



Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland

Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Chaile Sheáin
Contae Loch Garman, Éire

T: +353 53 916 0600

F: +353 53 916 0699

E: info@epa.ie

W: www.epa.ie

LoCall: 1890 33 55 99

Ms Sinead Barrett
RPS
Roadbridge Site Offices
Alexandra Road
Dublin D01 VR70

31st May 2018

Our Ref: SCP170801.2

Re. Draft Dublin Port Masterplan 2040 – Reviewed 2018 and Strategic Environmental Assessment Environmental Report

Dear Ms Barrett,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 16th April 2018, in relation to the Draft Dublin Port Masterplan 2040 – Reviewed 2018 (the Masterplan) and the accompanying Strategic Environmental Assessment (SEA) Environmental Report.

The EPA is one of five statutory Environmental Authorities under the SEA Regulations. Our role focuses on promoting the full integration of the findings of the SEA into the Masterplan and advocating that the key environmental challenges for Ireland for addressed, with a priority focus on key national, regional and sectoral plans. It is not the function of the EPA, as an SEA Environmental Authority, to either approve or enforce the Masterplan or SEA.

This submission is intended to strengthen the Masterplan as a strategic level framework to guide the future sustainable development of Dublin Port and to promote full and transparent integration of the Masterplan and SEA processes.

A number of key comments are provided below, while further specific comments on the Masterplan and the SEA Environmental Report are provided in Appendices I and II. A summary of our key recommendations is provided in Appendix III. These comments, together with those provided in our earlier Scoping submission, should be considered in finalising the Masterplan.

Integration with other key plans & programmes

The preparation of the Masterplan coincides with several key national and regional plans. The recently published National Planning Framework (NPF) – Ireland 2040 sets the framework for future national development out to 2040 and strives to position Ireland on a more sustainable growth trajectory. The NPF's time horizon mirrors that of the Masterplan and it includes a specific objective (National Strategic Outcome 4) relating specifically to Dublin Port. The NPF will be implemented at the regional level via the Regional Spatial and Economic Strategies (RSEs) currently in preparation. The Masterplan should reflect and align with the relevant commitments and objectives the NPF and in the RSEs for the Eastern and Midlands Region upon its publication.

The Masterplan should be consistent with relevant climate change policies and plans including the National Policy Position on Climate Action and Low Carbon Development, National Mitigation Plan, National Adaptation Framework, Transport Sector Adaptation Plan and relevant Flood Risk

Management Plans. Concerted national efforts to tackle the challenges of air and water pollution are also ongoing, culminating in the recent publication of the River Basin Management Plan 2018-2021 and the preparation of the National Clean Air Strategy, which should be acknowledged and supported in the Masterplan. In finalising and implementing the Masterplan, Dublin Port Company should ensure that it is fully aligned with the goals, policies and objectives in these key national plans.

Key Recommendations

Integration of the SEA & AA findings, Mitigation and Monitoring

We note and welcome the commitment in the Masterplan to fully implement the mitigation measures arising from the SEA and AA. In finalising the Masterplan, the mitigation measures and recommendations proposed in the SEA Environmental Report and Natura Impact Statement should be reflected in the Masterplan and in its implementation.

A clearer distinction should be made between environmental obligations (e.g. waste water discharges being complaint), mitigation measures arising from the SEA/AA, and high level recommendations.

The commitment in the Masterplan to implement all necessary mitigation arising from the SEA and AA processes should be expanded to include any remedial action necessary should unforeseen adverse impacts be detected; this commitment should also be referred to in the *Executive Summary*.

Monitoring, Reporting & Review

We recommend that a more frequent and fixed timeframe for review of the Masterplan should be considered (e.g. every 5 or 6 years), to provide for periodic assessment and reporting on delivery and implementation. There may be merits in aligning with the NPF or RSES review cycle. The requirements of the SEA, Habitats, Floods and WFD Directives should be taken into account in future periodic reviews.

The Masterplan refers to the creation of shorter term (rolling five year) strategic plans from which individual projects will be brought forward, planned and developed. The nature/scope of these plans and their relationship to the Masterplan should be clarified. The inclusion of a graphic or flow diagram illustrating the different levels in the planning/decision-making hierarchy, and parallel environmental assessment processes, would be useful.

The monitoring programme should monitor the Masterplan's effectiveness at ensuring environmental sensitivities are adequately protected on an ongoing basis. It should also be capable of identifying any unforeseen adverse impacts at an early stage, to enable any remedial action necessary to be undertaken as soon as practicable. There may be merits in re-naming Section 10 of the Masterplan '*Environmental Protection, Monitoring and Reporting*'.

Climate Change

In terms of planning for the future and anticipating future trends, the challenges posed by climate change and the national and EU low carbon transition agenda merit further consideration in the Masterplan and SEA.

The inclusion of a commitment to proactively reduce the Port's carbon footprint and promote low carbon alternatives throughout the supply chain would be welcome. The preparation of a separate climate mitigation plan for the Port could be considered, with short, medium and long term objectives and targets around aspects such as renewable energy (wind, rooftop solar PV), energy conservation, roll-out and uptake of shore-side electricity facilities (including incentivised or mandatory connection where feasible), refuelling infrastructure for alternative fuels (CNG, LNG, biofuels), expansion and possible electrification of the freight rail network, charging points for electric cars etc. The National Policy Framework for Alternative Fuels Infrastructure for Transport in Ireland 2017-2030 should be considered in this regard.

In addition to lowering greenhouse gas emissions, low carbon alternatives typically result in other societal benefits such as reduced air pollution, noise and, in the case of rail freight, less road traffic congestion. This would link closely with the Masterplan's objective of maximising the societal benefits to the City and people of Dublin, particularly residential areas near the Port.

On the climate adaptation side, the inclusion of commitments to climate-proofing both existing and future port infrastructure and operations to other types of extreme weather (in addition to flooding) should be considered. There would be merits in preparing a climate adaptation plan for the Port; the EPA guidance *Local Authority Adaptation Strategy Development Guideline* and www.climateireland.ie website are useful resources in this regard. References to the *Draft NAF* should be updated to reflect that the National Adaptation Framework has now been published. Under the NAF, a new statutory adaptation strategy for the transport sector will be prepared by Sept. 2019 and should be considered in subsequent reviews of the Masterplan.

The reference to the *Draft Flood Risk Management Plan (FRMP)* for UoM 9: Liffey and Dublin Bay should also be updated to reflect that the FRMPs have now been adopted; plans and flood maps are available on www.floodinfo.ie.

Alternatives

We note that the assessment of alternatives identified only one option as being technically feasible. There would be merits in providing further supporting information on the various constraints (site constraints, ongoing nature of the port operations etc.). Further information should also be provided on the site selection process undertaken for the Inland Port. The need to examine issues further at project/EIA level should be clearly stated where relevant.

Integrated Environmental Management Plan

We recommend that a commitment be included in the Masterplan to prepare an Integrated Environmental Management Plan (IEMP) for the Masterplan area, as recommended in the SEA Environmental Report, to manage and coordinate the various projects and associated mitigation measures and monitoring. The scope of this plan should include provisions to ensure the on-going protection of water quality, habitats (in particular Natura 2000 sites), air quality, landscape etc. from the on-going operation and future development of Dublin Port. The IEMP should address aspects such as noise and dust minimisation, emissions to air and water, erosion and sediment control, invasive species control, traffic management, etc. It should take into account local sensitives (noise sensitive locations, bird breeding sites, salmonid spawning locations etc.) to ensure development / operations adjacent to the most sensitive locations are controlled and managed in order to minimise disturbance. Stakeholder communication should also be addressed in the IEMP. The overarching IEMP should provide a framework for individual project-level Construction and Environmental Management Plans (CEMPs) as appropriate. There is a large volume of monitoring information and research projects in Dublin Bay which should inform the preparation of the IEMP.

SEA Environmental Report - Non-Technical Summary

The 'Executive Summary' in the SEA Environmental Report should be updated to a Non-Technical Summary (NTS); refer to *Schedule 2* of the SEA Regulations (S.I. No. 435 of 2004) for *Information to be contained in an Environmental Report*". The NTS should be expanded to provide a more meaningful summary of:

- the environmental baseline, highlighting the key issues and trends for each of the environmental topics e.g. trends in water quality, air quality, noise etc.; causes for breaches; extent of contaminated soil; extent of flood risk etc.
- where the assessment identifies potential adverse impacts (both pre- and post-mitigation), the nature of these impacts and the causes should be outlined;



- further detail should be provided on the mitigation measures proposed; the commitments in *Section 9* should be summarised in the NTS to highlight how the Masterplan proposes to mitigate the potential impacts identified.

Future Modifications to the Masterplan

Where modifications to the Masterplan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 1 of the SEA Regulations (S.I 435 of 2004) and should be subject to the same method of assessment applied in the “environmental assessment” of the Masterplan.

SEA Statement – “Information on the Decision”

Following adoption of the Masterplan, an SEA Statement should be prepared that summarises the following:

- How environmental considerations have been integrated into the Masterplan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Masterplan;
- The reasons for choosing the Masterplan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Masterplan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact the undersigned.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours sincerely,

A handwritten signature in cursive script that reads 'Tara Higgins'.

Dr Tara Higgins
Inspector,
SEA Section,
Office of Evidence and Assessment
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Wexford

Appendix I. Addition Comments on the Masterplan

Masterplan Strategic Objectives

The 'Environment and Heritage' objective could be amended as follows to strengthen the commitment to implementing the recommendations and mitigation measures arising from the environmental assessments and to recognise population and human health considerations: *'This development framework will also ~~take account of~~ **fully implement** the recommendations and mitigation measures arising from the SEA, Appropriate Assessment (AA) and other relevant plans for the protection of natural resources, **population and human health**, including the protection of water resources, **air quality**, designated and non-designated sites, aquatic ecology and protection against flood risk'*.

The inclusion of a separate standalone objective relating to minimising adverse air pollution/noise/vibration/dust impacts on local communities could also be considered. A separate objective relating to climate mitigation, as previously mentioned, should also be considered.

The wording of the 'Future review' objective could be amended to acknowledge the SEA objectives and targets: *'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 **as set out in the Masterplan and the SEA**'*.

Consideration should be given to rewording the 'Port Function' objective as follows: *"Use new and developing technology to increase throughput to its **environmentally sustainable** maximum"*.

There would also be merits in appropriately coding the various strategic objectives and any associated commitments/actions. This would allow for monitoring and reporting on implementation and performance.

Natura Impact Statement

The recommendations of the Appropriate Assessment should be fully integrated in both the Masterplan and SEA. The National Parks and Wildlife Service (NPWS) should be consulted with regard to any mitigation and/or compensatory measures for protected species or habitats.

Community Engagement and Citizen Science

Under *Environment / Ecological* in section 8, there would be merit in exploring the potential for citizen science initiatives, allowing members of the public or local schools to participate in appropriate scientific research, monitoring, recording etc. The importance of informing, engaging and supporting communities in the protection and improvement of the environment was one of the seven key messages in our most recent State of the Environment Report (EPA, 2016).

Cultural Heritage, Recreation and Amenity Facilities

We welcome the commitments to providing enhanced recreation and amenity facilities as part efforts to integrate Dublin Port with the City. The important role of green/blue spaces and access to nature in promoting health, wellbeing and quality of life, particularly in the context of an increasingly urbanised society, was highlighted in our *Ireland's Environment* report. We recommend that cultural heritage and leisure initiatives should be planned, coordinated, developed and managed in a sustainable and integrated manner that maximises their co-benefits for both users and the environment. The planting of native species of vegetation and trees with high biodiversity potential should be prioritised in developing public realm spaces, greenways etc. supporting the SEA objective to *'Present, protect, maintain and where possible enhance undesignated fauna, flora and habitats'*. The Masterplan should also include measures to control and manage relevant alien/invasive species and noxious weeds within the Masterplan area in accordance with best practice.

Marine Spatial Planning

The Masterplan should take account of Ireland's requirement to prepare a Marine Spatial Plan (MSP) by 2020. The MSP will seek to balance the different demands for using the sea, planning when and where human activities take place and ensuring these are as efficient and sustainable as possible, taking into account the need to protect the marine environment. It is worth noting that the DHPLG published *Towards a Marine Spatial Plan for Ireland – a roadmap for the development of Ireland's first marine spatial plan* in December 2017 and the MSP, and associated environmental assessments, are currently being progressed by the DHPLG.

The Masterplan Area

In the interest of clarity and completeness, the area of the Masterplan delineated in Figure 2 should include the navigation channel, berths, approach channel and dumping at sea site, as appropriate.

Landscape & Visual Impact Assessment

The commitments to enhance the general aesthetics / visual impact of the Port around the interface with the City are positive. There would be merits in including a commitment to carrying out appropriate landscape and visual impact assessments for proposed developments with the potential to impact adversely on significant landscape features (river/coastal/estuarine) within and adjacent to the Masterplan area.

Critical Infrastructure

Critical infrastructure to support individual projects arising from the Masterplan should be rolled out on a planned and phased basis within the Masterplan area over the lifetime of the Masterplan. There would be merits in considering the development of an overall Critical Infrastructure Strategic Plan to deliver on the Port's critical infrastructure needs (wastewater treatment, water supply, surface and storm water drainage, waste management, road access etc.).

Dredging and Dumping at Sea

The relevant legislation referred to in this section should be the Dumping at Sea Act 1996 as amended (for dumping at sea permits) and the Foreshore Act 1933 as amended (for foreshore leases/licences). We recommend the preparation of a Dredge Management Plan, addressing the Port's short, medium and long term dredging requirements (both capital and maintenance), and identifying suitable management options for the disposal or where possible re-use of the dredged material.

Contaminated Land

There would be merits in preparing and implementing an integrated remediation programme for any contaminated areas of land identified within the Masterplan area.

SEA Environmental Report – Assessment

This section in Masterplan could be expanded and improved, in order to provide a better summary of the key issues identified in the assessment and the mitigation measures put forward to address these. For example, in relation to 'population and human health', 'air, noise and vibration' and 'climatic factors', the projected increase in through-put over the lifetime of the Masterplan, and associated emissions, should be acknowledged and further information provided on the proposed mitigation measures. In relation to water quality, while improvements in flood risk management are referred to, other water related impacts and associated mitigation measures should also be discussed. Regarding the SEA regulations referred to in this section, the SEA legislation pertaining to the Masterplan is SI No. 435 of 2004 as amended by SI No. 200 of 2011.

Appendix II. Additional Comments on the SEA Process and SEA Environmental Report

Compatibility of Masterplan and SEA Objectives

Supporting text should be provided to explain the assessment of the compatibility of objectives outlined in Table 3.4. It should be ensured that the key SEA Objectives are reflected in the Masterplan objectives as appropriate to highlight the integration between the SEA and the Plan. Where conflicts have been identified between Masterplan and SEA objectives, these should be addressed in the SEA and resolved where possible prior to finalising the Masterplan.

Other Relevant Plans, Programmes and Policies (Section 6 and Appendix D)

References to the Draft River Basin Management Plan for Ireland 2018-2021 should be updated to reflect that the RBMP has been finalised and published. The SEA Environmental Report and Masterplan should be updated, where relevant, to reflect its recommendations and it should be ensured that the SEOs and targets are compatible with those in the RBMP for the affected water bodies.

Ireland is committed to the UN's 2030 Agenda for Sustainable Development and DCCAE recently published Ireland's *Sustainable Development Goals (SDGs) National Implementation Plan 2018 – 2020*, which includes targets relating to Goal 14 'Conserve and sustainably use the oceans, seas and marine resources for sustainable development'. The relevant SDGs and associated targets and indicators should be reflected where relevant in the environmental monitoring programme and in the environmental objectives in the Masterplan.

The Environmental Liability Directive 2004/35/CE and Regulations (SI No. 547 of 2008), which establish a framework of environmental liability based on the 'polluter-pays' principle to prevent and remedy environmental damage, should be taken into consideration in the Masterplan (and IEMP) as appropriate in relation to the going operation and future development of the Port.

The Shellfish Directive (referred to in both the SEA Environmental Report and the Masterplan) has been repealed; designated shellfish areas are afforded protection under the Water Framework Directive.

Assessment

The inclusion of a combined environmental sensitivity map would be useful, showing the environmental vulnerabilities /sensitivities that exist within and adjacent to the Masterplan area, such as water quality, biodiversity, flood risk, residential areas etc. This would inform the preparation of the proposed Integrated Environmental Management Plan, as well the reporting on environmental performance. The assessment should take into consideration the trend in increasing vessel sizes and, where necessary, appropriate mitigation measures should be put in place. The inter-relationships between the relevant environmental topics should also be described and assessed, in both the baseline and the assessment sections.

Integration of the SEA & AA findings, Mitigation and Monitoring

There would be merits in coding/numbering the mitigation measures and recommendations in the SEA Environmental Report and Natura Impact Statement, to ensure they are reflected in the Masterplan and to allow for tracking and reporting in terms of delivery and performance. It would be useful to include an additional column or table in the SEA Environmental Report to indicate where in the Masterplan the mitigation measures are reflected. If certain mitigation measures put forward in the SEA are not included in the Masterplan, the reasoning for this should be provided.

Appendix III Summary of Key EPA Recommendations

<i>Masterplan Strategic Objectives</i>	
1	The objective to implement all necessary mitigation arising from the SEA and AA processes should be strengthened to include any necessary remedial action. This commitment should also be clearly stated in the <i>Executive Summary</i> .
2	Population and human health considerations should be reflected in the <i>Environment and Heritage</i> objective.
3	Where conflicts have been identified between Masterplan and SEA objectives, these should be addressed in the SEA and resolved, where possible, prior to finalising the Masterplan.
4	The Masterplan Strategic Objectives should be appropriately coded or numbered, to allow for monitoring and reporting on implementation and performance.
5	The following additional Masterplan key strategic objectives should be considered: <ol style="list-style-type: none"> a. Preparation (and implementation) of an Integrated Environmental Management Plan (IEMP) for the Masterplan area. b. Separate objective(s) addressing climate change mitigation and adaptation; c. Separate objective(s) relating to minimising adverse air pollution/noise/vibration/dust impacts on local communities; d. Preparation (and implementation) of an overall Critical Infrastructure Strategic Plan, to ensure critical infrastructure to support individual projects arising from the Masterplan are rolled out on a planned and phased basis; e. Preparation (and implementation) of a Dredge Management Plan, to address the Port's short, medium and long term capital and maintenance dredging requirements and identifying suitable management options for the disposal, or where possible re-use of the dredged sediments; f. Preparation (and implementation) of an integrated remediation programme for contaminated areas within the Masterplan area; A commitment to carrying out appropriate landscape and visual impact assessments for proposed developments.
<i>Integration of key findings of SEA and AA</i>	
6	All relevant and appropriate mitigation measures and recommendations, including monitoring proposals, arising from the SEA and AA processes should be reflected in the Masterplan.
7	Mitigation measure should be coded/numbered and prioritised to allow for tracking and reporting in terms of delivery and performance. Listing them in a table in the Masterplan, by category, with timelines assigned where appropriate, would be useful.
8	An additional table/column in the SEA Environmental Report could be included to indicate where in the Masterplan the mitigation measures are reflected. If certain mitigation measures put forward in the SEA are not included in the Masterplan, the reasoning for this should be provided.
9	A clear distinction should be made between environmental obligations (e.g. waste water discharges being complaint), mitigation measures arising from the SEA/AA, and high level recommendations.
10	NPWS should be consulted with regard to any mitigation and/or compensatory measures for protected species or habitats.
11	Additional supporting text should be provided in SEA Environmental Report – Assessment in the Masterplan to support some of the statements and conclusions reached.
12	A combined environmental sensitivity map would be a useful addition to the Masterplan.

<i>Monitoring, review and implementation</i>	
13	Provide a fixed timeframe for periodic reviews (every 5 or 6 years); ensure SEA, Habitats, Floods and WFD Directives requirements are taken into account in future reviews.
14	Clarify the relationship between the Masterplan and the proposed five year strategic plans; include a graphic or flow diagram illustrating the different levels in the planning/decision-making hierarchy, and parallel environmental assessment processes.
15	Incorporate the relevant UN SDGs and associated targets / indicators into the monitoring programme, where relevant and appropriate.
<i>Climate</i>	
16	Include a commitment to proactively reduce the Port's carbon footprint and promote low carbon alternatives throughout the supply chain; consider preparing a separate climate mitigation plan for the Port.
17	Expand the commitments in relation flood-proofing future port development to include promoting resilience to other types of extreme weather and to include existing infrastructure and operations; consider preparing a separate climate adaptation plan for the Port.
<i>Alternatives</i>	
18	Provide further supporting information on constraints and the site selection process for the Inland Port.
<i>Cultural Heritage & Recreation Initiatives</i>	
19	Cultural heritage and recreation/amenity initiatives should be planned, coordinated, developed and managed in a sustainable and integrated manner; specific aspects to consider include: the planting of native species with high biodiversity potential; measures to control and manage relevant alien/invasive species and noxious weeds; the potential for citizen science initiatives.
<i>Other Relevant Plans, Programmes and Policies</i>	
20	The UN 2030 Agenda for Sustainable Development and Ireland's Sustainable Development Goals (SDGs) National Implementation Plan 2018–2020 should be referred to and considered. The Environmental Liability Directive and Regulations (SI No. 547 of 2008) should also be taken into account.
<i>SEA Environmental Report - Non-Technical Summary</i>	
21	The 'Executive Summary' in the SEA Environmental Report should be updated to a Non-Technical Summary (NTS); further detail should be included to provide a more meaningful summary of the key environmental issues for the Masterplan area, the impacts identified, the measures proposed to mitigate these and the proposed monitoring.