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1 Introduction

This planning report sets out the planning arguments in favour of the development as follows:

- **The Importance of Dublin Port**
- **Economic background and project justification**
- **Relevant planning history**
- **Location and site**
- **The proposed development**
- **Compliance with relevant plans and policies**
- **The main planning issues**
- **Community Gain**
- **Consent**
- **Conclusion**

A number of documents that highlight particular and important aspects of the proposed development is attached to this report as appendices.

This report additionally refers to the EIS.

The application is for a ten-year permission given the extent of the proposed development, the restricted dredging season and the complexities of keeping the Port fully operational during the works. Some of the works are weather dependent. The intention is to finish the works within six years it may prove that they will extend beyond the six years.

2 The Importance of Dublin Port

Dublin Port is the most important port in the Irish Economy. It handles 43% of international trade through Irish ports. However, in the higher value unitised trades, this proportion increases to 80%. Dublin Port caters for the Dublin Region in particular, which is the country's most important economic region. It also caters for large areas of the country outside the Greater Dublin Area.

Its significant market share arises due to:

- The large population it serves in the Greater Dublin Area (1.8m) and proximity to that population.
- Its location at the heart of the national road and rail systems in particular the new motorway system
- Its proximity to the main ports in the UK west coast including Holyhead, Liverpool and Milford Haven
- Its large scale which offers frequent and convenient shipping services.
- Its landlord model where multiple cargo handling companies compete

Dublin Port is a vital component of the Ireland's economy and is of national as well as regional importance.

The Port occupies 260 ha of land at the city's doorstep and is an integral part of the city's infrastructure and critical to its economic functioning. Dublin Port Company (DPC) and the many shipping and goods handling companies operating in the Port give rise to significant employment close to the heart of the city and many within the local inner city communities rely on that employment for their livelihoods.

The Port is well connected to the national motorway network and rail infrastructure and the Port Tunnel facilitates the operation of the Port without impacting on the City's amenities.

3 Economic Background and Project Justification

A full socio-economic study setting out the background to the application is attached as **Appendix 1** to this document. It has been prepared by Jim Power Economics. It analyses the role Dublin Port plays in the local and national context including its competitive nature and importance to the local area in terms of employment. It also establishes the economic context that supports the application.

Appendix 2 sets out the project rationale based on the expert views of DPC. Port personnel have intimate knowledge of the requirements of Dublin Port, the national and international shipping context within which it operates and the challenges it faces. It states why the proposed development is needed and addresses issues of capacity, the growth in cargo and passenger volumes, increases in ship sizes and why the Port is the preferred location for shippers. It highlights issues of competition between ports and the reasons why the Port is so successful.

Appendix 3 sets out a description of operations in Dublin Port, which may be of assistance to the Board in understanding the issues involved in running the Port.

In terms of need the Port must cater for increased volumes of both cargo and cruise passengers as set out below.

Cargo

The Port experienced steady growth of an average of 4.6% in gross tonnes in the period 1980 to 2010 and a particularly rapid growth between 2003 and 2007, at which stage it experienced capacity problems. However, the volume declined by 9.5% between 2007 and 2012 due to the economic downturn and eased these problems. 2010 saw the bottoming out of the decline and in 2013 the port saw organic growth of 3.0% for the first time since 2007. Indications are that an increase in volume will be maintained in 2014. DPC expects cargo volumes to maintain a growth pattern in line with increases in GDP and population as well as a shift towards larger ports where greater choice and more frequent sailings are available. DPC has adopted a modest forecast growth rate of 2.5 % in the years up to 2040.

Growth in the different modes of cargo handling is not uniform. Ro-Ro for instance increased by 9.2% between 1990 and 2013 whereas break bulk decreased by -7.5 %.

Looking to the future, DPC believes that unitised trade (Lo-Lo and Ro-Ro combined) will grow at a faster rate (2.8%) than non-unitised such as bulk solids and bulk liquids (0.7%). Moreover within the unitised category Ro-Ro is expected to grow faster at 3.2% compared to Lo-Lo at 1.7%.

Passengers and Cruise Volumes

Dublin Port has experienced a dramatic increase in cruise liner vessels visiting the Port as well as the number of passengers in the last decade. Numbers of passengers rose from circa 32,000 in 2004 to in excess of 100,000 in 2013. It can be noted that there was no reduction in growth during the recession. This increase is expected to continue in line the worldwide increase in popularity of cruising.

DPC has looked at three different growth scenarios and adopted a target increase in cruise passenger numbers to 343,000 by 2032 i.e. three times the present volume.

Ship Sizes and Cargo Sizes

Ships of all types are increasing in size worldwide in response to economic pressures and increasing fuel costs. Ports throughout the world are reconfiguring in order to cater for this growth.

In the case of Dublin the maximum draft for a ship to enter the port is currently 10.2m. For container ships, the practical draft limit is 9.0m due to the additional restriction of depths at berths. This corresponds to a maximum size of container ship in the region of 1,400 TEU¹. Dublin Port will not seek to cater for the extremely large ocean-going container vessels now with capacities of up to 18,000 TEU. However, DPC considers it will have to cater for vessels of up to 3,500 TEU. Ship length is not an issue but increases in channel depths and berth depths will be required.

In the case of Dry Bulk, the Port is experiencing an increase in vessel sizes and again deeper channel access and deeper berths are required.

In the case of multipurpose Ro-Ro, which caters for passengers and cargo as cross-channel ferries, there is a need for increased berth lengths of 240m but draught is not an issue.

Most cruise vessels do not have draught issues in Dublin Port, but ship length is a constraint.

Existing Infrastructure

¹ Twenty foot equivalent unit (TEU) which is a unit of cargo used to describe capacity of container ships.

There is also a problem with some existing infrastructure with refurbishment or replacement required for a number of quays that have reached or are approaching the end of their useful lives.

Contamination

There is a legacy contamination issue with Alexandra Basin West in relation to heavy metals as a result, particularly, of past ship building and repair. This limits DPC's ability to carry out essential maintenance dredging and as berths become increasingly busy it is essential that berths in this section of the basin are capable of being dredged for maintenance purposes as well as for catering for vessels with deeper draughts.

Catering for Need

To meet the forecast demand the Port Company therefore needs to:

- **Provide for deeper berths and a deeper channel to cater for larger vessels**
- **Reconfigure a number of existing quays and berths to cater for longer vessels including the demolition of parts of the quays.**
- **Provide for new improved quayside infrastructure**
- **Reconfigure its landside storage areas and provide some additional areas to cater for increases in the volume of unitised cargo.**
- **Provide for the remediation of contaminated areas.**

4 Relevant Planning History

4.1 Introduction

Although there is an extensive planning history to various elements within the Port, including recent applications for smaller works to Dublin City Council designed to implement the Port's Masterplan such as the new car compound on East Wall Road (Reference No. 3788/11), the most significant application was that for the Gateway Project which was refused permission by An Bord Pleanála under the Strategic Infrastructure Act. (Reference No. **29N.PA0007**). It can be said to have established a number of precedents in relation to issues associated with the expansion of the Port.

4.2 Dublin Gateway Project

The Dublin Gateway Project was also based on expectations of growth although the predicted levels of growth were assumed to be higher than the figure now selected. (Inevitably these previous forecasts were influenced by the unprecedented economic growth levels being achieved at the time the application was being prepared). The Dublin Gateway Project consisted of an extension of 21 hectares of landfill to the east of the Port in an area that was a proposed SPA. It provided for both additional open container storage and

handling areas and new quayside facilities and berths. It did not cater for cruise ships. The application was refused permission by An Bord Pleanála for the following reason:

“The proposed development is partly within the South Dublin Bay and River Tolka Estuary proposed Special Protection Area (pSPA), designated under the Birds Directive. On the basis of the submissions made in relation to the proposed development, it is considered that

- a) The significance of the permanent loss of wetland habitat from the pSPA arising from the proposed development has not been clearly or adequately established,*
- b) the full extent of long-term changes to the morphology, sediment regime and consequent impacts on the benthic food resource within the Tolka Estuary as a result of hydrodynamic changes generated by the proposed development has not been adequately established, and*
- c) the significance of the development site for use by bird species that are qualifying interests for the pSPA has not been clearly established, and*
- d) the significance of the permanent loss of the benthic food resource as a result of the proposed development has not been adequately established.*

Accordingly, the Board is not satisfied that the proposed development would not adversely affect the integrity of the South Dublin Bay and River Tolka Estuary pSPA and is not satisfied that it would not adversely affect the natural heritage of Dublin Bay, contrary to the proper planning and sustainable development of the area.”

The Board’s inspector recommended refusal on a number of other grounds. However, the Board rejected these. The Board’s rejection can be taken as a precedent as it rejected many of the grounds of objections articulated by third parties, which are of a generic nature and which may arise again in regard to the subject application.

Balanced Regional Development and the need to avoid monopolistic conditions

They Board did not accept the inspector’s view that national policies would indicate refusal on the basis of balanced regional development and avoidance of monopolistic conditions. The Board noted that Dublin Port directly serves the major population centre on the island of Ireland and the heavy infrastructural investment in terms of road and rail links has already been made to serve Dublin Port, in particular the Port Tunnel. The Board considered that the expansion of Dublin Port would not in overall terms be contrary to Government policies.

It then considered those policies individually as follows:

National Spatial Strategy

With regard to the National Spatial Strategy, the Board noted that the Strategy recognises the importance of the future success of the economy of the Greater Dublin Area in the life of the State. The continued health of Dublin is stated to depend, in part, on good international access, including through Dublin Port. Although commenting on limitations in the capacity in the Port and referring to possible alternative development at other ports, the National Spatial Strategy does not advocate any specific limit on the development of Dublin Port.

Ports Policy Statement

The Department of Communications, Marine and Natural Resources Ports Policy Statement, 2005 advocates competition between ports and, in this context, accepts the provision of surplus capacity is a concomitant of such policy.

National Development Plan 2007-2013

The Plan points to the critical importance of Ireland's commercial seaports and indicated that there would be a comprehensive study of the role of Dublin Port, taking account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the National Spatial Strategy and national economic policy.

The Dublin Port National Development Plan Strategy

This report prepared by Indecon Economic Consultants concluded that additional port capacity will be required in Ireland and did not recommend that any limitations be placed on the expansion of Dublin Port at that stage.

In summary it can be noted that the Board accepted that national policy did not set a limit on the expansion of the Port, that the expansion proposed was compliant with the National Spatial Strategy and other extant national policies.

Since Dublin Gateway, Government policy has been more clearly articulated in the form of *National Ports Policy 2013* (see below) which categorises Dublin Port as being of national significance and of Tier 1 status.

Larger Ships

The inspector also recommended refusal on the basis that "there are uncertainties surrounding the capability of Dublin Port to respond to international trends towards larger ships in the long term, in particular, with regard to the adequacy of the navigational channel into the Port".

The Board concluded that this was not a consideration which would warrant a refusal of planning permission.

The Board will note that the Alexandra Basin Redevelopment Project involves the deepening of the Port's shipping channel.

Flood Risk to Clontarf

The inspector also recommended refusal because he considered that the proposed development would give rise to a risk of flooding to Clontarf.

The Board did not accept this and noted that Clontarf is already at risk of flooding and that a flood relief scheme by the City Council had been approved to respond to this problem. The Board accepted the applicant's position that the proposed development would not result in significant increase in flooding risk. (Local residents subsequently opposed the Council's flood relief scheme project and it was abandoned and discussions are now taking place between the parties through a conciliator with a view to achieving an agreed scheme).

The ABR Project does not involve any land reclamation that would impact existing wave patterns in the area that was the subject of concern in relation to flooding in the Dublin Gateway project. The proposed development is confined to the existing Port and its approach channel.

4.3 Dublin Port Company's Actions following the refusal

As a result of the Board's negative decision a re-think of how the Port could meet its growth challenges was undertaken and a Masterplan was prepared in 2011 and published in early 2012. It outlined options and selected a number of projects that would progress the Port's development. It was informed by a non-statutory SEA and an AA. The Masterplan is discussed in further detail in **Section 7.0** below.

One of the Port's essential requirements is for more quayside storage space for containers and trailers. Previous efforts to take back suitable space was resisted by leaseholders who had high expectations in relation to land values as a result of the property boom and published plans and policies by third parties advocating the closure of the Port in favour of its replacement by a new port in Bremore. However, since then greater realism has set in and DPC has taken advantage of the reduction in land values to re-acquire significant open storage areas in suitable waterside locations.

The proposed development includes the provision of more landside space at Graving Dock No. 2 and Berths 52 and 53, which together with recent acquisitions will largely address the landside storage requirement close to deep water for at least the next decade.

However, the requirement for new infrastructure, berthage and access to deep water remains. The only solution to the quayside and waterbody issue in the light of the Board's decision, albeit a difficult solution, is to re-engineer existing quaysides and berths and deepen the berths and shipping channel up as far as Alexandra Basin West.

The current application was then formulated and represents approximately one third of the total development envisaged in the Masterplan. The Project is entitled the Alexandra **Basin Redevelopment** (ABR) Project.

4.4 Conclusion

The applicants have been guided by the precedent set by the Board in the Dublin Gateway decision in formulating their new proposal. The Dublin Gateway proposal foundered because the Board was not satisfied that the proposed development would not adversely affect the integrity of the South Dublin Bay and River Tolka Estuary SPA. This related to the loss of possible feeding grounds in areas that were occasionally exposed at high tide which would

have been lost as the extended area would cover these grounds. The current application does not impact directly on these feeding grounds or the designated areas as the works are, as stated above, confined to the established port and to the existing channel.

The present project complies with the proper planning and sustainable development of the area, and issues raised by the inspector as set out above are either irrelevant or the Board has disagreed with his conclusions. Other issues that were raised in relation to Dublin Gateway with regard to traffic, noise and vibration, air quality, visual impact were not considered by either the inspector or the Board to be critical.

5 Location and Site

Dublin Port is located to the east of the City and is largely self-contained due to the high level of security associated with a modern port. Indeed, one of the major challenges facing the Port and the City is to reconnect with each other and this is addressed in the Masterplan and in this application. As noted above, Dublin Port is well served in terms of access for HGVs by the Dublin Port Tunnel and its linkage to the wider national motorway network. It is also well served by rail and is located at the heart of the national rail system with an extensive infrastructure of rail within the Port itself. The eastern side of the Port is also served by public transport in the form of the Luas Red Line which terminates at the Point Depot directly across East Wall Road from the Port boundary. It is served by bus along East Wall Road and with services meeting the passenger ferries.

Of the 260ha occupied by the Port, the greater 215ha is located on the north side of the Liffey.

All the land uses and activities associated with a port take place in the Port, including extensive open and closed storage areas, cargo handling, cranes, gantries and access ramps. The Port is open on a 24 hour basis with major peaks in activity concentrated in the early morning and early evening. **Appendix 3** (*A Description of Operations in the Port* describes the operation of the Port).

The site itself consists of the eastern portion of the Port located around Alexandra Basin West, the main shipping channel and Berths 52 and 53 further to the East and occupies an area of 534ha, inclusive of the channel. A detailed site description is given in the EIS.

6 The Proposed development

The proposed development is fully described in the public notice and the EIS and is repeated here for the Board's convenience.

6.1 Alexandra Basin West

- The infilling of Graving Dock No. 2 having an area of 6,055m²
- The excavation and restoration of historic Graving Dock No. 1.

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- The removal of an area of infill material of c. 9,000m²
 - The relocation of the ore concentrates loading system within Alexandra Basin West
 - The relocation of double deck ramp No 4 to the proposed new river berth at existing Berths Nos. 52 and 53.
 - The demolition of
 - The bulk jetty and grain conveyor having an area of 3,200m².
 - A section of North Wall Quay Extension having an area of 21,700 m².
 - 5no. buildings housing offices, terminal, control and Vehicle Maintenance Unit (V.M.U.) functions having a total area of c. 1715 m².
 - A floating ramp on the Liffeside of North Wall Quay Extension.
 - A lead-in jetty at Graving Dock No. 2 within the Basin.
 - The construction of
 - New quay walls at North Wall Quay Extension 937m in length including a rounded eastern end using salvaged stone material from demolished sections of quay.
 - Moving and Reconstruction of existing lighthouse to eastern end of revised North Wall Quay Extension.
 - An extension of Alexandra Quay West of 130m in length.
 - Rebuilding of existing quay walls in the remainder of Alexandra Basin West having an aggregate length of 1,200m.
 - New 273m long Ro-Ro jetty and provision of three Ro-Ro ramps.
 - Interpretive glazed pavilions having an area of 36m² on the west of the reconfigured North Wall Quay Extension and the reconstruction and the presentation of a salvaged historic concrete block from the demolished section of quay.

The dredging of 470,000m³ of contaminated material to a depth of -10.0m Chart Datum (CD) over an area of 194,000m² within the redeveloped Alexandra Basin West and its remediation.

Conservation works to the existing pump house and to retained sections of North Wall Quay Extension.

6.2 Berths 52 and 53

- The demolition and removal of:
 - Existing Berths 52 and 53
 - Jetty at Berth 52 having an area of 500m²
 - Concrete dolphin at Berth 53 having an area of 100m²
- The construction of:
 - A new river berth at Berths 52 and 53 300m long
 - New 40m long mooring jetty to extend existing Berth 49, 50m long
- The infilling of Terminal 5 Ro-Ro Basin an area of 45,650m²
- Raising existing ground levels in the vicinity by c. 1.4m over an area of 95,000m²
- Dredging of a new river berth to -10.0m CD.

6.3 Liffey Channel

- Construction of marina protection structure to a height of +7.0m CD over a length of 220m on the southern side of the river channel.
- Dredging of the channel to a depth of -10m CD from a point circa 55m to the east of the East Link Bridge to a location in the vicinity of Dublin Bay Buoy in Dublin Bay a distance of 10,320m.

The application is accompanied by a community gain proposal.

The development can be summarised as

- **Deepening and reconfiguring Alexandra Basin West to cater for larger vessels in terms of length and draught.**
- **Filling in existing Berths 52 and 53 to increase landward storage areas and providing a new river berth at this location.**
- **Deepening the approach channels to cater for larger vessels.**
- **Taking conservation measures to mitigate and compensate for the loss of part of North Wall Quay Extension in particular.**
- **Renewing and replacing quay walls and jetties that are nearing the ends of their useful lives.**
- **Removal of contaminated materials.**

7 Compliance with Relevant Plans and Policies

7.1 Dublin Port Masterplan 2012-2040

7.1.1 Introduction

The Masterplan is the key document on which future development within the Port will be based up to 2040. It provides the critical context for the subject application. It was produced in line with best practice being followed in European Ports.

The Dublin Gateway refusal forced a radical re-think as to how the Port could meet the likely demands arising from future economic growth in the medium and long term and it identified a series of measures and projects that would form critical components of the Masterplan. Extensive consultation took place involving government departments, the local authority, business and community interests in order to arrive at a reasonable consensus for the way forward. This application is the first phase of the Masterplan and represents in the order of one third of the projects articulated in the Masterplan and, as previously stated, is designed to cater for growth anticipated over the coming decade.

7.1.1.2 Masterplan Contents

The Masterplan presents a vision for future operations at the Port and critically examines how the existing land use at Dublin Port can be optimised for merchandise trade and passenger (including cruise ships). It is designed to:-

- Plan for future sustainable growth and changes in seaborne trade in goods and passenger movements to and from Ireland and the Dublin Region in particular.
- Provide an overall context for future investment decisions.
- Reflect and provide for current National and Regional Guidelines and initiatives.
- Ensure there is harmony and synergy between the plans for the Port and those for Dublin City, the Dublin Docklands Area and neighbouring counties within the Dublin Region.
- Give some certainty to customers about how the Port will develop in the future to meet those requirements.
- Better integrate the Port with the City and its people.

The Plan would facilitate the Port in handling up to 60 million gross tonnes of goods by 2040.

The Masterplan was also subject to a non-statutory Strategic Environmental Assessment and Appropriate Assessment. Although not a statutory plan, it is framed within the context of EU, national, regional and local development plan policies and follows best practice in terms of planning for Ports. It can be noted that the *National Port Policy* document (see **Section 7.2** below) generally recommends that the major ports in Ireland carry out such a plan and specifically endorses DPC's Masterplan.

Strategic Objectives area set out in the Masterplan under a number of headings as follows:-

Port Functions

- Ensure the safe operation and sustainable development of the Port and its approach waters and provide appropriate infrastructure, facilities, services, accommodation for ships, goods and passengers to meet future demand.
- Optimise the use of lands on the Port Estate through rationalising the distribution and location of specific areas of activity such as Ro-Ro, Lo-Lo, Ferry Services, Cruise ships, Liquid/Bulk Goods and storage areas with necessary reconfigurations of service facilities as required.
- Recover lands that are not being used for critical Port activity and re-use for such activity
- Develop quaysides adjacent to deep water to their maximum in accordance with environmental/licensing requirements
- Use new and developing technologies to increase throughput to its maximum
- Identify configurations for extending berthage and storage that mitigate impact on adjacent environmentally sensitive/designated areas.
- Provide adequate water depth to accommodate larger/deeper draught vessels in accordance with environmental/licensing requirements.

Investment and Growth

- Utilise the Masterplan as a framework for investment and growth based on the Port's projected demand forecasts.
- Maximise throughput by means of structured charges for land usage and cargo usage

Integrating with the City

- Achieve close integration with the City and people of Dublin through a commitment to respect soft values associated with the location, operation and impact of the Port
- Promote movement linkages in the form of pedestrian and cycle routes
- Enhance the general aesthetics/visual impact of the Port around the interface with the City.

Movement and Access

- Provide for a public transport route to serve passengers and those working within the Port to improve the modal transport split
- Develop a transport plan for the Port Estate in conjunction with the National Transport Authority and Dublin City Council
- Promote non-motorised sustainable transport modes, including cycling and walking
- Maximise the use of rail transport for goods to and from the Port
- Promote the provision of future transport infrastructure that facilitates shipping and related Port activities
- Enhance existing infrastructure to provide dedicated access/exit routes to Port facilities.

Environment and Heritage

- Ensure a development framework that is compatible with adjoining areas with particular regard for areas in Dublin Bay which are designated under the Habitats Directive and the Birds Directive. This development framework will also take account of the recommendations and mitigation measures arising from the SEA, AA and other relevant plans for the protection of natural resources, including the protection of water resources, designated and non-designated sites, aquatic ecology and protection against flood risk.
- Integrate new development with the built and natural landscapes of the surrounding areas.
- Promote sustainable design in the natural and built environment.
- Secure the preservation of all Protected Structures within the Port Estate.
- To promote in the development of future Port facilities the principle of universal design to make environments inherently accessible for those with and without disabilities.
- A promotion of excellence and focus on good quality in design, where possible.

Recreation and Amenity

- Promote Dublin Port for recreation and amenity by highlighting walks and cycle routes offering facilities for bird watching and viewing wildlife, as well as views of the Bay and wider environment, as well as the activity within the Port.
- Develop landmark attractions such as a Port Heritage Centre
- Maximise public access to the waterfront and enhance the public realm by landscaping and by high cleanliness standards.

Security

- Ensure that key areas of the Port retain good security provision in accordance with ISPS requirements.

Future Review

- Identify a strategy for future review of the Masterplan against underlying assumptions and performance of the Port business and also assess how the Masterplan is achieving its objectives and targets.

The Masterplan sets out a number of options for future development based on forecasts of economic projections, trade volumes and capacity projections for the various cargo modes. These options are mapped, as well as described.

The subject project represents the first major phase of the Masterplan. The essential characteristics of the project as stated previously are the provision of improved cargo and cruise vessel berthage at the interface of the Port with the City at Alexandra Basin West, the provision of open space for unitised freight at berths further to the east, together with berth and channel deepening.

7.1.1.3 Compliance with the Objectives

Many of the objectives set out in the Masterplan are general in nature but the proposed development achieves a number of the specific objectives set out above as follows:

Port Functions

- Provides appropriate infrastructure, facilities, services and accommodation to meet future demand.
- Optimises the use of lands within the Port Estate through rationalisation of the distribution of the different cargo handling modes.
- Identifies configurations for extending berthage and storage that mitigate impact on adjacent environmentally sensitive areas.

-
- Provides adequate water depth to accommodate larger vessels.

Investment

- Matches investment with growth

Integrating with the City

- The location of cruise vessels at the re-configured North Wall Quay Extension will bring cruise vessels up to the interface with the city. It will greatly improve the cruise passengers experience and bring the visual glamour associated with cruise vessels closer to the City.
- The provision of soft values in terms of the location of the interpretive buildings close to the City as well as the conservation measures in the Alexandra Basin West area will assist the integration.

Environment and Heritage

- The South Dublin Bay and River Tolka Estuary Special Protection Area is avoided..
- A conservation plan is integral to the application.

7.2 National Port Policy 2013

7.2.1 Introduction

Since the Dublin Gateway Project there has been a significant development in port policy by Government with the publication of National Ports Policy 2013.

The document itself acknowledges that general policy in the Ports sector has been *laissez faire* since the corporatisation of ports began in 1997 and the policy document addresses policy in a clear and coherent manner.

It introduces a categorisation of Ports with the aim of ensuring that the ports make a full contribution to facilitating economic recovery and prosperity. Ports are divided into three categories with the top tier consisting of three Tier 1 Ports of National Significance and the first of these is Dublin Port. The others are the Port of Cork and Shannon Foynes Port Company. The Policy states that Tier 1 Ports “*have clear potential to lead the development of future port capacity in the medium and long term, when and as required*”. It also states that “*Government expects the Ports of National Significance to lead the response of the state commercial ports sector to future national port capacity requirements*”.

Core Policy

The Report states that:

“The continued commercial development of these three Ports of National Significance is a key objective of National Ports Policy”

It refers specifically to Dublin Port Company as follows

“Dublin Port Company is the State’s largest Port Company. It handles approximately 43% of all seaborne trade in the State. The Port’s importance is even more pronounced in the higher-value unitised (Lo-Lo and Ro-Ro) sectors where it handles approximately 70% of all Lo-Lo and 85% of all Ro-Ro trade in the State.”

The Policy imposes a duty on DPC to develop the Port to facilitate the country’s economic recovery and prosperity.

7.2.2 The European Dimension

The Policy recognises the European dimension to goods handling and movement within the European Union and states that funding will possibly be available for those TEN-T ports² that qualify through the *Connecting Europe Facility*. TEN-T Ports are those European ports that enjoy significant volumes of freight and/or passengers traffic, have a high level of international connectivity and will be connected to the core European rail and road network by 2030.

Government have proposed the three Tier 1 Ports for inclusion in the TEN-T core network.

7.2.3 Recognition of the Dublin Port Masterplan

The Policy refers specifically to the Masterplan and states that:

“The Government endorses the core principles underpinning the Company’s Masterplan and the continued development of Dublin Port is a key strategic objective of National Ports Policy.”

7.2.4 Ports Policy and the Planning and Development System

The Policy states *“The relationship and interaction between the commercial ports sector and the planning and development system is extremely important in ensuring continued sustainable development in the ports sector.”* Section 4 of the Policy document considers Ports policy and the planning and development system in more detail. It highlights the need for masterplanning in Ports and ensuring that relevant planning and development strategies are complementary and consistent. It encourages the embedding of masterplans into planning strategies and bringing clarity to future Development Plans. It also highlights the

² The Trans European Network for Transport (TEN-T) is a central concept within EU Transport Policy as set out in the EU white paper *Roadmap to a Single European transport area – Towards a competitive and resource efficient transport system, COM(2011) 144 final* and in many EU policy and funding initiatives subsequently. The TEN-T network recognises ports as key nodes within the wider road, rail and shipping network that facilitates trade within and outside the EU. There are 139 ports identified in the network. 83 (including Dublin) are in the *core* network and 236 are in the *comprehensive* network.

need for National and Regional Guidelines to take account of the importance of the three categories of Ports.

It also highlights that there is widespread recognition across the European Union of the benefits to be gained from the integration of a ports relationship with its city and community.

7.2.5 The Planning Perspective

This is the first time that Government has recognised that a realistic evaluation of ports was required and it has highlighted those that have the capacity to meet the future challenges in achieving economic recovery and development and can link effectively with European transport networks. The Board now has a clear direction in dealing with applications for national port developments including the present application. It is notable is that the Policy recognises that it must inform all levels of planning policy and objectives including national, regional and local development plans and it can be anticipated that future plans at all levels will be now informed by *National Ports Policy*.

7.2.6 Compliance with the Policy

The proposed development is fully compliant with National Ports Policy

It -

- 1. Leads the response and development of additional port capacity.**
- 2. Continues the commercial development of the Port.**
- 3. Promotes its TEN-T status.**
- 4. Is founded on a considered Masterplan.**
- 5. Re-integrates the Port with the City.**

7.3 National Spatial Strategy 2002-2020 (NSS)

7.3.1 Introduction

The Strategy provides an 18-year planning framework for Ireland and develops a hierarchy of development locations based around major centres throughout the Island.

7.3.2 Current Status

The Minister for the Environment, Communities and Local Government indicated in February 2013 that the Government was re-examining the Strategy and that work on a new successor strategy would take place with the aim of having the revised strategy in place by the end of the year. This raised a question mark as to the status of the existing strategy, however in reply to a Dáil question, Ms Jan O Sullivan, Minister for State at the Department, stated that *“the NSS had not been abolished or removed and remains in place. However proposals will be brought to Government later this year for a roadmap to develop a successor strategy that*

will take account inter alia, of our significantly changed economic circumstances and to contribute to sustainable national recovery.”

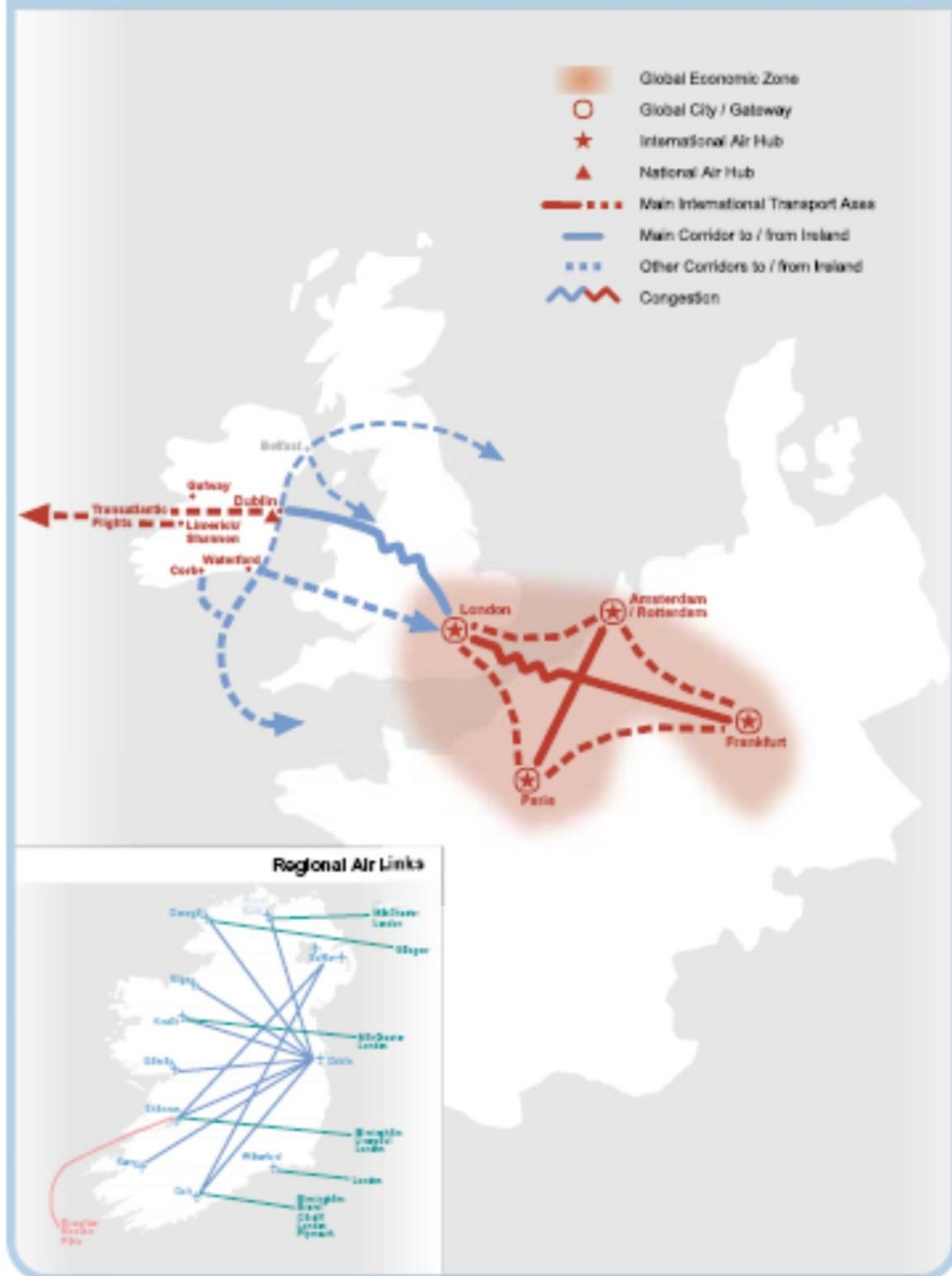
The Department has carried out a scoping exercise to determine the appropriate content of a successor strategy. It can be noted that the NSS will need to take account in any revised strategy of National Ports Policy.

7.3.3 The NSS and Dublin

The NSS recognises that the efficient movement of people and goods will be essential to bring out the innate potential of places and promote balanced regional development. The ability of Greater Dublin to attract large-scale inward investment is recognised as being clearly associated with its perceived advantage being a significant urban area within international transport connections. It also recognises that Ireland’s spatial context is closely related to the wider global context. It identifies a matrix of London, Paris, Amsterdam, Rotterdam and Frankfurt as key European economic region for Ireland. It states that effective connections to and from this region are essential if Ireland is to remain in a position to capitalise on its proximity in terms of contributing to and benefiting from a competitive EU economy. This is in line with EU policy on connecting core transport networks including TEN-T ports.

It includes a Figure 2.1 (**reproduced below**) that illustrates Ireland’s international spatial context in broad terms. This Map identifies the main corridor to and from Ireland as linking Dublin through the North and Midlands of England to London that in turn links through to the rest of the city matrix referred to above. The Strategy recognises that the Greater Dublin Area has experienced rapid development that has driven much of the Country’s economic success in recent years and delivered vital national benefits.

Figure 2.1 Ireland - International Spatial Context



The NSS supports Dublin's pivotal role in the national economic success and states that it is essential for balanced regional development that the performance of the Greater Dublin Area be built upon and physically consolidated. It summarises the relevant spatial policies of the NSS as a more efficient Greater Dublin Area with a comment that the Greater Dublin Area's vital national role will be secured in terms of improved mobility, urban design quality, social mix, international and regional connections.

It states that the continued health of Dublin is critically dependant on good international access.

7.3.4 The NSS and Dublin Port

International Access (page 63 of the Strategy) states that Dublin Port is vital to the national economy and that of Dublin itself and adjoining regions. It goes on to state that *"the Port faces a shortage of capacity giving rise to a need for more land to accommodate its expanding activities. Possible solutions to this in the medium to the longer term and of benefit to the Port itself and the City might lie in promoting alternative locations for some current and future Dublin Port activities, such as the transit and storage of petro-chemicals, bulk goods and cars, more Port business to and from various parts of the country to other nationally strategic Ports could be encouraged. This in some cases may require substantial investment in facilities at alternative Ports"*

7.3.5 Compliance with NSS

The NSS recognises the shortage of capacity and the need for more land to accommodate Dublin Port's expanding activities. However, its proposed possible solution is somewhat at odds with *National Ports Policy* in its suggestion that more Port business should be directed to other nationally strategic ports. The only other two ports identified as strategic Tier 1 ports are Cork and Limerick/ Foynes and both would not be able to serve the Dublin region in an economic manner. The NSS does not set a limit to the growth of the Port and, as stated above, the Board considered that the Port was compliant with the NSS in the case of Dublin Gateway. As the ABR project is smaller in terms of capacity and impact compared to Dublin Gateway the Board can similarly conclude that this project is in compliance with the NSS.

7.4 Transport 21

7.4.1 Introduction

The Programme announced in November 2005 sets out the ten year investment framework taking account of major economic, social and demographic changes over the past decade, the National Spatial Strategy and the need to provide a modern transport network for the future and notes that the bulk of public transport investment will be in the Greater Dublin Area whose population will rise by a further 300,000 people by 2011. The major projects identified are:-

- Completion of the Metro North Line from the City Centre to Swords via Dublin Airport.
- Phased development of the Metro West line.

-
- Enhancement and extension of the Luas network.
 - Commencement of the Heuston Docklands Interconnector and the electrification of sections of the Dublin Suburban Rail network.
 - Expansion of the capacity of the suburban rail networks through City Centre re-signalling, quadrupling of track on the Kildare line and re-opening of the Dublin to Navan Rail link.

The projects are all essentially concerned with passenger movement and not with goods movement.

7.4.2 Compliance with the Policy

The economic downturn meant that few of these projects have been pursued. The proposed development does not directly relate to these projects other than they would provide greater connectivity to the Port via an enhanced Luas network. Dublin Port primarily takes advantage of earlier major transport infrastructure initiatives in the form of the Dublin Port Tunnel and the extension of the Luas to the Point Depot Terminus (opened in 2009). The Luas extension facilitates the proposed development in that it will improve the modal split for cruise passengers in particular. It will mitigate the increase in bus traffic that may otherwise have been expected with the increase in passenger numbers. The location of the Luas stop influenced the location choice for cruise berths at North Wall Quay Extension.

7.5 Regional Planning Policy

7.5.1 The Regional Planning Guidelines for the Greater Dublin Area 2004-2016

7.5.1.1 The Guidelines and Dublin Port

The Guidelines consider Dublin Port and Dublin Airport as the premier international access points not only to the Greater Dublin Area but also to the Country and accepts that the continued development of these assets is essential in the interests of underpinning Ireland's future in international competitiveness. It points to the provision of the Dublin Port Tunnel in alleviating some measures of the current landside problems and suggests that land access arrangements to the Port could be further improved by the completion of the orbital Motorway around Dublin and the development of a southern Port access route.

The Guidelines advise that Dublin Port must give consideration to trends in shipping and the rapid growth in the unitised cargo trade and observes that it will be essential to meet as far as is reasonable and practicable, the means for increasing size and capacity of sea-going vessels, the introduction of new shipping routes and the demand for more berthing and handling facilities. It observes that in independent studies carried out by the Department of Communications, Marine and Natural Resources, the capacity issue will be critical for Dublin by 2007-2008 and that existing land uses at the Port could be reviewed with a view to making more efficient use of existing lands as part of the process of considering further land requirements for Port related uses.

7.5.1.2 Compliance with the Guidelines

Capacity issues did become acute in 2007 and this prompted the Dublin Gateway application. However, the economic downturn relieved pressure in terms of goods movement and together with the acquisition of land for cargo handling activities the capacity problem became less acute. In effect the planning refusal for Dublin Gateway has forced DPC to follow the suggested review of existing Port lands set out in the Guidelines and the proposed development is fully in accordance with the Guidelines. The proposed development recognises the trend towards larger vessels and is designed to accommodate such ships.

7.6 Local Plans

7.6.1 The Dublin City Development Plan 2011 – 2017

7.6.1.1 The Development Plan and the Port

The Plan notes the need to support the national role of Dublin Port as set out in the NSS (page 126).

It sets out the following in paragraph 4.4.1.2:-

“Dublin City Council fully supports and recognises the important national and regional role of Dublin Port in the economic life of the City and the region and the consequent need in economic competitiveness and employment terms to facilitate Port activities which may involve Port development or relocation in the longer term. Dublin Port will have a significant role to play in the future development and growth of the City and it is considered prudent to plan the structure of this part of the City, including the proposed public transport network to fully integrate with the developing new City infrastructure and character, while having regard to the Dublin City Council Study - Dublin Bay, An Integrated Economic Cultural and Social Vision for Sustainable Development (2007).

Dublin City Council recognises Dublin Port as a major source of employment in the area, as well as the need for Ferry Terminal services and linkages to the natural amenity of Dublin Bay. The Plan recognises the importance of Dublin Port to the National, Regional and City economy and states that the City Council will work with the Port Company in maximising the competitiveness of Dublin Port in cargo and passenger number terms.

The Plan recognises the importance of Dublin Port to the National, Regional and City economy and states that the City Council will work with the Port Company in maximising the competitiveness of Dublin Port in cargo and passenger number terms.”

7.6.1.2 Zoning

The lands that form part of the development as well as those adjoining it, are largely zoned Z7 Employment Industry and the objective is *“To provide for the protection and creation of industrial uses and facilitate opportunities for employment creation.”*

The text accompanying the zoning objective states:-

“The majority of these lands are located in the Port area. The primary uses in these areas are those which result in a standard of amenity that would not be acceptable in other areas. They can unavoidably cause bad neighbour problems due to the generation of disamenities such as noise smells and heavy goods traffic etc. Activities include industry other than light industry; manufacturing, repairs, open storage, waste material treatment, and transport operating services.

These areas require a measure of protection from other non-compatible clean uses as this can result in conflict and limit the expansion of the primary use of the area.”

The permitted uses include port related industries and facilities, open storage depots, transport depots and warehousing.

The Development Plan also refers to the Eastern Bypass and this is considered in the section on transportation below.

7.6.1.3 Compliance with the Dublin City Development Plan

The most important consideration in the Development Plan is the zoning objective. The proposed development is fully compliant with the Development Plan in this respect. The proposed development is directly related to improving port facilities.

The other comments made in relation to the Port are somewhat incidental but can be noted as generally supportive. The mention of the Dublin Bay Study confuses the issue to some degree in that the Study recommended the removal of the Port and its replacement by property development which is at odds with the other statements about the Port and most importantly the critical zoning objective.

The next revision of the Development Plan will undoubtedly take account of Government Policy as expressed through National Ports Policy in respect of the Port as one of Tier 1 National Significance and incorporate that policy.

7.6.2 The Dublin Docklands Area Master Plan Review 2008

7.6.2.1 The Docklands Masterplan and the Port

The Dublin Docklands Development Authority published a review of its Masterplan in 2008. This review reiterates supportive policies in relation to the Port. The following policies are articulated.

ED7 - Collaborate with Dublin City Council, Dublin Port, the Dublin Transportation Office, the Rail Procurement Agency and other agencies to promote the early provision of key infrastructural works.

ED33 - Facilitate in co-operation with the Port Company and Dublin City Council, the National role of Dublin Port in providing for the ease of movement of consumer goods and people to and from the Greater Dublin Area and beyond. In assessing proposals for the Port area, the

Authority will have regard to the important role the Port plays in the economic life of the City and the consequent need in trade and employment terms to facilitate Port development.

ED34 - Co-operate with the Dublin Port Company and Dublin City Council to implement a programme of traffic management to reduce through traffic from the city centre and the local road network in the vicinity of the Port. The Authority supports the completion of the Eastern Bypass which would greatly facilitate this programme.

ED35 - Ensure that development of the Docklands does not compromise existing employment in the Port.

ED36 - Support initiatives that recognise the need for a co-ordinated approach to ensure and promote both leisure and international trade.

7.6.2.2 Compliance with the Docklands Masterplan

The future status of the Docklands Masterplan is unclear. A further review might have been anticipated for 2013 in accordance with the relevant Docklands legislation, however the Minister for the Environment, Communities and Local Government announced the dissolution of the Authority planned for November 2013 but then postponed it pending the disposal of Authority assets. Latest information would suggest that the Authority may be dissolved in June 2014 and that the Docklands Masterplan will continue to be applicable until that date.

In any event the proposed development fully accords with the policies set out in the Docklands Masterplan. The Plan recognises the national role of the Port and its importance to the City's economy. The importance of employment associated with it is referred to as is traffic management in the area.

The proposed development will facilitate the national and regional economy, consolidate employment within the Port and elsewhere and the redirection of traffic within the Port towards the Dublin Port Tunnel will assist in easing traffic in the Docklands Area itself.

7.6.3. The North Lotts and Grand Canal Planning Scheme

This Planning Scheme, which was prepared by Dublin City Council following the designation of the area by the Minister for the Environment, Community and Local Government as a Strategic Development Zone was made by the Council on the 5th November 2013. Appeals were made against the Scheme to An Bord Pleanála and an oral hearing is planned commenced on the 25th February 2014. There is little reference to Dublin Port in the document and there is nothing contained in the Planning Scheme that has a direct bearing on the proposed development.

7.7 Other studies

There are four other studies, all of which deal with issues in Dublin Bay which could have a direct impact on Dublin Port. They include:-

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- The “*Dublin Bay - An Integrated Economic, Cultural and Social Vision for Sustainable Development*”
 - The Special Task Force on Dublin Bay established by the Minister for the Environment, Local Government and Heritage.
 - The Indecon Report
 - Local Action Plan

7.7.1 “*Dublin Bay- An Integrated Economic, Cultural and Social Vision for Sustainable Development*”

This Study, which was produced at the height of the economic boom, advocates the use of Port Company lands for property development. It does not include the lands currently owned by Dublin City Council or the ESB in the Port area in this recommendation and deals solely with Dublin Port lands. It is predicated on the belief that the City has no further room to grow and that the DPC owned lands are the primary growth lands available. It does not take into account planned growth initiatives in terms of public transport proposals and development associated with them for the Greater Dublin Area. It does not recognise that redundant Port lands have been (since 1987) in the process of development mainly within the Dublin Docklands Development Authority Area. It does not deal comprehensively with the impact that such a proposal would have on the trading economy of the Country as a whole or in particular on the Dublin Region. No alternative locations are assessed.

This study has been overtaken by *National Ports Policy* which rates Dublin Port as a Tier 1 Port of National Significance. The Policy does not envisage the Port being closed down and alternatives being developed.

7.7.2 *The Dublin Port National Development Plan Study (The Indecon Report)*

This economic report was published by the Department of Transport in July 2009. Its terms of reference were to assess the role and future development of Dublin Port within the context of the National Development Plan.

It examined the costs and benefits of various scenarios including:

- The relocation of all or part of Dublin Ports existing activities to an alternative location
- Existing port activities continuing to expand with demand and
- Port activities continuing at current levels with growth catered for at alternative locations.

It reached eight conclusions as follows:

1. The level of port capacity requirements will be influenced by economic growth and by developments in consumer expenditure;

-
2. There is potential to improve the capacity utilisation of ports in Ireland and this should be pursued as a priority;
 3. There is need to develop additional port capacity in Ireland by 2025-2030 and this would require the expansion of Dublin Port or the development of the proposed Bremore Port or some equivalent facility to provide capacity for the Irish economy;
 4. Both Dublin Port's proposed 21 h development and the development of new port capacity such as the proposed Bremore Port would have positive net present values;
 5. Nothing should be done at policy level to block either the proposed expansion of Dublin Port or the proposed development at Bremore at this stage;
 6. The proposals for Bremore and Greenore and other Ports combined with the continuation of Dublin Port would have a higher net economic benefit than the complete closure of Dublin Port;
 7. The scenario involving a potential closure of Dublin Port would have city wide sustainability benefits but these would not justify the additional cost involved; and
 8. Consideration must be given to the timing of costs and benefits and who would pay for the capital expenditures and the long timescale required for implementing a scenario involving the closure of Dublin Port.

The Indecon Study has been overtaken by *National Ports Policy*. It can be noted that in any event the Study recommended that nothing should be done at policy level to block the expansion of Dublin Port and it considered there was potential to improve capacity at Irish Ports. The study noted in its economic assessment that it saw no financial reasons for closure of Dublin Port in favour of a new port located elsewhere.

7.7.3 The Special Task Force on Dublin Bay established by the Minister for the Environment, Local Government and Heritage

The Task Force was set up at the end of May 2008 and no information was available on their reports to the Minister. It appears to be defunct.

7.7.4 Local Action Plan City of Dublin

-Cruise Traffic and Urban Regeneration of City-Port Heritage as a key for Sustainable Economic, Social and Urban Development

7.7.4.1 The Action Plan and Dublin Port

This Plan was prepared as part of the URBACT II Programme funded by the European Regional Development Fund. The overall goal of the Plan is to develop a strategy for the development of cruise traffic and the urban regeneration of the Port area that would articulate a new relationship between the City and Port.

The Plan was developed in conjunction with DPC, the Dublin Docklands Development Authority and a Local Support Group made up of tourism, business and marine interests.

The Plan researches and analyses:-

- Cruise traffic and its existing and potential contribution to the City
- The physical nature of the Port, the Quays and the relationship between Port and City, highlighting the lack of connectivity.

It identifies the Liffey side of Alexandra Basin West as the preferred location for cruise ships and possible future use of Terminal 3 as a Terminal for cruise vessels. It also identifies a need to physically improve the general area in terms of public access, new surface finishes, landscaping and amenities.

The Plan sets out three main Specific Objectives with a sub-set of actions as follows:

Specific Objective 1

To transform, regenerate and adapt the physical and environmental components of the Port.

Action 1.1: To provide a cruise Terminal and improve connectivity between the Port and the City

Action 1.2: To promote a sense of public space within the Port area.

Specific Objective 2

To maximise the potential of cruise traffic and Port heritage as economic and social generator.

Action 2.1: To promote the provision of a Visitor Centre in the Docklands area.

Action 2.2: To promote social infrastructure and address the effects of community services in the City.

Specific Objective 3

To plan and manage the cruise development within a global city project.

7.7.4.2 Compliance with the Action Plan

Part of the proposed development derives directly from the Local Action Plan. The development will transform, regenerate and adapt the physical environmental components of the Port. It will provide cruise berths and improve connectivity with the City. It will

promote a sense of public space within the Port Area by the development of the Interpretive Buildings at North Wall Quay Extension as well as the conservation works at Graving Dock No.1. It is compliant with the Objectives in the Plan.

8 The Main Planning Issues

8.1 Traffic / Eastern Bypass

8.1.1 Traffic Increase

The EIS sets out the traffic impact assessment.

At present access to and from Dublin Port by HGVs and other vehicles is mainly via the Dublin Port Tunnel. A survey in 2011 showed that 79% of outbound traffic from the Port exited via the Tunnel and 83% entered via the Tunnel.

The proposed development will lead to increased traffic at an average of 2.5% per annum and the EIS sets out figures for a predicted opening year of 2019 , together with years +5 and + 10 . The proposed development includes the closure of the Alexandra Road entrance from East Wall Road and that serving Terminal 3 again from East Wall Road; this will further direct traffic towards the Port Tunnel so that the percentage share of traffic is likely to increase in the case of the Dublin Port Tunnel route.

The EIS sets out the large capacity of the Dublin Port Tunnel and predicts that the increased level of traffic will not have any significant effect on that capacity. Traffic will be relieved along the East Wall Road at its Eastern Boundary with the Port Boundary and traffic will not adversely affect existing junctions at North Wall Quay, Sheriff Street and East Wall Road to a degree that would compromise their capacity.

Cruise traffic will be similarly directed towards the Port Tunnel route.

Construction traffic is also addressed in the EIS and no significant impacts are predicted.

The Board had no issue with the traffic impacts associated with the previous Gateway project and the subject proposed development will involve a lesser impact.

8.1.2 Modal Split

Goods Movement

The modal split between road and rail is based on retention of the existing level of rail traffic.

This current rail traffic comes from two sources:

-
- Tara Mines and
 - The Ballina Railhead

The Tara mines traffic consists of bulk ore concentrates which are exported from a quayside location within the subject site. The volume of traffic has varied depending on the world demand for zinc and other ores. Although at some stage the ore body will be exhausted, there are proven reserves of zinc within the country that are likely to be exploited depending on demand and ease of extraction. Ore is highly suitable for transportation by rail so that it would be reasonable to envisage that the existing level of traffic will be maintained. It would also be reasonable to expect existing facilities would prove attractive to future mining export companies. The current ore loading facility in Alexandra Basin West will be improved.

The Ballina service is relatively recent (2007) and came about as a result of efforts by DPC, Iarnród Éireann and IWT (a private sector logistics company) to exploit the existing railhead in the County Mayo town and expand goods transport by rail in off-peak periods. It has proved a popular service within an area that is not well serviced by the national motorway system and traffic has grown from twice a week to five times a week. As there are no plans to expand the motorway system in the Northwest it is anticipated that the current level of traffic will be at the least be maintained.

DPC gave practical expression to its commitment to rail by providing a new 1.6 kilometre rail spur to a quayside location in 2011 serving the subject development site. DPC has supported and will continue to support the development of container and other rail services in Dublin Port.

DPC is committed to rail connectivity as a more sustainable form of transport and although distances in Ireland lend themselves to HGV traffic, the Port considers it to be strategically important to maintain rail infrastructure and traffic into the Port. The Masterplan set out its vision as follows:

“Dublin Port Company will continue to promote the increased use of rail freight through the movement of containers and bulk solids by rail. ... Dublin Port Company is also examining the potential for private sector operators to offer container freight services to a range of destinations.”

Cruise Ship Passenger and Crew Movements

Although passengers and crew from cruise ships largely rely on buses, taxis and hired cars for excursions to the City Centre and elsewhere, the berthing of cruise ships at North Wall Quay Extension will likely increase the attraction for independent travel via the Luas by both passengers and crew. To date small numbers of passengers and crew have been observed accessing the Luas and some have opted for walking the length of North Wall Quay towards the City Centre. The Dublin Bike Scheme has been extended down North Wall Quay towards the O2 Arena and this may also prove attractive for younger passengers and crew. An improved modal split can be anticipated as a result of the relocation of cruise ships onto North Wall Quay Extension.

8.1.3 Travel Plan

DPC will prepare a travel plan designed to promote sustainable transport modes by persons employed in or using the Port Estate. It will address issues of modal split in terms of private motorised transport, public transport, cyclists and pedestrians with a view to increasing sustainable modes. DPC will keep this plan under continual review to ensure it meets any changed or additional needs arising from the implementation of the proposed development.

8.1.4 The Eastern Bypass

8.1.4.1 Introduction

The Board highlighted the issue of the Eastern Bypass at the last pre-application meeting (27th May 2013) as something that the proposed development should not curtail. The Bypass is also referred to in the EIS and **Appendix 4** sets out the current situation with regard to the Bypass in further detail. DPC is supportive of the provision of an Eastern Bypass however it considers it is likely to be some considerable time before a cost benefit analysis would prompt its provision. In the meantime it is anxious that the proposed reservation alternatives that have been articulated to date do not act as a planning blight on the Port. There have been three alternative routes shown in three different locations that potentially compromise development in the Port. This has become a more acute problem since the refusal of the Dublin Gateway project as DPC seeks to maximise every part of the existing port estate to provide for growth. The Port is too important to the National economy to be left in a position where there is uncertainty as to the reservation line for a possible future Eastern Bypass. That uncertainty could have the effect of freezing large parts of the Port from active development consideration.

8.1.4.2 The Dublin City Development Plan

The City Development Plan does not set out the Eastern Bypass as a written statutory objective requiring implementation within the timeframe of the Plan. It does show an indicative line on **Development Plan Map F** under the heading Specific Objectives and it refers to the Bypass under Policy as follows:

It is the policy of Dublin City Council

“SI 19 To support the provision of a link between north Dublin Port and the Southern Cross/South Eastern Motorway via an eastern bypass of the city, in conjunction and co-operation with other transport bodies, the National Road Authority and local authorities. The preferred method is by means of a bored tunnel and the preferred route is under Sandymount and Merrion Strand and Booterstown Marsh. However the route and detailed design of the of the link road will be subject to an Environmental Impact Assessment and all statutory requirements, including a public consultation process by the relevant authorities. An Appropriate Assessment of the proposed project for the entire route is also required in accordance with the Habitats Directive.”

The Line shown on the Development Plan is indicative only and not prescriptive and allows for a future determination of the most suitable route. This application has brought the issue of the reservation to a head and prompted further study by Dublin City Council, the National Roads Authority, DPC and transport consultants. A number of meetings has been held to find

a way forward and the alternatives evaluated. **Appendix 4** sets out in some detail the discussions that have taken place between Dublin City Council, the National Roads Authority and DPC as well as the results of those discussions.

Agreement has now been reached in principle between all parties on a reservation that will meet the bypass objective whilst allowing the ABR project to proceed and it is shown in **Appendix 4** as Appendix 2 of that document.

As can be seen it parallels the East Link Bridge with an appropriate curve. A reservation 55m wide has been provided for (east of the East Link Bridge) in the design proposed for North Wall Quay Extension to facilitate the approach agreed by NRA, DCC and DPC. This will enable all parties to achieve the objective of the Eastern Bypass in the future, whilst maximising the use of port lands and bringing cruise vessels close to the city.

8.1.4.3 Conclusion and Compliance with Development Plan

The agreement on the reservation is a positive planning outcome in removing uncertainty and eliminating planning blight. It resolves an issue which has been outstanding for some time and allows all parties to proceed to plan positively for a bypass. Further discussions will take place in future on the engineering nature of the bypass as to whether it will be surface, fully tunnelled, cut and cover or a combination when further progress on the project becomes justified on economic and traffic grounds.

The proposed development is fully compliant with the Dublin City Development Plan in respect of the proposed Eastern Bypass. It facilitates the provision of a reservation to the East of the site on a considered and agreed route

There are policies and objectives of a more general nature in the Development Plan with regard to economic, cultural, natural and built heritage, transportation and amenity aspects. The proposed development is compliant with these.

8.2 Conservation of the Archaeological and Industrial Archaeological Heritage

8.2.1 Archaeological Heritage

The heritage primarily relates to underwater archaeology and aside from desktop research, the most extensive archaeological survey of its kind based on a 20m grid undertaken was carried out within the Port and the approach channel as well as areas to the sides of the channel. Bathymetry, side scan sonar, magnetometer, and sub bottom profile surveys were carried out. The surveys revealed a number of anomalies in the channel as well as others to the side. However, no shipwrecks or related significant archaeological material have definitely been identified. Dive inspections of a number of anomalies confirmed the low archaeological potential of the targets which proved to be modern items such as tyres or mooring blocks or natural features. There was no evidence of shipwrecks within the channel itself. This is unsurprising given the scouring action of the river and the dredging that has been carried out historically over many years to deepen the channel. (Historic wrecks can be expected to have been located in the upper levels). It is possible that something may be discovered during the course of dredging and the mitigation measures recommended in the

EIS during the project construction in terms of archaeological monitoring phase could be formulated as a planning condition should the Board decide positively on the application.

8.2.2 Industrial Archaeology

8.2.2.1 Introduction

The built heritage of the Port is essentially industrial archaeological heritage rather than architectural heritage. The heritage consists primarily of engineering works. Indeed there are only two buildings that are of interest i.e. the pump house which forms part of the historic engineering infrastructure associated with Graving Dock No.1 and the Lighthouse at the end of North Wall Quay Extension and these too could be considered to be engineering rather than architectural works.

The Conservation Strategy and Industrial Heritage Appraisal Document prepared by Southgate Associates Engineering Conservation Consultants (The Southgate Associates Report), included in **Appendix 5** as well as the EIS evaluates all items of interest including machinery and those dating from quite recent times and although none are rated in terms of being included on the Record of Protected Structures they have been assigned a value as being of international, national, regional or local interest. An over-riding concern is that the cultural significance of Dublin Port as a deep-sea port is retained. That significance is threatened if the Port loses its ability to handle larger ships.

8.2.2.2 North Wall Quay Extension

The conservation challenge relates primarily to North Wall Quay Extension, the construction technology of which is considered to be of international significance. due to its engineering design and internal construction (which is not visible). It was designed in two phases, the first designed by Bindon Blood Stoney and the second by Joseph Mallagh, both former distinguished Chief Engineers in Dublin Port. The construction in the first phase involved laying down large concrete blocks on the sea bed which were then levelled by operatives in a diving bell specifically designed for the purpose. (The diving bell is on Sir John Rogerson's Quay). The second phase involved the use of specially designed caissons. Both construction methodologies were pioneering at the time. Both the EIS and the Southgate Associates Report detail the quay's history, construction and importance.

However, North Wall Quay Extension is part of the working Port and its configuration is not suitable for larger vessels in terms of draught and manoeuvrability. In functional terms it was originally constructed to handle bulk goods loaded and unloaded at the quayside and this type of goods handling has decreased significantly.

It is the key location for cruise vessels to meet the objective of re-integrating the Port with the City as set out in the Masterplan and endorsed in the Government's Ports Policy document. As cruise vessels are increasing in size in terms of length a reconfigured quay is essential to allow vessels to turn around. It should be noted that the reconfigured quays will cater for both cruise ships and cargo ships. Cruise business is seasonal and cargo vessels (such as car transporters which tend to be counter cyclical to the cruise season) will use the quay to maximise the use of port facilities.

The proposed development in relation to the North Wall Quay Extension involves the demolition of:

- The eastern end of the Quay to widen the turning circle at the entrance to Alexandra Basin West. (Note that large ships will not reverse out along a shipping channel of this length for safety reasons)
- A complete section of its northern side (within Alexandra Basin West).

It additionally involves the construction of:

- New quay walls which will be deeper and more robust than the present walls in order to cater for larger ships. The walls will be constructed to the outside of the existing quay walls on the southern side.
- Interpretative facilities at the western end close to the public domain.

The existing lighthouse will also be carefully taken down for re-erection and conservation measures taken.

In order to achieve the functional requirements whilst recognising the conservation importance of North Wall Quay Extension a conservation strategy has been devised by DPC's engineering conservation/architectural consultants Southgate Associates and MOLA Architecture. This is set out in two complementary reports : the Southgate Associates report as mentioned above and *Conservation Strategy for the Alexandra Basin Redevelopment Project- The Design Framework* by Mola Architecture and Southgate Associates and attached as **Appendix 6** to this document.

The conservation strategy can be summarised as follows:

- Accurately record the existing North Wall Quay Extension structure.
- Retain as much of the original structure as possible.
- Create six conservation zones along the Liffey frontage where the original walls will be visible behind the new quay walls in juxtaposition and where features such as stone steps and mooring rings are present.
- Use of as much as possible of good stone material from the demolition works to provide a rounded profile to the re-configured quay wall at its upper levels
- Move the lighthouse westwards to the end of the re-configured quay.
- Retain and present one of the massive historic concrete blocks that form part of the pioneering structure that was hitherto hidden from view, on the quayside as well as the construction of an interpretive building for public exhibition and access, which would explain the construction process.

The most historic and interesting part of the Quay is, as indicated above, its unseen part- the internal construction. The stone walls are of lesser importance and can be viewed in the context of the extensive existing Liffey Quay walls further west which are included on the Record of Protected Structures and are in excess of four kilometres long to both sides of the Liffey.

The strategy has been to add conservation value by explaining the pioneering engineering concept behind the construction of North Wall Quay Extension to the public whilst allowing glimpses of the original quay wall in juxtaposition with the new quay walls which in themselves are of engineering interest (even if, as yet, they do not have the cachet of age).

8.2.2.3 Other Conservation Works

Alexandra Quay West is also considered to be of international significance because of its use of caissons designed by Mallagh. This quay will not be demolished and the integrity of the structure will be maintained. A new deeper quay wall faces it. Graving Dock No. 1 is rated as being of national importance. The excavation and restoration of this graving dock is a key element in the project. This is again described in the EIS and in **Appendix 5**.

The North Wall Lighthouse is assigned a rating of regional importance. It also has an iconic visual status. It will be moved to a new position at the end of the reconfigured North Wall Quay Extension. This will be the second time it has been moved, having been moved to its current location in 1931 when Joseph Mallagh completed the construction of North Wall Quay Extension. The methodology for moving it and drawings are included in **Appendix 5**.

Complimentary measures in the form of works to other elements of regional or local importance and others, whilst not given any special importance, are of interest. These include:

- The restoration of the pump house adjacent to Graving Dock No. 1 and its associated light standard.
- Retention of all historic items such as cap stones, mooring rings located within the ground along the western side of the site within a linear conservation zone.
- Retention of the entrance gates at the interface with North Wall Quay Extension.
- Retention of historic cranes and capstans.

Graving Dock No 1 will be infilled. However, it will be fully surveyed and filled under the supervision of a qualified expert to ensure that the works are reversible and the dock is capable of restoration to a substantial degree at a future date.

DPC is mindful that conservation of historic or interesting features is a key planning consideration but unlike in the past where the Port continued to expand eastwards into Dublin Bay and left historic quayside structures behind to become part of City, it has now to re-engineer existing facilities that are part of the working port. It cannot afford to leave and abandon redundant infrastructure but must repair, reconfigure or adapt as required.

8.2.2.4 Conclusion

The issue of compliance with any objectives or policies in terms of statutory planning conservation does not arise as the features are not listed in the Record of Protected Structures; rather DPC itself has recognised the conservation importance of many of the structures and items within their care. It has worked hard at addressing the issue and considers that it has taken responsible steps to preserve the historic legacy of North Wall

Quay Extension and the other features in the manner set out above whilst meeting its key objectives for:

- Re-integration of the Port with the city,
- The provision of suitable modern shipping facilities and
- The retention of the cultural importance of Dublin as a deep-sea port.

The outcome can be viewed as a positive response in balancing the sometimes conflicting objectives involved in a project of this nature.

8.3 Contamination

The EIS sets out the extent of contamination of the silt at the bottom of Alexandra Basin West (principally with heavy metals). This has prevented maintenance dredging of this part of the Port and is leading to its siltation. The project includes the removal of silt and materials to a level of -10.0m CD to deal with this problem (aside from achieving an improved draught for vessels) and the appropriate treatment of the resulting materials is set out in the EIS and its use for infill material. This is positive in planning terms in that it cleans an area of contamination within the Port.

There is some minor contamination to the Liffey Channel between the East Link Bridge and the entrance to Alexandra Basin West but to a degree that has permitted it to be disposed at sea in recent years (under specific conditions). The Channel to the east of the entrance to Alexandra Basin West is clean and fit for disposal at sea without conditions.

8.4 European Sites

Chapter 5 and the Natura Impact Statement including an Appropriate Assessment fully describe the qualifying sites and the impact arising from the proposed development.

There are three key sites:

- The South Dublin Bay SPA
- River Tolka SPA and
- The Rockabill to Dalkey Island cSAC

The first two are designated under the Birds Directive and the third relates to the conservation of reefs and the Harbour Porpoise.

These sites are all in proximity to Dublin Port and in the case of the Rockabill to Dalkey cSAC the proposed deepening by dredging of the existing shipping channel would cross into the area, albeit by a short distance.

As stated in the planning history section above, the proposed development is predicated on avoiding any direct impact on the two Birds Directive sites. The EIS and Appropriate Assessment conclude that there is no significant impact on qualifying bird species within either area.

In the case of the Rockabill to Dalkey cSAC the proposed development involves the dredging of an area to a depth of -10.0 CD compared to an existing figure of -7.8 CD.

There are no reefs within the dredged area and the EIS and Natura Impact Statement concludes that there is no significant impact arising from the deepening of the channel at this point subject to mitigation measures in relation to noise impact on porpoises. The proposed development will not adversely affect the integrity of the cSAC having regard to its conservation objectives.

8.5 Noise and Vibration

The EIS states that there will be little increase in noise and vibration.

Direct Port Noise

The development site has an established port use and is located directly on the water frontage at the most distant points from neighbouring residential development. Cargo handling will be similar but more intense. The number of shipping movements will increase. However, bigger ships will mean that the rate of increase in the number of ships will be significantly less than the rate of increase in cargo volumes.

Traffic Noise

Cargo traffic movement is primarily directed towards the Dublin Port Tunnel to minimise traversing of residential areas as well as the City itself. Cruise vessels will give rise to more bus movements in particular but does not represent a significant impact in noise terms to residential areas. The location of the cruise berths close to the Luas terminus will create an improved modal split in that cruise passengers can travel independently to the city centre rather than largely relying on buses and taxis as at present. The necessity to traverse port areas will no longer apply so the Luas should prove an attractive alternative.

Construction Noise

The EIS sets out mitigation measures in relation to construction noise and should the Board decide to grant permission it is invited to include a suitable noise limiting condition in relation to sensitive receptors.

Conclusion

Subject to the inclusion of suitable conditions there will be no injury to residential amenity. The Board had no issue with noise in relation to the Dublin Gateway proposal.

8.6 Visual Amenity

The EIS states that no significant visual impact arises.

This is unsurprising as the proposed development involves a reconfiguration of existing port facilities. There is no appreciable alteration to the views of the Port from any strategic locations such as the approaches from the city centre, the Clontarf seafront, Bull Island and the bridge linking it to the shore and the Sandymount seafront. Whilst there is some change when viewed from closer locations such as the Toll Bridge and approaches as well as York Road and Pigeon House Road at either its western and eastern ends, this is relatively minor.

There will be an improvement to the visual appearance of the interface of the Port with the City at North Wall Quay and the Toll Bridge in that cruise vessels will relocate there and such ships are generally viewed positively in aesthetic terms. The improvements associated with the interpretive building and its setting will also improve this area in a localised aesthetic sense. The buildings are designed by MOLA who have a high reputation for their design skills and the buildings will add to Dublin's architectural quality.

The restoration of the graving dock and associated pump house will also improve visual amenity again in a localised sense.

Some may view the new quay wall on the Liffey front as less pleasing aesthetically than the present stone wall, however the mitigation measures associated with the conservation strategy will temper this with the old and new seen in juxtaposition. This section of quay wall is and will continue to be used as an active shipping berth. Its visual perception is of a busy shipping character and the walls are a contributing element of the visual impact. This is unlike the quays further west which are now largely devoid of shipping, where the quay walls take on a greater visual prominence and impact as dominant visual features of the Liffey corridor.

9 Community Gain

Under Section 37 G (7) of the Strategic Infrastructure Act, the Board may attach a condition to a permission that requires:

- (i) *The construction or the financing, in whole or in part, of the construction of a facility, or*
- (ii) *The provision or the financing in whole or in part, of the provision of a service,*

in the area in which the proposed development would be situated, being a facility or service that, in the opinion of the Board, would constitute a substantial gain to the community.

Attached as **Appendix 7** is a description of the community gain element. DPC submits that it could be included by way of condition in any permission by the Board for the proposed development.

This proposal has followed on from consultations with Dublin City Council, local communities and interested parties and has found widespread support.

In outline it consists of:

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- 1) The transfer of ownership of the section of Bull Island owned by DPC (10.5 hectares) to Dublin City Council to hold in perpetuity for the people of Dublin in order to provide a unified ownership structure for the Island to facilitate its proper management. Rights of access for maintenance purposes to the North Bull Wall would be maintained by DPC.
 - 2) The allocation of a sum of €200,000 towards the cost of a study for a proposed International Visitor Centre and Masterplan for Bull Island.
 - 3) A further sum of €1,000,000 towards the provision of any services or facilities identified as a consequence of the study and Masterplan to the City Council on an agreed basis within 10 years of any grant of permission by An Bord Pleanála.

There will be considerable gain to the local communities and to Dublin as a whole and indeed there is an international dimension which is appropriate for a body such as DPC with its international trading links.

10 Consent

Most of the landside works take place within lands owned by DPC as do some of the works to the foreshore. However some of the construction of new quay walls outside existing walls and the dredging occurs in areas in State ownership under the control of the Minister for Environment, Community and Local Government. Attached is a letter from the Marine Section which states its agreement to the making of the application.

11 Conclusions

The proposed development is a positive one for the City and Country as a whole. It will be a vital component in achieving economic recovery by facilitating goods and cruise passenger movement in an efficient manner. It will meet capacity constraints likely to emerge as the economy improves. It will enable the Port to keep pace with developments in shipping internationally where larger ships are becoming the industry norm. It will assist the re-integration of Dublin City with its port and will facilitate growth in the tourism economy of the City

The application and the EIS have positively addressed all the planning and environmental issues that arise with a development of this nature in a location which is severely constrained by environmental objectives in relation to Dublin Bay.

The Company has worked strenuously with interested parties and its consultants to successfully address challenging issues in relation to the Eastern Bypass and conservation within the Port itself.

Finally, the proposed development complies with all statutory plans, guidelines and policies at national, regional and local levels and with DPC'S own Masterplan. In particular it positively addresses the responsibilities placed on DPC under National Port Policy.

The proposed development is commended to the Board as being in the interests of the proper planning and sustainable development of the area.