

DPC Response

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

DPC and their consultants met residents of Pigeon House Road to listen to and address concerns regarding property damage. The minutes of this meeting held in September 2024 are appended and these explain the processes of structural survey and vibration monitoring that will be put in place during the 3FM Project construction and remain in place for two years post construction.

As confirmed in these written minutes (reproduced in Appendix 2) which were provided to the residents in late September 2024, DPC wish to re-emphasize that Building Condition Surveys will be completed at properties on Pigeon House Road in advance of the commencement of any construction works in this area. In addition,

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

baseline vibration monitoring will be completed at these properties prior to the commencement of construction works and then subsequently while piling activities are taking place to ensure vibration levels from piling do not exceed the relevant threshold limit.

A complaints procedure will continue to be operated by the Contractor throughout the construction phase and all efforts will be made to address any vibration issues at the nearest sensitive properties.

In the unlikely event that property damage is identified, directly attributable to the construction of the 3FM Project, DPC commits to meeting the costs incurred to correct any damage.

3.6.2.3 Item 3 – Concerns related to Increased Traffic and Pollution

Submission

Ms Hughes makes reference to traffic and pollution by stating: *“The increased traffic and pollution - what is the solution for this?”*

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project’s traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and up to 50% of HGVs from the East Wall Road per day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls assess. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council’s HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.2.4 Item 4 – Concerns related to Rodents

Submission

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

In her submission, Ms. Hughes also expresses concern regarding the presence of rats. Ms. Hughes states: *“What about the rat problem - whenever there is any type of banging or development the rats come out in droves into our homes.”*

DPC Response

As outlined in our previous response to submissions DPC recognises that rats are undoubtedly present within the rock revetment which forms the riverside boundary to the River Liffey and the R131 Road in relatively close proximity to the residents of Pigeon House Road and Ringsend Park.

The 3FM Project has been designed to minimise disturbance to the existing rock revetment at this location by creating a new road on a bridge structure, separated from the existing waterfront, which has been referred to as the SPAR Viaduct (see Chapter 5 Project Description of the EIAR). This negates the need to demolish the existing rock revetment or to give rise to any further infilling of the River Liffey.

The construction of the SPAR Viaduct supporting piles will however need to be founded into short sections of the rock revetment at circa 20m intervals causing temporary displacement of rats at these specific locations. This will most likely result in limited movement of rats but within the entirety of the rock revetment. Nevertheless, there remains a low probability that some rats may attempt to relocate towards Pigeon House Road.

DPC thereby recognises the concern raised by the residents and references the importance of this issue within the proposed Construction Management Plans set out in the draft CEMP, including:

- Construction Waste Management Plan will ensure all food waste and litter generated from site offices are safely stored and removed from site to ensure there is no food source to attract rats.
- A suitability qualified Vermon Control Company will be retained to ensure any signs of rat infestation can be identified at a very early stage and that eradication measures undertaken quickly.

As set out in the draft CEMP, DPC will appoint a suitably qualified person to the role of Environmental Facilities Manager (Environmental Clerk of Works) to monitor the 3FM Project construction works. The Environmental Facilities Manager will be the point of contact to effectively deal with any concern raised by residents.

Following a meeting with residents from Pigeon House Road DPC confirmed in the meeting minutes (appended) that *“DPC is committed to mitigate any impacts and will have Rentokil or similar on standby to deal with any issues - in case they arise. In addition, site maintenance standards are vastly better than in the 80s - with far better housekeeping being implemented.”*

3.6.3 Jason McDonnell, 12 Pigeon House Road

Reference	Item
3.6.3.1	Item 1 – Lack of Consultation
3.6.3.2	Item 2 – Pollution – Air and/or Noise
3.6.3.3	Item 3 – Pollution – Noise & Air Monitoring – Data Access
3.6.3.4	Item 4 – Concerns over Potential Property Damage
3.6.3.5	Item 5 – Assessment of Rail Alternatives
3.6.3.6	Item 6 – Visual Impacts and Accessibility
3.6.3.7	Item 7 – Community Gain
3.6.4.8	Item 8 – Noise Concerns

3.6.3.1 Item 1 – Consultation

Submission

In his submission, Jason McDonnell wishes to express that the DPC responses to his previous observations do not allay his concerns regarding the SPAR. Mr McDonnell re-states from his previous submission, that *“the residents of the Pigeon house road were not consulted at any stage of the planning, we only got so see the plan when it has been finalised.”*

DPC Response

As outlined in our previous response to submissions DPC confirms that Chapter 3 of the EIAR fully sets out the consultation process undertaken during the planning process. The consultation processes on the overarching Master Plan and on the specific 3FM Project over a 3-year period are summarised below:

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- In 2010/2012 initial public consultation was held during the preparation and update of the overarching Masterplan, under which the 3FM Project lands are contained,
- Public Consultation on the Masterplan Review (2017-2018)
 - Stage 1: 2017 Masterplan Review Consultation Process
 - Stage 2: 2018 Masterplan Review Consultation Process
- Public Consultation on the Dublin Port Post-2040 Dialogue Papers (2020)
- Public and Statutory Consultation on the 3FM Project (2021-2024)
 - Pre-application consultation meetings with An Bord Pleanála (2021-2024)
 - Pre-application consultation meetings with Dublin City Council (2021-2024)
 - Pre-application consultation meetings with Prescribed Bodies and key stakeholders (2021)
 - Public Consultation (2021-2023)
- First Public Consultation Process (November – December 2021) (which included boat tours on which some local residents from Pigeon House Road participated).
- Second Public Consultation Process (March – May 2023)
- DPC Responses to the Public Consultation Process (2024)
- Consultation with local community and interest groups (2021-2024)
- Additional Pre application consultation with prescribed bodies & key stakeholders (2021-2023)
- Public Consultation post submission of 3FM Project application for consent (2024)

DPC believe that significant and meaningful Public Consultation has taken place since the pre-application phase of the 3FM Project with the local community and interest groups. It is clear from the significant number of submissions received that the public consultation process reached a wide audience.

DPC also has undertaken an extensive community engagement programme for many years and has engaged with Pigeon House Road Residents generally (as well as on the 3FM Project since 2021) individually, collectively, and as members of local community organisations. DPC also confirms its commitment to ongoing consultation and engagement with the residents of Pigeon House Road as the proposed 3FM Project progresses as outlined in the draft CEMP.

All public consultation processes for both the Masterplan and the 3FM Project involved the generation and distribution of local publicity, including door to door leaflet drops, billboards, and coverage on mainstream and social media.

3.6.3.2 Item 2 – Pollution – Air and/or Noise

Submission

In his submission, Mr McDonnell refers to a public meeting held in 2024 where the (then) Minister for Transport Eamon Ryan stated that *“his preferred play had been was to reinstate the Rail hub in the Port at the bottom of Sherriff street and transfer containers directly to a holding center in the midlands for distribution?”*

Mr McDonnell also notes that Mr Ryan “agreed there would me a massive increase in pollution from the two additional roads, in parallel to the East link approach road. But said this would be mitigated by the introduction of electric trucks, can DPC give assurances this will be introduced. That both themselves and Covanta (Incinerator) with switch solely to the use of electric vehicles for use on the SPAR. The estimate he gave would be 1 million additional truck journeys per annually. Which will rise exponentially as Covanta has stated it will import waste to burn as it's not at full capacity. While DPC cannot speak for Covanta they could restrict the number of trucks it allows to use the road?”

Mr McDonnell also states: *“The road will be in operation 24/7 by HGV, this is to be additional to both Eastlink traffic, Port traffic and the pollution from the Docked ships who run engines while docked as no electrical facilities are available to them from the DPC. Nothing in their response mitigates this and its impact on the residents of the Pigeon house road. Not including the noise pollution also.”*

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project’s traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and R131 and up to 50% of HGVs from the East Wall Road per

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke and the R131 by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly, the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls assess. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council's HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.3.3 Item 3 – Noise and Air Monitoring and Data Access

Submission

Mr McDonnell has queried whether both construction and operational noise and air quality will be monitored on an ongoing basis and if this is accessible to residents.

DPC Response

As outlined in our previous response to submissions DPC re-iterate that both the construction and operational phase noise was assessed and concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties in Pigeon House Road.

Similarly regarding air quality, the assessment of emissions to air (including dust) during the construction and operational phase concluded that with dust minimisation measures implemented, fugitive emissions of dust from the site are not predicted to be significant and pose no nuisance, human health or ecological risk to nearby receptors.

The assessment of both construction and operational phase traffic emissions also found negligible impact on air quality from traffic disruption caused in the vicinity of the proposed project.

A draft CEMP was prepared and submitted as part of the 3FM planning application, which details all aspects of controlling environmental impacts at the nearest sensitive properties to the 3FM Project.

The CEMP includes various sub-plans which address specific environmental disciplines, including an NVMP. The document details the requirements for compliance noise monitoring to be completed during each stage of the construction process and for at least two years post construction into the operational phase.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Dust mitigation and air quality mitigation is also reiterated in the draft CEMP. Whilst there will be no residual dust impacts or air quality impacts, monitoring of dust and air quality data is required by the CEMP during construction and for at least two years post construction into the operational phase.

Under the CEMP, if required, a complaints procedure will be implemented and operated by the Contractor throughout the construction phase and all efforts will be made to address any noise, vibration, dust or air emission issues at the nearest sensitive properties. After completion of the 3FM Project DPC's environmental social and governance team will remain in place with regard to any arising complaints.

Under the CEMP all environmental monitoring data is reported on a monthly basis and is submitted to DCC. Data may be accessed by the residents through DCC.

3.6.3.4 Item 4 – Concerns over Potential Property Damage

Submission

In his submission, Mr McDonnell expresses concern over vibration impacts on the houses on the Pigeon House Road, the majority over 100 years old. Further within his submission, Mr McDonnell states: *“At a meeting with DPC, we discussed the method of piling to be undertaken during construction, we did ask that they DPC undertake an engineer's report on the present condition of the cottages, file that, and report on re-examination, during, and after SPAR CONSTRUCTION.*

DPC were to give a clear undertaking that if any damage occurred due to the construction of SPAR, they DPC would meet any costs incurred to correct possible damage, this was to be put in writing. We are still awaiting this and it is not mentioned in the document.”

DPC Response

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

DPC and their consultants met residents of Pigeon House Road to listen to and address concerns regarding property damage. The minutes of this meeting held in September 2024 are appended and these explain the processes of structural survey and vibration monitoring that will be put in place during the 3FM Project construction and remain in place for two years post construction.

As confirmed in these written minutes (reproduced in Appendix 2) which were provided to the residents in late September 2024, DPC wish to re-emphasize that Building Condition Surveys will be completed at properties on Pigeon House Road in advance of the commencement of any construction works in this area. In addition, baseline vibration monitoring will be completed at these properties prior to the commencement of construction works and then subsequently while piling activities are taking place to ensure vibration levels from piling do not exceed the relevant threshold limit.

A complaints procedure will continue to be operated by the Contractor throughout the construction phase and all efforts will be made to address any vibration issues at the nearest sensitive properties.

In the unlikely event that property damage is identified, directly attributable to the construction of the 3FM Project, DPC commits to meeting the costs incurred to correct any damage.

3.6.3.5 Item 5 – Assessment of Rail Alternatives

Submission

Mr McDonnell refers again to the 2024 public meeting, attended by the (then) Minister for Transport, highlighting that Mr Ryan’s preferred alternative would be: *“the use of a Revitalized Rail head in the docks to transfer containers to a holding area.*

Doing this there would be no need for the amount of upheaval and increase in pollution on the whole area. Why was this alternative ever mentioned? Capacity could be endless and not restricted to the restrictions of the peninsula for storage of the containers.”

DPC Response

As noted in the previous response to submissions, the alternatives assessment included Strategic Transport Connectivity Scenarios (Chapter 4.3.3 of the EIAR) and this considered the rail connectivity and network.

DPC has engaged with Irish Rail on the potential for a North Wall Freight Depot and has committed to funding the development of a rail intermodal facility at the existing depot. DPC recognises that the development of a dedicated intermodal rail freight depot on Irish Rail-owned lands at North Wall is a distinct and separate project to the 3FM Project and will need to be pursued through a development agreement between DPC and Irish Rail. It will also be subject to its own statutory consent process. DPC and Irish Rail are engaged in extensive discussions on this proposal and both companies recognise the importance of such a facility to support enhanced rail freight connectivity for Dublin Port. Ensuring that more customers use rail freight facilities will also be a factor of cost, inland connectivity, and convenience, which are primarily matters for Irish Rail to address directly.

During the evolution of the 3FM Project, DPC conducted an origin and destination study which determined that 73% of Port Volumes have an origin or destination within 90km of Dublin Port, with 61% of volume having an origin or destination within 40km of the Port. The All-Island Strategic Rail Review noted that future rail freight services will be most viable where there is sufficient critical mass with increased tonnage lifted and indicates that this is most likely for distances in excess of 100km. As nearly 75% of Port Volumes have an origin or destination less than 100km from Dublin Port, the critical mass potential for migration to rail freight is very limited. It is also relevant that this study indicated that the 27% of volume which is outside the 90km is widely dispersed and only 6% of this residue is suitable for rail freight.

In summary, having reviewed alternatives for rail connectivity for the 3FM Project, and the port more generally, DPC believes that the preferred option, which is most beneficial from a cost, sustainability and environmental perspective is the servicing of rail freight for the port from a dedicated intermodal rail freight depot at North Wall, accessed by a dedicated bridge over East Wall Road, with new proposed 3FM terminals accessing the depot via transfer on the SPAR.

DPC’s preferred strategic transport layout, having considered connectivity of the port, therefore remains an at-grade crossing, immediately east of Tom Clarke Bridge which provides for future light rail expansion, as identified in the Masterplan, reviewed 2018.

3.6.3.6 Item 6 – Visual Impacts and Accessibility

Submission

In his submission, Mr McDonnell expresses concern on the visual impact and access restrictions to the river: *“A big plus of my cottage’s location is the view of the river, the SPAR, pushes this away to consume the view and reduce it to a sliver, my new view will comprise largely of traffic or the side of the road barrier. This impacts my view and quality of life, where I live.*

Access to the river was reduced with the construction of the Eastlink in 1984, to a couple of stepped slips. The new plans cuts them off and only allows access from the rowing club locations. Restricting access even more.”

DPC Response

As noted in the previous response to submissions DPC would like to reiterate that the proposed SPAR design is the result of an in-depth process which considered and assessed different options, in particular, the road level in the context of the view from Pigeon House Road.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The predicted significance of visual impact for the residential properties at Pigeon House Road will be moderate adverse with the mitigation of a reduced road level in order to accommodate the river view from the Pigeon House Road properties. This results in the road having been lowered from optimal road design alignment with additional speed restrictions put in place in order to achieve this alignment. While the proportion of the sea/River Liffey visible in view will reduce it will still be possible to observe the surface of the River Liffey and vessels coming and going as at present along with the port itself.

In view from properties at Pigeon House Road the SPAR will be a new feature in the foreground extending the visible road network. Traffic on the SPAR will be read with traffic on the existing R131 and busy East Link Toll Plaza. Traffic on the SPAR will be located further away than traffic on the existing R131 and not as prominent in views from properties at Pigeon House Road. Also noting that future HGV movements on the SPAR road occur at a further distance from properties on Pigeon House Road.

To the upstream, the SPAR Bridge will be a new feature visible in front of and at a similar level to the Tom Clarke Bridge with little change in the visual resource. The SPAR Bridge like the Tom Clarke Bridge will be a lifting bridge that is opened to allow larger vessels to gain access upstream. The lifting of both bridges is a very temporary feature when it occurs, and the default appearance of the bridges is in the lowered position. The port infrastructure and operations on the northern side of the river along with traffic on the R131 and the built form along the North Quay will remain the dominant visible features in this view.

In views downstream from Pigeon House Road properties the existing harbour and its activities are prominent including the existing container terminal and traffic on the road network. However, under the proposed 3FM Project, the container terminal will be relocated to Area L and the proposed Maritime Village will be the main component of the view to the east for these properties rather than the container terminal removing visibility of the existing ship to shore cranes and stacked containers. The Maritime Village development proposes high quality buildings and external public realm and will have less of a detrimental impact upon the view.

With regard to concerns related to river accessibility the existing stepped access points will be retained accessing the water below the new viaduct construction and a new public slipway will be constructed as part of the Maritime Village proposals for the 3FM Project, therefore improving overall public access to the river.

3.6.3.7 Item 7 – Community Gain

Submission

Mr McDonnell raises concern on the community gain proposals and states: “*The Community gain only concerns boat owners, yacht club members, rowing club members, an elite few in our community.*”

No community gain for the majority of people living in the immediate area, residents on the Pigeon House Rd.”

DPC Response

As outlined in our previous response to submissions the 3FM Project is designed to deliver significant community gain and amenity enhancements for all.

The full detail of the community gain is set out in Chapter 1 of the EIAR. This includes the following eleven elements which include a community benefit fund, heritage and biodiversity enhancements (again including funding), enhanced recreational amenity and enhanced public realm, all of which DPC consider will benefit the wider community including those living within the immediate area.

Community support through:

- Establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area.

Heritage & Biodiversity enhancements through:

- Commissioning a new Public Access Feasibility Study regarding the Great South Wall so as to identify improved public interpretation, accessibility, facilities and conservation possibilities,
- Provision of up to €1 million funding to implement the study recommendations.
- Provision of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- Provision of Interpretative Markers to delineate the alignment of the Great South Wall (GSW)

Other community gain elements comprise enhanced recreational amenity through:

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- 7km of new or upgraded Active Travel Path (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the North Port Estate, SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port Estate, and from there to the 4.0km Tolka Estuary Greenway currently under construction by Dublin Port. DPC will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula
- Development of a sailing, rowing and maritime campus (Maritime Village) adjacent to the existing Poolbeg Yacht and Boat Club in conjunction with local yacht and boating clubs, including a public slipway and facilities for maritime skills training.
- Provision of Recreational Space
 - Port Park and Wildflower Meadow (2.5ha)
 - Coastal Park (1.6ha)
- Provision of 1.1ha extension to Irishtown Nature Park.

Enhanced public realm through:

- Development of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.

Whilst one key feature of the community gain and amenity strategy is the replacement of the existing Poolbeg Yacht & Boat Club and Stella Maris Rowing Club facilities with a new sailing, rowing, and maritime campus, referred to as the Maritime Village, this element of the proposal also involves the development of a public slipway which will be of additional benefit to all users, including those not affiliated to local Clubs or marine organisations.

The other ten elements are of general benefit to the local community. The provision of funding for community gain is provided explicitly so that the community can identify opportunities that would be of specific interest rather than a project dictating these, in particular, DPC would encourage the residents of Pigeon House Road to come forward with community benefit proposals to avail of this funding which will be administered by DPC in consultation with local stakeholders.

In addition to the above, although not directly linked to the 3FM Project, DPC have an ongoing joint investment programme with DCC to provide community gain directly to the residents of Pigeon House Road through landscaping and greening initiatives. These include works on the grass verge running opposite 1A to 64 Pigeon House Road, works to the Ringsend College allotment, the addition of new bins and adding planters for the roadside.

3.6.3.8 Item 8 – Noise Concerns

Submission

In his submission, Mr McDonnell also refers to ongoing and historical consented activities within the Port and states: *“There was also recently work done at Alexandra Quay West Berth 30-31 from the 12th to 15th of march and they we’re starting work at 7.30am when they were not meant to start till 8 am.*

The impact the hammering of the tubular piles generated in my house was shocking I ended up with three days of migraines.

There was also an issue with the roll on roll off of trucks from the berth opposite my house around 3 years ago where the noise was unbearable it went on for months I emailed the DPC regularly and had to carry out a EPA noise examination which came back that the noise was over the limit. Fortunately they moved this work to a different berth eventually and the noise stopped but my complaints were totally ignored for months I don’t wish for this to happen again.”

DPC Response

Whilst incidents of noise complaint raised in this submission relate to a separate construction project and a specific operational issue, we consider that the manner in which DPC has addressed these concerns offers practical examples of DPC’s ongoing commitment to controlling noise and vibration matters and their ongoing commitment to engaging with the residents of properties at Pigeon House Road.

Regarding the previous noise complaint arising in March 2025 in relation to the ABR Project DPC confirms that, following receipt of residents’ noise complaints due to the pile driving at Alexander Basin West an internal investigation was undertaken promptly and mitigation measures enacted in accordance with the ABR Project’s

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

CEMP. Monitoring data was interrogated to understand the timing and source of the occurrence. DPC's Environmental Facilities Manager specified the following mitigation measures:

- No piling is to take place outside permitted working hours
- Contractor to confirm that noise reduction measures are in place on the piling hammer
- Contractor to confirm whether difficult ground conditions resulted in extended or loud piling
- Minimise the duration of impact piling on individual piles and use vibro-piling as possible.

DPC's Contractor ensured that efforts were maintained to minimise all activities that may cause exceedance including but not limited to inspections and servicing as required, noise dampening housings, newer machinery with appropriate noise reduction appliances, and changing process to mitigate noise. Within 48 hours of receiving the complaint the contractor had;

- re-briefed operatives regarding the working hours
- ceased the type of piling operation (16 ton drop hammer) which was not repeated on the project
- identified mitigation against difficult driving and operational improvements (including replacing damaged dampener or isolation rings on the hammer and ensuring the hammer was correctly seated).

With regard to the proposed 3FM project it is important to note that piling works for the proposed 3FM Project will differ from the ABR piling methodology reported above. A different piling method is to be used for this element of the 3FM Project with less noise and less vibration.

Regarding the previous noise complaints associated with the night-time activities at berths 19-21 (Ramp 6) in 2021, a detailed noise assessment was commissioned to review and provide recommendations to address the issues associated with the noise complaints. The complaints related primarily to noise associated with HGV movements from one particular vessel using the ramp at the berth. The assessment included noise monitoring and on-site observation of the activities at the ramp during operations. The assessment report included a range of mitigation measures to substantially reduce the noise impact associated with this activity:

- The use of rubber matting in areas where it was observed that the hard interfaces between vessel ramps and Ramp 6 was generating the impulse noises when HGVs passed over these areas;
- Addressing issues around speed of vehicle movements (i.e. supervision of speed limits) using the ramp which was observed to have been a contributory factor;
- A range of other measures including more effective communication strategies between operators and drivers and the use of toolbox talks.

Observations following the implementation of the mitigation measures at this time were that a substantial improvement had been achieved in reducing any nuisance associated with this activity.

It should be noted that the operation of the proposed 3FM Ro-Ro ramp has been mitigated by project design and environmental assessment and this nuisance will not occur in the 3FM Project's operational phase.

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata. The 3FM Project's selected piling method differs from the ABR piling method because it results in less noise and less vibration.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

With regard to noise, DPC wish to re-iterate that construction phase noise was assessed in accordance with the lowest applicable noise threshold limits from BS5228:2009+A1:2014. Under worst-case assumptions, there is potential for predicted noise levels to exceed this noise threshold limit with no noise mitigation measures in

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

place at Pigeon House Road. Section 12.1.7.1 of the submitted EIAR includes worst-case construction noise predictions with noise mitigation measures in place, which are all below the applicable BS5228:2009+A1:2014 noise threshold limit. A draft CEMP was prepared and submitted as part of the 3FM planning application, which details all aspects of controlling environmental impacts at the nearest sensitive properties to the 3FM Project.

In particular the EIAR Chapter 12.1 and draft CEMP included, a temporary noise barrier is proposed to ensure the relevant BS5228:2009+A1:2014 noise threshold limit will not be exceeded in years 4-8 in the vicinity of Pigeon House Road / Coastguard Cottages (see EIAR Section 12.1.7.2). The NVMP will provide specific details on temporary noise barriers to be deployed in this area during this period and the monitoring requirements to ensure that the appropriate compliance noise monitoring is completed. If required a complaints procedure will be implemented and operated by the Contractor throughout the construction phase and all efforts will be made to address any noise or vibration issues at the nearest sensitive properties.

With regard to the operational phase and Ro-Ro terminal, Section 12.1.5.6 contains detailed noise modelled predictions of proposed operational Port activities as a result of the 3FM Project at the nearest noise sensitive properties. Predicted noise levels from the proposed Port activities, with mitigation measures in place, will be below existing ambient (L_{Aeq}) and background (L_{A90}) noise levels at properties along Pigeon House Road. On this basis, the proposed 3FM Project will not result in increased noise levels at these properties.

In relation to the operation of the proposed Ro-Ro ramp for the 3FM Project, there are a number of reasons why the potential for noise nuisance from this proposed ramp will be substantially less than the incident in March 2021 previously experienced by the residents along Pigeon House Road. These reasons support the worst-case predicted noise levels included within the 3FM Noise Impact Assessment which indicate that there will be no noise impact at the properties on Pigeon House Road from the operation of this ramp and include:

- the proposed ramp in the 3FM Project is a considerably greater distance from the properties at Pigeon House Road when compared with the ramp at berths 19-21 (Ramp 6);
- the ramp is located below berth level. In the case of berths 19-21 where the noise nuisance was previously experienced, this was not particularly significant as there was a clear unobstructed noise propagation pathway between the ramp activity and the properties on Pigeon House Road. In the case of the 3FM ramp however, this is hugely significant as the ramp is substantially screened at source in the direction of the properties on Pigeon House Road;
- the ramp is also substantially screened by a variety of structures, buildings and proposed 3FM 4m noise mitigation high barriers in the direction of the properties on Pigeon House Road;
- the proposed 3FM ramp will be new and built with due consideration for the reduction of noise levels in terms of its structural elements, as compared with a decades old ramp (Ramp 6, berths 19-21) which was built prior to noise mitigations.

3.6.4 Joe & Christina Whelan, 15 Pigeon House Road

Reference	Item
3.6.4.1	Item 1 – Concerns related to Increased Traffic and Pollution
3.6.4.2	Item 2 – Visual Impacts
3.6.4.3	Item 3 – Community Gain
3.6.4.4	Item 4 – Concerns over Potential Property Damage
3.6.4.5	Item 5 – Correction Regarding Previous Response to Submissions
3.6.4.6	Item 6 – Assessment of Bridge Crossing Alternatives

3.6.4.1 Item 1 - Concerns related to Increased Traffic and Pollution

Submission

In their submission, Joe and Christina Whelan wish to express that there is nothing in the previous DPC response to allay their concerns. In their submission, Mr and Ms. Whelan express their concern regarding traffic numbers and associated pollution and noise and state: *“The SPAR still increases the traffic from the Port and Incinerator company, both parties propose to increase the volume of their business over the next few years.*

They still propose to use this SPAR on a 24 hour basis.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The existing Link Road facilitates thousands of vehicles every day, this will increase the Pollution and Noise. Less than 50 metres from our home. At the present time, the Port and Docks has the highest count in the city, due to traffic, shipping.

At the present time there are NO PLUG IN Facilities for shipping in the port, all shipping in the port can run their engine's while in the port."

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project's traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and R131 and up to 50% of HGVs from the East Wall Road per day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke and the R131 by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls assess. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council's HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.4.2 Item 2 – Visual Impacts

Submission

Mr and Ms Whelan also note that a loss of view diminishes their amenity and specifically state that: *"The proposed SPAR still diminishes our view of the river/sea from our home, this is a loss."*

DPC Response

As noted in the previous response to submissions DPC would like to reiterate that the proposed SPAR design is the result of an in-depth process which considered and assessed different options, in particular, the road level in the context of the view from Pigeon House Road.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The predicted significance of visual impact for the residential properties at Pigeon House Road will be moderate adverse with the mitigation of a reduced road level in order to accommodate the river view from the Pigeon House Road properties. This results in the road having been lowered from optimal road design alignment with additional speed restrictions put in place in order to achieve this alignment. While the proportion of the sea/River Liffey visible in view will reduce it will still be possible to observe the surface of the River Liffey and vessels coming and going as at present along with the port itself.

In view from properties at Pigeon House Road the SPAR will be a new feature in the foreground extending the visible road network. Traffic on the SPAR will be read with traffic on the existing R131 and busy East Link Toll Plaza. Traffic on the SPAR will be located further away than traffic on the existing R131 and not as prominent in views from properties at Pigeon House Road. Also noting that future HGV movements on the SPAR road occur at a further distance from properties on Pigeon House Road.

To the upstream, the SPAR Bridge will be a new feature visible in front of and at a similar level to the Tom Clarke Bridge with little change in the visual resource. The SPAR Bridge like the Tom Clarke Bridge will be a lifting bridge that is opened to allow larger vessels to gain access upstream. The lifting of both bridges is a very temporary feature when it occurs, and the default appearance of the bridges is in the lowered position. The port infrastructure and operations on the northern side of the river along with traffic on the R131 and the built form along the North Quay will remain the dominant visible features in this view.

In views downstream from Pigeon House Road properties the existing harbour and its activities are prominent including the existing container terminal and traffic on the road network. However, under the proposed 3FM Project, the container terminal will be relocated to Area L and the proposed Maritime Village will be the main component of the view to the east for these properties rather than the container terminal removing visibility of the existing ship to shore cranes and stacked containers. The Maritime Village development proposes high quality buildings and external public realm and will have less of a detrimental impact upon the view.

3.6.4.3 Item 3 – Community Gain

Submission

Mr and Ms Whelan refer to concerns on the perceived lack of community gain for the residents of Pigeon House Road. In their submission they state: *“The Community gain only concerns boat owners, yacht club members, rowing club members, an elite few in our community.”*

No community gain for the majority of people living in the immediate area, residents on the Pigeon House Rd.”

DPC Response

As outlined in our previous response to submissions the 3FM Project is designed to deliver significant community gain and amenity enhancements for all.

The full detail of the community gain is set out in Chapter 1 of the EIAR. This includes the following eleven elements which include a community benefit fund, heritage and biodiversity enhancements (again including funding), enhanced recreational amenity and enhanced public realm, all of which DPC consider will benefit the wider community including those living within the immediate area.

Community support through:

- Establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area.

Heritage & Biodiversity enhancements through:

- Commissioning a new Public Access Feasibility Study regarding the Great South Wall so as to identify improved public interpretation, accessibility, facilities and conservation possibilities,
- Provision of up to €1 million funding to implement the study recommendations.
- Provision of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- Provision of Interpretative Markers to delineate the alignment of the Great South Wall (GSW)

Other community gain elements comprise enhanced recreational amenity through:

- 7km of new or upgraded Active Travel Path (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the North Port Estate, SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port Estate, and from there to the 4.0km Tolka Estuary Greenway

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

currently under construction by Dublin Port. DPC will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula

- Development of a sailing, rowing and maritime campus (Maritime Village) adjacent to the existing Poolbeg Yacht and Boat Club in conjunction with local yacht and boating clubs, including a public slipway and facilities for maritime skills training.
- Provision of Recreational Space
 - Port Park and Wildflower Meadow (2.5ha)
 - Coastal Park (1.6ha)
- Provision of 1.1ha extension to Irishtown Nature Park.

Enhanced public realm through:

- Development of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.

Whilst one key feature of the community gain and amenity strategy is the replacement of the existing Poolbeg Yacht & Boat Club and Stella Maris Rowing Club facilities with a new sailing, rowing, and maritime campus, referred to as the Maritime Village, this element of the proposal also involves the development of a public slipway which will be of additional benefit to all users, including those not affiliated to local Clubs or marine organisations.

The other ten elements are of general benefit to the local community. The provision of funding for community gain is provided explicitly so that the community can identify opportunities that would be of specific interest rather than a project dictating these, in particular, DPC would encourage the residents of Pigeon House Road to come forward with community benefit proposals to avail of this funding which will be administered by DPC in consultation with local stakeholders.

In addition to the above, although not directly linked to the 3FM Project, DPC have an ongoing joint investment programme with DCC to provide community gain directly to the residents of Pigeon House Road through landscaping and greening initiatives. These include works on the grass verge running opposite 1A to 64 Pigeon House Road, works to the Ringsend College allotment, the addition of new bins and adding planters for the roadside.

3.6.4.4 Item 4 – Concerns over Potential Property Damage

Submission

In their submission, Mr and Ms Whelan express concerns relating to possible damage during construction to their 100 year old plus cottages and state: *“Nothing in the response allays our concerns to the proposed piling method during the construction of the SPAR that may cause damage to our cottage.*

At a meeting with DPC, we discussed the method of piling to be undertaken during construction, we did ask that they DPC undertake an engineers report on the present condition of the cottages ,file that, and report on reexamintion, during, and after SPAR CONSTRUCTION.

DPC were to give a clear undertaking that if any damage occurred due to the construction of SPAR, they DPC would meet any costs incurred to correct possible damage, this was to be put in writing.”

DPC Response

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

DPC and their consultants met residents of Pigeon House Road to listen to and address concerns regarding property damage. *The minutes of this meeting held in September 2024 are appended and these explain the processes of structural survey and vibration monitoring that will be put in place during the 3FM Project construction and remain in place for two years post construction.*

As confirmed in these written minutes (reproduced in Appendix 2) which were provided to the residents in late September 2024, DPC wish to re-emphasize that Building Condition Surveys will be completed at properties on Pigeon House Road in advance of the commencement of any construction works in this area. In addition, baseline vibration monitoring will be completed at these properties prior to the commencement of construction works and then subsequently while piling activities are taking place to ensure vibration levels from piling do not exceed the relevant threshold limit.

A complaints procedure will continue to be operated by the Contractor throughout the construction phase and all efforts will be made to address any vibration issues at the nearest sensitive properties.

In the unlikely event that property damage is identified, directly attributable to the construction of the 3FM Project, DPC commits to meeting the costs incurred to correct any damage.

3.6.4.5 Item 5 – Correction Regarding Previous Response to Submissions

Submission

In their submission, Mr and Ms Whelan noted that DPC’s previous response *“mentioned the reduced loss of valuation to our property.”* The submission requested that DPC *“Please strike this from the response, as we did Not mention valuation of property in our submission.”*

DPC Response

DPC apologise for misrepresenting the earlier submission, having combined property value with property damage and accept this correction in full.

3.6.4.6 Item 6 – Assessment of Bridge Crossing Alternatives

Submission

In their submission, Mr and Ms Whelan note that in their opinion, DPC have chosen the most disruptive route for the 3FM Project and state: *“The route will cause upheaval for residents living along the proposed SPAR, Causing more traffic. More pollution, more disruption to people, sea amenities, sea creatures under the water and above water It has been difficult enough to live with the noise, pollution and disruption, since the construction of the Link road in 1984.*

When the Tunnel was opened in 2007, this increased the traffic, noise and pollution using the Link Road.

Now DPC want to add to that by building Bridge and SPAR on top of that.

It maybe the easy route for DPC, BUT ITS NOT THE RIGHT ONE.

When DPC went around the public showing their proposals for the 3FM PROJECT, WITH MAPS, DRAWINGS, LARGE SCALE PICTURES.

They failed to show ALTERNATIVES, OTHER POSSIBILITIES.

The most direct route to their proposed Container park/depot at Pigeon House Harbour is from the NORTH WALL, APPROX 300/400 METRES STRAIGHT ACROSS.

No residents, other roads, people, buildings in the way.

All over the world there are examples of cities building bridges that allow shipping pass.

All over the world there are examples of tunnels built under the river/sea to facilitate traffic, they have been doing this for at least 200 years ..

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

These examples may be cheaper in the long run and cause less noise and pollution in the City

An engineering challenge perhaps, but feasible, did not see the possibilities proposed, or argued against.”

DPC Response

As noted in the previous response to submissions, the location of the proposed SPAR bridge was considered under the assessment of Strategic Transport Connectivity Scenarios. This consideration identified that there have been a series of strategic transport studies undertaken on behalf of the former NRA, and more recently TII, which considered a road crossing of the Liffey eastwards of the Tom Clarke Bridge, initially in assessing the feasibility of a strategic infrastructure route (the Dublin Eastern Bypass DEB). DPC has considered the transport link that it requires (titled the Southern Port Access Route SPAR) alongside the evolution of these independent strategic transport studies.

The key findings of this suite of strategic transport studies, which have considered high, mid and tunnel crossings (and alternatives such as ferries), identified a bridge crossing with an at-grade SPAR as the preferred form. These studies also assessed various alternative crossing points and concluded that a corridor immediately eastwards of the Tom Clarke Bridge is the preferred crossing point. These findings are consistent with the layout produced in the Dublin Port Masterplan reviewed, 2018.

In relation to the comments on the alternative configuration of the current proposed development, the evolution of the design of the project is fully set out in Volume 2, Chapter 4 of the EIAR and, in particular, the iterative nature of the design process, which was informed by consultation and stakeholder engagement. The rationale for the design and configuration of the SPAR Bridge in the current proposed location is outlined further in the EIAR, in particular Section 2.2.1.3, where the nature of the proposed bridge as a multimodal transport bridge, rather than a conventional road bridge is referenced. The SPAR Bridge is designed to obviate the need for other footbridges/cycleways, a possible LUAS bridge and a rail interconnection bridge.

It should also be noted that a detailed design report “South Port Access, Road Opening Bridge, Preliminary Design Report” (presented in Appendix 4-2 to the EIAR and available on the 3FM Information Portal ([here](#))) was submitted with the application. The design report sets out the details of the assessments and studies which have been carried out in relation to the location, design and function of the bridge, including consideration of alternative locations. This study determined that the current location is the most effective and, for the reasons set out in the EIAR, this option is the best environmental option.

3.6.5 Ning Rodgers, 32 Pigeon House Road

Reference	Item
3.6.5.1	Item 1 – Concerns over Potential Property Damage
3.6.5.2	Item 2 – Concerns related to Increased Traffic and Pollution
3.6.5.3	Item 3 – Visual Impacts
3.6.5.4	Item 4 – Community Gain
3.6.5.5	Item 5 – Assessment of Alternatives

3.6.5.1 Item 1 – Concerns over Potential Property Damage

Submission

In her observation, Ning Rodgers states that none of her concerns have been meaningfully addressed, and that she remains firmly opposed to the proposed 3FM Project in its current form.

Ms Rodgers remains concerned the structural risk to the cottages on Pigeon House Road and states: *“I am deeply concerned about the potential for structural damage to our 100-year-old cottages during the construction phase, particularly due to the proposed piling method, which will take place approximately 50 metres from my home.”*

Ms Rodgers requests that DPC: *“Commission an independent engineering report on the current condition of the cottages;*

- *Monitor structural integrity before, during, and after construction; and*
- *Provide a written commitment that DPC will cover the cost of any damage caused by construction works.*

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

While these concerns were raised during our meeting with DPC, no such commitments have been provided in writing. This remains a serious unresolved issue.”

DPC Response

As outlined in our previous response to submissions the engineering design was evolved to select bored concrete piles with permanent steel sleeves, because this type of pile significantly reduces the level and severity of impact driving by avoiding the need to undertake high energy driving of the pile into hard strata.

The steel sleeve will be installed from surface to a competent strata by a combination of low energy vibration/driving techniques only to the extent necessary to achieve a suitable seal. Thereafter the pile will be progressed into the hard strata by drilling which produces much lower levels of noise and vibration compared to pile driving. The closest piles to the houses on Pigeon House Road are approximately 43m. This is sufficiently distant from the structures to prevent any damage occurring.

The assessment of the potential noise and vibration impacts from the proposed 3FM Project predicted vibration levels will be below 1mm/s at the nearest properties to the piling activity on Pigeon House Road. This level is below the threshold where significant impacts will be experienced and substantially below the threshold whereby structural damage to properties may occur.

A draft CEMP submitted with the planning application details all aspects of controlling vibration emissions at the nearest sensitive properties to the 3FM Project. Under the overarching CEMP, an NVMP details the requirement for vibration mitigation measures which will be recorded on an ongoing basis in consultation with Dublin City Council.

DPC and their consultants met residents of Pigeon House Road to listen to and address concerns regarding property damage. The minutes of this meeting held in September 2024 are appended and these explain the processes of structural survey and vibration monitoring that will be put in place during the 3FM Project construction and remain in place for two years post construction.

As confirmed in these written minutes (reproduced in Appendix 2) which were provided to the residents in late September 2024, DPC wish to re-emphasize that Building Condition Surveys will be completed at properties on Pigeon House Road in advance of the commencement of any construction works in this area. In addition, baseline vibration monitoring will be completed at these properties prior to the commencement of construction works and then subsequently while piling activities are taking place to ensure vibration levels from piling do not exceed the relevant threshold limit.

A complaints procedure will continue to be operated by the Contractor throughout the construction phase and all efforts will be made to address any vibration issues at the nearest sensitive properties.

In the unlikely event that property damage is identified, directly attributable to the construction of the 3FM Project, DPC commits to meeting the costs incurred to correct any damage.

3.6.5.2 Item 2 - Concerns related to Increased Traffic and Pollution

Submission

In her submission, Ms Rodgers also expresses concern regarding pollution and health risks. Ms Rodgers states: *“The port area already has the highest pollution levels in the city, caused by high volumes of traffic and port activities. The EPA has highlighted that pollution levels near the Port Tunnel exceed safe EU limits.*

Currently, there are no plug-in facilities for ships, meaning that docked vessels continue to run engines, adding significantly to local emissions. DPC's response does not offer any plan to mitigate these risks or address the public health implications.”

In addition, with specific regard to the SPAR, Ms Rodgers states: *“The proposed SPAR will significantly increase traffic volumes from both the Port and the Incinerator, both of which plan to expand operations. The SPAR is also intended to operate on a 24-hour basis.*

This will inevitably bring:

Higher levels of noise and air pollution, Continuous traffic flow day and night, Significant disruption to residents, especially those living less than 50 metres from the route.

The existing Link Road already supports thousands of vehicles daily. This proposal would double that burden, worsening an already unsustainable situation.”

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project's traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and the R131 and up to 50% of HGVs from the East Wall Road per day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke and the R131 by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls assess. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council's HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.5.3 Item 3 – Visual Impacts

Submission

In her submission, Ms Rodgers also expresses concern regarding a loss of sea view and residential amenity. Ms Rodgers states: *"The construction of the SPAR will lead to a significant loss of our river and sea views, directly impacting our daily quality of life. This diminishment of amenity is considerable and has not been acknowledged meaningfully in the DPC response"*.

DPC Response

As noted in the previous response to submissions DPC would like to reiterate that the proposed SPAR design is the result of an in-depth process which considered and assessed different options, in particular, the road level in the context of the view from Pigeon House Road.

The predicted significance of visual impact for the residential properties at Pigeon House Road will be moderate adverse with the mitigation of a reduced road level in order to accommodate the river view from the Pigeon House Road properties. This results in the road having been lowered from optimal road design alignment with additional speed restrictions put in place in order to achieve this alignment. While the proportion

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

of the sea/River Liffey visible in view will reduce it will still be possible to observe the surface of the River Liffey and vessels coming and going as at present along with the port itself.

In view from properties at Pigeon House Road the SPAR will be a new feature in the foreground extending the visible road network. Traffic on the SPAR will be read with traffic on the existing R131 and busy East Link Toll Plaza. Traffic on the SPAR will be located further away than traffic on the existing R131 and not as prominent in views from properties at Pigeon House Road. Also noting that future HGV movements on the SPAR road occur at a further distance from properties on Pigeon House Road.

To the upstream, the SPAR Bridge will be a new feature visible in front of and at a similar level to the Tom Clarke Bridge with little change in the visual resource. The SPAR Bridge like the Tom Clarke Bridge will be a lifting bridge that is opened to allow larger vessels to gain access upstream. The lifting of both bridges is a very temporary feature when it occurs, and the default appearance of the bridges is in the lowered position. The port infrastructure and operations on the northern side of the river along with traffic on the R131 and the built form along the North Quay will remain the dominant visible features in this view.

In views downstream from Pigeon House Road properties the existing harbour and its activities are prominent including the existing container terminal and traffic on the road network. However, under the proposed 3FM Project, the container terminal will be relocated to Area L and the proposed Maritime Village will be the main component of the view to the east for these properties rather than the container terminal removing visibility of the existing ship to shore cranes and stacked containers. The Maritime Village development proposes high quality buildings and external public realm and will have less of a detrimental impact upon the view.

3.6.5.4 Item 4 – Community Gain

Submission

In her submission, Ms Rodgers also expresses concern regarding community gain, Ms Rogers states: *“Furthermore, the so-called “community gain” described by DPC appears to benefit only a limited group of yacht and rowing club members, with no clear benefits for the wider residential community- particularly those living along Pigeon House Road most affected by this development.”*

DPC Response

As outlined in our previous response to submissions the 3FM Project is designed to deliver significant community gain and amenity enhancements for all.

The full detail of the community gain is set out in Chapter 1 of the EIAR. This includes the following eleven elements which include a community benefit fund, heritage and biodiversity enhancements (again including funding), enhanced recreational amenity and enhanced public realm, all of which DPC consider will benefit the wider community including those living within the immediate area.

Community support through:

- Establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area.

Heritage & Biodiversity enhancements through:

- Commissioning a new Public Access Feasibility Study regarding the Great South Wall so as to identify improved public interpretation, accessibility, facilities and conservation possibilities,
- Provision of up to €1 million funding to implement the study recommendations.
- Provision of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- Provision of Interpretative Markers to delineate the alignment of the Great South Wall (GSW)

Other community gain elements comprise enhanced recreational amenity through:

- 7km of new or upgraded Active Travel Path (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the North Port Estate, SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port Estate, and from there to the 4.0km Tolka Estuary Greenway currently under construction by Dublin Port. DPC will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- Development of a sailing, rowing and maritime campus (Maritime Village) adjacent to the existing Poolbeg Yacht and Boat Club in conjunction with local yacht and boating clubs, including a public slipway and facilities for maritime skills training.
- Provision of Recreational Space
 - Port Park and Wildflower Meadow (2.5ha)
 - Coastal Park (1.6ha)
- Provision of 1.1ha extension to Irishtown Nature Park.

Enhanced public realm through:

- Development of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.

Whilst one key feature of the community gain and amenity strategy is the replacement of the existing Poolbeg Yacht & Boat Club and Stella Maris Rowing Club facilities with a new sailing, rowing, and maritime campus, referred to as the Maritime Village, this element of the proposal also involves the development of a public slipway which will be of additional benefit to all users, including those not affiliated to local Clubs or marine organisations.

The other ten elements are of general benefit to the local community. The provision of funding for community gain is provided explicitly so that the community can identify opportunities that would be of specific interest rather than a project dictating these, in particular, DPC would encourage the residents of Pigeon House Road to come forward with community benefit proposals to avail of this funding which will be administered by DPC in consultation with local stakeholders.

In addition to the above, although not directly linked to the 3FM Project, DPC have an ongoing joint investment programme with DCC to provide community gain directly to the residents of Pigeon House Road through landscaping and greening initiatives. These include works on the grass verge running opposite 1A to 64 Pigeon House Road, works to the Ringsend College allotment, the addition of new bins and adding planters for the roadside.

3.6.5.5 Item 5 – Assessment of Alternatives

Submission

In her submission, Ms Rodgers also expresses concern regarding a perceived failure to consider less disruptive alternatives. Ms Rodgers states: *“DPC has chosen the most disruptive route for the 3FM Project, which maximises impact on the residential community and environment, while failing to present any viable alternatives to the public.*

Since the construction of the Link Road in 1984 and the opening of the Port Tunnel in 2007, residents here have experienced ongoing disruption. The proposal to now layer a new bridge and SPAR onto this existing burden is unacceptable.

DPC's public consultations showcased only their preferred route-no alternatives were seriously discussed. Yet a more direct and far less intrusive route clearly should be considered which would:

- *Avoid impacting residential areas;*
- *Eliminate the need for a viaduct along Pigeon House Road;*
- *Substantially reduce environmental and community disruption.*

It should allow port access without sacrificing public amenities or quality of life. These are viable, long-term solutions that should have been considered.”

DPC Response

As noted in the previous response to submissions, the location of the proposed SPAR bridge was considered under the assessment of Strategic Transport Connectivity Scenarios. This consideration identified that there have been a series of strategic transport studies undertaken on behalf of the former NRA, and more recently TII, which considered a road crossing of the Liffey eastwards of the Tom Clarke Bridge, initially in assessing the feasibility of a strategic infrastructure route (the Dublin Eastern Bypass DEB). DPC has considered the transport link that it requires (titled the Southern Port Access Route SPAR) alongside the evolution of these independent strategic transport studies.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The key findings of this suite of strategic transport studies, which have considered high, mid and tunnel crossings (and alternatives such as ferries), identified a bridge crossing with an at-grade SPAR as the preferred form. These studies also assessed various alternative crossing points and concluded that a corridor immediately eastwards of the Tom Clarke Bridge is the preferred crossing point. These findings are consistent with the layout produced in the Dublin Port Masterplan reviewed, 2018.

In relation to the comments on the alternative configuration of the current proposed development, the evolution of the design of the project is fully set out in Volume 2, Chapter 4 of the EIAR and, in particular, the iterative nature of the design process, which was informed by consultation and stakeholder engagement. The rationale for the design and configuration of the SPAR Bridge in the current proposed location is outlined further in the EIAR, in particular Section 2.2.1.3, where the nature of the proposed bridge as a multimodal transport bridge, rather than a conventional road bridge is referenced. The SPAR Bridge is designed to obviate the need for other footbridges/cycleways, a possible LUAS bridge and a rail interconnection bridge.

It should also be noted that a detailed design report “South Port Access, Road Opening Bridge, Preliminary Design Report” (presented in Appendix 4-2 to the EIAR and available on the 3FM Information Portal ([here](#))) was submitted with the application. The design report sets out the details of the assessments and studies which have been carried out in relation to the location, design and function of the bridge, including consideration of alternative locations. This study determined that the current location is the most effective and, for the reasons set out in the EIAR, this option is the best environmental option.

3.6.5.6 Item 6 - Consultation

Submission

In conclusion to her submission, Ms Rodgers states: *“DPC's response has failed to meaningfully engage with or mitigate the serious and well-established concerns of residents. It reflects a broader pattern of prioritising convenience and cost-efficiency over community wellbeing, environmental responsibility, and public health.”*

DPC Response

As outlined in our previous response to submissions DPC confirms that Chapter 3 of the EIAR fully sets out the consultation process undertaken during the planning process. The consultation processes on the overarching Master Plan and on the specific 3FM Project over a 3-year period are summarised below:

- In 2010/2012 initial public consultation was held during the preparation and update of the overarching Masterplan, under which the 3FM Project lands are contained,
- Public Consultation on the Masterplan Review (2017-2018)
 - Stage 1: 2017 Masterplan Review Consultation Process
 - Stage 2: 2018 Masterplan Review Consultation Process
- Public Consultation on the Dublin Port Post-2040 Dialogue Papers (2020)
- Public and Statutory Consultation on the 3FM Project (2021-2024)
 - Pre-application consultation meetings with An Bord Pleanála (2021-2024)
 - Pre-application consultation meetings with Dublin City Council (2021-2024)
 - Pre-application consultation meetings with Prescribed Bodies and key stakeholders (2021)
 - Public Consultation (2021-2023)
- First Public Consultation Process (November – December 2021) (which included boat tours on which some local residents from Pigeon House Road participated).
- Second Public Consultation Process (March – May 2023)
- DPC Responses to the Public Consultation Process (2024)
- Consultation with local community and interest groups (2021-2024)
- Additional Pre application consultation with prescribed bodies & key stakeholders (2021-2023)
- Public Consultation post submission of 3FM Project application for consent (2024)

DPC believe that significant and meaningful Public Consultation has taken place since the pre-application phase of the 3FM Project with the local community and interest groups. It is clear from the significant number of submissions received that the public consultation process reached a wide audience.

DPC also has undertaken an extensive community engagement programme for many years and has engaged with Pigeon House Road Residents generally (as well as on the 3FM Project since 2021) individually, collectively, and as members of local community organisations. DPC also confirms its commitment to ongoing

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

consultation and engagement with the residents of Pigeon House Road as the proposed 3FM Project progresses as outlined in the draft CEMP.

All public consultation processes for both the Masterplan and the 3FM Project involved the generation and distribution of local publicity, including door to door leaflet drops, billboards, and coverage on mainstream and social media.

3.6.6 Patrick Smith, 24 Pigeon House Road

Reference	Item
3.6.6.1	Item 1 – Assessment of Alternatives
3.6.6.2	Item 2 – Concerns related to Increased Traffic
3.6.6.3	Item 3 – Community Gain

3.6.6.1 Item 1 – Assessment of Alternatives

Submission

In his submission, Patrick Smith notes that no alternatives have been explored/presented in any way. Mr Smith states: *“How come there is no thought/study /idea for a bridge or a tunnel from North city to south city further out to sea? Many cities do this with bridges tall enough to accommodate ships beneath, keeping all the traffic and heavy goods work away from living areas? What happened to the original suggestion of the port being developed out of the city, at Balbriggan or Drogheda?”*

Why has nothing been proposed for the whole North side DPC land/ Alexandra basin area been suggested for development, it already connects with the tunnel to the M50. Its development there would impact no-one as the work would all be with in existing DPC land. All traffic would then be out of the city, rather than into it by building bridges and extra road frontage and development of further truck traffic into this area.

There are huge new apartment blocks being built for habitation right beside this proposed SPAR, with absolutely no forward motion on infrastructure/road/transport integrated plan.

The lack of actual coordination/conversation between DPC, TFI etc is the usual exhausting fudge”

DPC Response

As noted in the previous response to submissions, the location of the proposed SPAR bridge was considered under the assessment of Strategic Transport Connectivity Scenarios. This consideration identified that there have been a series of strategic transport studies undertaken on behalf of the former NRA, and more recently TII, which considered a road crossing of the Liffey eastwards of the Tom Clarke Bridge, initially in assessing the feasibility of a strategic infrastructure route (the Dublin Eastern Bypass DEB). DPC has considered the transport link that it requires (titled the Southern Port Access Route SPAR) alongside the evolution of these independent strategic transport studies.

The key findings of this suite of strategic transport studies, which have considered high, mid and tunnel crossings (and alternatives such as ferries), identified a bridge crossing with an at-grade SPAR as the preferred form. These studies also assessed various alternative crossing points and concluded that a corridor immediately eastwards of the Tom Clarke Bridge is the preferred crossing point. These findings are consistent with the layout produced in the Dublin Port Masterplan reviewed, 2018.

In relation to the comments on the alternative configuration of the current proposed development, the evolution of the design of the project is fully set out in Volume 2, Chapter 4 of the EIAR and, in particular, the iterative nature of the design process, which was informed by consultation and stakeholder engagement. The rationale for the design and configuration of the SPAR Bridge in the current proposed location is outlined further in the EIAR, in particular Section 2.2.1.3, where the nature of the proposed bridge as a multimodal transport bridge, rather than a conventional road bridge is referenced. The SPAR Bridge is designed to obviate the need for other footbridges/cycleways, a possible LUAS bridge and a rail interconnection bridge.

It should also be noted that a detailed design report “South Port Access, Road Opening Bridge, Preliminary Design Report” (presented in Appendix 4-2 to the EIAR and available on the 3FM Information Portal ([here](#))) was submitted with the application. The design report sets out the details of the assessments and studies which have been carried out in relation to the location, design and function of the bridge, including consideration of alternative locations. This study determined that the current location is the most effective and, for the reasons set out in the EIAR, this option is the best environmental option.

3.6.6.2 Item 2 - Concerns related to Increased Traffic

Submission

Mr Smith states: *“Your proposal still intends to make this area busier and busier, 24 hours a day in the middle of the city.”*

His submission also states: *“You compare this development proposal in Dublin to Rotterdam. I don't think these compare at all. Rotterdam has massive motorway around the port as well as railway hub already in place. These take the truck traffic away from the city, not into it. Your proposal brings more traffic to our area along with the attendant pollution, noise, congestion. Already our house shakes because of the trucks. Rotterdam caters for the Rhine barges which use that artery as a means to move heavy loads. This is not the case with Dublin.”*

DPC Response

As outlined in our previous response to submissions DPC confirm they have undertaken a detailed assessment of the 3FM Project's traffic impact and any associated noise and air pollution during both its construction and operational phases.

The proposed SPAR offers a significant traffic mitigation measure for the 3FM Project which removes up to 95% of HGVs from the Tom Clarke Bridge and the R131 and up to 50% of HGVs from the East Wall Road per day, resulting in reduced operational phase traffic in comparison to the do-nothing scenario whereby the 3FM project is not in place. The provision of the SPAR reduces the overall daily traffic on the Tom Clarke and the R131 by 30% and by 20% on East Wall Road (Units PCUs).

Detailed air quality model predictions at the nearest properties along Pigeon House Road with and without the proposed 3FM Project in place show that there will be no increase in air pollution concentration at these properties. This is because future HGV movements occur at a further distance from properties on Pigeon House Road with greater associated atmospheric dispersion when compared with the current situation.

Similarly the reduction of HGV traffic on the existing road network and the transfer of HGV movements to the proposed SPAR means that assessment of both the construction and operational phase noise concluded that with noise mitigation measures in place, noise levels are all below the applicable noise threshold limit at the properties on Pigeon House Road.

These assessments are based on the use of conventional fuelled HGVs and is therefore a conservative assessment which demonstrates no pollution increase. The use of electric powered vehicles and alternative low carbon fuels is therefore not assumed or required as a mitigation of the 3FM Project. As the use of alternative fuels arises in line with government policy, this will potentially yield future benefits over this conservative assessment. In addition, DPC confirms that it has directed the usage of electric powered vehicles (terminal tractors and ship to shore cranes and gantries) within the four proposed 3FM terminal areas on the Poolbeg peninsula where DPC controls assess. In addition, DPC also has included new shore to ship power infrastructure for these new berth facilities.

Dublin City Council's HGV Management Strategy already heavily restricts HGV movements in this area. The EIAR confirms that HGVs from the Poolbeg Peninsula (including the Reworld (previously named Covanta) site) will be permitted to use the SPAR as agreed in pre-application liaisons with NTA and DCC.

This provides benefit and planning gain to the residents of Pigeon House Road as currently the traffic generated by Reworld travels along the R131. Within the 3FM Project the same vehicles will travel on the SPAR, will free up extra vehicular capacity on the R131 and be relocated an additional c17.8m away from the Pigeon House residential dwellings.

The projected future increase in vehicle movements is therefore mitigated by the transfer of HGV movements on to the new SPAR road meaning that traffic congestion on the existing network is relieved and that there will be no increase in noise and air pollution at the properties on Pigeon House Road compared to what would happen given future traffic growth but without 3FM Project in place.

3.6.6.3 Item 3 – Community Gain

Submission

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Mr Smith states: *“You also talk of the amenities, the yacht club, rowing clubs for example as community. These are up and running, they already exist. They are not additions, what you propose is moving them, rebuilding, all very nice but this is not a gain to the community.”*

The proposal for the green area in the corner of the Irishtown nature reserve is all good, but really the nature reserve is there already. You are proposing tidying it up.

You offer no community gain. All that is on offer here is a massive building project for yourselves in the middle of a city with a rare natural beach right with in its centre. I think you are taking the easy option, but not the right one.

There is loss in every direction no matter how this is dressed up. I don't think this has been explored enough and I would ask An Bord Pleanála to push DPC to explore and present other solutions to the needs.”

DPC Response

As outlined in our previous response to submissions the 3FM Project is designed to deliver significant community gain and amenity enhancements for all.

The full detail of the community gain is set out in Chapter 1 of the EIAR. This includes the following eleven elements which include a community benefit fund, heritage and biodiversity enhancements (again including funding), enhanced recreational amenity and enhanced public realm, all of which DPC consider will benefit the wider community including those living within the immediate area.

Community support through:

- Establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area.

Heritage & Biodiversity enhancements through:

- Commissioning a new Public Access Feasibility Study regarding the Great South Wall so as to identify improved public interpretation, accessibility, facilities and conservation possibilities,
- Provision of up to €1 million funding to implement the study recommendations.
- Provision of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- Provision of Interpretative Markers to delineate the alignment of the Great South Wall (GSW)

Other community gain elements comprise enhanced recreational amenity through:

- 7km of new or upgraded Active Travel Path (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the North Port Estate, SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port Estate, and from there to the 4.0km Tolka Estuary Greenway currently under construction by Dublin Port. DPC will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula
- Development of a sailing, rowing and maritime campus (Maritime Village) adjacent to the existing Poolbeg Yacht and Boat Club in conjunction with local yacht and boating clubs, including a public slipway and facilities for maritime skills training.
- Provision of Recreational Space
 - Port Park and Wildflower Meadow (2.5ha)
 - Coastal Park (1.6ha)
- Provision of 1.1ha extension to Irishtown Nature Park.

Enhanced public realm through:

- Development of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.

Whilst one key feature of the community gain and amenity strategy is the replacement of the existing Poolbeg Yacht & Boat Club and Stella Maris Rowing Club facilities with a new sailing, rowing, and maritime campus, referred to as the Maritime Village, this element of the proposal also involves the development of a public slipway which will be of additional benefit to all users, including those not affiliated to local Clubs or marine organisations.

The other ten elements are of general benefit to the local community. The provision of funding for community gain is provided explicitly so that the community can identify opportunities that would be of specific interest

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

rather than a project dictating these, in particular, DPC would encourage the residents of Pigeon House Road to come forward with community benefit proposals to avail of this funding which will be administered by DPC in consultation with local stakeholders.

In addition to the above, although not directly linked to the 3FM Project, DPC have an ongoing joint investment programme with DCC to provide community gain directly to the residents of Pigeon House Road through landscaping and greening initiatives. These include works on the grass verge running opposite 1A to 64 Pigeon House Road, works to the Ringsend College allotment, the addition of new bins and adding planters for the roadside.

3.6.7 SAMRA

Reference	Item
3.6.7.1	Item 1 – The issue of a large-scale trailer park on the southern edge of the scheme
3.6.7.2	Item 2 – Concerns over a lack of 'joined up' Luas proposals
3.6.7.3	Item 3 – Concerns over the Natura Impact Statement.
3.6.7.4	Item 4 – Concerns over asbestos and dust.
3.6.7.5	Item 5 – Concerns over heavy metals in groundwater.
3.6.7.6	Item 6 – Drainage concerns
3.6.7.7	Item 7 – Air quality concerns.
3.6.7.8	Item 8 – Cycling infrastructure concerns & climate
3.6.7.9	Item 9 – Noise concerns.
3.6.7.10	Item 10 – Visual Impact Concerns
3.6.7.11	Item 11 – Traffic Concerns

Sandymount and Merrion Residents Association (SAMRA) made a submission on the proposed development as part of the statutory consultation process which took place between 31st July 2024 to 25th September 2024. This observation cited 6 key concerns which were:

- The proposed Ro-Ro Terminal Yard - Area O – is not supported.
- Observations regarding treatment of the south coastal area of the site.
- Observations regarding cycle infrastructure proposals.
- Failure to deliver 'joined up' Luas proposals.
- The issue of community gain.
- Natura Impact Statement – concerns & lacunae.

This submission was circulated to Dublin Port Company (DPC), the Applicant, on 27th January 2025 inviting comments on the content. A comprehensive response was provided by the Applicant and is set out in *DPC's Response to Submissions, March 2025*, submitted to the Board on 7th March 2025. This response was circulated to the third parties inviting comment.

Responding to the Board's invitation, SAMRA make a submission on 25th April 2025. This submission lists 11 items which largely repeat the issues that they raised in their previous submission received by the Applicant in January 2025:

- The issue of a large-scale trailer park on the southern edge of the scheme (Area O).
- Concerns over a lack of 'joined up' Luas proposals.
- Concerns over the adequacy of the Natura Impact Statement.
- Concerns over asbestos and dust.
- Concerns over heavy metals in groundwater.
- Drainage concerns.
- Air quality concerns.
- Cycling infrastructure concerns & climate.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- Noise concerns.
- Visual impact concerns.
- Traffic concerns.

Each of these issues is considered below with each item highlighted in bold and a response provided thereafter.

3.6.7.1 Item 1 – The issue of a large-scale trailer park on the southern edge of the scheme

This issue was raised in the first submission made by SAMRA. A response to this issue was provided in the DPC's *Response to Submissions*.

The second submission from SAMRA repeats this issue which contains 16no. sub parts as follows:

1. The community opinion that the trailer park should be removed is a widely held one.
2. Excessive reliance on roads and an increase in HGVs up to 24/7.
3. Raising of ground Levels to facilitate the proposed trailer park.
4. Boundary treatment concerns to facilitate the proposed trailer park.
5. Drainage concerns re. the proposed trailer park.
6. Construction and Operational time-scale concerns re. the proposed trailer park.
7. Treatment of the south coastal area of the site to comprise a trailer park.
8. Temporary & permanent party boundary to the trailer park (& corrected drawings).
9. Proposed earthworks and retaining wall to the trailer park.
10. Land use & compatibility arising from the trailer park's proposed siting.
11. Consideration of alternatives as regards the trailer park.
12. Lack of cross sections regarding the trailer park & corrected drawings.
13. Southern elevations of the trailer park.
14. Settlement and methane gas release on the site of the trailer park.
15. Retaining wall and construction methods at the trailer park.
16. Proposed earthworks and retaining wall for the trailer park.

A response to each of these items is provided below.

3.6.7.1.1 The community opinion that the trailer park should be removed is a widely held one

Submission

This issue was included as part of the first submission made by SAMRA. A response to this issue was provided in the Applicant's *Response to Submissions* to the first submission made by SAMRA under:

- Section 3.2.1.5 Item 2 - The proposed Ro-Ro Terminal Yard (Area O) is Not Supported

SAMRA maintains its position and reiterates that the community preference is to remove the proposed Ro-Ro Terminal Yard (Area O) (also referred to as a transit Ro-Ro trailer yard) and replace this area with parkland.

DPC Response

As set out in the Applicant's original response to this item it was confirmed that the planning application for the 3FM Project has been prepared in accordance with the *Dublin City Development Plan 2022-2028* (DCDP 2022-2028) and the *Poolbeg West SDZ Planning Scheme* (Planning Scheme).

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

In response to this item, it is submitted to the Commission, that the DCDP 2022-2028 is a statutory document which underwent extensive pre-draft and statutory public consultation processes. Amendments were made to the draft plan and it was adopted by elected representatives of Dublin City Council (DCC) on 2nd November 2022.

It is further submitted to the Commission that the Planning Scheme, prepared on foot of the *Planning and Development Act 2000 (Designation of Strategic Development Zone: Poolbeg West, Dublin City) Order 2016*, was the subject of a statutory consultation process prior to its approval. However, in order to inform the preparation of the scheme an extensive pre-draft consultation exercise was also carried out over a six month period, following the designation by the Government. As stated in the Planning Scheme itself, this consultation included meetings with the business community, the local residential community, and a range of statutory bodies and service providers. The elected representatives for the area were also engaged in the preparation of the Planning Scheme by way of regular updates and feedback. The Planning Scheme was adopted by DCC on 2nd October 2017. The Scheme was appealed to the Board who held an Oral Hearing where parties made submissions on a range of issues. The Board subsequently approved the Planning Scheme with modifications on 1st April 2019.

The DCDP 2022-2028 and the Planning Scheme provide the basis upon which the future development of Area O is to take place. In this regard, DPC refers the Commission to Sections 7.4.1.2 (Compliance with the Dublin City Development Plan's Zoning Objectives) and 7.4.2.1 (Land Use and Delivery of Port-related Uses) of the Planning Report submitted with the planning application, which demonstrate the manner in which the 3FM Project accords with relevant land use designations and zoning objectives set out in the DCDP 2022-2028 and the Planning Scheme for all lands included in the 3FM Project.

The Planning Scheme designates residential development for the Glass Bottle site as Block A and designates specific areas, such as Block B, for “*Mixed Use – Commercial, Creative Industries, Industrial (including Port-Related) Activities*”. The proposed location of the Ro-Ro Terminal Yard (Area O) falls within Block B2 of the Planning Scheme, aligning fully with the land use designation and, thus, in compliance with the Planning Scheme. Port-related activities, including the proposed Ro-Ro Terminal Yard (Area O), are integral to the mixed-use vision for this area and essential for delivering the development objectives outlined in the Planning Scheme.

Due to the removal of the Eastern By-Pass from *Greater Dublin Area Transport Strategy 2022-2042* (GDA Transport Study) and from the DCDP 2022-2028, DCC submitted a non-material request to alter the Planning Scheme⁷. The Commission approved this amendment in January 2025. Relevant amendments to Block B2 include the following:

- Land uses shown in Figure 9.1 of the Planning Scheme remain unchanged, however the temporal nature of these uses is amended and they will now be considered as long term rather than being treated as interim/medium term uses.
- The green hatch in Figure 9.1 of the Planning Scheme will now retain the land uses shown as providing for:
 - a new port park (minimum size of 1.9 hectares) and
 - the provision of infrastructure installations required to serve the SDZ area; which is already provided for in the defined land use zoning of “*development infrastructure/open space*”.

With respect to Figure 9.1 the following is noted:

- As detailed in the drawings accompanying the planning application, the proposed development of Area O entails the construction of a Ro-Ro Terminal Yard to be operated in conjunction with Area K. The 5.3

⁷ ZF29S.320190 Application to the Board to amend the Planning Scheme under Section 170A of the Planning and Development Act, 2000 (as amended)

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

hectare site will accommodate 354 trailer ground slots for single height containers or trailers.⁸ This yard is contained within Block B2 of the Planning Scheme.

- The 3FM Project also provides for the creation of a new parkland, amenity and recreation space separating the Ro-Ro Terminal Yard at Area O from the Glass Bottle site. This parkland consists of a formal park and a wildflower meadow. The formal park is contained within the area identified in Figure 9.1 of the Planning Scheme as a new port park.
- The 3FM Project proposal includes for a wildflower meadow area which is identified as a temporary use until such time as this site is developed for future infrastructure installations as identified by the Planning Scheme and which are subject to a separate consenting process. This approach is consistent with the Planning Scheme.

It is submitted to the Commission that the proposed arrangement of uses for this area is wholly compliant with the Planning Scheme

In addition to the above, a portion of land to the east of the Ro-Ro Terminal Yard is proposed to form part of the Irishtown Nature Reserve, this area is outside of the Planning Scheme and is zoned for amenity uses in the DCDP 2022-2028. This use is compliant with the DCDP 2022-2028.

It is submitted to the Commission that together with this response and the responses provided within the *Response to Submissions*, March 2025 that this issue is comprehensively addressed.

3.6.7.1.2 On the issue of excessive reliance on roads and an increase in HGVs up to 24/7

Submission

This issue was also included as part of the first submission made by SAMRA. The first submission raised concerns relating to the proposed land use and resultant traffic impacts.

Responses to these concerns, outlining measures that have been incorporated into the proposed development which are intended to safeguard residential amenity, were included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 2 - The proposed Ro-Ro Terminal Yard (Area O) is not supported.
- Section 3.10.1.3 Item 1 - Air Quality Concerns on Residents related to proposed Ro-Ro Terminal Yard – Area O.
- Section 3.10.1.3 Item 2 - Air Pollution Concerns Relating to Excessive Reliance on Roads and an Increase in HGVs up to 24/7 During the Construction Phase.
- Section 3.10.1.3 Item 3 - Air Pollution Concerns Relating to Excessive Reliance on Roads and an Increase in HGVs up to 24/7 During the Operational Phase.
- Section 3.12.1.4 Item 1 - Noise Impact from New Ro-Ro Terminal (Area O) on Sandymount Residents Submission.

SAMRA's repeats its concerns as set out in its first submission with respect to traffic generated throughout the proposed construction and operational phases and its impact on residential areas, particularly the Glass Bottle site and concludes that the yard should not be located at Area O.

⁸ Prior to submission of the final application, this location was originally proposed to accommodate containers stacked at 3no. TEUs high operating with the use of electric gantries and container handling vehicles to support the proposed Lo-Lo Terminal at Area N. The area between the stacks and Port Park remained without proposals. However, following public consultation and project evolution, the activities at Area O were altered to accommodate a new Ro-Ro Terminal Yard and redesigned to operate in conjunction with the new Ro-Ro Terminal at Area K. The area between Port Park and the Ro-Ro Terminal Yard, in the west, became a wildflower meadow while a portion of land to the east, zoned for amenity uses, was proposed to form part of the Irishtown Nature Reserve. These changes also included extensive screening and planting along the berm adjoining the southern, western and eastern boundaries of the proposed Ro-Ro Terminal Yard in Area O. These changes resulted in Area L being introduced to the scope of the project as space required to support operations at the new Lo-Lo Terminal (Area N) which would no longer being provided at Area O.

DPC Response

As set out in the documentation submitted with the planning application, Dublin Port must optimise the use of all its lands on both sides of the river channel in order to meet with national port capacity requirements, this includes the development of Area O for port related uses. The response to **'The community opinion that the trailer park should be removed is a widely held one'** set out above under **Section 3.6.7.1.1** also details how the proposed development at this location aligns with the relevant planning land use objectives and designations as set out in the DCDP 2022-2028 and the Planning Scheme.

Supporting compliance of the 3FM Project with the Planning Scheme, the submitted Traffic and Transport Assessment (included as Chapter 14 Traffic and Transport Volume 2 of the EIAR) confirms measures to minimise impacts on residential areas.

Section 14.12.3.4 (HGV Routing for the Ro-Ro terminal Areas K & O) of Chapter 14 (Volume 2 of the EIAR) and Appendix 14.1 (Volume 3 of the EIAR) set out details of the proposed HGV routing (entry, exit, and between Areas) for Areas K and O (the Ro-Ro terminal). HGVs are routed away from the Glass Bottle site during the nighttime hours of 23:00-07:00 to minimise any potential inconvenience to residents. The only exception is port shunting vehicles returning unladen from Area O to Area K, which will be electrically powered or similar to provide lower carbon and reduced noise benefits. Chapter 14 also demonstrates that third-party haulier HGVs will not affect the Glass Bottle site during these hours, further evidencing alignment with Planning Scheme objectives.

The EIAR submitted with the planning application assesses potential impacts as result of the traffic with respect to noise, air quality, dust and visual amenity. The Applicant's *Response to Submissions, March 2025* responded to the first submission made by SAMRA and the concerns raised. As stated, these were provided in the following sections:

- Section 3.2.1.5 Item 2 – The proposed Ro-Ro Terminal Yard (Area O) is not supported.
- Section 3.10.1.3 Item 1 – Air Quality Concerns on Residents related to proposed Ro-Ro Terminal Yard – Area O.
- Section 3.10.1.3 Item 2 - Air pollution concerns relating to excessive reliance on roads and an increase in HGVs up to 24/7 during the Construction Phase.
- Section 3.10.1.3 Item 3 – Air Pollution Concerns Relating to Excessive Reliance on Roads and an Increase in HGVs up to 24/7 during the Operational Phase.
- Section 3.12.1.4 Item 1 – Noise Impact from New Ro-Ro Terminal (Area O) on Sandymount Residents Submission.

It is submitted to the Commission that the response to the concerns raised on this issue provided in this report and the responses provided within the *Response to Submissions, March 2025* comprehensively address this matter.

3.6.7.1.3 On the issue of raising of ground levels to facilitate the proposed trailer park

Submission

The concern was included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 2 - The proposed Ro-Ro Terminal Yard (Area O) is not supported.

Responses concerning soil contamination and visual impact were included under:

- Section 3.8.1.2 Item 1 - Asbestos and Dust.
- Section 3.16.1.4 Item 2 - Finished Levels at Ro-Ro Terminal Yard – Area K.

Notwithstanding the responses provided SAMRA maintains its position that the proposals at Area O should be relocated and should be replaced with a park.

DPC Response

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

As set out in DPC's *Response to Submissions*, it is submitted to the Commission that the application is supported by a comprehensive EIAR that thoroughly evaluates the environmental effects of the entire 3FM Project, including the proposed raising of ground levels for the Ro-Ro Terminal Yard (Area O).

Chapter 8 Lands, Soils, Geology and Hydrogeology (Volume 2 of the EIAR) provides a detailed appraisal of the existing ground conditions at the project site and evaluates potential effects on land, soils, geology, and hydrogeology. As stated in Section 8.11 of the chapter, the proposed development will not have any substantial negative impacts on the land, soils, geology, and hydrogeology of the area.

Section 8.5 (Construction Impacts) of Chapter 8 reaffirms that the impact of clean imported material used to accommodate raising the ground levels in this area is considered to be beneficial, as there will be an improvement in the quality of upper soils.

Regarding construction works at Area O, it is stated that the construction of a new reinforced concrete slab for trailer handling and storage on top of the imported materials noted above will remove any direct contact pathway with elevated contaminant concentrations in soils in this area. The impact of constructing this concrete slab is considered to be beneficial. Furthermore, Section 8.6 (Operational Impacts) concludes that operational impacts on land, soils, and geology are considered neutral.

Remedial and mitigation measures are proposed to address potential risks to construction workers from asbestos and ground gas.

The assessment concludes that the proposed raising of ground levels will not result in significant contamination effects on the surrounding environment.

A Landscape and Visual Impact Assessment has been completed and is included in Chapter 17 Landscape and Visual (Volume 2 of the EIAR). The proposed raising of ground levels has been carefully assessed, and the findings confirm that there are no significant visual effects resulting from the proposal.

It is submitted to the Commission that the responses to the concern raised on this issue provided in this report and the responses provided within DPC's *Response to Submissions*, March 2025 comprehensively address this matter.

3.6.7.1.4 On the issue of boundary treatment concerns to facilitate the proposed trailer park

Submission

The concern was included as part of the first submission made by SAMRA.

A response to this concern was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 3 - Observations regarding the treatment of the south coastal area of the site.

Notwithstanding the details provided in the planning application and the response provided, SAMRA submits that the proposed boundary treatments are poorly considered close to the coastline and the nature park and do not comply with the DCDP 2022-2028. SAMRA maintains its position that the proposals at Area O should be relocated and Area O should be a park.

DPC Response

As set out in DPC's *Response to Submissions*, and under **Section 3.6.7.1.1** of this report, it is submitted to the Commission that the development proposed at Area O as a Ro-Ro Terminal Yard to be operated in conjunction with Area K is fully compliant with the Planning Scheme and DCDP 2022-2028.

The 5.3 hectare site will accommodate 354 trailer ground slots for single height containers or trailers, a change from the originally proposed multi-storey container yard which occurred following community consultation and analysis of alternative layouts. It is noted that SAMRA does not accept the proposed use at Area O. However DPC has taken into account concerns raised during the consultation process relating to operations, visual impact and how the boundaries interface with neighbouring land uses. This revised approach significantly reduces the visual intrusion compared to the initial proposal, aligning better with the surrounding environment.

The proposal incorporates a reinforced concrete retaining wall along the northern edge of the southern boundary, which will help retain the existing perimeter berm. The proposed boundary fencing on top of the wall will stand at 2.9m in height, meeting ISPS (International Ship and Port Facility Security) requirements. The area behind the retaining wall and fence will be infilled and planted to integrate with the Coastal Park.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

The application documentation, including Chapter 5 Project Description (Volume 2 of the EIAR), clearly details the proposed boundary treatments for Area O, which includes extensive tree planting along the southern, eastern, and western boundaries, enhancing the visual quality and providing screening in key views, including those from Sandymount. The southern berm, in particular, will feature additional planting as part of the Coastal Park, offering further visual enhancement and mitigating potential impacts on the surrounding landscape. Additional greening is proposed to the west, as part of the Port Park, and to the east, near the Irishtown Nature Park, contributing to visual integration with the surrounding environment and complying with the principles outlined in Section 15.4.2 of the DCDP 2022-2028.

The civil engineering and architectural drawings show details of the design of proposed boundary walls and fencing around the site, and further elaboration on boundary treatments is provided in the Port Park: Architectural Design Statement (by Darmody Architects) and Landscape Design Report (by TTT), as well as the Active Travel: Architectural Design Statement (by Darmody Architects) and Active Travel: Landscape Design Report (by TTT). These drawings and documents demonstrate how the boundary treatments are integrated into the overall design while ensuring they complement the landscape and visual character of the area.

Further to the above, it is noted that the Landscape and Visual Impact Assessment contained in Chapter 17 (Volume 2 of the EIAR) concludes that the 3FM Project is located within a landscape character area identified as Harbour-Based Industrial Landscape. It is also stated that *“there are large areas of Dublin and the adjacent settled coastline that will not have views of the 3FM Project due to intervening buildings and vegetation and it is only in close proximity to the site and at the coastline that there will be potential direct views from locations that include Ringsend to the southwest, Sandymount to the south and the Clontarf to Howth coast road to the north. The existing port facilities including ships and cranes and traffic are all features of the existing views from such locations, and it will be difficult to discern the new features from existing features”*. In summary, as per the landscape and visual assessment submitted with the application, the 3FM Project, including proposed boundary treatments, will not have significant visual impacts on the surrounding environment.

It is submitted to the Commission that the response to the concerns raised on this issue provided in this report and the responses provided within DPC’s *Response to Submissions* comprehensively address this matter.

3.6.7.1.5 On the issue of drainage concerns re. the proposed trailer park

Submission

The concern was also included as part of the first submission made by SAMRA.

A response to this concern was included in the Applicant’s *Response to Submissions* under

- Section 3.2.1.5 Item 2 - The proposed Ro-Ro Terminal Yard (Area O) is not supported.
- Section 3.5.1.3 Item 6 – Surface Water Area O.

As the location of the proposed trailer park at Area O has not changed, SAMRA maintains its position that the proposals at Area O should be relocated and should be replaced with a park.

DPC Response

As set out in the planning application within the Planning Report and Chapter 2 Need for the 3FM Project (Volume 2 of the EIAR), Dublin Port is the largest and most important port in the country. The combination of reasonable depth of water, proximity to the largest concentration of population on the island and excellent access to the national road and rail networks gives Dublin Port its importance in both the EU TEN-T network and in the national port system. Dublin Port is the largest port on the island of Ireland and is an essential link for the country’s international trade and transport requirements. Dublin Port is a core element of the Irish national port system, as confirmed in the National Ports Policy 2013, and DPC seeks to ensure that it continues to play its role in providing national port capacity.

DPC prepared the *Dublin Port Masterplan 2012-2040* which charts the planned development of Dublin Port and elements needed to fulfil its important national role and function as a designated port. This masterplan is supported at every level of the planning policy hierarchy.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

To bring Dublin Port to its ultimate capacity by 2040, development has focused, to date, on the north side of the River Liffey and at Dublin Inland Port, located north of the M50. DPC is now focusing its attention on the completion of Masterplan 2040 by bringing forward the 3FM Project. To meet the forecast demand, DPC therefore needs to develop Dublin Port lands on the Poolbeg Peninsula to:

- Provide a total annual capacity for 684,000 unit loads (trailers and containers),
- Provide a southern port access route to the M50 Tunnel and,
- Provide infrastructure and facilities to support the objective to re-integrate Dublin Port with Dublin City and celebrate Port Heritage.

As set out in the Dublin Port Masterplan, it is submitted to the Commission that Area O and its development is integral to the provision of land capacity to support new berthage along the river channel at Areas K, L, M and N. In the event that these lands are not developed there will be a deficit in national port capacity.

As part of the 3FM Project, Area O was initially proposed to support the new Lo-Lo Terminal at Area N which would have required it to accommodate container stacking, container manoeuvring plant and equipment. However, following consultations with stakeholders and the general public and ongoing environmental assessment the finalised application proposed Area O to function as a trailer yard to support the new Ro-Ro Terminal at Area K. An alternative location was therefore needed within close proximity to support the capacity of the new Lo-Lo Terminal at Area N. This led to Area L being brought forward to support the operation of Area N.

It is submitted to the Commission that use of Area O to support Area K is required.

As set out under the responses to ***'The community opinion that the trailer park should be removed is a widely held one'*** under **Section 3.6.7.1.1** and ***'On the issue of boundary treatment concerns to facilitate the proposed trailer park'*** under **Section 3.6.7.1.4** above, the project has been carefully planned to integrate with the surrounding environment and contribute to the overall development objectives of the area. The proposed design and management of the site is aligned with the development standards set out in the DCDP 2022-2028. As demonstrated in the Planning Report (refer to Sections 6 and 7), the proposed Ro-Ro Terminal Yard (Area O) fully accords with the vision and land use designations for this part of the part of the Planning Scheme.

With respect to the issues raised under this heading relating to drainage, and as detailed in Chapter 5 Project Description (Volume 2 of the EIAR) and Section 3.5.1.3 Items 6 and 8 of DPC's *Response to Submissions*, the design of the proposed Ro-Ro Terminal Yard (Area O) incorporates a wastewater network to connect to the existing wastewater system via gravity and a surface water drainage system, including stormwater attenuation, discharging to the existing stormwater network, through oil interceptors. These measures will prevent untreated runoff from entering Dublin Bay and ensure that any foul water generated will be managed effectively.

DPC is committed to protecting the water quality of Dublin Bay and Sandymount Strand. The proposed Ro-Ro Terminal Yard (Area O) has been designed to minimise any potential discharges that could adversely impact water quality. A comprehensive assessment has been conducted and presented in Chapter 9 Water Quality & Flood Risk Assessment (Volume 2 of the EIAR) to determine the likely significant effects of the project on water quality and propose measures to avoid and prevent these likely significant effects.

Furthermore, a Water Quality Management Plan will be implemented for the duration of the proposed construction works, presented in Section 3.5.10 of the Draft Construction Environmental Management Plan (CEMP) enclosed in the application documentation.

The documentation enclosed with the 3FM Project application evidence that the proposed Ro-Ro Terminal Yard (Area O) and associated infrastructure will ensure adequate surface water and foul water management, thus protecting the water quality of Dublin, and accord with the DCDP 2022-2028 climate, sustainable drainage, flood management, and environmental policies.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

It is submitted to the Commission that the response to the concerns raised on this issue provided in this report and the responses provided within DPC's *Response to Submissions* and the planning application documentation comprehensively address this matter.

3.6.7.1.6 On the issue of construction and operational time-scale concerns re. the proposed trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was provided in the Applicant's *Response to Submissions* under:

- Section 3.5.1.5 Item 2 - The proposed Ro-Ro Terminal Yard (Area O) is not supported Construction and Operational Time-Scale Concerns.

As the location of the trailer park at Area O has not changed, SAMRA maintains its position that the proposals at Area O should be relocated and should be replaced with a park. SAMRA argue that the uses prescribed for Block B2 of the Planning Scheme are temporary until resolution of the Eastern Bypass route corridor.

DPC Response

As set out in the planning application documentation, the GDA Transport Strategy confirms that the Eastern Bypass is no longer required to be developed. The strategy confirms that lands previously reserved for this corridor, including those in the Poolbeg West SDZ, may now be released for alternative development. The DCDP 2022-2028 removed this objective which reserved land for the provision of the Eastern Bypass.

The Planning Scheme designates Block B2 with a land use designation of "*Mixed Use – Commercial, Creative Industries, Industrial (including Port Related) Activities*". The Planning Scheme specifically states that lands described as Block B2 are intended for unitised cargo handling in the long term (page 68), therefore, the proposed Ro-Ro Terminal Yard (Area O), which will support unitised cargo handling and thus represent a port-related activity, is aligned with the designated land use for these lands in the SDZ area.

The Planning Scheme did anticipate a review following the resolution of the Eastern Bypass route selection, which could release lands for additional development. In this regard, as stated in DPC's *Response to Submissions*, DCC submitted a non-material request to alter the Planning Scheme⁹ to align with the transport policy hierarchy, and the Commission approved this amendment in January 2025.

As stated under **Section 3.6.7.1.1** the approved amendment confirms that land uses shown in Figure 9.1 of the Planning Scheme will remain however the temporal nature of uses have been amended to long term rather than being seen treated as valid only in the interim/medium term.

The proposed location of the Ro-Ro Terminal Yard (Area O) falls within Block B2 of the Planning Scheme where unitised cargo handling in the long term was stated as being intended. The approved amendment confirms the long-term use of the site. It is submitted to the Commission that proposals submitted as part of the planning application align fully with the land use designation and, thus, wholly in compliance with the Planning Scheme.

With respect to timelines for construction, and as previously stated in the Applicant's *Response to Submissions* under Section 3.5.1.5 Item 2, the timeline outlined in the EIAR for the delivery of the 3FM Project reflects the complexity of the works, the need for careful planning, and adherence to environmental and operational requirements. These factors do not imply a failure to comply with the Planning Scheme but rather serve to highlight the project's scale, its significance in supporting long-term port operations and adherence to environmental and operational requirements.

SAMRA questions the appropriateness of using the proposed Ro-Ro Terminal Yard (Area O) as a temporary logistics zone during the construction phase of the 3FM Project. In this regard DPC, and as clarified as part of its previous response to this issue, submits that:

- The construction phase of the 3FM Project has been carefully sequenced into discrete elements, as outlined in Section 5.2.10 of Chapter 5 Project Description (Volume 2 of the EIAR), and further detailed

⁹ ZF29S.320190 Application to the Board to amend the Planning Scheme under Section 170A of the Planning and Development Act, 2000 (as amended)

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

in Appendix 5-4 (Volume 3 of the EIAR). A portion of the proposed Ro-Ro Terminal Yard will serve as a temporary logistics area for materials storage, loading, and unloading to facilitate construction activities.

- Construction of Area O is planned to commence in the second half of 2038 and conclude by the end of 2039. Prior to that, from 2029, a portion of the overall site will be designated as a logistics area to support early construction activities.
- The construction activities have been designed to minimise impacts on adjacent sensitive areas. The Draft Construction Environmental Management Plan (CEMP), submitted with the application, sets out minimum requirements for environmental protection during construction, including mitigation measures and monitoring protocols. The Draft CEMP is a live document that will be updated in accordance with any conditions attached to statutory consents. The comprehensive environmental assessments conducted and mitigation measures proposed demonstrate that the temporary logistics use will not result in adverse environmental effects.

The documentation submitted with the 3FM Project application demonstrates compliance with the Planning Scheme and supports the development of critical port infrastructure in alignment with the designated land use objectives for the area. It is submitted to the Commission that the response to the concerns raised on this issue provided in this report and the responses provided within the *Response to Submissions* comprehensively address this matter.

3.6.7.1.7 On the issue of the treatment of the south coastal area of the site to comprise a trailer park

Submission

This concern was included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 3 - Observations regarding the treatment of the south coastal area of the site.

This response addressed the following matters raised by SAMRA which included:

- The Proposed Port Park and Extension to Irishtown Nature Park.
- The DCC District Heating Scheme site should not be included.
- Amend the temporary & permanent party boundary to the Ro-Ro Terminal Yard.
- Proposed earthworks and retaining wall for the Ro-Ro Terminal Yard.
- The coastal park proposals do not comply with Poolbeg West SDZ requirements.

As the location of the trailer park at Area O has not changed, SAMRA maintains its position that the proposals at Area O should be relocated and should be replaced with a park.

DPC Response

As stated in the application documentation within Chapter 2 Need for the 3FM Project (Volume 2 of the EIAR), in order to maintain national competitiveness, operational efficiencies and perform its designated role and function, DPC needs to plan for the provision of infrastructure to cater for both increased volumes of goods handled and larger ships at Dublin Port. The *Irish Ports Capacity Study* suggests that any failure to maintain sufficient port capacity could have a major negative impact on the national economy, starving it of the materials needed to continue strong growth. The study further expressly states that Ireland should have sufficient port capacity for all cargo modes if planned developments are put in place in time.

The Issues Paper published commencing the review of the National Ports Policy (NPP) referenced the Irish Ports Capacity Study when analysing port capacity and specifically noted that a failure to proceed with currently proposed port infrastructure projects will pose serious risks to Ireland's national economy.

The 3FM Project is just such a planned development. It, like the permitted ABR Project and MP2 Project, seeks to deal with the current demand and operational requirements while also future-proofing Dublin Port by facilitating additional capacity through deepening berthing pockets to cater for larger vessels, longer berthing infrastructure to accommodate longer vessels to facilitate throughput, manoeuvring areas for the efficient entry and exit of vessels from the port and fairway and, yards and quayside infrastructure, to enable goods being handled to be staged and dispatched efficiently.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

Lands controlled by DPC have been designated within the statutory land use documents to fulfil this objective. This is detailed in the Planning Report submitted with the planning application and also in the Applicant's *Response to Submissions* to the first submission made by SAMRA.

It is submitted to the Commission, that the proposed development has been designed to adhere to the land use designations and to the development management standards safeguarding amenity and ensuring the proper planning and sustainable development of site to accommodate the proposed uses.

It is submitted to the Commission that the response to the concerns raised have been comprehensively addressed in the planning application documentation, the Applicant's *Response to Submissions* and in responses to this submission.

3.6.7.1.8 On the issue of the temporary & permanent party boundary to the trailer park (& corrected drawings)

Submission

The concern was included also as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 3 - Observations regarding the treatment of the south coastal area of the site.

SAMRA reiterates that the minimum separation distances requirements from the coastline as set out in the Planning Scheme are not being provided and has concerns with respect to the proposed boundary treatment.

DPC Response

As detailed in the previous response submitted by DPC and above under the response to '**On the issue of boundary treatment concerns to facilitate the proposed trailer park**' under **Section 3.6.7.1.4** it is noted that SAMRA does not accept the proposed use at Area O however DPC has taken into account concerns raised during the consultation process relating to operations, visual impact and how the boundaries interface with neighbouring land uses. This revised approach significantly reduces the visual intrusion compared to the initial proposal, aligning better with the surrounding environment.

The application documentation clearly details the proposed boundary treatments for proposed Area O, which includes extensive tree planting along the southern, eastern, and western boundaries, enhancing the visual quality and providing screening to the proposed yard.

The southern berm, in particular, will feature additional planting as part of the Coastal Park, offering further visual enhancement and mitigating potential impacts on the surrounding landscape. Additional greening is proposed to the west, as part of the Port Park, and to the east, near the Irishtown Nature Park, contributing to visual integration with the surrounding environment and complying with the principles outlined in Section 15.4.2 of the DCDP 2022-2028.

As previously indicated, the civil engineering and architectural drawings show details of the design of proposed boundary walls and fencing around the site, and further elaboration on boundary treatments is provided in the Port Park: Architectural Design Statement (by Darmody Architects) and Landscape Design Report (by TTT), as well as the Active Travel: Architectural Design Statement (by Darmody Architects) and Active Travel: Landscape Design Report (by TTT). These drawings and documents demonstrate how the boundary treatments are integrated into the overall design, while ensuring they complement the landscape and visual character of the area.

It is submitted to the Commission that the Port Park: Proposed Site Layout – Over Masterplan illustrated on Drawing No CP1901_005-DA-00-XX-DR-A-PA-001, and included as part of the application documentation, shows the proposal for Area O in context with the Port Park, the wildflower meadow, Coastal Park and extension to the Irishtown Nature Park. It is noted that dimensions in this drawing are provided to the application boundary as per convention rather than to the high water mark.

An arboriculture assessment was carried out and is enclosed with the application documentation. This is supported by Drawing Nos. 463924001-Port-Park-Tree-Survey-Plan-Retention-Removal-Sh.1 and 463924002-Port-Park-Tree-Survey-Plan-Retention-Removal-Sh.2 (by JM McConville + Associates), detailing the tree survey retention plan. These documents demonstrate that all existing trees to the south of the proposed Ro-Ro Terminal Yard (Area O) are to be retained and removal is limited to some category B and C trees to the extreme south western corner of the site which are being removed as part of the existing berm

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

removal required to construct the public park. The Port Park Arboricultural Assessment prepared by JM McConville + Associates is also included as part of the application documentation.

Existing and Proposed Cross sections through the southern boundary are provided in Drawing Nos. CP1901_005-DA-00-XX-DR-A-EX-202 and CP1901_005-DA-00-XX-DR-A-PA-202 submitted with the application. These sections demonstrate the proposed works to the northern side of the berm, separation distances and screening of the proposed trailer park from coastal area. In this regard the proposed landscaping measures respect the natural setting of the site, ensuring minimal visual impact using single-height containers and trailers.

As stated in the previous response to this submission in DPC's Response to Submissions, in terms of separation from the shoreline (high water mark) the closest distance from the proposed trailer parking to the high tide mark is 57m, while the distance from the proposed retaining boundary wall to the high tide mark (green line) ranges from 43.5m and 49.8m (see Drawing CP1901-3FM-RPS- S45-07-DR-C-0701 enclosed with the application).

In order to further demonstrate the separation distance between the proposed 4.7m high amenity building and the high tide mark, sections have been prepared to demonstrate that the building is over 50m from the high water mark (shoreline). These are included on Drawing CP1901-3FM-RPS-S45-07-DR-C-0711 accompanying this response. It is also noted that the building is located on the northern side of the retaining wall and ISPS fence behind the berm. This drawing should be considered together with the proposed landscaping of the berm which is illustrated in CP1901_005-DA-00-XX-DR-A-PA-202.

As illustrated in the documentation it is submitted to the Commission that the proposed landscaping measures respect the natural setting of the site, ensuring minimal visual impact using single-height containers and trailers, as well as the proposed amenity building.

Further to the above, it is noted that a Landscape and Visual Impact Assessment included in Chapter 17 Landscape and Visual (Volume 2 of the EIAR) concludes that these elements will not generate significant adverse visual impacts on the surrounding environment, including key viewpoints from Sandymount and other sensitive locations.

In conclusion, this response to the submission directs the Commission to where the items/concerns raised regarding boundary treatment and setbacks associated with the Ro-Ro Terminal Yard (Area O) are addressed in the planning application submitted to the Commission. It is submitted to the Commission the design of the Ro-Ro Terminal Yard (Area O) and interfaces with the southern boundary have been carefully considered to maintain appropriate setbacks, minimise landscape and visual impacts, and protect existing vegetation. The comprehensive documentation provided with the application supports these assertions, demonstrating that the 3FM Project will enhance the local environment while meeting the necessary planning requirements.

It is submitted to the Commission that the response to the concerns raised have been comprehensively addressed in the planning application documentation, DPC's *Response to Submissions* and in responses to this submission.

3.6.7.1.9 On the issue of the proposed earthworks and retaining wall to the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and responses were included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 3 - Observations regarding the treatment of the south coastal area of the site
- Section 3.5.1.3 Item 5 - On the issue of the proposed earthworks and retaining wall to Ro-Ro Terminal Yard.

The submission repeats issues regarding the proposed boundary of the Ro-Ro Terminal Yard (Area O) and its compliance with planning policies. Concerns stated under this heading also focus on conflict with planning policies set out in the Development Plan, possible encroachment of works onto public amenity space and accuracy of drawings relative to existing uses; minimum separation distances requirements as per the Planning Scheme from the coastline; and; drainage impacts as a result of the proposal.

DPC Response

As set out under '**The community opinion that the trailer park should be removed is a widely held one**' under **Section 3.6.7.1.1** above, DPC reaffirms that the 3FM Project complies with relevant policies, objectives,

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

management standards, and guiding principles set out in the Planning Scheme and the DCDP 2022-2028, and as demonstrated in particular in Section 7 of the Planning Report and in the *Response to Submissions* responding to the first submission.

With respect to encroachment, it is confirmed that the proposed development of the Ro-Ro Terminal Yard (Area O) is wholly contained within the confines of the Planning Scheme and within the mixed use land use designation. For the convenience of the Commission Figure 3-1 shows an overlay of the yard onto Planning Scheme boundary on an aerial base demonstrating that the Ro-Ro Terminal Yard (Area O) is wholly contained within Block B2.



Figure 3-1 - Proposed Ro-Ro Terminal Yard (Area O)

It is noted that where the gap in the berm exists between the proposed Ro-Ro Terminal Yard (Area O) and the Port Park/Wildflower Meadow further planting is proposed to screen development from view thereby protecting the use of the coastal pathway for amenity use. This is illustrated on the landscape proposals submitted with the planning application.

Regarding compliance of the proposed Ro-Ro Terminal Yard (Area O) with the Planning Scheme's requirements, particularly concerning minimum appropriate separation and setback requirements, the response to the first submission received from SAMRA clarified the requirements regarding the 50m setback and its implementation.

In this regard, Sub-Section 11.4.3 of the Planning Scheme, establishes the Coastal Park as a buffer between intensive development (within Area A) within the SDZ and the foreshore, with a western edge setback generally fixed at 50m from the shoreline boundary of the SDZ. Sub-Section 11.4.3 Coastal Park states "*The location and form of the park is generally fixed, with a western edge being set back 50m from the shoreline boundary of the SDZ (see also 11.5.2 below).*" (Extract from Section 11.4.3 of the Planning Scheme, Page 81).

Appendix 2 Public Realm Strategy for Streets and Key Open Spaces also discusses this requirement stating: "*b) Design Principles. The Coastal Park will be designed according to the following principles. The overall size and location of the Coastal Park is determined by the building line set back a minimum of 50m from the shoreline boundary of the SDZ.*" (Extract from Section A2.3 of the Planning Scheme, Page 118).

Regarding the 50m setback requirement, Figure A2.21 contained in Appendix 2 of the Planning Scheme

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

provides a visual representation of this requirement and should be considered for understanding its practical implementation. Figure A2.21 clearly indicates that the 50m setback requirement applies only to the western edge of the Coastal Park, not to the eastern edge where the Ro-Ro Terminal Area (O) is proposed. In this regard, it is evident that the 3FM Project is compliant with the Planning Scheme's requirements. As evidenced in Figure A2.21 of the Planning Scheme, the 50m setback requirement applies to the western edge of the Coastal Park, it is not relevant or applicable to the Ro-Ro Terminal Area (O).

Figure 11.7 of the Planning Scheme also provides further clarity on the interpretation of the 50m setback requirement. This figure provides a detailed cross-section of the Coastal Park, illustrating that the 50m setback extends from the shoreline boundary of the SDZ, defined by the high tide mark, to the building line in Area A. As shown, the area within the 50m distance accommodates the boundary treatment to the east of the building line.

Based on the guidance provided within the Planning Scheme it is submitted that the 50m setback requirement does not apply to the eastern edge of the Coastal Park and Area B (Block B2), however DPC reemphasises that, in any event, the proposed Ro-Ro Terminal Yard (Area O) will nonetheless provide an appropriate level of separation distance. This was detailed in DPC's *Response to Submissions* responding to the first submission and in this response under '**On the issue of boundary treatment concerns to facilitate the proposed trailer park**' in Section 3.6.7.1.4 and '**On the issue of the temporary & permanent party boundary to the trailer park (& corrected drawings)**' in Section 3.6.7.1.8.

It is submitted to the Commission that the proposed Ro-Ro Terminal Yard (Area O) complies fully with the Planning Scheme's requirements. While the Planning Scheme clearly states that the 50m minimum setback requirement applies to the western edge of the Coastal Park, the design of the 3FM Project for Ro-Ro Terminal Yard (Area O) at the eastern edge of the park still respects the 50m setback from the shoreline (as defined by the high tide mark) to the building line. Together with separation distances, the boundary treatments, and planting, as shown in the documentation enclosed with the application, will ensure that the proposed development within the Ro-Ro Terminal Yard (Area O) protects and accommodates the Coastal Park as intended. The proposal also includes extensive landscaping in the form of planting and greening along the northern side of Southbank Road, which will enhance the overall amenity of the area and provide for a softened transition between future residential uses to the south at the Glass Bottle site and existing port-related activities to the north of the road.

Regarding SuDs and surface water drainage, concerns raised were detailed in the *Response to Submissions* responding to the first submission. The proposals remain unchanged and are based on SuDS principles that align with the DCDP 2022-2028.

It is submitted to the Commission that the response to the concerns raised have been comprehensively addressed in the planning application documentation, DPC's *Response to Submissions* and in responses to this submission.

3.6.7.1.10 Concerns regarding land use & compatibility arising from the trailer park's proposed siting

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 5 – Land Use & Compatibility.

SAMRA states in the submission that it is not convinced that the trailer park is vital infrastructure to the operational capacity of the port given that it was previously considered vital for container stacking. The submission requests that the use be located elsewhere away from the coast and the Glass Bottle site.

DPC Response

The need for the infrastructure is set out in the Planning Report and Chapter 2 Need for the 3FM Project (Volume 2 of the EIAR) submitted with the planning application. As noted above, a response to this concern was provided in DPC's *Response to Submissions* to the first submission received from SAMRA. A response to

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

the need for the proposed infrastructure is also provided in response to the concerns '**On the issue of drainage concerns re. the proposed Trailer park**' in **Section 3.6.7.1.5** and '**On the issue of the treatment of the south coastal area of the site to comprise a trailer park**' in **Section 3.6.7.1.7** in this response to the second submission from SAMRA.

It is further submitted to the Commission, and as set out in DPC's *Response to Submissions*, that the Planning Scheme categorises the overall SDZ lands into five land-use areas:

- (i) port and industrial;
- (ii) housing with some mixed- use;
- (iii) commercial;
- (iv) community/education uses; and
- (v) park and recreational lands.

The layout and arrangement of these areas are illustrated in Figure 9.1 of the Planning Scheme. As evidenced in the application documentation, the proposed Ro-Ro Terminal Yard (Area O) aligns with the relevant land use designations under the Planning Scheme. It has been carefully planned to integrate with the surrounding environment and contribute to the overall development objectives of the area, which include sustainable transport solutions and economic growth. As demonstrated in the Planning Report (refer to Sections 6 and 7), the proposed Ro-Ro Terminal Yard (Area O) fully aligns with the vision and land use designations for this part of the Planning Scheme.

The proposed layout and use of Area O follows mitigation by design which incorporates measures to ensure that the operational activity on the site can sit side by side with adjoining land use areas designated within the Planning Scheme. Additional mitigations are prescribed within chapters included in the EIAR to ensure that sensitive receptors are not exposed to significant adverse impacts during the construction and operational phases. These measures are collated into the Summary of Migration Measures report included as part of the application documentation.

It is submitted to the Commission that the response to the concerns raised have been comprehensively addressed in the planning application documentation and in responses to first and this second submission made by SAMRA.

3.6.7.1.11 Concerns regarding the 'Consideration of Alternatives' as regards the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.4.1.7 Item 1 – Consideration of Alternatives.

SAMRA maintains that the use of Area O should not be for port uses but that it should be ceded for public amenity use due to the scale of the 3FM Project. The submission states this community gain would be commensurate with the scheme and offer a natural buffer to the south coastline.

DPC Response

The need for the infrastructure is set out in the Planning Report and Chapter 2 Need for the 3FM Project (Volume 2 of the EIAR) submitted with the planning application. As noted above, a response to this concern was provided in the *DPC Response to Submissions* to the first submission received from SAMRA. A response to the need for the proposed infrastructure is also provided in response to the concerns '**On the issue of drainage concerns re. the proposed Trailer park**' in **Section 3.6.7.1.5** and '**On the issue of the treatment of the south coastal area of the site to comprise a trailer park**' in **Section 3.6.7.1.7** contained in the second submission from SAMRA.

The alignment of the proposed development with planning policy is set out in the Planning Report submitted with the application, in DPC's *Response to Submissions* to the first submission received from SAMRA and is also provided in response to the concerns '**Concerns regarding Land Use & Compatibility arising from the Trailer Park's proposed siting**' in **Section 3.6.7.1.10** and '**The community opinion that the trailer park should be removed is a widely held one**' in **Section 3.6.7.1.1** contained in the second submission from SAMRA.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

It is submitted to the Commission, that the proposed development has been designed to adhere to the land use designations and to the development management standards safeguarding amenity and ensuring the proper planning and sustainable development of site to accommodate the proposed uses. The response to the concerns raised have been comprehensively addressed in the planning application documentation and in responses to this submission.

3.6.7.1.12 Concerns regarding the 'lack of cross sections' regarding the trailer park & corrected drawings

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in DPC's *Response to Submissions* under:

- Section 3.5.1.3 Item 1 – Cross Sections.

SAMRA states that no cross section of the trailer park shows the entirety of the proposed southern boundary treatment.

DPC Response

It is submitted to the Commission that the Applicant's response to concerns relating to set back from the high water mark, boundary treatment and encroachment onto public amenity have been fully addressed in DPC *Response to Submissions* and **Section 3.6.7.1.8** of this response. As noted in **Section 3.6.7.1.8**, and for the convenience of the Commission, the Applicant has prepared a further drawing (Drawing CP1901-3FM-RPS-S45-07-DR-C-0711) providing additional cross sections illustrating the proposed Ro-Ro Terminal Yard in the context of the berm which separates port activity from the coastal pathway and shoreline.

It is submitted to the Commission the design of the Ro-Ro Terminal Yard (Area O) and interfaces with the southern boundary have been carefully considered to maintain appropriate setbacks, minimise landscape and visual impacts, and protect existing vegetation. The documentation provided demonstrates that the 3FM Project will enhance the local environment while meeting the necessary planning requirements.

3.6.7.1.13 Concerns regarding the 'southern elevations' of the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.5.1.3 Item 2 – Southern Elevations.

SAMRA repeats the previous submission on this item and maintains that south elevations of the Ro-Ro Terminal Yard shown in Dwg. No. CP1901-3FM-RPS-S45-07-DR-C-0709 are incorrect as it does not show the retaining wall on which the fence is sited.

DPC Response

It is submitted to the Commission, that Chapter 5 Project Description (Volume 2 of the EIAR) describes the 3FM Project and contains information on the site, design, size and other relevant features, in order to establish the characteristics of the project for the purposes of environmental assessment. The project description is supported by a series of engineering, architectural and landscape architectural drawings submitted in support of the planning application.

DPC confirms that the combined concrete and security fence structure is required. The concrete wall performs the function of retaining the embankment whilst the 2.9m fence provides security in accordance with the International Shipping and Port Security (ISPS) standard. In areas where there is a maximum retention, the ground level to the rear of the concrete wall will be level with the top of the concrete wall and in these locations a full 2.9 m fence is required above ground level. The embankment level varies along its length and hence depending on location some of the concrete wall will project above embankment level.

Drawing CP1901-3FM-RPS-S45-07-DR-C-0709 should be read in conjunction with drawing CP1901-3FM-RPS-S45-07-DR-C-0702. The detailed sections shown through the southern boundary of the site in drawing CP1901-3FM-RPS-S45-07-DR-C-0702 correctly show the security fence on top of the concrete wall.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

DPC acknowledged in the response to the first submission that there was a graphical drawing error in Drawing CP1901-3FM-RPS-S45-07-DR-C-0709 in which the southern elevation failed to include the concrete retaining wall below the security fence. This was corrected and a revised version of that drawing accompanied the responses to directly address SAMRA's first submission.

DPC notes that the retaining wall and security fence will be screened from view by the presence of the embankment and the proposed planting. These measures are illustrated in site sections included on Port Park Proposed Site Sections DD, EE & FF Drawing No CP1901_005-DA-00-XX-DR-A-PA-202. Details of landscaping and planting measures are summarised in this response to **'On the issue of boundary treatment concerns to facilitate the proposed Trailer Park'** in **Section 3.6.7.1.7**.

DPC further confirms the photomontages and the landscape and visual assessment (Chapter 17 of the EIAR) correctly include the combined concrete wall and security fence. Views VP09 (Beach Road) and VP10 (Sandymount Strand) presented in Appendix 17.2 of the EIAR illustrate the screening effect of the embankment and planting.

It is submitted to the Commission that the response to the concerns raised have been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.1.14 Concerns regarding the 'settlement and methane gas release' on the site of the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.5.1.3 Item 3 – Settlement and Methane Gas Release.

SAMRA repeats its submission with respect to issues dealt with the EIAR relating to settlement and potential methane gas release risk stating that it does not accept the response provided by DPC and concluding that the site is unsuitable for anything other than restoration

DPC Response

As stated in DPC's *Response to Submissions* the planning application's accompanying EIAR in Chapter 4 (Volume 2) contains a detailed Assessment of Alternatives for the Project. The reference to minimising settlement and potential methane gas release is in the context of a comparison of the proposed Ro-Ro Terminal Yard with the originally intended Lo-Lo yard. The original intended use of the area as a Lo-Lo yard would have resulted in heavier loads being imposed on the area from stacked containers with resulting higher settlement and potential methane gas release risk. The change from Lo-Lo activity to Ro-Ro activity results in substantially lower loads being imposed on the area with resultant lower risk of settlement and potential methane gas release. The area is currently in use/trafficked and as such there will not be a significant change in operational superimposed loads due to the proposed use as a Ro-Ro terminal. In this regard, DPC has demonstrated that mitigations measures are inherent to the proposals design and layout, demonstrating that the use of the site lends itself to cater for Ro-Ro capacity.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.1.15 Concerns regarding the 'retaining wall and construction methods' at the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.5.1.3 Item 4 – Retaining Wall and Construction Methods.

SAMRA repeats its submission with respect to the construction phase proposals which show the building of a retaining wall and a construction compound to build this which is sited on the amenity open space side of the existing developed areas currently on site. Clarity is sought as to why a retaining wall is required at this location and what construction methods will be used and are these compatible with keeping the walking path open.

DPC Response

It is submitted to the Commission that DPC confirmed in DPC's *Response to Submissions* that a retaining wall is necessary in order to retain the existing berm whilst providing the operational area required to accommodate the anticipated volume of Ro-Ro traffic. The construction of the retaining wall will use standard civil engineering methods and plant including excavation and reinforced concrete construction. A small amount of temporary excavation will be required to accommodate construction and the extent of this temporary working space is illustrated on application drawing CP1901-3FM-RPS-S45- 07-DR-C-0701 Ro-Ro Terminal Yard (Area O) Proposed Operational. Excavated material will be replaced on completion of the wall construction and the embankment will extend to the rear face of the wall. All such work will be on the northern face of the embankment, which is well removed from areas accessed by the public, and therefore will not impact the existing public amenity open space.

DPC considers the information provided with the application documentation and which was further identified in the response to this issue raised in the first submission adequately addresses the concern.

3.6.7.1.16 Concerns regarding the proposed earthworks and retaining wall for the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.5.1.3 Item 5 – Proposed Earthworks & Retaining Wall for the Ro-Ro Terminal Yard.

SAMRA repeats its submission and concludes that the response provided did not address concerns. SAMRA conclude that it stands by its position that the applicant appears to be encroaching on area of the natural berm which were never developed previously.

DPC Response

It is submitted to the Commission, that DPC confirmed in DPC's *Response to Submissions* that a retaining wall is necessary in order to retain the existing embankment whilst providing the operational area required to accommodate the anticipated volume of Ro-Ro traffic. The internal roads areas indicated on the layout are required for safe circulation of HGVs within the terminal.

The proposed excavation and construction of a retaining wall are limited to the northern (landward) slope of the existing berm. No works will be carried out on the southern (seaward) slope of the existing embankment and as such the natural gradient of the south end of the site down to the shoreline will not be affected.

We also respectfully refer to the Commission to responses relating to encroachment and separation is also provided in response to the concerns '**On the issue of the proposed earthworks and retaining wall to the Trailer Park**' in **Section 3.6.7.1.9** of this response to the second submission from SAMRA.

3.6.7.1.17 Concerns regarding the proposed earthworks and retaining wall for the trailer park

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.5.1.3 Item 8 – Foul Drainage Concerns.

The submission is concerned that the amenity block proposed to serve the facility in Area O includes toilets which also raise concerns as to permanent discharge of foul water from the area

DPC Response

It is submitted to the Commission as detailed in Chapter 5 Project Description (Volume 2 of the EIAR) the design of the proposed Ro-Ro Terminal Yard (Area O) incorporates a wastewater network to connect to the existing wastewater system in accordance with the requirements of Uisce Eireann ensuring that foul water generated by the amenity block will be managed effectively. This response was also provided as part of the *Response to Submissions*.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.1.18 Overall concerns regarding the proposed earthworks and retaining wall for the trailer park

Submission

SAMRA include a summary of six concerns over the Trailer Park together with a series of illustrative figures. This summary was also included within the first submission.

DPC Response

DPC confirms that the information provided to address the concerns as set out in the second submission with respect to the issues listed regarding 'a large-scale trailer park as the southern edge of the scheme'.

It is submitted to the Commission that the second submission made by SAMRA contains many of the same issues raised in the first submission. Information to address these concerns is provided within the planning application documentation, DPC's *Response to Submissions* which contained responses to the first submission made by SAMRA and this response to the second submission made by SAMRA. The responses provided to each of the concerns raised seek to address these matters and indicate where detailed information can be located within the planning application.

It is submitted to the Commission that the responses to the concerns raised have been comprehensively addressed by the Applicant in the documentation submitted and response documents to submissions made.

3.6.7.2 Item 2 – Concerns over a lack of 'joined up' Luas proposals

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.2.1.5 Item 4 – Failure to Deliver 'Joined Up' Luas Proposals.

SAMRA's submission reasserts that they do not support the 3FM Project without the inclusion of the Luas and have nothing further to add.

DPC Response

As stated in DPC's *Response to Submissions*, DPC has no responsibility for the design and construction of Luas infrastructure. As previously stated, while it is the intention of the NTA to deliver a future expansion of the Red Line Luas to Poolbeg, the detailed design has not yet been developed by all parties, and the NTA anticipates this may only happen in the later years of the GDA Transport Strategy.

Notwithstanding this, as part of the preparation of the application and design of the SPAR and SPAR Bridge, DPC consulted with the NTA and TII to ensure that the proposed SPAR and associated bridge would be designed in a manner that facilitates public transport facilities and active travel, including a future potential extension of the Luas Red Line. This is evidenced in the South Port Access Road Opening Bridge Preliminary Design Report (by COWI) and the associated engineering drawings. Details of consultation with the NTA and TII are provided in Chapter 3 Consultation and Project Scoping (Volume 2 of the EIAR) submitted with the application.

The response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* under Section 3.2.1.5 – Failure to Deliver 'Joined Up' Luas Proposals which addresses issues and concerns raised in the first and second submission.

3.6.7.3 Item 3 – Concerns over the Natura Impact Statement (S. 3.6.1.3 of the "Response Report")

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

- Section 3.6.1.3 Item 1 – Natura Impact Statement – Concerns & Lacunae.

SAMRA's submission repeats all previous concerns and does not accept the response provided and concerns remain.

DPC Response

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* under Section 3.6.1.3 Item 1 – Natura Impact Statement – Concerns & Lacunae which address issues and concerns raised in the first and second submissions.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.4 Item 4 – Concerns over Asbestos and Dust

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.8.1.2 Item 1 – Asbestos and Dust.

SAMRA's submission repeats all previous concerns and does not accept the response provided and concerns remain.

DPC Response

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* under Section 3.8.1.2 Item 1 – Asbestos and Dust address issues and concerns raised in the first and second submissions.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.5 Item 5 – Concerns over heavy metals in groundwater

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.8.1.2 Item 2 – Heavy Metals in Groundwater.

SAMRA's submission repeats all previous concerns and does not accept the response provided and concerns remain.

DPC Response

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* under Section 3.8.1.2 Item 2 – Heavy Metals in Groundwater address issues and concerns raised in the first submission.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.6 Item 6 – Drainage concerns

Submission

This concern was included as part of the first submission made by SAMRA and a response was included in the Applicant's *Response to Submissions* under:

- Section 3.9.1.3 Item 1 – Drainage Concerns.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

SAMRA's submission repeats all previous concerns and does not accept the response provided and concerns remain.

DPC Response

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* under Section 3.9.1.3 – Drainage Concerns address issues and concerns raised in the first submission.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.7 Item 7 – Air Quality Concerns

Submission

This concern was included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant's *Response to Submissions* under

- Section 3.10.1.3 Item 1 – Air Quality Concerns on Residents Related to Proposed Ro-Ro Terminal Yard – Area O
- Section 3.10.1.3 Item 2 – Air Pollution Concerns Relating to Excessive Reliance on Roads and an Increase in HGVs up to 24/7 During the Construction Phase
- Section 3.10.1.3 Item 4 – Air quality Concerns Relating to Asbestos and Dust

SAMRA's submission repeats all previous concerns and does not accept the response provided and concerns remain.

DPC Response

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC's *Response to Submissions* addressing issues and concerns raised in the first submission.

It is submitted to the Commission that the responses to the concerns raised have been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.8 Item 8 – Cycling Infrastructure Concerns & Climate

This concern was included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant's *Response to Submissions* under

- Section 3.11.1.3 Item 1 – Cycling Infrastructure
- Section 3.11.1.3 Item 2 – Climate Policy
- Section 3.14.1.11 Item 2 – Observations Regarding Cycle Infrastructure Proposals.

SAMRA's submission states that the response provided fails to offer any specific proposals to address concerns.

3.6.7.8.1 Cycling Infrastructure

Submission

SAMRA cite Section 2.4 of the DCDP 2022-2028 which refers to the need for 'premium cycle routes' to address climate change and SAMRA state that the Climate Change report and Chapter 11 of the EIAR fail to address the shortcomings of the submitted cycling proposals. SAMRA's concerns are that the proposed cycling infrastructure is "proper, safe, and useable".

DPC Response

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

As noted above a response to this item was provided in Section 3.11.1.3 Item 1 – Cycling Infrastructure of DPC’s Response to Submissions.

It is clear that the EIA Directive requires that the environmental impact assessment identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of a project on climate (amongst other environmental media). These direct and indirect significant effects on climate have been addressed in full in Chapter 11 of the EIAR (Volume II) and the associated Climate Impact Assessment Report (Volume III) in an appropriate manner using the national guidance published by the TII Climate Guidance for National Roads, Light Rail, and Rural Cycleways (Offline and Greenways) (December 2022). This assessment includes the following aspects of the cycleway:

- An assessment of the direct and indirect greenhouse gas emissions from the construction of the cycleway as part of the SPAR and wider development – this includes both direct construction activities (site clearance, demolition, mobile plant, fixed plant, etc.) and indirect embodied carbon in construction materials (concrete, asphalt, etc.);
- An assessment of the direct greenhouse gas emissions from the operation of the proposed cycleway which are negligible but which will have indirect positive impacts from the reduction in private vehicle use; and
- A climate change risk assessment to identify the vulnerability of the cycleway to climate change and the necessary adaptation measures to increase the resilience of the infrastructure.

In short, Chapter 11 and the associated Climate Impact Assessment Report fully address the environmental impacts as required under the EIA Directive and the associated guidance available within the State. There is no requirement in the Directive or the guidance for this chapter to address non-environmental impacts such as the safety or usability of the cycleway. SAMRA is correct in stating that the Climate Impact Assessment Report and Chapter 11 of the EIAR do not address these aspects of the cycling proposals in terms of safety or usability as this is not the function of these reports which are designed to comply with the requirements of the EIA Directive, however DPC has ensured that the cycling infrastructure has been designed in accordance with relevant design codes, guidelines to address safety and usability matters.

3.6.7.8.2 Climate Policy

Submission

This concern was included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant’s *Response to Submissions* under Section 3.11.1.3 Item 2 – Climate Policy. However, SAMRA’s submission states that the response provided fails to offer any specific proposals to address concerns.

DPC Response

As noted in the previous response to SAMRA, the potential impacts on climate are fully addressed in Chapter 11 of the EIAR. Climate policy at the time of lodgement is discussed in Section 11.1.2 Climate Policy of the EIAR. This chapter of the EIAR assesses the potential climate impacts from the development of the Dublin Port 3FM Project and identifies and presents an assessment of the likely significant effects of the 3FM Project on climate and also the vulnerability of the Project to climatic factors.

This chapter contains an assessment of the consistency of the project with the provisions of the Climate Action and Low Carbon Development Acts 2015 to 2021, the Climate Action Plan 2024 (CAP24), and all applicable domestic and European Union legislative and regulatory requirements. This chapter should be read in conjunction with the Climate Impact Assessment Report presented in Appendix 11-1 and specifically Section 2.2 which lists and describes the climate policy provisions.

Since lodgement, the government has published the Climate Action Plan 2025 (CAP25) which is the third statutory annual update to Ireland’s Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. CAP25 building on CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

In this regard, the actions listed for CAP24 in Section 2.2 of the Climate Impact Assessment Report remain valid for this project and there are no alterations or additions to action in CAP25 that impact upon the policy compliance analysis presented in the EIAR.

Annex IV to Directive 2014/52/EU includes direct reference to climate and climate change with the emphasis placed on two distinct aspects of the climate change item:

- Climate change mitigation: this considers the impact the Project will have on climate change, through greenhouse gas emissions primarily; and
- Climate change adaptation: this considers the vulnerability of the Project to future changes in the climate, and its capacity to adapt to the impacts of climate change, which may be uncertain.

With respect, DPC disagrees that the EIA of the 3FM Project indicates any failure to address any adverse impacts arising from the Project. The 3FM Project is consistent, insofar as is practicable, with local authority policy, national climate policy and all of Ireland's European Union obligations.

3.6.7.8.3 Observations regarding cycle infrastructure proposals

Submission

This concern was included as part of the first submission made by SAMRA. Detailed responses to the items listed were included in the Applicant's *Response to Submissions* under Section 3.14.1.11 Item 2 – Observations regarding cycle infrastructure proposals. However, SAMRA's submission states that the response provided fails to offer any specific proposals to address concerns.

DPC Response

As noted above, a detailed response was provided on the items listed in the submission made by SAMRA. It is submitted to the Commission that proposals included with respect to cycling infrastructure follows extensive engagement with NTA, TII and DCC to ensure that the detailed planning drawings for all projects and policies are compatible. It is submitted to the Commission that concerns expressed with respect to active travel and cycle infrastructure proposals contained in the first and second submission are considered in the content of the 3FM Project. It is submitted to the Commission that the detailed responses provided in DPC's *Response to Submissions* are sufficient to address the concerns raised and provide the clarity sought by observers.

3.6.7.9 Item 9 – Noise Concerns

These concerns were included as part of the first submission made by SAMRA. A response to this concern was included in the Applicant's *Response to Submissions* under

- Section 3.12.1.4 Item 1 – Noise Impact from New Ro-Ro Terminal (Area O) on Sandymount Residents.
- Section 3.12.1.4 Item 2 – Baseline Noise Monitoring
- Section 3.12.1.4 Item 3 – Operational Phase Noise Monitoring.
- Section 3.12.1.4 Item 4 – Draft CEMP.

3.6.7.9.1 Noise Impact from New Ro-Ro Terminal (Area O) on Sandymount Residents

Submission

This concern was included as part of the first submission made by SAMRA. Detailed responses to the items listed were included in the Applicant's *Response to Submissions* under Section 3.12.1.4 Item 1 – Noise Impact from New Ro-Ro Terminal (Area O) on Sandymount Residents. SAMRA's submission restates concerns set out in the original submission but adds that no new information has been offered and no scheme amendments proposed. The submission is concerned with the emerging community at the Glass Bottle site and states that the applicant has failed to address concerns for these future residents.

DPC Response

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

This further submission from SAMRA states that no new information has been offered and no scheme amendments proposed. The previous response to the first SAMRA submission reiterated what was contained within Chapter 12 Noise & Vibration (Sub-section 12.1 Terrestrial Noise & Vibration of EIAR Volume 2). In particular the detailed noise impact assessment of the Ro-Ro Terminal Yard demonstrates that the construction and operation of the Ro-Ro Terminal Yard will not generate any significant noise impact at the nearest noise sensitive receptors in the Sandymount area.

Reference has been made within the submission to the emerging community at the Glass Bottle site and that the applicant fails to address SAMRA's stated concerns for these future residents of the area. It is submitted to the Commission, that as set out in Chapter 12 (Volume II of the EIAR) construction phase noise levels will be below the most onerous construction phase noise threshold limit of 65dB(A) included in BS5228:2009+A1:2014 and a range of mitigation measures within the CEMP including noise monitoring will ensure that this will be the case.

The assessment of operational phase noise levels at multiple locations within the new Glass Bottle site has clearly been presented within Chapter 12, with examples of this in the form of predictions locations and predicted noise levels for the Glass Bottle site included in Figure 12.1.17, Table 12.1.19, Figure 12.1.22, Table 12.1.23, Table 12.1.33 of the EIAR Chapter.

It is stated in the submission that Sandymount residents may constantly hear the site operating at as much as 50dB(A) and that this confirms that the trailer yard is too close. As has been illustrated in the summary of baseline noise levels in Table 12.1.11 of the EIAR, Sandymount residents currently experience average ambient (LAeq) noise levels in the mid-60s dB(A) constantly during the daytime period. For context, a noise level of 50dB(A) would not contribute anything to cumulative noise levels where the prevailing ambient noise levels are in the mid-60s dB(A) and would not be audible.

The assessment and conclusions included within Chapter 12 clearly demonstrates that the proposed Ro-Ro Terminal Yard will generate operational phase noise levels below existing ambient (LAeq) and background (LA90) noise levels.

3.6.7.9.2 Baseline Noise Monitoring

Submission

This concern was included as part of the first submission made by SAMRA. Detailed responses to the items listed were included in the Applicant's *Response to Submissions* under Section 3.12.1.4 Item 2 – Baseline Noise Monitoring. However, SAMRA submits that the baseline noise monitoring location is not representative of Sandymount.

DPC Response

This further response from SAMRA states that the noise monitoring location at Sandymount was selected due to it being one of the few publicly accessible locations available to conduct noise monitoring, appearing to suggest that an incorrect location has been selected due to access constraints. However, it is submitted to the Commission that the monitoring location used in the Sandymount area is representative of the noise environment experienced by the properties along the R131 / Beach Road / Strand Road. Road traffic noise is far and away the dominant noise source at properties adjacent to this road and is a long linear noise source.

The further submission by SAMRA refers to the evening and night-time period, in which it is stated that "*Sandymount is not impacted unduly by background road noise*". However, for the purposes of clarity, it is submitted to the Commission that Table 12.1.11 of the EIAR contains the summary recorded noise levels during the evening and night-time period and do not support this statement.

In addition, it is submitted to the Commission, that the proposed 3FM Project will be constructed during standard weekday hours, as stated throughout the EIAR, and not on 24/7 basis as understood by SAMRA. It is noted that the assessment and conclusions included within Chapter 12 clearly demonstrate that the proposed Ro-Ro Terminal Yard will generate construction and operational phase noise levels below existing ambient (LAeq) and background (LA90) noise levels at the nearest properties in the Sandymount area.

3.6.7.9.3 Operational Phase Noise Monitoring

Submission

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

This concern was included as part of the first submission made by SAMRA. Detailed responses to the items listed were included in the Applicant's *Response to Submissions* under Section 3.12.1.4 Item 3 – Operational Phase Noise Monitoring. However, SAMRA submits that noise monitoring should also take place during the operational phase of the development.

DPC Response

The further submission from SAMRA states that *“the operational phase....will also generate noise (permanently)”*. However, it is submitted to the Commission that the detailed noise impact assessment completed and presented in Chapter 12 of the EIAR clearly illustrates that the proposed 3FM Project will not generate operational phase noise impacts at the residential properties in Sandymount. The assessment and conclusions included within Chapter 12 clearly demonstrate that the proposed Ro-Ro Terminal Yard will generate operational phase noise levels below existing ambient (LAeq) and background (LA90) noise levels at the nearest properties in the Sandymount area.

The submission from SAMRA also states that *“This (i.e. operational phase monitoring), the response states, would fall to DCC”*. For the purpose of clarity, the response did not state that this would fall to DCC. The response provided a clearly factual statement that there is already in place a permanent noise monitoring station along the R131 road in the Sandymount area.

3.6.7.9.4 Draft Construction Environmental Management Plan (CEMP)

Submission

This concern was included as part of the first submission made by SAMRA. Detailed responses to the items listed were included in the Applicant's *Response to Submissions* under Section 3.12.1.4 Item 4 – Draft CEMP. However, SAMRA submits that community liaison and compliant procedures during the construction phase with regard to noise should be included within the CEMP.

DPC Response

Chapter 12 of the EIAR, the draft CEMP and Section 3.12.1.4 Item 4 – Draft CEMP of DPC's *Response to Submissions* to the first submission made by SAMRA provided the detail on the range of noise mitigation measures that will be in place for the construction phase of the 3FM Project. DPC employ full-time staff to manage and undertake the various task required within the existing CEMP duties that have been taking place over the past number of years for the Alexandra Basin Redevelopment (ABR) Project construction works within the Port and for those activities that have commenced for the approved MP2 Project. This will also be the case for the proposed 3FM Project. The CEMP details the active measures that will be undertake throughout the construction process to monitor and manage construction phase noise levels.

It is submitted to the Commission that the response to the concern raised relating to noise have been comprehensively addressed in the planning application documentation and in responses to the first and second submission made by SAMRA.

3.6.7.10 Item 10 – Visual Impact Concerns

This concern was included as part of the first submission made by SAMRA and responses were included in the Applicant's *Response to Submissions* under:

- Section 3.16.1.4 Item 1 – Cumulative Adverse Visual Impact Within the Peninsula
- Section 3.16.1.4 Item 2 – Finished Levels at Ro-Ro Terminal Yard – Area O
- Section 3.16.1.4 Item 3 – Viewpoints 9 & 10 and Visibility of Area O
- Section 3.16.1.4 Item 4 – Impact on Shoreline Coastal Path
- Section 3.16.1.4 Item 5 – Consideration of UNESCO Dublin Bay Biosphere Reserve
- Section 3.16.1.4 Item 6 – Landscape Mitigation
- Section 3.16.1.4 Item 7 – Impact of Ro-Ro Terminal Yard boundary.

3.6.7.10.1 Cumulative adverse visual impact within the peninsula

Submission

With respect to cumulative adverse visual impact within the peninsula SAMRA states that the applicant has not amended the scheme at all to address its concerns and there is nothing new for SAMRA to comment on.

DPC Response

Within DPC's *Response to Submissions*, DPC noted and gave due consideration to SAMRA's concerns and directed the Commission to where concerns are addressed in the planning application documentation. It noted that as proposals have not been amended, SAMRA has no further comment.

It is submitted to the Commission that the application contains plans, sections, elevations, CGI and verified views of Area O to enable an understanding of the development proposed. The relevant drawings included were:

Engineering Drawings

- CP1901-3FM-RPS-S45-07-DR-C-0701 Ro-Ro Terminal Yard (Area O) Proposed Operational Layout
- CP1901-3FM-RPS-S45-07-DR-C-0702 Ro-Ro Terminal Yard (Area O) Proposed Cross Section A-A and B-B
- CP1901-3FM-RPS-S45-07-DR-C-0703 Ro-Ro Terminal Yard (Area O) Proposed Cross Section C-C
- CP1901-3FM-RPS-S45-07-DR-C-0704 Ro-Ro Terminal Yard (Area O) Proposed Cross Section D-D & E-E
- CP1901-3FM-RPS-S45-07-DR-C-0708 Ro-Ro Terminal Yard (Area O) North Elevation
- CP1901-3FM-RPS-S45-07-DR-C-0709 Ro-Ro Terminal Yard (Area O) South Elevation
- CP1901-3FM-RPS-S45-07-DR-C-0710 Ro-Ro Terminal Yard (Area O) East and West Elevation
- CP1901-3FM-RPS-S45-07-DR-C-0740 Ro-Ro Terminal Yard (Area O) Revised Levels Layout

Architectural Drawings

- CP1901_005-DA-00-XX-DR-A-PA-001 Port Park - Proposed Site Plan - Overall Masterplan
- CP1901_005-DA-00-XX-DR-A-PA-200 Port Park_Proposed Site Section AA
- CP1901_005-DA-00-XX-DR-A-PA-201 Port Park_Proposed Site Section BB & CC
- CP1901_005-DA-00-XX-DR-A-PA-202 Port Park_Proposed Site Section DD, EE & FF

Landscape Architecture Drawings

- 33-P-001G Community Gain-Port Park - Overall Proposed Landscape Plan
- 33-P-004 Community Gain-Port Park - Proposed Planting Plan - Area O - Tree Screening (Sh.1)
- 33-P-005 Community Gain-Port Park - Proposed Planting Plan - Area O - Tree Screening (Sh.2)

Arboriculture Impact Survey

- 463924001 Port Park - Tree Survey Plan Retention - Removal (Sh.1)
- 463924002 Port Park - Tree Survey Plan Retention - Removal (Sh.2).

The Port Park: Proposed Site Layout – Over Masterplan illustrated on Drawing No CP1901_005-DA-00-XX-DR-A-PA-001 illustrates the proposed Ro-Ro Terminal yard in context with Port Park, Coastal Park and Irishtown Nature Park. This drawing includes distances from the retaining wall to the coastal pathway. Port Park Proposed Site Sections DD, EE & FF on Drawing No CP1901_005-DA-00-XX-DR-A-PA-202 illustrate a section through southern boundary of the proposed Ro-Ro Terminal yard.

The landscape treatment on the southern boundary of the 3FM project is set out in drawings; 33-P-044 and 005 – Community Gain Port Park Proposed Planting Area O Tree Screening (Sheets 1 and 2); and 33-P-200 – Community Gain Port Park Proposed Landscape Site Sections.

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

In addition, a series of CGIs were submitted to provide a bird's eye view. In order to enable a LVIA of the proposals verified views were also prepared to represent the true view of the proposed development for a selection of vantage point looking towards Dublin Port.

Chapter 17 Landscape and Visual of the submitted EIAR (Sections 17.4.1.4; and 17.4.2 – Viewpoints 9 and 10) contains the detailed landscape and visual impact assessment in relation to the properties at Sandymount as well as amenities at Sandymount Strand and Irishtown Nature Reserve. No containers will be visible at Area O from Sandymount, including from Sandymount Strand. The 5.3ha site will be operated across 354 trailer ground slots, with single height containers or trailers only. Although high mast lighting will be partly visible in the view it will be barely noticeable and read with existing lights.

In order to further demonstrate the separation distance between the proposed 4.7m high amenity building and the high tide mark, sections have been prepared to demonstrate that the building is over 50m from the high water mark (shoreline). These are included on Drawing CP1901-3FM-RPS-S45-07-DR-C-0711 accompanying this response.

In this regard it is submitted to the Commission extensive information has been provided to enable proposals for the proposed Ro-Ro Terminal yard at Area O to be clearly understood. The predicted significance of visual impact will be minor to moderate adverse and not significant. Area O therefore will not result in any significant cumulative landscape or visual effects.

3.6.7.10.2 Finished levels at Ro-Ro Terminal Yard – Area O

Submission

With respect to the finished levels at Area O SAMRA states that the applicant has not amended the scheme at all to address its concerns and there is nothing new for SAMRA to comment on.

DPC Response

Given no further concerns have been highlighted it is submitted that DPC has nothing further to add in response to this item that what has been provided within DPC's *Response to Submissions* remains unchanged.

3.6.7.10.3 Viewpoints 9 & 10 and Impact on the Shoreline Coastal Path

Submission

With respect to the viewpoints 9 and 10 and impact on the shore line coastal path SAMRA states that the applicant has not amended the scheme at all to address its concerns and there is nothing new for SAMRA to comment on. The submission states that despite highlighting that drawings were incorrect and a lack of cross section to review the visibility of the scheme from the south and west.

DPC Response

Given no further concerns have been highlighted it is submitted that DPC has nothing further to add in response to this item that what has been provided within DPC's *Response to Submissions* remains unchanged. We respectfully refer the Commission to the response under section '**Cumulative adverse visual impact within the peninsula**' in **Section 3.6.7.10.1** above which details the information provided as part of the planning application which enables the proposals and resultant visual impact of the Ro-Ro Terminal Yard to be clearly understood.

3.6.7.10.4 Consideration of UNESCO Dublin Bay Biosphere Reserve

Submission

SAMRA states that the LVIA fails to acknowledge and/or give adequate weight to how the proposed development is sited adjoining and essentially forming part of the UNESCO Dublin Bay Biosphere Reserve. SAMRA notes that the response provided to this concern refers to the application documentation.

DPC Response

As stated in the submission from SAMRA DPC's *Response to Submissions* directs the Commission to where the issue is dealt with the application documentation as the Landscape and Visual Assessment contained within Chapter 17 of the submitted EIAR cites that the UNESCO Dublin Bay Biosphere Reserve is within the study

DPC RESPONSE TO FURTHER SUBMISSIONS & OBSERVATIONS

area for the 3FM Project and has been included within the baseline context set out in Sections 17.3.1 and 17.3.2 of Chapter 17 of the submitted EIAR and the landscape and visual impacts assessed in Section 17.4. It is submitted to the Commission that these lands have both been acknowledged and given adequate weight in respect of the design of the proposed development and the assessment of its visual impact.

3.6.7.10.5 Landscape Mitigation

Submission

SAMRA states that the response to this concern is not addressed and only refers to the application documentation. The submission state that the original SAMRA submission can be ‘taken as read’.

DPC Response

As stated in the submission from SAMRA the *Response to Submissions* directs the Commission to where the issue is dealt with the application documentation.

It is submitted to the Commission that no additional issues are raised in the submission, therefore the response to the concerns raised by SAMRA is unchanged and we refer the Commission to DPC’s *Response to Submissions* under Section 3.16.1.4 Item 6 – Landscape Mitigation addresses issues and concerns raised in the first submission.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.10.6 Impact of Ro-Ro Terminal Yard boundary

Submission

SAMRA’s submission restates the concern as set out in the original submission, that a 5.5m tall unbroken boundary wall in the prison-like appearance shown is excessive at this location and would be visually adverse.

DPC Response

Given no further concerns have been highlighted it is submitted that DPC has nothing further to add in response to this item that what has been provided within DPC’s *Response to Submissions* remains unchanged.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.11 Item 11 – Traffic Concerns

These concerns were included as part of the first submission made by SAMRA and a response was included in the Applicant’s *Response to Submissions* under

- Section 3.17.1.6 Item 1 – Construction Traffic Volume
- Section 3.17.1.6 Item 2 – Construction and Operational Traffic Noise.

3.6.7.11.1 Item 1 – Construction Traffic Volume

Submission

With respect to Construction Traffic Volume SAMRA states that the applicant has not amended the scheme at all to address its concerns and there is nothing new for SAMRA to comment on.

DPC Response

Within DPC’s *Response to Submissions*, DPC noted and gave due consideration to SAMRA’s concerns with regard to construction traffic and directed the Commission to where concerns are addressed in the planning application documentation. It noted that as proposals have not been amended, SAMRA has no further comment.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

3.6.7.11.2 Item 2 – Construction and Operational Traffic Noise

Submission

With respect to Construction and Operational Traffic Noise SAMRA states that the applicant has not amended the scheme at all to address its concerns and there is nothing new for SAMRA to comment on.

DPC Response

Within the *DPC Response to Submissions*, DPC noted and gave due consideration to SAMRA's concerns with regard to traffic noise and directed the Commission to where concerns are addressed in the planning application documentation. It noted that as proposals have not been amended, SAMRA has no further comment. It is submitted to the Commission that the analysis set out in the DPC Response Report provides data that specifically addresses the concerns regarding the impact of HGV traffic noise during both construction and operational phases of the project, showing the impact to be negligible/minor.

It is submitted to the Commission that the response to the concern raised has been comprehensively addressed in the planning application documentation and in responses to the first submission.

4 Conclusions

This document provides DPC's response to 20 further submissions and observations received by the Commission following DPC's submission of *Response to Submissions and Observations* document which was submitted to the Commission on 7th March 2025.

This document comprehensively addresses all matters raised in the further submissions and observations. While a number of concerns were expressed, these have been reviewed in detail, and appropriate responses have been provided. Where relevant, DPC's responses refer to documentation submitted with *DPC Response to Submissions and Observations, March 2025*, original planning application, and where necessary, appendices and an additional drawing are provided as part of this response in order to fully address specific matters raised by observers. This material should be read in conjunction with the response to the relevant item and the original application documentation.

It is submitted to the Commission that this submission demonstrates that the 3FM Project planning application was prepared to ensure all planning and environmental items have been fully considered and addressed.

In conclusion, DPC submits that the responses provided fully address the matters raised under further individual submissions and observations made to the Commission.

APPENDICES

- Appendix 1 – MAC Application correspondence from MARA

From: [Niamh Lennon \(MARA\)](#)
To: [Barr, Ruth](#)
Cc: [MARA Consultation](#)
Subject: FW: Dublin Port 3FM Project - An Bord Pleanála Ref ABP - 320250
Date: 16 May 2025 15:11:07
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

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Hi Ruth,

I am happy to take a call on this but firstly to outline perhaps and to provide further understanding to the process;

- As provided by section 75(4)(c) of Maritime Area Planning Act 2021, a MAC application shall be made before the 2nd anniversary of the date of the grant of the permission concerned.
- Section 96 of the MAP Act obliges the holder of the MAC to rehabilitate the maritime area.
- **Section 96(3)** The obligation does not relieve the holder of a MAC from applying for and obtaining any other authorisations under the MAP Act of any other enactments to enable the holder to discharge that obligation. Therefore whilst your MAC may have a Rehabilitation Schedule attached, the applicant may be required to obtain consent from the relevant planning authority for that proposed rehabilitation phase/works etc.
- That rehabilitation obligation may be or include one or more than one of the following:
 - the decommissioning of infrastructure;
 - the removal of infrastructure;
 - the partial removal of infrastructure;
 - the re-use of infrastructure for the same or another purpose;
 - the burying or encasing of infrastructure;
 - the removal of any deposited or waste material.
- **Rehabilitation Schedule - Section 96(4)** the MARA shall not grant a MAC to the applicant for the MAC unless there is a schedule attached to the MAC setting out particulars of how the applicant, if granted the MAC, will discharge the obligation under *subsection (1)*, including particulars of the following:
 - (a) the proposed programme of rehabilitation;
 - (b) the proposed date, or the occurrence of the event, on which the programme will start to be implemented and (if no ongoing maintenance is required by the programme) the proposed date on which the

programme will have been fully implemented;
(c) the estimated costs of the programme;
(d) the expected timelines for applying for and obtaining the other authorisations referred to in *subsection (3)* required in order to enable the applicant to discharge that obligation.

So in summary, you are correct that the MAC is required to be submitted within that 2 year timeframe post planning consent and must include the required particulars as set out in Section 96(4) and outlined above. The important point to note is that if the planning permission hasn't included for this rehabilitation phase/proposal and therefore hasn't been assessed by the planning authority in the governing permission then an applicant would be required to seek planning for that proposed rehabilitation phase of works. So in the Rehabilitation Schedule you are required to outline the expected time lines for obtaining other consents (i.e. planning).

Hope that provides some clarity, however please don't hesitate in contacting myself.

Kind Regards,

Niamh Lennon

Senior Marine Planning Advisor
Assessment, Research and Data

An tÚdarás Rialála Limistéir Mhuirí (MARA)

Maritime Area Regulatory Authority

**An Dara hUrlár, Teach Menapia, Páirc Gnó Dhraighní,
Draighneach, Loch Garman, Y35RF29.**

2nd Floor, Menapia House, Drinagh Business Park,
Drinagh, Wexford, Y35RF29.

Tel: 053 910 5748 Mobile: 086 203 7022

Email: Niamh.Lenon@mara.gov.ie

www.maritimeregulator.ie



From: Jennifer O'Connor (MARA) <Jennifer.OConnor@mara.gov.ie>

Sent: Tuesday 13 May 2025 15:23

To: Niamh Lennon (MARA) <Niamh.Lennon@mara.gov.ie>

Subject: FW: Dublin Port 3FM Project - An Bord Pleanála Ref ABP - 320250

Hi Niamh,

Please see below for your attention.

Regards,

Jennifer.

Jennifer O' Connor
Analyst
Assessment, Research and Data

☎ 053 – 910 5756 ✉ jennifer.oconnor@mara.gov.ie

An tÚdarás Rialála Limistéir Mhuirí (MARA)
Maritime Area Regulatory Authority

**An Dara Urlár, Teach Menapia, Páirc Gnó Dhraighní,
Draighneach, Loch Garman, Y35RF29.**

2nd Floor, Menapia House, Drinagh Business Park,
Drinagh, Wexford, Y35RF29.



From: Barr, Ruth <Ruth.Barr@rps.tetrattech.com>

Sent: Tuesday 13 May 2025 15:18

To: MARA Consultation <consultation@mara.gov.ie>; Jennifer O'Connor (MARA) <Jennifer.OConnor@mara.gov.ie>

Cc: Barr, Alan <Alan.Barr@rps.tetrattech.com>

Subject: Dublin Port 3FM Project - An Bord Pleanála Ref ABP - 320250

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Good afternoon Ms Lennon and Ms O'Connor,

An Bord Pleanála have provided Dublin Port Company (DPC) with the response from MARA (14th April 2025 – see attached) on the 3FM Project planning application.

RPS on behalf of DPC have a query regarding the MARA submission which we would like to discuss with you prior to making a response to An Bord Pleanála?

Looking at the Maritime Area Planning Act 2021, we would have thought that a Rehabilitation Schedule is not required for the planning application, but will be required when a MAC is sought subsequent to a grant. The MARA letter references a planning rehabilitation schedule (PRS) as defined by S 95 of the Act. S 95 in turn references a PRS in relation to a MAC to which Section 75 (5) applies. Section 75 (5) in turn does not apply to our application as S 75(4) (a) to (c) removed the requirement for DPC to get a MAC, instead requiring that we apply for one within 2 years of a grant.

We would be happy to meet via a Teams call in the next week if possible

Yours sincerely

Ruth Barr

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- Appendix 2 – Minutes of Meeting Between DPC and Pigeon House Road Residents

Minutes of Community Liaison Meeting on 3FM Project with Pigeon House Road Residents

Wednesday 04/09/2024

Venue: Dublin Port Co., Head Office, PMO Meeting Room, 2pm

ATTENDEES:

Dublin Port Company: Cormac Kennedy – Head of Commercial, Brendan Considine – Project Management Office, Kenneth Hayes – Project Management Office, Edel Currie – Community Engagement Manager, Eimear Dunne – (minute taker)

RPS: Alan Barr – Senior Project Director, Mark McConnell – Head of Marine Engineering, Tony McNally – Environmental

Pigeon House Road Residents: Jason McDonnell; Graham McDonnell; Joe Whelan; Gerard Byrne; Margaret Byrne; Brenda Hannigan (Moylan); Gary Costello

ISSUES DISCUSSED

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
1.	Introductions	The meeting opened with short introductions.		

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
2.	Presentation	<p>Dublin Port provided an overview presentation on 3FM and discussed the main factors involved:</p> <ul style="list-style-type: none"> • Current MTL LoLo operations to be moved away from residential areas to the eastern end of Poolbeg peninsula (in front of the Poolbeg chimneys). • Area O will become a trailer parking facility to work in conjunction with the new RoRo terminal (replacing current MTL Terminal) proposed in ‘Area K’ as part of 3FM. • A portion of Area O will be made available to DCC to facilitate the provision of a District Heating Energy Centre. • The new Southern Port Access Route (SPAR) will take 95% of HGV traffic off the East Link Bridge. 24-hour traffic on the SPAR is proposed. The SPAR has been specifically designed to reduce the noise and visual impact on residences on Pigeon House Road. • There will also be a new active travel cycleway and pedestrian way linking in with the Tolka Estuary Greenway and the wider DCC Active Travel network. • New Maritime Village – will provide new facilities for the Poolbeg Yacht Club, Stella Maris Rowing Club, the Ringsend Registered Fishermen and Private Boatowners, the Irish Nautical Trust. • c.2027 – if planning granted 3FM construction works to commence (15-year planning permission is proposed). • c.2035 – if planning granted, SPAR construction to commence (pending any planning conditions which may be imposed by ABP). • Current and future DPC infrastructure is designed to enable shore to ship plug in power compatibility (DPC is working with Eirgrid for shoreside power supply). This will reduce noise and emissions from ships. 		

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
3.	Piling	<p>Question re. Piling from Residents – has there been testing carried out? Residents worried about impact on their homes that are over 100 years old and concerned about valuation of houses decreasing during works. Also raised issue of noise proofing, as previous nearby site investigation works were noisy? What will it cost them during the construction works?</p> <p>In the discussion arising, the following points were made:</p> <ul style="list-style-type: none"> • There is a different piling method being used for this element of the project - with less noise and less vibration. The piling method was explained in detail. • Testing has been undertaken, and DPC is satisfied that the proposed construction methodology can be implemented. • There will be a survey of relevant homes carried out pre and post works. • There will be a full time Environmental Officer employed during works to link in with contractor and residents if there are any issues. • If any physical damage occurs to houses arising from the works, then DPC will be responsible - but the works have been designed in a manner to ensure there is no impact. • Residents were concerned was that the houses would not be sellable during the work. There was some discussion on this point, including the possibility that after the works, the houses may increase in value due to the overall enhancement of the area from provision of active travel facilities and the proposed Maritime Village. DPC contended that there should be no impact as a potential purchaser would be looking to the future beyond the works duration. This view was not accepted by the residents. 		

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
4.	Rats	<p>Residents concerned about the disturbance to the riverbank will displace rats. They experienced this in 1984 with the construction of East Link Bridge. It was acknowledged that rats are present in this area in the normal course given the proximity to the riverbank. However, these are expected to move along the rock armour during construction works (which was not present when the East Link was constructed, rather than move inland.)</p> <p>DPC is committed to mitigate any impacts and will have Rentokil or similar on standby to deal with any issues - in case they arise. In addition, site maintenance standards are vastly better than in the 80s - with far better housekeeping being implemented.</p>		
5.	Grass Verge / Seawall	<p>Question re. ownership of grass verge on the Pigeon House Road and Eastlink – is it DCC or DPC’s responsibility? Also, the Seawall - is it in the ownership of DPC? It is important to Ringsend and District Historical Society. The following points were made:</p> <ul style="list-style-type: none"> • Advised that DCC own the grass verge and undertook to follow up with DCC re. planting etc. • DPC not 100% sure re. seawall at this location and will investigate this point and revert with an update. • All agree the Seawall / Granite Steps are very important historical structures to keep as is during the works as reflected in conservation proposals as part of 3FM. • Residents raised concerns about protection of jetty at St Patricks Rowing club during the Dodder Bridge works – which it is noted is not part of the 3FM proposals. 		

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
6.	View / Traffic / New Bridge	<p>Question re. residents' concern about negative impact on their view of the river. The SPAR will mean they are further away from the river? Also question about the increase in traffic due to the SPAR. In response the following points were made:</p> <ul style="list-style-type: none"> • DPC stated that the SPAR will take the HGV's etc and remove port and commercial traffic from surrounding roads off East Link Bridge, so traffic on these roads will be reduced. Consistent with the current East Link Road, the SPAR will have 24-hour traffic. • Noted pedestrian crossings are improved as a result of works. A pedestrian bridge was not viable or practicable for a number of reasons. • Stated the Maritime Village will provide improved waterside access, and a new public plaza. • DPC provided an artist's impressions of river views pre and post works. • The impact of the design of the SPAR took account of visual and amenity impacts on adjoining residences in Pigeon House Road 		
7.	AOB	<p>Residents also asked about LUAS plans. Covanta Plans? The following points were made:</p> <ul style="list-style-type: none"> • Stated that the SPAR bridge is designed so that it can be modified accommodate a future LUAS. No route has yet been chosen by the NTA for the Luas to Poolbeg – and it might connect via a different routing to the city. • Residents expressed concerns about potential volume increase from Covanta. DPC said it had no role in Covanta operation and that this was a matter between Covanta and DCC 		

Item	Topic	Discussion / Decision / Comments	Responsible	Action Date
	Summary	<p>The meeting concluded with a summary of meeting from the residents' perspective:</p> <ul style="list-style-type: none"> • Happy that DPC agreed to meet to discuss residents' concerns and satisfied with initial engagement. • Grass Verge – Dublin Port to follow up with DCC • Vermin – Environmental issue to be managed and monitored • Surveys of homes – DPC agreed to pre and post works surveys • Noise – work hours to be followed / liaison officer to get in touch with residents • View – Noted that the River will still be visible and accessible through the Maritime Village _- DPC to show design evolution of the SPAR. • Traffic Pollution – 24 hours a concern – DPC to address • Impact of the works on the value of houses – DPC to continue engagement with the residents on this matter. <p>Preservation of wall – Addressed in the 3FM Project Conservation Management proposals</p> <p>DPC will maintain engagement with the residents on the potential impact of the 3FM Project on their homes with a view to mitigating any adverse impacts and addressing issues where they arise. There was also a discussion on the matter of compensation for the residents. DPC has a strong record of constructive engagement with local residents and will maintain this contact.</p> <p>The meeting was closed with an agreement to follow up on issues and to circulate minutes to all.</p>		

- Appendix 3 – Legal Submission in Response to the Legal Case Law Observations Raised

GARRETT FENNELL

SOLICITOR

Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin D01 V902

29 July 2025

Ref: ABP-320250-2024
Dublin Port Company, 3FM Project

Dear Sirs,

We refer to the above application and confirm that this office is advising Dublin Port Company (the "Applicant") in relation to legal issues arising in relation to the application.

In particular, on behalf of Dublin Port Company, we have reviewed the submission made by Peter & Mary Carvill, dated 25 April 2025, in reply to the response of the Applicant to their original observation (the "submission"). The submission raises a number of legal points and, having consulted with counsel, we now set out the Applicant's response to those legal points raised in the submission.

Holohan v. An Bord Pleanála Case C46/17

Mr. and Mrs. Carvill state the following in respect of the above judgment of the Court of Justice of the European Union [CJEU]:

"The Holohan judgment of the Court of Justice of the EU (Case C 46/17) (Holohan v An Bord Pleanála) stated (inter alia) that;

an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

We maintain, therefore that it is not possible, in the absence of the necessary scientific data regarding the GSW mudflats, submitted to the Board by the Dublin Port Company, for the Board, as the competent authority, safely to give a positive Appropriate Assessment regarding those aspects of the 3FM Project that are likely to impact the birds that feed and roost on those mudflats."

First, the Applicant acknowledges its legal obligation to "catalogue the entirety of habitat types and species" for which the Dublin Bay SPAs (including the North Bull Island SPA) is protected and to "identify and examine both the implications of the proposed project for the species present on that site... and the implications for habitat types and species to be found outside the boundaries of that site".

However, the Applicant notes that the area referred to in Mr. and Mrs. Carvill's submission, being the mudflats at the Great South Wall, does not fall within any European site and, therefore, falls to be assessed on the basis of the latter part of the above extract from *Holohan*; being an area "outside of the boundaries" of the Dublin Bay SPAs.

Secondly, it is evident from the application documentation, that the area in question has its origins as a feeding and roosting ground for black-tailed godwits in the rupturing and failure of the ESB / Uisce Éireann discharge channel and weir, which artificially created the feeding and roosting area in question. Indeed, as noted in the NIS (page 98) that "The wastewater discharge channel is currently in disrepair and sections of channel wall have failed allowing fugitive discharges upstream of the outfall, and sediment accumulation at the channel outfall. This situation will be addressed as part of a separate project by Uisce Éireann to upgrade works at Ringsend to improve the water quality of Dublin Bay. Such works may render the intertidal area at the outfall less attractive as a feeding location for waterbirds."

The EIAR, furthermore confirms Uisce Éireann intention to repair that broken discharge channel and weir. Moreover, in the Applicant's Response to Submissions, March 2025 (Section 3.6.1.6, Item 1), it was expressly noted that "once the cooling water channel is functioning effectively once again, this area will no longer be available to the avian community and therefore will cease to be a foraging / roosting site, even in the absence of the 3FM Project."

Accordingly, the intended repair work is a legal obligation of Uisce Éireann and will occur whether or not the Applicant's 3FM Project is carried out. Therefore "the implications of the proposed project" per the *Holohan* judgment will be minimal insofar as the repair works by Uisce Éireann will take place with or without the 3FM Project.

Indeed, the Commission will have noted the submission made by the Development Applications Unit [DAU] of the Department of Housing, Local Government and Heritage Applications, dated 25 April 2025, which states (at page 4):

"While the Department considers that the observed usage of the outfall area at Poolbeg by black-tailed godwit constitutes ex-situ usage of a habitat by a SCI species for the North Bull Island SPA, it accepts that the damage to the outfall channel wall is the principal factor determining the level of usage of the outfall area by the black-tailed

godwit and other SCI species, and that construction of the Lo-Lo terminal as proposed is unlikely to affect significantly such usage of this area by SCI species.”

The repair works to the ruptured discharge channel and weir, the associated elimination of this ex-situ area for use by the black-tailed godwit and other SCI species, and the cumulative impact of the 3FM Project on the area have been fully assessed by the Applicant in the EIAR, NIS and further information submitted to the Commission.

In respect of the significance of the area in terms of the numbers of black-tailed godwits present, the Applicant confirms that it takes no issue with the additional data submitted by Mr. and Mrs. Carvill. The provision of additional scientific information to An Coimisiún Pleanála, from any party, makes for a more robust assessment process. The Applicant submits that, on the basis of the robust data provided by the TTTCC Bird Survey commissioned by the Applicant and included in the NIS, together with all additional information submitted on the application – including the additional data submitted by Mr. and Mrs. Carvill – the Commission is undoubtedly in a position to *“identify and examine both the implications of the proposed project for the species present on that site... and the implications for habitat types and species to be found outside the boundaries of that site”* as required by the CJEU in *Holohan*.

Indeed, it is instructive for the Commission to note the consideration of, inter alia, the judgment of the CJEU in *Holohan* in the judgment of Barniville J. in *Rushe v. An Bord Pleanála* [2020] IEHC 122:

“It seems to me that apart from confirming the well-established case law of the CJEU in relation to the requirements for an AA (as considered and applied by the Supreme Court in Connelly), the answers given by the CJEU in Holohan to the three relevant questions referred to it were particularly directed to the situation where the Board’s inspector (or another scientific expert) had recommended that the information provided with an application for permission was inadequate and that significant further information was required. The CJEU outlined in Holohan what the competent authority (in that case, the Board) had to be satisfied of, in light of that recommendation, before it could carry out a valid AA and then proceed to consider the grant of permission for the development. In my view, the answer given to these questions by the CJEU makes clear that it was dealing with that particular situation, albeit that it was, of course, confirming previous case law of the CJEU as to the requirements for a valid AA under Article 6(3) of the Directive (see para. 49). Insofar as the applicants contended otherwise at the resumed hearing, I do not accept that contention.”

It is clear from the judgment that the *“particular situation”* referred to by Barniville J. in *Rushe* was that a Board/Commission Inspector had stated a view that the information provided with an application was inadequate. It is also clear that this issue has not arisen in respect of the 3FM Project application particularly, in circumstances where, as set out above, the TTTCC Bird Survey and, indeed, the additional data submitted by Mr. and Mrs. Carvill. is more than sufficient for the Commission to carry out a lawful appropriate assessment of the impact of the 3FM Project, including in relation to the likely significant effects on the area in question.

Case C-418/04 Commission v. Ireland

Mr. and Mrs. Carvill also seek to rely upon **Case C-418/04 Commission v. Ireland** (at page 7 of the submission). It should be noted, firstly, that those infringement proceedings were taken by the European Commission against Ireland in respect of the designation of certain areas as SPAs. The case against Ireland can be summarised as follows:

“The Commission argues that Ireland has failed to fulfil its obligation under Article 4(1) and (2) of the Birds Directive because it classified certain sites as SPAs only partially. In its view, the SPA boundaries were in many cases drawn so as to exclude equivalent adjacent areas of ornithological interest as identified in IBA 2000. These criticisms cover a total of 37 sites.”

The 37 no. sites at issue included mudflats at the Tolka Estuary. The Second Chamber of the European Court of Justice held against Ireland in the following terms:

“The Court accordingly finds that the second area is used as a feeding ground by three of the nine bird species which are decisive for the classification of Dublin Bay as an area of ornithological importance. That area is used by those species within the average limits which could be expected, if not more. Consequently, it is an integral part of the entire wetland ecosystem and for that reason ought also to have been classified as an SPA.”

Notwithstanding the fact that *Commission v. Ireland* included consideration of mudflats used for feeding by seabirds in the Dublin Bay Area, the Applicant does not believe that the infringements have any legal relevance to the consideration of the 3FM Project application.

In any event, the Applicant acknowledges that – and has provided more than sufficient information to enable an assessment of the likely significant effects on – the mudflats adjacent to the ruptured ESB / Uisce Éireann discharge channel and weir, which are used by significant numbers of birds in respect of which the Dublin Bay SPAs are protected. The Applicant has also assessed the impact of the 3FM Project, both singularly and in combination with all other relevant potential projects, on these mudflats as a location that may have ex-situ impacts on the relevant SPAs.

As a result, insofar as Mr. and Mrs. Carvill submit the judgment in *Commission v. Ireland* in support of the suggestion that the impact of the 3FM Project on the mudflats adjacent to the ruptured ESB / Uisce Éireann discharge channel and weir, and the birds using it should be assessed robustly, the Applicant agrees. However, the Applicant submits that, on the basis of all the information submitted to An Coimisiún Pleanála on the application, there is (i) sufficient information before the Commission to enable it to carry out an appropriate assessment, and (ii) having carried out such an assessment to conclude that there will not be an adverse effect on the integrity of any European site, including ex-situ usage of the mudflats adjacent to the ruptured ESB / Uisce Éireann discharge channel and weir, by any SCI species .

Conclusion

The information submitted to An Coimisiún Pleanála in the context of the application for planning permission for the Applicant's 3FM Project is more than sufficient for the Commission to lawfully assess the implications of the proposed 3FM Project for the species present on the Dublin Bay SPAs and the implications for habitat types and species to be found outside the boundaries of the Dublin Bay SPAs, including the mudflats adjacent to the ruptured ESB cooling water channel which is currently in use by the black-tailed godwit.

Yours faithfully,



**Garrett Fennell,
Solicitor for the Applicant**