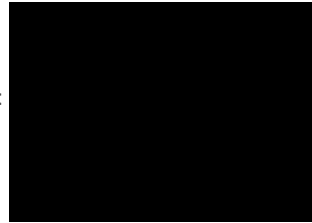


Submission HLG 00107-22: Screening for Appropriate Assessment Determination on FS006893 Dublin Port Company MP2 Project.

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY: 16/03/2022

Final comment

Approved by Minister, 10/03/2022

Action required

Ministerial determination on the Screening for Appropriate Assessment.

Executive summary

Dublin Port Company have applied for a Foreshore Licence and Foreshore Consent under Section 3 and Section 10 of the Foreshore Act to carry out works associated with the development of the MP2 Project.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department has undertaken Screening for Appropriate Assessment (AA).

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment report and reaches the following Screening for Appropriate Assessment determination:

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Detailed information

Dublin Port Company have applied to the Department of Housing, Local Government and Heritage for a Foreshore Licence and Foreshore Consent under Section 3 and Section 10 of the Foreshore Act 1933, as amended, to carry out works associated with the proposed development of the Port, to implement the MP2 Project and for the dumping of dredge material at the licenced offshore disposal site on State-owned foreshore located at the approaches to Dublin Bay to the west of the Burford Bank.

Following on from the Alexandra Basin Redevelopment Project which was the first major infrastructure project to be brought for Foreshore Approval from Dublin Port Company's Masterplan 2012 to 2040, the MP2 Project is intended to provide a second tranche of the additional capacity required to cater for a projected demand by 2040.

The core principles underpinning the company's Masterplan were endorsed by Government in The Department of Transport's 'National Ports Policy 2013'. The Masterplan, as drafted by Dublin Port Company, recognises the need to provide capacity in the Port to cater for 60 million gross tonnes of cargo by 2040 and was approved by the Board of Dublin Port Company in February 2012.

The foreshore the subject of this application consists of two distinct parcels, one state owned to which Section 3 applies and the other parcel is privately owned by Dublin Port to which Section 10 applies.

Section 3 development works include capital dredging with associated offshore disposal site. The offshore dumpsite is also located

on state foreshore and is therefore included in the Section 3 consent. Dublin Port Company is seeking a duration for the capital dredging aspect of the works to align with the grant of planning permission up to 2035.

Section 10 development works include new, extended, repurposed and re-orientated berths, infilling of redundant basins, dredging and the consolidation of existing passenger terminal buildings with associated civils infrastructure.

Planning Permission for the works was granted by An Bord Pleanála, subject to seventeen (17) Conditions, in July 2020, document linked below.

Brief Description of Proposed Works

The works proposed in the MP2 Project comprise a number of elements, outlined below:

- Construction of a new Ro-Ro jetty (Berth 53) for ferries up to 240m in length on an alignment north of the Port's fairway.
- A reorientation of Berth 52 which is also designed to accommodate ferries up to 240m in length. The works will also comprise an amendment to the consented open dolphin structure to create a closed berthing face at the eastern end of Berth 49. Elsewhere within the Alexandra Basin Redevelopment Project, the extension of the existing Berth 49 is already consented to also make this berth capable of accommodating ferries up to 240m in length. The combination of the Alexandra Basin Redevelopment Project with the MP2 Project will therefore deliver three river berths all capable of accommodating ferries up to 240m in length.
- A lengthening of an existing river berth (50A) to provide the Container Freight Terminal with additional capacity to handle larger container ships. These works will include the infilling of the basin east of the now virtually redundant Oil Berth 4 on the Eastern Oil Jetty. These works will also include dredging to a standard depth of -11.0m CD which is a proposed amendment to the channel dredging as permitted under the Alexandra Basin Redevelopment.
- As part of the infilling of Oil Berth 4, it is proposed to redevelop Oil Berth 3 as a future deep-water container berth (standard depth of -13.0m CD) for the Container Freight Terminal. This will facilitate the change of use of the berth from petroleum importation to container handling when the throughput of petroleum products through Dublin Port declines as a result of national policies to decarbonise the economy.
- The dredging of a berthing pocket to a standard depth of -13.0m CD at Oil Berth 3 will require stabilisation of the existing quay wall at Jetty Road. It is not proposed to use this quay wall for the berthing of vessels.
- Dredging at the proposed Berth 53 and channel widening to a standard depth of -10.0m CD which is a proposed amendment to the channel dredging as permitted under the Alexandra Basin Redevelopment Project.
- Consolidation of passenger terminal buildings, demolition of redundant structures and buildings, and removal of connecting roads to increase the area of land for the transit storage of Ro-Ro freight units as a Unified Ferry Terminal (UFT). Works include reorganisation of access roads; two proposed check in areas comprising a total of 14 check lanes; proposed set down and parking area for the existing Terminal 1 building; proposed pedestrian underpass to access the existing Terminal 1 building; three proposed toilet blocks and a proposed ESB Substation.

The proposed total area of foreshore associated with the works is 229.68ha. The area of state foreshore subject to the proposed MP2 project is 215.61Ha (212.5Ha for the dumpsite and 3.11Ha for the dredge site) and the area of private Foreshore subject to the proposed MP2 project is 14.07Ha. Further details of the proposed activity are outlined in the application form and associated documents linked below.

Environmental Assessment

As part of the assessment of the foreshore application Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited were commissioned as *Independent Environmental Consultants* to conduct a Screening for Appropriate Assessment (stage 1 screening) and if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on Natura 2000 sites from the proposed works in the application for a Foreshore Lease.

A number of documents have informed the Screening for Appropriate Assessment and are linked below and can also be found on the Departments website at: <https://www.gov.ie/en/foreshore-notice/c4b86-dublin-port-company-mp2-project/>

- [Application form](#)
- [Dublin Port MP2 Section 10 Consent Map](#)
- [Dublin Port MP2 Foreshore Consent Map 1 of 2](#)
- [Dublin Port MP2 Foreshore Consent Map 2 of 2](#)
- [Dublin Port MP2 AA Screening and NIS Report](#)
- [AA Screening and NIS – Appendices](#)
- [Draft Construction Environment Management Plan](#)

- [Dublin Port MP2 Summary of Mitigation Measures](#)
- [Dublin Port MP2 Project Rationale](#)
- [Dublin Port MP2 ABP Decision](#)
- [Dublin Port MP2 ABP Inspector's Report](#)
- [Dublin Port MP2 ABP Order 304888-19](#)
- Series of 32 drawings available to view on <https://www.gov.ie/en/foreshore-notice/c4b86-dublin-port-company-mp2-project/>
- [Prescribed Bodies Observations](#)
- [Applicant's response to Public Bodies Observations](#)

Screening for Appropriate Assessment

The *Independent Environmental Consultants* completed the Screening for Appropriate Assessment report in December 2021 which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites (**Tab1**).

In addition to the Screening for Appropriate Assessment, and with respect to the Habitats Directive 92/43/EEC, a risk assessment of the effects to species listed in Annex IV which occurs within the project site was undertaken by the *Independent Environmental Consultants* (**Tab 2**). It concluded that no likely significant effects will occur to Annex IV species as a result of the proposed works. This risk assessment of effects to species listed in annex IV is separate to and does not form part of the Appropriate Assessment Screening Report which has examined the Natura 2000 sites and their qualifying interests.

This Screening for Appropriate Assessment report along with all relevant material was considered by the Departments Marine Advisor (environment) who agreed with and accepted the IEC's report and its conclusions and a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment Report and reaches the following Screening for Appropriate Assessment Screening Determination:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken a Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project for the construction of a new berth and alterations to existing berths, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A copy of all the material which informed the Screening for Appropriate Assessment prepared by the *Independent Environmental Consultants* is linked above. The Screening for Appropriate Assessment report prepared by the *Independent Environmental Consultants*, Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited is attached at **Tab 1**. The Risk Assessment for Annex IV Species prepared by *Independent Environmental Consultants*, Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited is attached at **Tab 2** and the adoption of these reports is recommended. The Marine Advisor Environmental Report with Statutory Declarations prepared by the Departments Marine Advisor (environment) is attached at **Tab 3** recommending the adoption of the above reports. The Screening for Appropriate Assessment Determination prepared by the Departments Marine Advisor (environment), for Ministerial Determination, is attached at **Tab 4** for signing.

Submitted for decision.

Related submissions

There are no related submissions.

User details

INVOLVED:



eSub MOS Burke Office
eSub MOS Burke

READ RECEIPT:

