

4 POLICIES AND PLANS

4.1 Introduction

This Chapter of the Environmental Statement/Environmental Impact Statement (ES/EIS) provides an assessment of the proposal against prevailing Regional and Local Planning Legislation and Policy in Northern Ireland (NI) and the Republic of Ireland (RoI). This ES/EIS is presented to support a dual planning process, whereby appropriate applications have been presented to the relevant planning authorities for consideration in both jurisdictions:

- Department of Environment – Planning (NI); and
- Louth County Council (RoI).

This ES/EIS is prepared as an all-encompassing document to support all planning applications and cognisant of the trans-boundary nature of the project, as well as the marine licensing processes.

4.2 Summary of Proposal

It is proposed to commence a vehicular/passenger ferry service across Carlingford Lough between:

- Greencastle, County Down, Northern Ireland; and
- Greenore Point, County Louth, Eire.

The service will comprise of 1 No. Ferry operating return trips between newly constructed mooring facilities at Greenore and Greencastle. The ferry route is proposed within the Lough, at a distance of circa 3km from the open sea. Skirting to the northern side of Green Island, the route has been carefully chosen cognisant of chart datum and admiralty maps which help inform on depths of the channel as well as natural features including rock outcrops.

Proposed works at Greencastle include a hardstanding, pier and slipway whilst at Greenore it is proposed to locate a hardstanding and slipway. A berthing facility - at the Greencastle side - will allow the ferry to be moored overnight. The ferry will not be moored at Greenore - accordingly there is no proposal to include a pier at this location.

Overall project programme is dependant upon the timing of planning permission and licence agreements. Upon receipt of all necessary approvals it is expected that the construction timeframe will be in the region of 6 months.

A complete project description is provided in Chapter 3 of this ES/EIS.

4.3 Methodology

Via a robust EIA screening exercise – detailed in Chapter 2 – it was established that this proposal constituted EIA development according to both northern and southern Irish EIA legislation. A subsequent EIA Scoping exercise was undertaken - in both Northern Ireland and the Republic of Ireland - to inform on the main issues to be addressed as part of the ES. Again, the scoping exercise is summarised in Chapter 2. A brief summary of relevant European and jurisdictional EIA legislation is provided below.

Further to EIA considerations, in order to establish the Plans and Policy Context for the area it was necessary to undertake:

- Analysis of key planning legislation setting out the basis for planning control;
- An analysis of relevant operational planning policy to be applied during the assessment of this proposal; and
- A review of further material considerations which fairly and reasonably relate to the application concerned.

Consideration of the following documents has occurred:

4.3.1 Northern Ireland

- Planning (Northern Ireland) Order 1991 – as amended;

- Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012;
- Regional Development Strategy (RDS) – 2035;
- Banbridge/Newry and Mourne Area Plan 2015;
- Newry and Mourne Rural Area Subject Plan 1986 – 1999;
- Planning Policy Statement 1 – General Principles;
- Planning Policy Statement 2 – Planning & Nature Conservation;
- Planning Policy Statement 2 Draft (Revised) – Natural Heritage;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 4 – Planning & Economic Development;
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage;
- Planning Policy Statement 15 – Planning and Flood Risk;
- Planning Policy Statement 16 (Draft) – Tourism;
- Planning Policy Statement 21 – Sustainable Development in the Countryside; and
- A Planning Strategy for Rural Northern Ireland.
- Further Material Considerations

4.3.2 Republic of Ireland

- Planning & Development Acts 2000 - 2010;
- Planning and Development Regulations 2001 – as amended;
- National Spatial Strategy(NSS);
- Regional Planning Guideline for the Border Region – 2010 – 2022;
- Louth County Development Plan 2009 – 2015; and
- Further Material Considerations.

Conclusions were informed by a critique of the above documents as well as the information contained within other tailored ES Chapters on specific issues.

4.4 Environmental Impact Assessment (EIA) Consideration

As part of RPS' rigorous pre-planning procedures EIA "Screening" and "Scoping" requests were submitted to the competent authorities in both Northern Ireland and the Republic of Ireland.

EIA Screening refers to a request for formal response confirming whether or not EIA applies to a specific development project. EIA Scoping refers to a request submitted to the competent authority requesting a formal opinion as to the specific environmental issues which must be assessed through the EIA process.

In Northern Ireland and the Republic of Ireland, the Department of Environment (DoE) Planning NI (the Department), and Louth County Council – respectively - comprise the responsible authorities.

4.3.1 Northern Ireland

Upon request, DOE Planning NI confirmed the proposal as falling within Schedule 2 Category 10 (g) of the EIA Regulations – Infrastructure Projects – construction of harbours and port installations. Schedule 2 projects are not mandatory EIA projects. Rather, the Department makes a case by case determination on whether EIA applies to the project. Having regard to Schedule 3 of the EIA Regulations, containing EIA Selection Criteria as per the Directive, the Department determined that the proposal had the potential to generate significant environmental impacts. Accordingly, EIA applied.

4.3.2 Republic of Ireland

RPS submitted a formal request under Section 173 of the Planning and Development Acts 2000-2010 seeking a determination as to whether this proposal was considered as EIA development. Subject to confirmation of the proposal as EIA development, RPS requested a formal opinion as to the information to be contained in the Environmental Impact Statement.

Having regard to the nature and extent of the proposal within the context of Schedule 7 of the Planning and Development Regulations 2001 - as amended – Louth County Council confirmed that any forthcoming application should be accompanied by an Environmental Impact Statement.

4.3.3 EIA Approach

RPS' approach is to include as much information as possible within the Environmental Statement relating to all elements of the scheme - onshore and offshore. Where relevant, EIA chapters have been structured to include reference to onshore and offshore parts of the development. In other cases it has been necessary to include specific onshore and offshore chapters pertaining to specific EIA topics. An example is the inclusion of terrestrial ecology (C.5) and marine ecology (C.7) chapters.

4.4 Planning Legislation and Policy – Northern Ireland

4.4.1 Planning Control

Article 11 of the Planning (NI) Order 1991 defines development as being *“the carrying out of building, engineering, mining or other operations in, on, over or under the land or the making of any material change of use of any buildings or other land.”*

Under the terms of Section 6 of the Interpretation Act (NI) 1954, the Planning Order (NI) Order 1991 applies to the whole of the portion of Northern Ireland that is within the jurisdiction of the Parliament of Northern Ireland. Planning control as a consequence is exercised as far as the low water mark. Any development taking place beyond the low water mark is therefore outside the scope of planning control and within the Crown Estates Licensed Area. As such this is subject to other consent procedures as outlined in Section 7.2.3.

Planning Policy Statement 1 - General Principles - outlines the Department of Environment's approach to planning and those matters that are material in determining any planning application. The Department will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations, the Water Act or other consent processes. The grant of planning permission does not remove the need for any other consent, nor does it imply that such consents will necessarily be forthcoming. Where such other regulatory machinery applies, those issues covered by the separate consent processes will only be taken into account where their consideration remains material in planning terms.

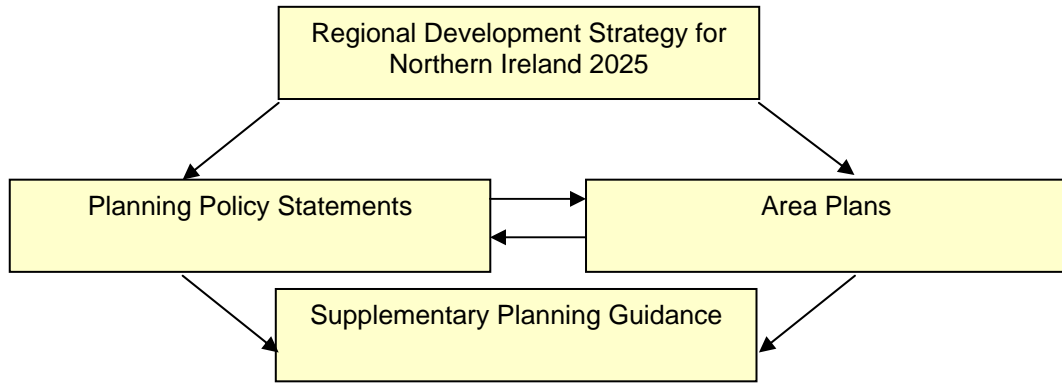
4.4.2 Northern Ireland Regional & Local Planning Context

Within Northern Ireland, a hierarchy of planning policy influences future development of the region. The hierarchy of planning documents consist of:

- Regional Strategies which provide an overall vision for the region;
- Planning Policy Statements (PPS) outline prevailing policies in relation to particular aspects of land use planning as they apply to the whole of Northern Ireland;
- Development Plans which provide details regarding land use issues in local areas;
- Planning Strategy for Rural Northern Ireland (PSRNI) as applied to overhead power-lines (utilities); and
- Supplementary Planning Guidance which includes all other documentation relating to a given area. These documents may be material considerations to be taken into account when assessing any development proposals.

The relevant Northern Ireland policy context for this proposal is set out below.

Figure 4.1: Planning Hierarchy – Northern Ireland



4.4.3 Regional Development Strategy (RDS) – 2035

This document provides an overarching strategic planning framework, complementing the strategies of other Department’s with the spatial approach of balanced sub-regional growth whilst recognising the importance of key settlements as centres for growth and investment. The RDS is prepared under the Strategic Planning (Northern Ireland) Order 1999 and is a statutory document to which departments must have regard in exercising functions in relation to development.

The RDS vision is:

“An outward-looking, dynamic and liveable Region with a strong sense of its place in the wider world; a Region of opportunity where people enjoy living and working in a healthy environment which enhances the quality of their lives and where diversity is a source of strength rather than division.”

Among the eight listed aims of the RDS are the following – all of which are relevant to the proposal:

- Support strong sustainable growth for the benefit of all parts of Northern Ireland;
- Support our towns, villages and rural communities to maximise their potential;
- To protect and enhance the environment;
- To improve connectivity to enhance the movement of people, goods, energy and information between places;
- Strengthen links, including cross border links and those with the rest of Europe and the world.

Contained within the document is Regional Guidelines (RG) as well as Spatial Framework Guidelines (SFG). Those Guidelines contained below in Table 4.1 are relevant to the proposal.

Table 4.1: RDS Guidelines

Guideline	Summary
RG2	Deliver a balanced approach to transport infrastructure
RG4	Promote a sustainable approach to the delivery of tourism infrastructure
RG11	Conserve, protect and where possible, enhance our built heritage and our natural environment
SFG13	Sustain rural communities living in smaller settlements and the open countryside
SFG14	Improve connectivity of rural communities

Newry City is the main town within the Newry and Mourne District Council Area, within which Greencastle is located. Within the RDS Newry is designated as the South Eastern City gateway of the region - due to:

- Its proximity to the land border with the Republic of Ireland;
- Its proximity to the major port of Warrenpoint; and
- The potential to cluster with Dundalk, both of which are on the Belfast-Dublin economic corridor.

These combined attributes have provided the impetus for conjoined working to develop the roles of Newry and Dundalk as regional gateways and create a significant axis of development that will become significant in a European context.

Within the context of the joined up approach, Louth and Newry and Mourne Councils have signed a Memorandum of Understanding (MOU) committing the region to increased cross – border cooperation. The relationship promotes a sharing of resources and collaborative working.

4.4.4 Area Plan Context

Development Plans set out the broad land-use and policy framework for the physical development of designated areas for a specified duration of time. On the northern shoreline (Greencastle) the relevant area plan context is set by:

- Newry and Mourne Rural Area Subject Plan – 1999; and
- Draft Banbridge/Newry & Mourne Area Plan (BNMAP) 2015.

4.4.4.1 Area Plan Process

There are 5 main stages in the development plan process as set out below:

- Information Gathering – Focusing on research and analysis;
- Issues Paper – This is published to promote debate focused on those matters that will shape the preparation of the Draft Plan. This sets out a series of strategic, general and local issues. There is a statutory consultation period of 14 weeks during which representations may be made;
- The Draft Plan – Consisting of a written statement and accompanying maps, setting out preferred policies, proposals and designations of the Department. Where appropriate the Draft Plan is augmented by supplementary reports. A statutory 8 week period allows for the submission of formal objections. All objections are made available for public inspection. A further 8 week period allows formal representations about objections to be made – known as counter-objections. The Department assesses all comments and may request the Planning Appeals Commission (PAC) to hold an Independent Examination to consider all representations;
- Independent Examination – The provision for this Public Examination came into effect in October 2006. Prior to this the PAC held public inquiries into draft plans. Any person who makes a representation during Draft Plan stage has an opportunity to be heard by the PAC during Independent Examination stage. Upon completion of the hearing the PAC will prepare a report of proceedings. This is submitted to the Department for consideration. The Department may adopt the plan with or without modification;
- The Adopted Plan – The Adopted Plan complete with Adoption Statement and PAC report is published. The Adoption Statement sets out decisions made in respect of the Independent Examination report – and reasons for decisions.

A recent ministerial statement (6th June 2012) revealed a departure from the above practice. The procedure with the BNMAP has been to publish the PAC Report prior to the Department's Adoption Statement. The rationale for this is that it: Increases openness and transparency; and provides some further certainty for those making economic decisions regarding sites. The Minister elaborates by stating that, "in instances where the PAC state they recommend no change to the draft plan as a result of objections then it is more likely – although I cannot guarantee it – that these recommendations will be accepted." In other cases, "where the PAC recommendation will require further consideration...the public cannot make any assumptions as to the development status of sites."

4.4.4.2 Newry and Mourne Rural Area Subject Plan – 1999

Among the stated aims of the Plan are:

- That the essential character of the rural area is maintained;
- That areas of high amenity are protected from adverse development;
- Areas of natural or archaeological interest are protected and – where possible – enhanced; and
- That tourist and recreational development potential of the area is facilitated.

Greencastle is located within the designated Mourne Area of Outstanding Natural Beauty (AONB) outside any development limit. Within the AONB the Department will require a high standard of location, siting and

design in all new buildings. The site is located on “Zone B” lands within the AONB. These are described as being located beyond the uplands and those which are under development pressure. Development in such areas will be strictly controlled.

Regarding commercial developments, Para 10.1 encourages these to locate within existing settlements to preserve the amenity of the countryside. Sympathetic consideration will however be given to projects designed to cater for outdoor recreational activities or to facilitate the tourist industry. Nevertheless, Chapter 14 asserts that the economic benefits of tourism will be balanced against their impacts on the countryside and the amenity of the AONB.

Much of the contents of this Plan has now been superseded by updated planning policy contained within the suite of PPS documents – considered below in Section 4.4.5.

4.4.4.3 Draft Banbridge, Newry and Mourne Area Plan 2015

In January 2005, then Regional Development Minister, John Spellar MP, and Angela Smith MP, then Minister for the Environment, issued a statement asserting that Development Plans issued since the publication of the RDS should carry significant weight in the determination of planning applications as they will contain the key principles of the RDS. Accordingly the draft BNMAP is a material consideration in the determination of any planning application within the subject area.

As proposed the northern site is located southeast of the village of Greencastle and beyond any limit of development. Facilities including a hard-standing area, parking areas, a small office for staff with ancillary services and lighting masts will be located on an elongated portion of coastal land immediately adjacent to Greencastle Road. These facilities are located within a Local Landscape Policy Area. The proposed pier and slipway extend to the sea from this point across a designated Coastal Policy Area.

Via the scoping exercise DOE Planning NI confirmed that the following designations, proposals and zonings were relevant to the site:

- Designation GE02 – Greencastle Local Landscape Policy Area (LLPA);
- Designation NC11 – Coastal Policy Area;
- Designation NC12 – Area of Constraint on Mineral Development;
- Policy COU2 – Coastal Policy Area;
- Policy CVN1 – Biodiversity;
- Policy CVN4 – Local Landscape Policy Area.

Designation GE02

Those features listed as contributing to the environmental quality, integrity or character of the designation are:

- Ruins of Green Castle and Church Ruins, including their views and settings and visual links between the two;
- The Motte with associated views and setting; and
- Undeveloped land in the foreground of the ruins, motte and settlement which afford significant views from Greencastle Pier Road.

Designation NC11

The coastal policy area is recognised as an area of exceptional nature conservation importance and scenic quality.

Designation NC12

Areas of Constraint on Mineral Development are designated to safeguard the most valuable and vulnerable areas of the environment. As suggested this designation relates to the protection of mineral resources. Proposals to develop said resources will be determined in accordance with regional policy.

Policy COU2

This states that planning permission will only be granted within this area, to proposals which are:

- Nationally or Regionally important, to an extent that they outweigh potential detrimental environmental impacts; or
- Where it is demonstrated that proposals will improve the quality of the coastal landscape, or improve accessibility for recreation, while still protecting nature conservation; or

- For the consolidation of existing development providing it is in character and scale and does not threaten any nature conservation or built heritage interest and integrates within the landscape.

Policy CVN1

Planning permission will not be granted for development on habitats which are identified as priorities in the Northern Ireland Biodiversity Strategy, or on areas of major importance to flora or fauna where there is potential to damage their integrity, continuity, links or ecological relationship.

Policy CVN4

Within LLPA, planning permission will not be granted to development proposals that would adversely affect their intrinsic environmental value and character.

4.4.4.4 PAC Report

As per the Ministerial Statement (June 2012) referred to above in Section, the PAC Report in respect of the Banbridge/Newry and Mourne Area Plan is available to the public.

DOE Planning NI has advised that the following objections have been received to those policies or designations that are of relevance to this planning proposal:

Objections to relevant Designations, Proposals and Zonings

- GE02 – None;
- NC11 – 6 Objections; and
- NC12 – 48 Objections.

Strategic Objections:

- Policy COU2 – 8 Objections;
- Policy CVN1 – 39 Objections; and
- Policy CVN4 – 37 Objections.

4.4.4.5 Report Considerations

In respect of objections listed above, the PAC Report made the following comments.

Coastal Policy Areas - COU2 & NC 11

Main issues raised in objections are:

- (a) The regional policy basis for Policy COU2 and its necessity;
- (b) The wording of Policy COU2 and its supporting text.

PAC recommendations were:

- Policy COU2 and Designation NC11 should not be confirmed in the Plan given uncertainties over policy wording and its application within NC11;
- If some form of COU2 is to be included, its policy basis should be clearly stated and its supporting text expanded in order to clarify the objectives and application of NC11;
- If the statutory plan contains some form of Designation NC11 it should be identified on a smaller scale map so that the landward boundary can be clearly identified.

Mineral Development – NC 12

Main issues raised included the designation of ACMD's.

PAC recommendation stated that:

- The Department should review the need for an extent of Designations NC12 and BC05 as identified in the draft Plan. Any revised proposals should be publicised as an alteration to the Plan under Article 6 of the Planning Order.

NC 12 is of no relevance to the proposal.

Biodiversity – CVN1

Main issues include the need for and rewording of Policy CVN1.

PAC recommends that policy CVN1 is omitted from the Plan.

Local Landscape Policy Areas – CVN4

Main issues included:

- (a) The designation of LLPAs;
- (b) The need for a specific policy in the Plan; and
- (c) The wording of Policy CVN4

PAC recommendations were as follows:

“Within designated LLPA’s, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character as set out in Volumes 2 and 3 of the Plan.

Where riverbanks are included within LLPAs, public access may be required to the river corridor as part of the development proposal.

Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

All LLPA designations in the Plan should explicitly identify all the intrinsic features that were material to their designations. Any changes to the revised designations should be publicised as an alteration to the Plan under Article 6 of the Planning Order.”

4.4.4.6 Issue of Prematurity

The joint ministerial statement delivered in January 2005 – referred to above in Section 4.4.4.3 – also gave clarification on the issue of prematurity. Where a development plan is under preparation or review and is being drawn up within the context of the framework set out within the RDS, there are circumstances where it would be appropriate to refuse planning permission on the grounds of prematurity. Examples can arise where development proposals:

- Would prejudice the ability of the emerging new or replacement development plan to achieve or retain general conformity with the RDS;
- Would prejudice the outcome of the plan process by predetermining decisions that ought properly to be taken following full consideration of the relevant issues in the context of a public inquiry. These include decisions about the nature, scale, location or phasing of new development and decisions which would:
 - Result in an adverse impact on an environmental asset which the emerging plan is seeking to protect; or
 - Undermine the rationale behind a proposed Green Belt or Countryside Policy Area designation which is proposed in the emerging plan.

As per the Ministerial Statement, planning applications must continue to be considered in light of both current and emerging policies. In circumstances where proposals accord with the policies of an extant plan however prejudice the ability of an emerging plan to accord with the provisions of the RDS, then the emerging policies must take precedence.

Where the plan is at draft stage and no objections have been lodged to provisions relevant to the specific proposal, then considerable weight should be given to those policies. Where objections have been lodged to relevant policies lesser weight may be attached to those policies. Much also depends on the nature of those objections

Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. However, each case will need to be considered on its own merits. Where a

refusal is issued on such grounds, the Department must be unambiguous, providing clear rationale within the context of the above.

As per Section 5.4.2.1- a number of objections have been lodged in relation to some designations and policies of relevance to the site. The following commentary is in relation to the issue of prematurity and is provided within the context of the PAC Report.

COU2 & NC11

Based on the PAC Report it appears that any adopted policy will be as proposed in the draft plan or – if anything – be a marginally more relaxed version. Assessment of the proposal against the contents of the draft Plan should not result in a refusal reason on grounds of prematurity.

NC12

This proposal is of no relevance to the proposed designation. There should be no issue of prematurity.

CVN1

Based on PAC commentary it is not anticipated that a refusal reason based on reasons of prematurity, could be sustained.

CVN4

The proposal must consider the designation features of the LLPA and be satisfied that all features have been considered – both those listed in the draft plan and those further features which may contribute to the status of the LLPA. PAC commentary should be considered during the design of the project. No specific representations have been raised to Designation GE02 – the LLPA within which the proposal is located.

4.4.5 Planning Policy Statements (PPS)

Planning Policy Statements outline prevailing policies in relation to particular aspects of land use planning as they apply to the whole of Northern Ireland.

4.4.5.1 Planning Policy Statement 1 –General Principles

This statement sets out the general principles that the Department of the Environment observes in carrying out its planning functions namely: formulating planning policies; making development plans; and exercising control of development. PPS1 promotes a sustainable agenda that seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment.

The Department's guiding principle in determining planning applications is that, "*development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance*" (PPS 1, para.59)

4.4.5.2 Planning Policy Statement 2 – Planning & Nature Conservation

PPS2 describes the statutory framework for the protection of designated areas and outlines the criteria that Planning Service will employ in determining planning applications that might affect nature conservation interests. Sites of local nature conservation value will be formally identified as such in the development plan. Where such sites are identified, plans will set out specific planning policies that will apply to development proposals on those sites.

Specifically Paragraph 63 of PPS2 states that "*careful consideration will be given to the nature conservation implications of any development proposal where it is known to the Planning Service that the development may threaten any protected species of flora or fauna, any area of wetland defined in the Ramsar Convention, or any other significant features of nature conservation value.*"

Chapters 5-7 inclusive provide a full assessment of the project on interests of nature conservation and ecology in both the on and off-shore environments as well as ornithology.

4.4.5.3 Draft Planning Policy Statement 2 (Revised) – Natural Heritage

Draft PPS 2 (revised) furthers the Executive's commitment to sustainable development and to conserving - and where possible enhancing and restoring - our natural heritage. The policy is accompanied by Draft Supplementary Planning Guidance that provides background information on relevant natural heritage

legislation. Information on the consideration of developments within the development management process is also included. The SPG will be taken into account in assessing development proposals. Full assessment of this document has taken place in Chapter 5 – Ecology.

4.4.5.4 Planning Policy Statement 3 – Access, Movement and Parking

PPS3 sets out the policies relating to access to the public road network, the construction of new accesses or the intensification in use of existing accesses onto that network.

Among the main objectives of the document is to promote road safety for pedestrians, cyclists and other vulnerable road users and promoting measures to mitigate adverse transport impacts. Policy AMP2 is concerned with access to public roads. It states that, "Planning permission will only be granted for a development proposal involving direct access onto a public road where: a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) The proposal does not conflict with Policy AMP3, which restricts the number of new accesses and controls the level of use of existing accesses onto Protected Routes.

A full assessment of traffic and transportation interests is provided in Chapter 14 - Traffic and Transportation.

4.4.5.5 Planning Policy Statement 4 – Planning and Economic Development

This Planning Policy Statement (PPS), PPS 4 'Planning and Economic Development' sets out the Department's planning policies for economic development uses. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development. Economic development as described under the terms of this PPS, refers to industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2012 comprising:

- Class B1: Business Use;
- Class B2: Light Industrial; and
- Class B3: General Industrial Use for the carrying on of any industrial process other than one falling within Class B2.

Greencastle/Greenore Ferry project does not fit neatly within any of the above use classes. Accordingly the use can be described as Sui Generis. It should however be acknowledged that the proposal will be an employment generator, contributing to economic development

As stated in PPS4, the policy approach and associated guidance contained within the document may be useful in assessing proposals for other sui generis employment uses. Accordingly, this is a material consideration in the determination of the proposal.

Economic growth is considered the Executive's top strategic priority in its first Programme for Government (PfG), in order to raise the quality of life for the people of Northern Ireland, through increasing economic opportunities for all, on a socially and environmentally sustainable basis. It must be recognised that the Planning process has a key role in supporting economic development. The stated key aim of the PPS is to facilitate the economic development needs of the Region in ways consistent with protection of the environment and the principles of sustainable development. Among the policy objectives of PPS4 are:

- To promote sustainable economic development in an environmentally sensitive manner;
- To sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale; and
- To ensure a high standard of quality and design for new economic development.

Policy PED2 is entitled Economic Development in the Countryside. This policy states that proposals for major industrial development will be permitted in accordance with Policy PED5. Small rural projects will be permitted in accordance with PED6.

Policy PED5 states that major industrial proposals will be permitted where they will make a significant contribution to the regional economy and where it is demonstrated that the proposal due to its size or site specific needs, requires a countryside location. Proposals will be assessed in terms of their:

- Long term sustainable economic benefits;

- Availability of alternative sites; and
- Environmental or transport impacts.

Policy PED6 permits small rural industrial enterprises in the rural area where:

- There is no suitable site within the settlement;
- The proposal would benefit the local economy or contribute to community regeneration; and
- The development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

4.4.5.6 Planning Policy Statement 6 – Planning, Archaeology & the Built Heritage

Planning Policy Statement 6 sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage including: archaeological sites and historic monuments; conservation areas; areas of townscape character; historic parks; and listed buildings. It embodies the Government's commitment to sustainable development and environmental stewardship.

Full consideration of the historic environment is contained within Chapter 17 of this document - Archaeology, Architectural and Cultural Heritage.

4.4.5.7 Planning Policy Statement 15 – Planning and Flood Risk

Among the main objectives of this Statement are to:

- Adopt a precautionary approach by ensuring that both the available scientific evidence and the scientific uncertainties which exist in relation to flood risk are taken into account when determining planning applications; and
- Ensure that new development is not exposed to the direct threat of flooding and that it does not increase flood risk elsewhere.

Planning Service will consult Rivers Agency for advice on the nature and extent of flood risks where the circumstances are appropriate. Such circumstances will include where development is proposed within riverine or coastal floodplains.

Full consideration of all issues of hydrology and hydrogeology is contained within Chapter 8 of this ES/EIS, entitled the Water Environment.

4.4.5.8 Planning Policy Statement 16 – (Draft) Tourism

This draft Planning Policy Statement, PPS 16 'Tourism' sets out the Department's planning policy for tourism development and also for the safeguarding of tourism assets. The aim of the PPS is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. Among the objectives of this statement are to:

- Facilitate sustainable tourism development in an environmentally sensitive manner;
- Safeguard tourism assets from inappropriate development;
- Sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas; and
- Ensure a high standard of quality and design for all tourism projects.

Policy TSM1 is entitled the safeguarding of Tourism Assets. The policy states that, "Planning permission will not be granted for development within the visual setting of a tourism asset that would in itself or in combination with existing and approved development in the locality have an adverse impact on its value as a tourism asset."

Policy TSM3 –Tourism Development in the Countryside lists a number of proposals and policies which apply to said proposals. Among those listed proposals that may be acceptable are, "Tourist amenities in the Countryside" which will be assessed in accordance with the Policy TSM4 of draft PPS16.

Policy TSM4 states that planning permission for new proposals in the countryside will be granted for a tourist amenity where it is demonstrated that:

- It is in association with and requires a site at or close to a particular tourism attraction located in the countryside; or
- The type of tourist activity in itself requires a countryside location.

Proposals brought forward under the second circumstance must demonstrate that there is no suitable site at the edge of a nearby settlement. All proposals that include buildings must make provision in existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

4.4.5.9 Planning Policy Statement 21 – Sustainable Development in the Countryside

Adopted in June 2010, the aim of PPS21 is, “*To manage development in the countryside:*

- *In a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2025; and*
- *In a manner which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities.”*

Stated objectives of the document are:

- To manage rural growth to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- To conserve natural resources and protect the countryside from inappropriate development or pollution;
- To facilitate development necessary for a sustainable rural economy; and
- To promote the highest standards in rural design, siting and landscaping.

Policy CTY1 lists a range of residential and non – residential development types that are acceptable in the rural area. It states that:

“There are a range of other types of non-residential development that may be acceptable in principle in the countryside” including:

- Tourism development in accordance with the TOU Policies of PSRNI; and
- Industry and business uses in accordance with PPS 4 (currently under review).”

4.5 Planning Legislation & Policy – Republic of Ireland

4.5.1 Planning Legislation

The starting point for the modern planning code is the Planning and Development Act 2000. This Act consolidated all planning (and relevant associated environmental) legislation from 1963 to 1999 and codified much of what had grown up in custom and practice during that time, clarifying and simplifying the overall process into one self-contained piece of legislation. The 2000 Act remains the basis for the Irish planning system however there have been a number of amendments to the legislation the most significant of which include the Planning and Development (Amendment) Act 2002, the Planning and Development (Strategic Infrastructure) Act 2006, as well as the recently commenced Planning and Development (Amendment) Act 2010.

The principal regulations underpinning the Planning and Development Acts 2000 (as amended) are the Planning and Development Regulations 2001. They also consolidate all previous Regulations made under the 2000 Act and replace the Local Government (Planning and Development) Regulations 1994 - 2000. They prescribe the detail of the various planning processes and procedures in the RoI. Some significant amendments have been made to these regulations, notably the Planning and Development Regulations

2006 which *inter alia* underpinned the new strategic consent procedure established under the Planning and Development (Strategic Infrastructure) Act 2006.

A key provision of the Planning and Development (Amendment) Act 2010 is to ensure a closer alignment between the National Spatial Strategy, Regional Planning Guidelines, Development Plans and Local Area plans. The 2010 act also transposes the provisions of the Habitats Directive directly into planning legislation and clearly outlines the obligations for Planning Authorities and An Bord Pleanála in respect of same.

All development, unless specifically exempted, needs planning permission. This proposal does not constitute exempted development. In general all decisions to grant or to refuse planning permission are firstly for the relevant planning authority. Anyone applying for planning permission in Ireland and anyone who made valid, written submissions/observations to the planning authority on a planning application can appeal a subsequent planning decision to An Bord Pleanála, within the appropriate period. An Bord Pleanála ('the Board') is the Irish national planning appeals board. In this regard, Ireland is one of the few European countries to have an independent third party planning appeals system.

The primary legislation governing planning and development in Ireland is the Planning & Development Act 2000 (PDA), as amended by various subsequent acts. However as noted above, the Planning and Development (Strategic Infrastructure) Act 2006 introduced a new planning regime to streamline the planning process for major infrastructure projects. Certain developments of strategic importance to the state or regions can apply for permission / consent directly to the Board rather than submitting a planning application to the local authority in the first instance in a process designed to reduce the delays involved in planning for such projects.

Section 37A(2) of the Planning and Development (Strategic Infrastructure) Act 2006, describes Strategic Infrastructure Development (SID) as that which:

- Is considered to be of national strategic economic or social importance;
- Would contribute significantly to the fulfillment of any of the objectives of the National Spatial Strategy or any regional planning Guidelines for an area; and
- Would have significant effects on the area of more than one planning authority.

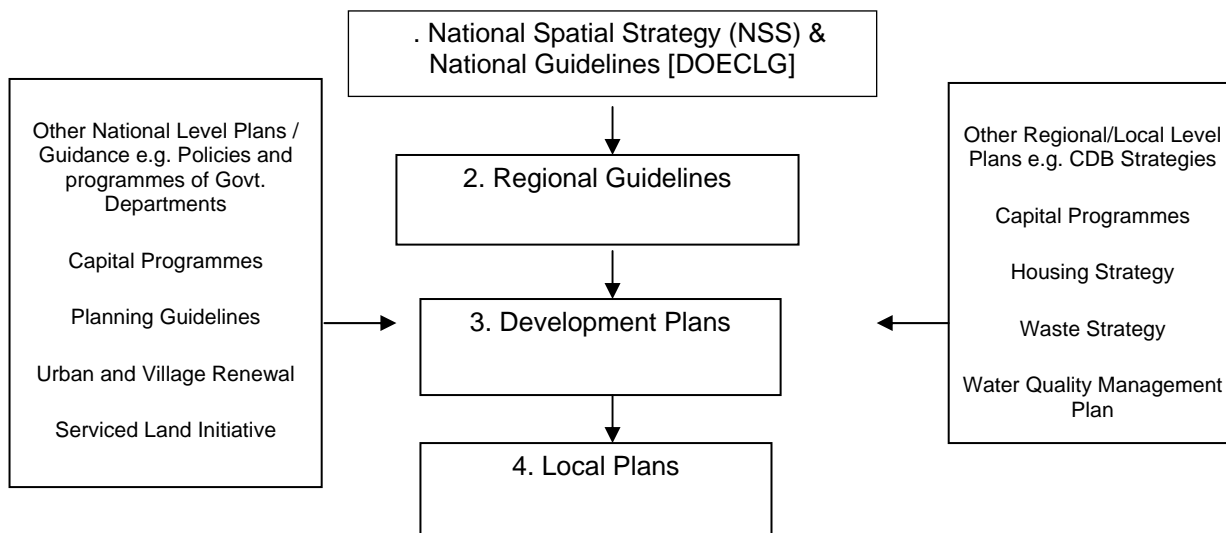
This proposal has not been assessed as Strategic Infrastructure Development.

4.5.2 Planning Policy – Republic of Ireland

In Rol the development plan serves as the primary statement on land use planning at city, town and county levels - and provides a reasonable level of guidance for developers, the public and those involved in or responsible for making planning decisions within planning authorities and An Bord Pleanála.

The development plan is part of a systematic hierarchy of land use and spatial plans, including the National Spatial Strategy and Regional Planning Guidelines. It is also informed by the plans and strategies of the Government and other public agencies in general. An overview of the hierarchy of plans and their inter-relationships with other documents is provided in Figure 4.2 – below.

Figure 4.2: Planning Hierarchy – Republic of Ireland



4.5.3 National Spatial Strategy (NSS) 2002 – 2020

The NSS is a twenty-year spatial strategy designed to achieve a better balance of social, economic, and physical development alongside population growth between regions. It is the overall framework for planning in Ireland and other plans at regional and local level.

To achieve its goals, the Strategy identifies a network of gateways and hubs to act as the focus for and driving influences of development in each region. The strategy sets out a framework for the development of Ireland in a way that is internationally competitive, socially cohesive and environmentally sustainable. The hope is that through closer alignment of where people live with where they work, different parts of Ireland will be able to sustain:

- A better quality of life for people;
- A strong, competitive economic position; and
- An environment of the highest quality.

In addition to providing a framework for the actions of government, its agencies and the private sector, the key to the implementation of the NSS lies in the actions of regional and local authorities. Regional guidelines, integrated planning frameworks, county and city development plans and strategies and local strategies all support the NSS, reflecting its policies and influencing appropriately at regional and local levels.

Sustainable development underpins the strategy. This is described as development that meets the needs of this generation without compromising the ability of future generations to meet their needs. The need for the NSS was formally recognised by the Government with the publication of the 2000-2006 National Development Plan (NDP), under which the NSS is mandated to:

- Identify broad spatial development patterns for areas, and
- Set down indicative policies in relation to the location of industrial development, residential development, services, rural development, tourism and heritage.

The NSS contains four main messages in its regional approach to spatial planning:

- *Frameworks for spatial planning of cities and their catchments must be developed and implemented* - This involves addressing planning issues for metropolitan and hinterland areas in an integrated way.
- *The county town and large town structure must be strengthened* - To be achieved through regional and county level settlement and planning policies. These should support the towns, as both generators of business activity and delivery points for the key services that people need if they are to continue living in or be drawn to a particular area.
- *A renewed emphasis is needed on the potential role of the small town and village structure* – This can be achieved through public and private investment in essential services such as water services and the use of local authority powers to tackle blockages in the supply of development land. It will also be important to improve the attractiveness of towns and villages through community and other activities such as urban and village renewal schemes and urban design initiatives by local authorities.
- *Key rural assets must be protected and the local potential of rural areas developed.* This will be achieved through identifying, conserving and developing on a sustainable basis the various types and combinations of economic strengths of rural areas, with the support of appropriate levels of infrastructure provision. Their potential for economic activity, such as natural resource, local enterprise and tourism related development, and qualities that underpin such activity such as a clean and attractive environment will be central to this process.

For sea access, transit between Ireland and other countries passes principally through four main bands of routes, each of which contain one or more ports. Belfast, Larne, Warrenpoint, Greenore, and Derry together, comprise the “Northern band.”

Greenore is located within the central and eastern portion of the Border Region as defined by the NSS, comprising counties Cavan, Monaghan and Louth. The location in which it is situated is also described as a “Village strengthening and rural opportunity area.” Dundalk is designated as a Gateway and a significant economic driver for the region whilst the potential of Drogheda is also recognised given its size, enterprise base and links with Dublin.

In village strengthening and rural opportunity areas authorities are encouraged to examine and activate the potential for new residential, commercial and local employment related development within the small towns and villages. This is viewed as vital to the economic restructuring of rural areas.

On 13th February 2013 – Minister for the Environment, Phil Hogan – announced that the Government is scrapping the National Spatial Strategy as the resources have never been provided to create planned gateways and hubs as envisaged. Minister Hogan cast dispersions on the strategy stating that "Nothing has happened" in the ten years since its introduction. The Strategy is to be replaced with new proposals which would be subjected to a period of public consultation. This has obvious implications for strategic development in the Republic of Ireland. Until these new proposals have been made public and adopted, the NSS remains a material consideration in the assessment of this project.

4.5.4 National Development Plan (NDP) 2006 – 2013 (Currently under Review)

NDP - Transforming Ireland – A Better Quality of Life for All - sets out the Government's roadmap to Ireland's future within the context of funding streams and investment targets. The "better quality of life" espoused will be characterised by:

- A strong, competitive economy, delivering quality, sustainable employment in a more regionally balanced manner;
- Affordable, quality housing, complemented by efficient access to facilities and services for work, education, healthcare, childcare, sports, recreation and culture;
- A sustainable, high quality environment; and
- A greater level of participation in society by all.

Among the high level objectives of the Plan are:

- Balanced Regional Development;
- Environmental Sustainability; and
- Supporting Enterprise Innovation and Productivity.

Chapter 4 of the NDP focuses on development of the rural economy and supporting inter alia:

- Enhancement of villages and small towns;
- Conservation of areas of high natural and cultural value; and
- Enhancement of cultural and leisure facilities for rural communities.

Funding commitments are given to ensure improved harbours and landing facilities to assist the sustainability of rural communities and it is recognised that diversification away from the traditional fishing industry towards marine tourism and leisure will be required to provide alternative forms of employment. Tourism is noted as a strong contributor to the vitality and sustainability of a wide variety of local enterprises particularly in rural areas.

All island cooperation is the theme of Chapter 5 of the Plan and includes a list of strategic projects which comprise the Government's priorities for agreement on joint projects with Northern Ireland. Listed among these is:

- Improved access for tourism and other opportunities along the Eastern corridor, including better links between County Louth and County Down in Northern Ireland.

Chapter 7 of the document – Economic Infrastructure Priority – includes a section on ports. This recognises Ireland's sea ports as vital transport arteries and refers to the strategic policy objectives of the Government's Ports Policy Statement (2005) which aims to equip the port sector and its stakeholders to meet national and regional capacity and service needs.

The NDP aligns the Spatial Strategy centrally within it through a specific horizontal chapter on balanced regional development. This Government commitment to aligning the regional development dimension of the NDP 2007-2013 with the NSS objectives and the prioritisation of capital investment in line with the NSS contributes to establishing the Strategy as a viable and practical policy measure to encourage more balanced regional development.

4.5.5 Regional Planning Guidelines for the Border Region – 2010 – 2022

Greenore is located within “Sub-Region 3: Border East” of the Border Region – comprising Cavan, Monaghan, Louth and the Northern Ireland hinterland – please see Figure 4.3. These sub regions define the diversity of the Region but do not accurately reflect the functional areas within the Region. The eastern seaboard corridor between Dublin and Belfast is recognised as a key economic driver for this sub-region.

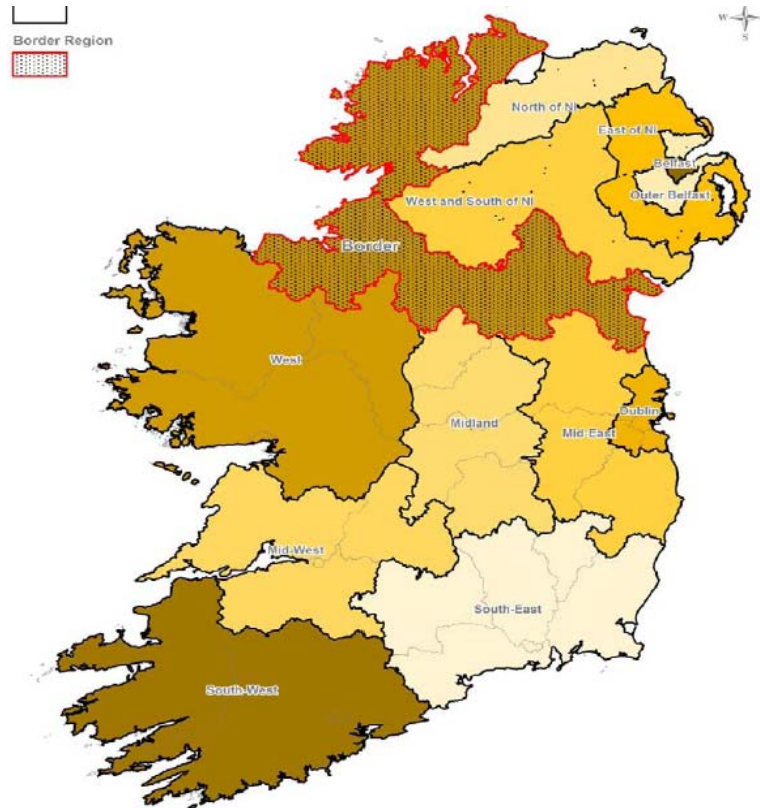


Figure 4.3: The Border Region in an all island context (Source: Regional Planning Guidelines for the Border Region)

4.5.5.1 Strategic Goals for the Border Region

Among the key strategic goals for the Region are the following:

- SG.3 – To improve intra and inter regional connectivity and mobility throughout the Region through the development of Strategic Radial Corridors and Strategic Links;
- SG.4 – To promote innovation, economic growth, competitiveness and the development potential of the Region, and to facilitate emerging sectors in the Region that will provide sustainable jobs for the future; and
- To protect and enhance the quality of the natural environment and built heritage of the Region.

Integration of work in this Region with other regions in Ireland and Northern Ireland, is a core focus of the Guidelines

4.5.5.2 Contextual Background

Regional Planning Guidelines sit within a hierarchical planning policy framework that operates at European, National, Regional and Local levels – refer to Figure 4.2 above. The Guidelines must adhere to and incorporate the key elements of the parent documents. Similarly, in accordance with the Planning and Development (Amendment) Act 2010, Local Authorities are required to ensure that development plans are consistent with these Guidelines. Chapter 9 of the Guidelines contains a series of targets and indicators against which specific objectives can be measured.

4.5.5.3 Key Planning and Development Issues for Regional Guidelines

Among the key Planning and Development issues listed – all of which are critical to the development of the Region are:

- Employment and Economic Development;
- Quality of Life;
- Enterprise;
- Access and Connectivity; and
- Protection of Biodiversity.

Given its strategic location on the boundary with Northern Ireland, there are considerable interregional issues and opportunities for the Border Region. Within the Easter Corridor, anchored along the Dublin – Belfast route, the challenge is to exploit the potential of Newry and Dundalk which will have a substantial dividend for the wider Region.

4.5.5.4 Tourism

Tourism is noted as an established and important enterprise sector in the Border Region. At a regional level, the Border Region as defined within these the Regional Guidelines, is subdivided by Failte Ireland for operating and marketing purposes. Greenore and County Louth is located within the “East Region.” Presently the East Region is promoted for its landscape and heritage. There is recognition of a challenge to market the entire border region as a single entity and to emphasise the close ties with neighbouring regions – including Northern Ireland – and the attractions contained in those areas. Among the four specific cross-border projects for the Newry-Dundalk Twin City Region was a geo-tourism project encompassing the Mourne and Cooley Mountains, Slieve Gullion and Carlingford Lough.

Poor access in the Border Region – or perceptions of poor access – has hampered the development of tourism. Accessibility including inter-regional accessibility must be developed to promote tourism, improve tourism routes and help tourists navigate the area.

4.5.5.5 Infrastructure

Achieving spatial balance in the Region depends on enhancing the capacity for the movement of people, goods, energy and information between places. Chapter 5 notes that the most successful regions in Europe have highly developed and well integrated infrastructure. Connectivity between the Region and Northern Ireland is considered critical for its long term development. It also refers to the Sustainable Transport Strategy for the border region which among other initiatives, seeks to establish strategies to assist in the development of Ports in the Region.

All ports in the Region are identified as significant assets and their development is critical to the overall development of the Region. In terms of the eastern seaboard the Guidelines state that there is an issue in terms of establishing the role and function of each port and outlining this in a cohesive strategy. Accordingly it is recommended by the Border Regional Authority that a ports strategy is developed for all ports in the island of Ireland. Greenore Port is identified as, “an excellent deep water port that may have future potential for increased commercial activity.” Among specific ports policy contained within the Guidelines is:

- INFP14 – Support the provision of adequate port facilities for commercial, fishing and amenity purposes within the Region subject to compliance with the Habitats Directive.

4.5.5.6 Environment and Amenities

The key aim of the Guidelines is to ensure a good quality of life for the Region’s population. A number of priority areas in terms of environment and heritage are listed in Chapter 6, including:

- The continued protection, management and enhancement of natural heritage, built heritage and environmental resources;
- A revised approach to policy and objective formulation including the identification and management of coastal management zones; and
- Continued development and promotion of areas of heritage value which have importance to the Region, county or locality.

Natural heritage policy is contained within policies ENVP4 – ENVP6 – summarised as follows:

- ENVP4 – An embargo on all plans and projects which would have significant adverse impact – either directly or cumulatively – on the integrity of any Natura 2000 site, unless there are overriding reasons of public interest and there are no feasible alternative solutions;
- ENVP5 – All development plans and projects shall protect biodiversity and the ecological integrity of all designated sites of national or international importance – or those proposed for designation;
- ENVP6 – Local authorities shall implement the National Biodiversity Plan by preparing and adopting local biodiversity action plans.

Natural Heritage Strategic Objectives ENVO2 – ENVO5 advises on a framework for the protection of biodiversity interests, which is to be delivered through the planning hierarchy.

Landscape Policy (ENVP7-ENVP8) and Strategic Objectives (ENVO6 – ENVO7) stipulate requirements for the protection, conservation and management of landscapes within the Region and the adoption of specific policies and measures within Development Plans.

Built heritage policy (ENVP12) requires the protection, enhancement and sensitive reuse/integration of built heritage by – by new development proposals. Strategic objectives are contained within ENVO13 – ENVO22. Within the Coastal Zone the Regional Guidelines place an emphasis on the need to respect the changing physical nature of the coastline including:

- Ensuring the conservation and enhancement of the landscape and seascape and its biodiversity, historic and archaeological features; and
- Restricting the development of undeveloped sections of the coastal zone to essential to marine and coastal activities and only where such development will not compromise environmental protection objectives.

Integrated Coastal Zone Management (ICZM) is supported by the NSS and involves maximum public participation in the preparation of any relevant plan. A formal ICZM strategy – as yet – does not exist in Ireland. Coastal Policy contained in the Regional Guidelines (ENVP14) promotes and supports the development of Integrated Coastal Zone Management will authorities in the Region. This is underpinned by Coastal Strategic Objectives ENVO29 – ENVO31, which inter alia, recommend incorporating coastal zone management principles into the plan hierarchy.

Policy ENVP15 recommends a collaborative approach - Involving the Northern Ireland Environment Agency (NIEA) – to ensure that development plans adopt a joint approach, and re-emphasising the physical and environmental interregional links.

4.5.6 Louth County Development Plan – 2009 – 2015

In the Republic of Ireland the main instrument for regulation and control of development is the Development Plan. Each planning authority is required to publish notice of its intention to review its plan, not later than four years after the making of a development plan. A new plan must be made every six years (ie. two years after the notice of the intention to review the plan has been published). The plan states the authority's policies for land use and for development control and promotion in its area. The authority, in exercising control, must consider the provisions of the Plan, and try to secure its objectives.

In the case of Greenore, the applicable development plan is the Louth County Development Plan 2009 – 2015. The area of the Plan covers the administrative area of County Louth, excluding the municipal boundaries of Dundalk Town Council together with Dundalk's environs which are the subject of the *Dundalk and Environs Development Plan 2009 – 2015*. The municipal boundaries of Drogheda Borough Council are also excluded.

As proposed, the ferry terminal is located beyond the development limits of Greenore which is categorised as a Class II (b) settlement – described as small settlements with little or no community facilities and no public foul drainage. Within the Plan, Policies SS9 –SS15 relate to Category II settlements. With the exception of Policy SS15 all other policies relate to the regulation of residential development within said settlements. Policy SS15 gives a stated commitment:

“To protect and enhance community and recreational facilities. Applications which would result in the loss of areas of amenity, important biodiversity areas, community facilities or playing fields will not be considered favourably.”

4.5.6.1 Conservation and Heritage

Under the Heritage Act 1995 – heritage is defined as items such as monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland water ways. Policies CON1 to CON7 of the Plan set out a framework for the protection and conservation of Louth’s heritage resource. Among the Policies are:

- CON1 - To promote the implementation of the Louth Heritage Plan;
- CON3 – To raise awareness of the value of biodiversity and gather important information on the ecology of species and habitats;
- CON4 – To promote the designation of sites of geological interest as Natural Heritage Areas; and
- CON5 – To promote the protection of the landscape through the implementation of the Louth Landscape Character Assessment.

In 2002 a landscape character assessment was undertaken for County Louth – prepared in accordance with the Government’s Draft Guidelines for such assessments – which identified nine LCA within the entire county. Greenore is located within the “Cooley Lowlands and Coastal Area LCA. Plan policies CON8 and CON9 relate directly to the protection of the landscape. A dedicated chapter concerned with landscape and visual impact is included in Chapter 13 of this document.

National Parks and Wildlife Service has proposed 24 Natural Heritage Areas within Louth. These are sites that support elements of our natural heritage which are unique or outstanding at a national level. A proposed Natural Heritage Area is located off the coast of County Louth, within Carlingford Lough, and immediately adjacent to the proposed facilities (Ref:NH452)

A number of sites of geological interest are listed in the Plan. These are selected by the National Parks and Wildlife Service and the Geological Heritage Programme – acting in partnership. Greenore (Ref: G31) is one such site. Policy CON12 commits, “To promote awareness and protect, where appropriate, areas of geological interest.”

Designated under the EU Habitats Directive, Special Areas of Conservation (SAC) relate to prime wildlife conservation areas. Carlingford Shore SAC (Map 2.4) is located to the southeast and southwest of Greenore Port. Specific Plan policies to protect SAC areas are included in CON13 and CON14.

Special Protection Areas (SPA) are designated at an EU level and relate to the protection of birds. Calingford Lough SPA (Ref: 452) is located to the southwest of Greenore along the shoreline and extending into the water. Policy CON15 of the Plan relates specifically to the protection of SPA areas.

An Architectural Conservation Area (ACA) is designated in Greenore Village. These areas are designated where it is deemed necessary to protect the character of a place, area, group of structures or townscape which is of special interest. Policies CON 26 – CON 30 inclusive, relate to these designations. Among the Policy contents are:

- CON 26 – To require that any development within or affecting an ACA preserves or enhances the character and appearance of the architectural conservation area.

Full consideration of interests of natural and built heritage is included in Chapters 5-7 (Natural Heritage) and Chapter 17 (Archaeology and Built Heritage).

4.5.6.2 Rural Development and Natural Resources

It is recognised within the Plan that sustainable and diversified development in rural areas is the key to keeping the countryside alive and prospering. Policy RD1 commits, “To support the implementation of the policies identified in the NSS, Regional Planning Guidelines and Rural Development Programme 2007-2013 pertaining to the sustainable and balanced development of County Louth’s rural areas.”

Chapter 3.3.1 of the Plan points to the importance of developing rural enterprises in order to sustain the rural economy. These are to be located appropriately and at a scale which is considered appropriate. It is recognised that certain commercial activities by their nature, will necessitate a location in the rural area outside existing settlements. Refer to Policies RD4 – RD7 inclusive.

County Louth was divided into six development control zones by the preceding County Development Plan – 2003 – 2009. The purpose of these zones was to conserve and protect the amenities of rural areas and to

promote development in a sustainable manner. The current Plan has developed on these principles and presently there are 5 zones within the County.

Greenore is located within Development Zone 3 – designated, "To protect the recreational and amenity value of the coast." Policies RD36 – RD37 relate specifically to the management of development and protection of Development Zone 3 areas:

- RD36 – To only permit development that would not be detrimental to the visual and recreational amenities of the coast. This includes – inter alia – leisure and recreation related projects.
- RD37 – Multi unit residential developments, large scale intensive agricultural, industrial and commercial developments or other developments of similar scale or nature would not be considered appropriate within this zone.

In summary the strategic objective within development zone 3 is, "To protect the recreational and amenity value of the coast."

4.5.6.3 Port of Greenore

Greenore Port is described within the Plan as operating as an independent port authority. The Plan anticipates significant investment in Greenore Port during its lifetime and it is described as having significant potential for development "as a deep water port catering for both lo-lo and ro-ro traffic."

Policy TC 27 aims "To ensure that there is sufficient land available for port expansion and related uses and to support the development and expansion of the ports of Drogheda, Dundalk, Greenore and Clogherhead, subject to the preparation of an appropriate assessment exercise under the provisions of the EU Habitats Directive."

4.5.6.4 Recreation and Amenity

Greenore is not located within any Area of Outstanding Natural Beauty (AONB) or Area of High Scenic Value.

A number of important scenic routes which require protection are listed within the Plan. Among these are:

- SR14 – Greenore – Carlingford – Omeath.

This scenic route includes stretches of the R176 located to the west and R175 located to the south of the proposed development. Any development that would interfere with or adversely affect these scenic routes will not be permitted.

R175 Dundalk-Greenore Road and the R176 Greenore-Carlingford-Omeath Road are also listed as "Protected Regional Routes" where there are exemptions on access. Table 8.3 of the Plan states there should be, "No new access or intensification of an existing access" onto protected regional routes. A number of exemptions are listed including, "Where a new access is required for any major development, including tourism development, of national, regional or local importance." The applied Policy is TC9 which states an aim:

- "To prohibit the creation of new accesses or intensification of existing accesses onto national routes and protected regional routes."

Section 6.6 of the Plan identifies a number of specific views and prospects of special amenity value. These are chosen to reflect Louth's unique scenic quality and are notable for their natural scenery and striking landscapes. The following policies are contained within the Plan, in respect of Scenic Views:

- RA 11 - To preserve the views and prospects of special amenity value as identified in table 6.5; and
- RA 12 - To improve, where necessary, public access to viewing points subject to the availability of resources.

Full consideration of Scenic Views and Routes is provided in Chapter 13 Landscape and Visual Assessment.

4.5.6.5 Economic Development

Louth enjoys a favourable location on the Belfast-Dublin economic corridor and on the border with Northern Ireland. Among the opportunities for development are those of cross border economic co-operation focusing on the Newry and Dundalk twin city region. Policy EDE 7 gives a commitment to support joint economic initiatives and programmes for the promotion of the region on a cross border basis.

Contained within the Plan are development management standards in terms of: Landscaping; Surface Water Drainage; Sustainable Design; Car Parking; Roads; and other considerations.

Tourism and the potential of tourism to contribute significantly to the economic development of the County is identified as an opportunity. Policies TOU1 – TOU18 detail the Council's positive attitude and support towards tourism initiatives.

4.5.7 Further Material Considerations

4.5.7.1 Newry-Dundalk Twin City Strategy

This study seeks to combine research on how to realise the benefits of cross-border collaboration on the Newry-Dundalk sub-region through integrated planning and development strategies. Among the 6 major themes which capture the potential benefits of co-operation throughout the Newry/Dundalk Region are:

- Economic Competitiveness;
- Sustainable Development; and
- Preservation of natural and cultural heritage.

This initiative is underpinned by the understanding that collaboration between the Newry and Dundalk Regions offers many mutual advantages over direct competition. The critical mass offered by the Newry and Dundalk twin cities and their sub-regions offers a much more attractive proposition to investors better enabling the cross border region to realise its own potential – becoming a growth pole in its own right.

4.6 Marine Planning

Within the island of Ireland there is increasing recognition of the importance of the marine environment from social, cultural and economic perspectives. It is a key asset in terms of biodiversity, recreation, tourism, industry and is an important transportation route for people as well as for the import and export of goods. Accordingly there is growing realisation that our shorelines and off-shore environments must be protected through inter-alia, the regulation of development proposals in a sustainable way.

4.6.1 Marine Planning - Northern Ireland

This section outlines the regulatory framework for development activity within the marine environment of Northern Ireland, which is governed by the UK Marine and Coastal Access Act 2009. Part 4 of the UK Act provides a framework for a new marine licensing system for activities in the marine environment. Nevertheless, the nature of devolved settlement means that not all the proposals in the UK Marine and Coastal Act 2009, apply to the region.

4.6.1.1 Draft Northern Ireland Marine Bill

The draft Northern Ireland Marine Bill (published in 2010) sets out a new framework for Northern Ireland's seas based on: a system of marine planning that will balance conservation, energy and resource needs; and improved management for marine nature conservation and the streamlining of marine licensing for some electricity projects. When enacted the Bill will apply to the territorial seas and the seabed adjacent to Northern Ireland out to 12 nautical miles (nm) - described as the Northern Ireland inshore region -

4.6.1.2 Department of Environment (DOENI) Marine Division

In Northern Ireland the DOENI Marine Division are responsible for developing and delivering policy and legislation to promote, protect and sustain the coastal waters. The Division are further responsible for implementing EC, international and national legislation.

DOENI Marine Division are responsible for preparing the draft Northern Ireland Marine Plan (NIMP) under Article 51 of the Marine and Coastal Access Act 2009 - and equivalent provisions of the Marine Bill (when enacted). Until the Marine Bill is enacted it is unlikely that the NIMP will be published - given that the two are inherently linked.

Although at draft stage, the NIMP will be prepared cognisant of the UK Marine Policy Statement (UKMPS), which is the framework for preparing Marine Plans and taking decisions affecting the marine environment. Accordingly the UKMPS provides a good indication of the issues that must be considered and assessed within any forthcoming adopted Northern Ireland Plan. Among the listed high level marine objectives are:

- Promotion of sustainable economic development;
- Ensuring a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and heritage assets; and
- Contribution to the societal benefits of the marine area.

It is intended that the UKMPS and Marine Plans will form a new plan led system for marine activities and provide greater coherence in policy and a progressive approach to the management of the marine area, its resources and activities. The MPS recognises that effective marine planning will require coordination across borders within the UK and with those countries sharing the same regional seas, including the Republic of Ireland.

As part of the EIA Scoping process to inform the production of the Environmental Statement, RPS consulted with DOE Marine Division who provided comprehensive comment. Marine Division comment was informed by its own consultation process undertaken in accordance with Schedule 4 - Paragraph 6 of the Marine Works (EIA) Regulations.

4.6.1.3 *Licensable Activities*

As stated DOENI Marine Division has overall responsibility for the new marine licensing regime however the Northern Ireland Environment Agency (NIEA) - an Executive Agency within the Department - will act as the appropriate licensing and enforcement Authority. It should be noted that there are some reserved matters in the NI Inshore area, such as defence matters, for which the Secretary of State will continue to be the licensing authority. NIEA describes the purpose of the licensing system as being to assist industry and encourage investment by enabling more strategic decisions to be made regarding permissible activities in the marine environment.

There is no requirement to secure planning permission prior to entering negotiations with NIEA to obtain a Marine License. Accordingly these will take place in parallel to the EIA process. To facilitate this it will be necessary to furnish NIEA with appropriate information allowing them to assess our applications. Accordingly, as stated, all on and off-shore project elements have been considered within this Environmental Statement.

DOENI define licensable activities as including the following - which are recognised as not being exhaustive:

- Construction and Removal
 - Mooring
 - Harbours
 - Marinas
 - Jetties
 - Piers
 - Sea outfalls
 - Scour protection
 - Rock armouring
 - Beach replenishment
 - Land reclamation
 - Removal of objects from the seabed.
- Dredging
 - Navigational and capital dredging of ports, harbours and marinas.

- Sea Disposal

Deposal of dredged material (Maintenance and capital).

Within Northern Ireland, the following legislation has also been introduced in accordance with Part 4 (Section 74) of the Marine and Coastal Act, to refine and outline the requirements for securing a marine license to facilitate development within the Inshore region. The most recent legislation is as follows:

- The Marine Licensing (Exempted Activities) Order (NI) 2011
- The Marine Licensing (Application Fees) Regulations (NI) 2011
- The Marine Licensing (Register of Licensing Information) Regulations (NI) 2011
- The Marine Licensing (Appeals) Regulations (NI) 2011.

Among the key parts of this subordinate legislation are:

- Refinement of the list of exempted activities for NI Inshore, including safety vessels, salvage activities, pollution prevention activities, and maintenance, amongst others;
- The establishment of an independent appellate body, the Water Appeals Commission, to ensure a fair, balanced and accountable system. Applicants can appeal a marine licensing decision, variation or suspension, or deal with enforcement issues; and
- The establishment of a hard copy register, containing all the information on applications made, and licenses granted/varied/revoked;

With regard to the Greenore - Greencastle Ferry project, the off-shore works will require a marine license.

4.6.1.4 Crown Estates

Consent for the use of the foreshore and seabed within Crown ownership must be sought from the Crown Estate Commissioners as provided for under the Crown Estate Act, 1961. Consent is normally in the form of a site option Agreement and Lease.

However, not the entire Northern Ireland foreshore is owned and managed by the Crown Estate. The remainder is either managed by the National Trust Regional Office or has over time been granted to private individuals / businesses. The Crown Estate has a record of almost all third party owners along the foreshore / seabed.

4.6.2 Marine Planning - Republic of Ireland

In the Republic of Ireland the foreshore comprises the seabed and shore below the line of high water of ordinary or medium tides and extends outwards to the limit of twelve nautical miles (approximately 22.24 kilometres).

The policy setting pertaining to offshore development in Ireland is at developmental stage. Currently the policy setting is spread across several ministries and state bodies and there are no statutory requirements to prepare marine plans. However, the need for plan-led framework for the marine area has been long acknowledged.

“Sea Change – A Marine Knowledge, Research and Innovation Strategy for Ireland 2007- 2013” presents a national agenda, comprising science, research, innovation and management, aimed at a complete transformation of the Irish maritime economy. The need to research the law and policy underpinning the following is identified:

- Marine spatial planning;
- Integrated coastal zone and ocean management;
- Foreshore use; and
- Research, enterprise, and the commercial development of the marine sector.

In 2010, on the transfer of the foreshore functions to the Department of Environment, Community and Local Government, the Minister stated that the key objective for the new modernised model will be that the foreshore functions will operate within a “*plan-led*” policy framework. Such an approach, together with the modernised legislation, could:

- Provide greater certainty to developers concerning potentially acceptable locations for different types of development;
- Allow a more strategic approach to management in that it would improve understanding and consideration of the cumulative and combined effects between different activities and the marine environment itself; and
- Allow for planning proactively, rather than just reacting to applications, changes and situations.

The Foreshore Acts 1933 – 2005, require that a lease or license must be obtained from the Minister for the Environment, Heritage and Local Government for the carrying out of works or placing structures or material on, or for the occupation of or removal of material from, State-owned foreshore - which represents the greater part of the foreshore. This proposal requires a lease.

Foreshore Leases are issued for developments that require exclusive occupation of the foreshore including jetties, piers and marinas. The Minister usually approves the grant of 35-year leases subject to five-yearly rental reviews. There is no statutory decision making timeline for foreshore applications; this depends on the complexity, nature and scale of the proposition.

In addition a foreshore project may need to secure other marine related consents. These consents will vary depending on the nature of the project and need to be obtained from the relevant government department overseeing the particular interest area. This could include:

- National Monuments Act 1930: The National Monuments Act 1930, as amended, is the primary legislation which protects maritime archaeology. The act provides blanket protection for wrecks 100 years old. The act sets out that a person “*shall not dive on, damage, or generally interfere with, any wreck which is more than one hundred years old or an archaeological object which is lying on, in or under the seabed or on, or in land covered by water except in accordance with a licence*”. A licence must be granted by the Minister for the DOECLG if interfering with marine archaeology is unavoidable; and
- Maritime Safety Act, 2005 Bye-law - Approval is required from a Local Authority, a harbour authority or Waterways Ireland for *inter alia* the operation of certain craft within their functional area (under this Act, the functional area in the case of a local authority includes “the foreshore”).

4.7 Conclusions

On the basis of our structured analysis of the planning policy context within which the proposal is submitted, RPS can draw the following conclusions. For ease of reference conclusions have been sub-divided into:

- Those of relevance to both planning jurisdictions;
- Those conclusions relevant within the northern planning framework only; and
- Those conclusions relevant within the southern planning framework only.

4.7.1 General Conclusions

- Rigorous pre-planning screening exercises established this proposal as EIA Development within both Northern Ireland and Southern Ireland;
- This ES is prepared as an all-encompassing document to support all planning applications and cognisant of the trans-boundary nature of the project, as well as the marine licensing processes;
- From a planning use perspective, this proposal can be described as commercial in nature. It must be recognised that there are potential positive spin offs for tourism as given the scenic areas within which the facilities are proposed;
- A specific economic impact appraisal has been undertaken for the project and is included in the appendices of this environmental statement;
- This project is underpinned by the ethos of sustainable development which is a principal theme in all recent planning legislation and policy including the RDS and NSS. Project impacts have been assessed within the EIA as being within acceptable parameters;

4.7.2 Planning Conclusions - Northern Ireland

- RDS – This proposal will contribute to the Regional and Spatial Framework Guidelines contained within the RDS 2035. It will have positive impacts in terms of investment for the rural area, helping to sustain communities and improving connectivity within the peripheral rural areas of South Down and

North Louth. A robust EIA process has been employed to ensure any impacts associated with the proposal on ecological and built heritage interests will remain within acceptable parameters;

- Newry and Mourne Rural Area Subject Plan 1999 - Although dated, this remains a material consideration during the assessment of the proposal. The site is located outside within the AONB and an area of development pressure, within which proposals will be strictly controlled. Much of the Plan contents have been superseded by more recent Planning Policy Statements;
- Draft Banbridge, Newry and Mourne Area Plan 2015 - Significant weight is to be afforded to the draft Plan in the determination of any planning proposal within Newry and Mourne. DOE Planning NI confirmed a number of plan designations and policies which are of relevance to the proposal. These focus on natural and built heritage interests including LLPA and Coastal Policy Areas. Complete assessment of such interests has taken place in Chapters; 5 - 7 (Ecology), 13 (Landscape and Visual) and 17 (Cultural Heritage). Impacts have been assessed as being within acceptable parameters;
- Prematurity - Full consideration of the issue of prematurity is provided previously in Section 5.4.3. It has been concluded that assessment of the proposal against the contents of the draft Plan should not result in a refusal reason on grounds of prematurity;
- Planning Policy Statements - Appropriate consideration of the following has taken place in chapters as listed -

PPS2 (Nature Conservation)/Draft PPS2 (Natural Heritage) - Chapters 5-7;
 PPS3 (Traffic) - Chapter 14
 PPS6 (Built Heritage) - Chapter 17
 PPS15 (Flood Risk) - Chapter 8

- PPS4 - Economic Development - It can be argued that the Greenore/Greencastle Ferry project does not fit neatly within the description of a "major industrial project" or that of a small rural enterprise. This document is useful in the assessment of the project. It complies with the assessment criteria listed in Policy PED5 in terms of its need to be located in this specific area and through the economic benefits that the proposal will bring. Please also refer to the Economic Impact Statement - Appendix 15.1 as well as Chapter 3 - Alternatives, which explains the site selection process;
- PPS7 - Tourism - As proposed, the Greenore/Greencastle Ferry is a facility which will have significant tourism benefits for the local economy, although it is not solely a tourist facility and should not be viewed as such. Locationally, the facility adheres to the policy in that it is situated on the edge of Greencastle Village and on a site that has been chosen through necessity. As well as being a useful traffic route and facility for "normal" local and commuter traffic, it is intended that this ferry becomes a part of the local tourist fabric and a facility inherently linked with the Kingdoms of Mourne and Cooley.
- PPS21 - Proposals for industry and business use in the rural areas are permitted in accordance with PPS4.

4.7.3 Planning Conclusions - Republic of Ireland

- NSS - This proposal actively contributes to the principles of the NSS representing a new commercial and employment initiative within a "Village strengthening and rural opportunity area." Although the NSS is being dispensed with, until such times it remains a material consideration in the determination of this proposal.
- NDP - This proposal represents a significant investment in a area where a need has been identified. The innovative proposal supports the high level objectives of the Plan and has taken account of all environmental issues during the significant project lead in period including undertaking appropriate surveys and assessments - presented in this ES/EIS. All impacts are within acceptable parameters. Furthermore the proposal is in accordance with Plan direction regarding - inter alia:

- Enhancement of villages and small towns (C.4 NDP);
- All island cooperation including enhancing tourism links between Co. Down and Co. Louth;

- Regional Planning Guidelines for the Border Region - The proposal supports the strategic goals of the Guidelines by:
 - Improving intra and inter regional mobility;
 - Contributing to innovation and economic growth;

The proposal supports development of the Region by contributing to employment and economic development, access, tourism, and enterprise - all listed as issues which were critical for the development of the Region. Where environmental impacts have been identified they have been assessed within this ES/EIS confirming that they are within acceptable parameters;

- Louth County Development Plan - The plan supports the contents of the NSS and other plans including regional guidelines. Greenore village is located within Development Zone 3 -where there is a commitment to protect the coast. This proposal has been assessed during the rigorous ES/EIS process to confirm that any environmental impacts are within acceptable parameters. Specific environmental issues are individually assessed elsewhere in this ES/EIS. The proposal will support the viability and expansion of Greenore Port - as per the Plan recommendation . Given the location within the existing port the application development will not result in the loss of amenity, or important biodiversity areas or community facilities/playing fields.

4.7.4 Planning Conclusions - Further

- Where relevant, EIA chapters have been structured to include reference to onshore and offshore parts of the development. In other cases it has been necessary to include specific onshore and offshore chapters pertaining to specific EIA topics. All off-shore impacts have been assessed as acceptable;
- It will be necessary to obtain a marine license from NIEA - an executive agency within DOE (Northern Ireland) - to facilitate the proposal. Attaining planning permission does not negate the need for this license.
- It will be necessary to acquire a foreshore lease (Republic of Ireland) from the Minister for the Environment, Heritage and Local Government - to facilitate the project. Attaining planning permission does not negate the need for this lease.