

Submission by Dublin Port Company on the National Maritime Planning Framework Baseline Report

12th December 2018

Foreword

This submission to the Department of Housing, Planning and Local Government (DHPLG) has been made by Dublin Port Company (DPC).

The proposed National Maritime Planning Framework (NMPF) will provide the essential planning framework for the sustainable use of Ireland's marine environment by a wide and diverse range of sectors. It will also provide an essential framework for the protection of the marine environment and for the protection of marine heritage assets.

The ability to develop and operate port infrastructure for the sea transport of freight and passengers is essential for the economy and the country.

Dublin Port is the country's most important port and is being developed in accordance with ***Masterplan 2040 Reviewed 2018***.

The Masterplan was originally launched in 2012 and, at this stage, is recognised at every level of the country's planning hierarchy including:

- The National Planning Framework
- The Eastern & Midlands Region Assembly's Regional Spatial and Economic Strategy (in preparation)
- Dublin City Council Development Plan 2016 to 2022
- Poolbeg Peninsula SDZ Planning Scheme (under appeal to An Bord Pleanála)

At an EU level, Dublin Port is a core port on the TEN-T network and is on the North Sea Mediterranean Corridor.

Within National Port Policy, Dublin Port is categorised as a Tier 1 port (a national designation corresponding to the EU designation of core port on the TEN-T network). National Ports Policy is strong and explicit in terms of Dublin Port's role in the economy and in terms of its future development:

The Government endorses the core principles underpinning the company's Masterplan, and the continued commercial development of Dublin Port Company is a key strategic objective of National Ports Policy.

For DPC, the development of the NMPF is an important step in the completion of the national and international framework within which future development projects are prepared and brought through consent processes.

This submission has been written from the perspective of DPC's plans for:

- The development of port capacity (on a brownfield basis) at Dublin Port sufficient to meet projected growth requirements up to 2040. At that stage Dublin Port will have reached its maximum throughput.
- The development of new and additional port facilities (possibly on a greenfield basis) at one or more other east coast sites in the years running up to 2040 to provide capacity for growth post 2040.

Overview of major development projects in Dublin Port

The development of Dublin Port is shown in Figure 3 of Masterplan 2040 Reviewed 2018. This is attached as Appendix 1 to this submission.

The key features of this development plan are as follows:

- Three large Strategic Infrastructure Development projects
 - ABR Project – consented and under construction in Areas S, A, J₁, R and C.
 - MP2 Project – planning application to be lodged with An Bord Pleanála in 2019 for works in Areas C and D.
 - A large project on the Poolbeg Peninsula including works in Areas K, L, M, N and O and the construction of a new river crossing, the Southern Port Access Route (SPAR)
- As part of the ABR Project, deepening of the channel in Dublin Port from -7.8m CD to -10.0m CD over a 10 km stretch; 5 km from the Tom Clarke Bridge to the Poolbeg Lighthouse and a further 5 km to the -10.0m CD contour in Dublin Bay. This is fully consented and the second of six annual dredging campaigns is underway. The complete deepening of the channel is due to be achieved by March 2023.

The consenting of major marine projects is complex and, for the ABR Project, four essential permissions were required:

1. Planning permission from An Bord Pleanála.
2. Foreshore licence from DHPLG to permit works in the marine environment including capital dredging.
3. Dumping at Sea licence from the EPA to allow the disposal of clean dredged materials at a designated dump site in Dublin Bay.
4. IED licence from the EPA to permit the dredging and on land treatment and reuse of contaminated dredge spoil.

The challenge of securing this wide range of consents is formidable. DPC welcomes the rigour of planning and environmental protections afforded by Ireland's robust planning system. However, in the absence of over-arching planning frameworks and national policies, essential infrastructure development projects are exposed to excess risk of not being able to secure the required consents.

DPC welcomes the addition of the NMPF to provide a clear marine spatial plan and, in doing this, to set the parameters for project promoters' applications for consents of different types in future years.

Reality of Dublin Port's growth projections and immediacy of future capacity development requirements

The scale of the development works described above is large. Over the ten years from 2019 to 2028, capital expenditure in Dublin Port is projected to be €1,045m. In 2018 alone, capital investment will be €111m.

After decades of underinvestment, DPC is having to accelerate large port infrastructure in order to keep pace with high levels of growth.

By end 2018, Dublin Port will have seen growth of 36% in just six years.

This is driven in large measure by the unitised modes (Ro-Ro and Lo-Lo) where Dublin's shares of national throughput are 88.5% and 72.9%.

The Masterplan's projected growth in port volumes from 28.9m to 77.2m gross tonnes from 2010 to 2040 is entirely realistic and is consistent with the assumed projections for population growth over the years to 2040 contained in the NPF.

As we move into the next major development project (the MP2 Project), subsequently complete major works on the Poolbeg Peninsula and build new additional capacity elsewhere on the east coast, a supportive NMPF will be essential.

Responses to selected consultation questions

We have responded below to a selection of the questions posed in the Baseline Report. Our responses are specifically through the narrow perspective of Dublin Port and its future development requirements.

Balanced objectives

In thinking about our needs alone, it is possible to envisage future conflict between our requirements and that of other interests in the marine sector.

It is important that the NMPF recognises the need for there to be a balance between conflicting objectives in the marine environment and, if possible, that it identifies principles as to how such conflicts can be reconciled.

A simple example might be conflicts between proposed off-shore wind farm arrays and shipping routes.

Policy or zoning approach and relationship to the NPF

DPC will develop two categories of infrastructure projects between now and 2040:

- Firstly, there are projects in Dublin Port and in Dublin Bay at known locations.
- Secondly, there will be new projects at as yet unidentified sites elsewhere on the east coast.

The Baseline Report asks an important question: should the objectives of the plan be achieved using a policy based approach or using a zoning approach?

Bearing in mind the particular challenges faced by DPC, we believe that there needs to be a strong element of a policy approach. In the context of port infrastructure, for example, a policy based approach might usefully require that existing brownfield port locations are brought towards full utilisation before developments at new greenfield sites might be considered.

Furthermore, the marine environment cannot be considered in isolation from the terrestrial and a policy based approach for port developments in the marine environment might require evidence that proposed developments which meet the marine objectives do not have excessive negative impacts on the terrestrial environment.

This consideration points to the challenge of aligning the NMPF with the NPF. This issue is discussed below.

In emphasising the need for a policy approach, the extent of Ireland's marine environment is enormous and this would seem to suggest merit in there also being a zonal approach. This is discussed below in terms of the spatial hierarchy of planning goals.

Alignment with NPF

As DPC looks to develop new additional port facilities at another east coast location, it will be obliged (by the principles of proper planning and sustainable development) to look in detail at possible alternative developments in existing brownfield locations (such as Drogheda, Arklow Head, Rosslare, Waterford) before suggesting a greenfield development in the vicinity of, for example, Balbriggan.

A simplistic view would be to insist that capacity at ports such as Rosslare and Waterford be utilised first before DPC might seek to develop a greenfield site.

DPC believes that issues of choosing between alternatives should be resolved by consideration of the aggregate environmental impact on both land and in the marine and by opting for the option of least environmental impact.

Port locations are determined by their proximity to the markets they serve. These markets are accessed, for the most part, by road transport. This is why Dublin Port continues to grow while large quantum of port capacity remain under-utilised in Waterford (Lo-Lo) and Cork (Ro-Ro).

This basic fact is perhaps best appreciated by considering whether port capacity in a remote location such as Killybegs should be favoured in planning terms over the development of new capacity by DPC at a greenfield site on the east coast. It is relatively easy in such an extreme example to conclude it should not.

DPC believes that the way to achieve alignment between the NPF and the NMPF is the quantification of environmental impact. Port development, by its nature, potentially impacts both the terrestrial and the marine and it would be wrong for the protection of the environment in one area to be prioritised over the other regardless of the extent of the aggregate impact.

For example, if consideration of marine planning objectives required assessment of an alternative in Cork (or Rosslare or Waterford) over a proposed development in Dublin, the terrestrial impact of increased HGV traffic should be added in to the equation to arrive at the net aggregate environmental impacts of the alternatives under consideration.

The planning of major infrastructure in Ireland remains vulnerable to the perceived need of the moment. BREXIT, for example, has brought forward many suggestions that Dublin Port should be deprioritised in favour of south coast ports with little analysis or evidence that this makes any sense whether financially, logistically or environmentally.

DPC believes that EIA provides the framework to align the NMPF with the NPF.

Spatial hierarchy of forward planning goals

It would seem sensible to think in terms of coastal zones and within each zone to recognise hierarchies of activities or objectives which inform future planning goals.

Dublin Port, for example, exists within a logical zone of Dublin Bay which includes DPC's statutory limits but extends further out to sea. The activity in this zone is so intense as to warrant its definition as a zone even though the area of the zone is comparatively small.

Within this zone, a high priority should be given to port and shipping activities.

North of this, DPC could envisage a much larger zone taking in the entire north coast up to Carlingford Lough with different levels of priority attaching to different marine activities at different locations within the zone.

Climate change adaptation

Sea level rise in Dublin Bay will impact both the Port and the City.

This will likely require works in the marine such as breakwaters or flood protection walls. These works could be in Natura sites.

It is important that the NMPF attaches an appropriate high level of priority to developments in the marine which might be required as a result of sea level rise. Climate change adaptation works which impact protected Natura sites will require case-making on an IROPI¹ basis.

Having clear climate change adaptation planning objectives in the NMPF would be essential to ensure that such works could be appropriately considered (and either consented or rejected) based on the strength of the IROPI case.

In other words, the NMPF should assist a climate change adaptation project in ticking all the boxes up to the point where the IROPI argument would need to be considered. Or put yet another way, the NMPF should facilitate climate change adaptation projects at a policy level by not overly worrying about the constraints of the Natura 2000 network.

¹ Article 6(4) of the Habitats Directive states:

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest [IROPI].

Appendix 1 – Figure 3 from Masterplan 2040 Reviewed 2018

