

Planning Report

Appendix C: Community Gain Proposal





Dublin Port Company

3FM Project

Community Gain Proposal

July 2024

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Executive Summary

Context

Dublin Port Company (DPC) is advancing a Community Gain Proposal as part of the 3FM Project, a Strategic Infrastructure Development recognized by An Bord Pleanála (ABP). This proposal is essential to the planning application and has been developed in consultation with local stakeholders to ensure it meets community needs.

Compliance and Precedents

The proposal complies with the Planning and Development (Strategic Infrastructure) Act 2006, ensuring substantial community benefits beyond existing plans. Similar successful initiatives include contributions to Bull Island and a Community Farm under previous DPC projects.

Existing Community Gain Initiatives

In the 3FM Project area, significant community gain initiatives already exist, such as contributions from the Dublin Waste to Energy Project. These include capital contributions and ongoing funds to support local community infrastructure.

Key Elements of the 3FM Community Gain Proposal

The proposal focuses on recreation, public realm enhancements, community benefits, and heritage & biodiversity. Key elements include:

1. **Recreation:**
 - 7.0km of new or upgraded Active Travel Path and 4.9km of new or upgraded footway.
 - €5 million for coastal path upgrades.
 - New playing pitches and 5.2 hectares of open space.
2. **Public Realm:**
 - Creation of a new 2.5-hectare public park and wildflower meadow.
 - A 1.6-hectare coastal park.
 - Provision of 1.1-hectare extension to Irishtown Nature Park.
 - New public plaza and extensive boundary softening works.
3. **Community:**
 - A targeted Community Benefit Fund for education, heritage, and maritime skills projects, starting with €2 million.
4. **Heritage & Biodiversity:**
 - Public Access Feasibility Study for the Great South Wall.
 - Up to €1 million to implement study recommendations.
 - Expansion of marine habitats for Dublin Port Tern Colonies.

Context

The Community Gain element is an important consideration for the 3FM Project application by Dublin Port Company (DPC) to An Bord Pleanála (ABP). It has been a key element to the preparation of the planning submission to devise a Community Gain proposal, in consultation with local stakeholders, which is suitable to advance in the context of the application.

DPC Planning Application

The 3FM Project has been formally recognised by ABP as a Strategic Infrastructure Development and it is proposed that DPC will lodge an application for the development in the coming months. As part of the application process, DPC will be engaging in extensive consultation and a public information process with a full opportunity being provided to all interested parties to participate in the planning process.

Community Gain

In determining this aspect of the development there are several factors which Dublin Port Company (DPC) has taken into account;

Compliance with legal requirements

There are specific statutory requirements in the Planning and Development (Strategic Infrastructure) Act 2006 in relation to Community Gain.

Section 37G (7)(d) states that the Board may attach a condition to a planning permission granted under the Act requiring;

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

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

This provision has not been interpreted by the Courts, but as applied by the Board focuses on the provision of a gain which is in addition to existing, planned or proposed initiatives intended by the applicant. It should be an initiative which constitutes a substantial gain and which is developed in the context of the particular project under consideration.

In determining the Community Gain proposal it should be distinguishable from existing community or CSR initiatives advanced by the developer. It should also not be an element of mitigation that is required as part of the project plan. For instance, in the 3FM Project, the Marina Village while a substantial gain to the broader community in itself, is a mitigating element for the relocation of the existing berths and community facilities.

There are also other elements concerning the DPC lands in the Poolbeg Peninsula which will bring a benefit to the community, but which are subject to separate consenting processes that are not part of the 3FM Project. Specifically, DPC is allocating land to both Codling Wind Park to facilitate the development of a Substation for Offshore Renewable Energy and Dublin City Council to facilitate the development of a District Heating facility. These aspects do not form part of 3FM but do provide a significant community and societal benefit.

Consistent with previous community gain initiatives approved by An Bord Pleanála

In the two previous Strategic Infrastructure Development projects proposed by DPC, the ABR and MP2 Projects, ABP accepted the community gain proposals advanced by DPC in both projects. These proposals were advanced following consultation with the local community and key stakeholders and with the support of the local planning authority.

For the ABR Project, DPC agreed to cede land on Bull Island to DCC and to make a contribution towards a study of new facilities on the island as well as a contribution towards the provision of amenities on the island over a 10-year period.

For the MP2 Project, DPC agreed to make a financial contribution to local schools and towards the provision of a Community Farm.

In both cases ABP accepted the DPC Community Gain proposals which had been flagged in advance with DCC and were subject to consultation with feedback factored into the refinement of the proposals.

Existing community gain provision in the 3FM Project area

A significant part of the hinterland of Dublin Port is already in receipt of a major community gain initiative as a consequence of the Dublin Waste to Energy Project. In that case it was a condition

of planning that the developers establish a community liaison committee to administer a community gain fund which comprises of;

- A one-off capital contribution of 3% of the capital cost of the facility – estimated to be €8 million
- An on-going annual contribution (indexed linked) of €1 per tonne of waste accepted for thermal treatment. This is estimated to involve an annual contribution of €600,000 to the community gain fund.
- A social infrastructure audit carried out by DCC indicated that any community gain fund should be used for the purposes of developing community centre facilities with sporting facilities for Ringsend/Irishtown and Sandymount.

In engagement with DCC on the Community Gain proposal for 3FM the following feedback was received, in the context of existing community gain provision in the immediate area;

- It should be clearly evident as a significant gain.
- It should not be in mitigation of disruption caused by the project and should in addition to any compensatory measures associated with the project design.
- It should have a significant heritage aspect.
- It should serve to ensure public access to the Poolbeg Peninsula and not lead to the creation of industrial areas which are no go zones for the public. In particular maintaining public access to the Great South Wall are seen as important objectives.

What are the elements to the 3FM Community Gain proposal?

The initial iterations of the 3FM Project contained the following suggested Community Gain provisions;

- i. A new Park with public access around the new sailing and rowing campus (2.1 ha)
- ii. A new public park adjacent to Pigeon House Harbour beside the proposed Turning Circle (1.2 ha) (Pigeon House Park)
- iii. A new Public Park adjacent to the IGB site (Port Park) (2.9ha)
- iv. The provision of an area for new community infrastructure (1 ha)
- v. Proposed upgrade of active travel paths

As the project has evolved, some elements of the original proposed Community Gain provision have changed. The Pigeon House Park proposal will not now proceed and instead the site has been allocated for an Offshore Renewable Energy Substation for the Codling Wind Park project.

As the Project evolved and following consultation feedback DPC is presenting a Community Gain proposal as part of 3FM with the following characteristics;

- It should be easily identified and linked with the nature of the capital works being proposed.
- It should directly benefit the communities adjacent to the development but have wider appeal too.
- It should not be a proposal advanced to mitigate some negative impact of the construction activities - for instance, the facilities being developed at the new Maritime Village will be a major gain to the local community but are being proposed to replace something that is being removed as part of the development. This does not mean that some public park element adjacent to the campus-built facilities cannot form part of the proposal as this would be a new aspect.
- Any proposals will need to be creative and thoughtful rather than just throwing funding at the community.
- The proposals need to provide something that is new and which represents a substantial gain to the community
- Takes account of feedback already provided in the consultation process carried out on the project to date.
- Also has regard to specific heritage aspects relating to the maritime history of the local community in the Poolbeg Peninsula area
- Is affordable to DPC and acceptable to DCC
- Is in addition to existing DPC Community Gain and CSR initiatives.

Proposal

In light of the above, DPC is pleased to advance the following Community Gain proposal as part of the 3FM Project ;

Given the complexity and scale of the 3FM Project, the Community Gain proposal being advanced as part of the planning application has a range of different elements, but which collectively aim to constitute a substantial gain to the Community.

In devising a Community Gain proposal for the 3FM Project, DPC has sought to concentrate on four specific themes which are important in the context of the Poolbeg Peninsula and the communities that live either on the Peninsula or adjacent to it:

Recreation

To enhance the recreational activities on the Poolbeg Peninsula, DPC is proposing that the Community Gain for the project will involve;

- The construction of 7.0km of Active Travel Paths and 4.9km of new or upgraded footway for the SPAR and Poolbeg Peninsula which will link up with the 1.4km Liffey Tolka greenway and the 4.0 km Tolka Estuary Greenway.
- DPC will provide Dublin City Council with a €5million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula.
- The development of a new floodlit playing pitches in Port Park for the use of local football clubs.
- The provision of additional 5.2 hectares of open space through the Port Park, Wildflower Meadow, Coastal Park and extension to the Irishtown Nature Park.
- These measures will be in addition to the development of the Maritime Village, which involves the construction of new facilities for local Clubs whose moorings and club facilities will be replaced due to the construction of the Southern Port Access Route.

Public Realm

To enhance the public realm in the Poolbeg Peninsula, DPC is proposing the following;

- The creation of a new 2.5 hectares Public Park and adjacent Wild Flower Meadow (Port Park) on the south side of the Peninsula as a buffer between the new Pembroke Quarter and the port area.
- The provision of a 1.6ha Coastal Park
- The creation of a new public plaza as a key part of the Maritime Village.
- Extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.
- The allocation of an additional 1.1 hectares to the Irishtown Nature Reserve.

Community

The establishment of a targeted Community Benefit Fund specifically for

- Projects concerned with Education, Heritage and Maritime Skills within the Poolbeg Peninsula area and adjoining communities.
- The initial capital for the Fund will be €2m and it will be administered by DPC in consultation with local stakeholders.

Heritage & Biodiversity

As part of the Community Gain proposal for the 3FM Project, Dublin Port Company will commission a Public Access Feasibility Study concerning the Great South Wall with a view to;

- Providing an interpretation of the Great South Wall for visitors along its full length from Tom Clarke Bridge to the Poolbeg Lighthouse.
- Identifying the possibility of opening public access to more of the Great South Wall, given that a significant portion of the original wall is not currently publicly accessible.

- Examining ways in which the Great South Wall could be better linked or connected to other Heritage Assets on the Poolbeg Peninsula to improve public accessibility and access to structures and locations that were central to the original development of the Poolbeg Peninsula. In particular examining opportunities for closer linkage between Pigeon House Harbour and the Great South Wall.
- Examining existing facilities available for visitors to the Great South Wall and seeing what additional appropriate facilities might be made available.
- Reviewing how existing and increased public access to the Great South Wall can be supported while having regard for the conservation and protection of the Wall and the need to respect the sensitive natural environment in the area.
- Dublin Port Company will also commit to spending up to €1m to implement the recommendations from the Great South Wall Study.
- Provision of an additional permanent marine structure to expand the available habitat and range of the Dublin Port Tern Colonies.

Dublin Port Company believes that these proposals will represent a substantial and meaningful Community Gain arising from the 3FM Project.