

## 4.0 PLANNING POLICY

### 4.1 Introduction

This Chapter of the EIS reviews the policy context for the proposed redevelopment of facilities at Ringaskiddy and considers the proposed alterations in the context of current planning policy.

The policy context is supportive of the redevelopment of Port facilities at Ringaskiddy including the relocation of the container terminal from Tivoli and expansion of other port trades, subject to infrastructure development being funded without any exchequer funding. The proposed alterations are needed to facilitate the efficient operation of Port trade and to effectively manage the release of traffic onto the national road network; to maintain and improve the Port's international competitiveness, and to ensure that the redevelopment project is financially robust consistent with the European, regional, national and local planning policy context.

### 4.2 European Policy – Trans-European Transport Network (TEN-T)

In 2011 the European Commission adopted a proposal to transform the existing patchwork of European roads, railways, airports and canals into a unified transport network (TEN-T). The policy sets an objective to establish a core transport network by 2030 to act as the backbone for transportation within the Single market:

*“The aim is to ensure that progressively, and by 2050, the great majority of Europe’s citizens and businesses will be no more than 30 minutes’ travel time from this comprehensive network.”* (Memo/11/706)

TEN-T policy aims to ensure the free-flow of goods and people to support growth, jobs and EU competitiveness. The comprehensive network includes components for all transport modes – rail, road, inland waterway, air and maritime, as well as their connecting points and corresponding traffic information and management systems.<sup>1</sup>

The core network represents the strategically most important nodes within TEN-T, which link the overall trans-European network. Core network links are identified as being of the highest importance for long-distance traffic and to play a strategic role for the development of the TEN-T.

At the European level, the trans-European network for the transport sector (TEN-T) recognises the Port of Cork as a core network port; and significant grant funding has been awarded to progress the Port's strategic development proposals. In December 2013, the Connection Europe Facility (CEF) was established to accelerate investment in the field of trans-European networks and to leverage funding from both the public and private sectors. The Port of Cork secured c. €12.3m under the CEF programme in June 2015 toward the permitted development.

The proposed alterations remain consistent with the policy objective to develop efficient strategic core network links.

### 4.3 National Economic Policy

Enterprise 2025 was published in November 2015 by the Department of Jobs, Enterprise & Innovation. The document sets out the strategic framework for coherence across government departments to deliver sustainable enterprise and growth.

Enterprise 2025 notes that, as a small open economy, sustainable long term growth is dependent on continued success in international markets. It notes that:

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<sup>1</sup> Planning Methodology for TEN-T, p.3

*“An export led strategy is not just about exporters. In addition to generating greater wealth than would be possible through only domestically traded activities, there is a substantial ripple effect in terms of job creation across the entire economy and an increase in technology adoption, innovation, standards and best practice overall.”<sup>2</sup>*

To facilitate continued growth in exports, Enterprise 2025 recognises that investment is required in key infrastructure and commits to putting in place the appropriate policy framework to stimulate investment confidence in long-term infrastructure projects. In relation to the delivery of sustainable, reliable and quality transport networks the report Includes the following objective:

*“In sea transport: Implement the 2013 Ports Policy framework such that the future needs of maritime connectivity are periodically reviewed; that access to a wide range and frequency of port services at competitive prices is ensured; and that deeper water facilities are provided at Irish ports that can accommodate the international trend towards larger shipping vessels.”<sup>3</sup>*

The proposed alterations remain consistent with the national policy objective to develop competitive port services, fit for purpose to respond to international shipping trends.

#### **4.4 National Spatial Strategy 2002-2020**

Pending publication of the National Planning Framework, the National Spatial Strategy (NSS) provides primary national planning policy. The NSS was reviewed in 2010 and concluded that all the international evidence pointed to the role that competitive and sustainable cities and their wider regions play in underpinning overall national competitiveness. The NSS designates Cork as a Gateway which will contribute to Ireland’s economic growth, and identifies the significance of sea port services to the economic strength and competitiveness of regions.

The strategic importance of the Gateways is that they are focal points for transportation with

*“...adequate, reliable, cost effective and efficient access to port facilities” (NSS p.40).*

The strategy notes, regarding ensuring regions’ international competitiveness, that:

*“It will be important to ensure that regions have the required access to international markets for goods, services and labour mobility. The capacity to attract mobile investment will be supported by the strategic development of infrastructure such as telecommunications, energy networks, regional air and sea port services.” (NSS, p.98)*

More explicitly, in terms of the strategic radial corridors to the South-West the National Spatial Strategy recognises the need for

*“...good quality road and public transport connections between Dublin and Cork, improved road access to Cork port and Airport” (NSS p.59).*

The National Spatial Strategy recognises the significance of sea port services to the economic strength and competitiveness of regions, and particularly the national Gateways.

The proposed alterations remain consistent with the NSS goal to develop efficient port services to contribute to the economic strength and competitiveness of the region.

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<sup>2</sup> Enterprise 2025, Dept.JEI, November 2015, p. 6

<sup>3</sup> Ibid, page 36.

## 4.5 Harnessing Our Ocean Wealth: July 2012

'Harnessing Our Ocean Wealth: An Integrated Marine Plan for Ireland' (IMP) was published in July 2012 by the Department of Agriculture, Food and the Marine. It sets out a roadmap for the government's vision, high level goals and integrated actions across policy, governance and business for the marine sector. The vision of the IMP is stated as:

*"Our ocean wealth will be a key element of our economic recovery and sustainable growth, generating benefits for all our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner."*

The IMP notes that:

*"Infrastructure includes fixed assets (e.g. ports, fisheries harbours, piers, slipways, buildings etc), mobile assets...., research, educational and innovation platforms... and datasets..."*

*Maintaining, upgrading and providing these infrastructures is critical to our national economy (e.g. 99% of Ireland's exports and imports are transported through Ireland's ports); energy needs and export potential (e.g. grid infrastructure); ..."* (IMP July 2012, p. 43)

The key actions for infrastructure include:

*"No. 32: Put in place clear integrated policies and strategies for the development of new key strategic infrastructure to support job creation and economic growth (e.g. the grid and port infrastructure to support renewable energy and export potential).*

...

*No. 34: Carry out national regional and local initiatives aimed at tapping into the potential of new and existing coastal infrastructure to develop sustainable products, services and jobs. This would encourage investment along the coast. Initiatives include:*

...

- *Supporting major national seaports in the implementation of their master plans to provide additional capacity and greater draft using their own resources. " (IMP July 2012, p. 43-44)*

The provision of enhanced port infrastructure is identified as a critical action and clear policy support is provided for the implementation of port master plans (such as the Port of Cork's Strategic Development Plan Review 2010).

The 2015 Review of Progress in implementation of the IMP noted that the Port of Cork had received planning permission for the redevelopment of Ringaskiddy port and had been successful in receiving funding through TEN-T and CEF for the development proposals.

The proposed alterations remain consistent with the IMP policy objective to develop additional capacity of ports, using the Port's own resources.

## 4.6 Disposal at Sea

National and local spatial planning policy documents do not apply beyond the immediate foreshore. The foreshore extends from the high water mark out to 12 nautical miles and this area is recognised by Government as providing:

*"...a unique and important ecologically sensitive resource which supports various economic activities, public infrastructure and recreation uses." [Foreshore & Dumping at Sea (Amendment) Bill 2009]*

Policy protection for the foreshore is provided by the London Convention 1972 (and subsequent Protocol of 1996), and the Convention of the Prevention of Marine Environment of the North-East

Atlantic 1992 (the OSPAR Convention 1992). The London Convention 1972 has an objective to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter. The OSPAR Convention 1992 has an objective to protect the marine environment of the North-East Atlantic from pollution and regulate dumping at sea. In Ireland, OSPAR and London Convention requirements are implemented via the Dumping at Sea (DAS) Acts 1996 to 2012.

The OSPAR Guidelines of the Management of Dredged Material (2014-06)<sup>4</sup> provide a scientific and technical framework for dredging and associated dumping at sea. The guidelines note that:

*Dredging is essential to maintain navigation to, within and from ports and harbours and for the development of port facilities, as well as for remediation, flood management and to maintain the carrying capacity of marine and coastal systems. Much of the material removed during these necessary activities requires deposit at sea. (p.3, Agreement 2014-06)*

The aim of the Guidelines is to ensure that EU Contracting Parties take all possible steps to prevent and eliminate pollution and to protect the maritime area against adverse impacts associated with dredging. Since February 2010 the responsibility for permitting and enforcement for Dumping at Sea transferred from the Department of Agriculture Fisheries & Food to the Environmental Protection Agency (EPA). The EPA is responsible for issuing DAS permits for the disposal of dredged material and for ensuring compliance with EU legislation, policy and guidelines.

Any additional dredging material associated with the proposed alterations will be managed in accordance with OSPAR Guidelines.

#### **4.7 2013 National Ports' Policy**

The 2013 National Ports' Policy (NPP) is identified as a contribution to achieving the vision of the 2012 IMP – Harnessing Our Ocean Wealth. It is stated that the National Ports' Policy:

*“... clearly sets out a roadmap for the ports sector for at least the next generation, setting down clear objectives, the policies to achieve them and timelines for doing so.” (NPP, p. 9)*

The core objective of the NPP is to facilitate an effective and competitive market for maritime transport services. The policy identifies that the long-term international trend in ports and shipping is toward increased consolidation of resources to achieve optimum efficiencies of scale<sup>5</sup>.

The NPP introduces a clear categorisation of ports, namely: Ports of National Significance (Tier 1), Ports of National Significance (Tier 2) and Ports of Regional Significance. The Port of Cork is one of three ports identified as at Tier 1 'Port of National Significance (along with Dublin Port Company and Shannon Foynes Port Company). It is noted that it is critically important that Ports of National Significance (Tier 1 & 2) provide an efficient and cost-effective service to the economy. Tier 1 ports are identified as Ports that:

- *“...are responsible for 15% to 20% of overall tonnage through Irish ports, and*
- *have clear potential to lead the development of future port capacity in the medium and long term when and as required.” (NPP, .p13)*

The NPP reemphasizes the government's policy outlined in the 2005 Ports' Policy Statement that the ports sector should receive no further Exchequer funding for infrastructure development. The NPP states that it is important that bodies bringing forward significant port capacity developments have the resources required to ensure that the State's and the public interest is protected and enhanced. This means that it is a policy objective for Port companies to promote financially viable development projects.

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<sup>4</sup> Agreement 2014-06

<sup>5</sup> NPP, p.13.

The NPP is not prescriptive about the location of future port infrastructure, but it notes that specific locations of future port capacity should be incorporated within the existing planning and development policy hierarchy. It also encourages active engagement between port companies and the relevant planning authorities to ensure that port masterplans and relevant planning and development strategies are complementary and consistent. In other words, while the NPP's core objective supports the expansion of port capacity, it is considered that locational issues are most appropriately addressed within existing spatial planning policy documents.

With specific reference to the Port of Cork the NPP notes that it is one of only two ports capable of handling traffic across all five principal traffic modes (LoLo, RoRo, Break Bulk, Dry Bulk and Liquid Bulk) and is second only to Dublin in its importance in the LoLo sector<sup>6</sup>. The NPP states that:

*"The Government endorses the core principles underpinning the company's Strategic Development Plan Review, and the continued commercial development of the Port of Cork Company is a key strategic objective of national Ports Policy." (NPP, p.26)*

In relation to the European unified transport network (TEN-T) the NPP notes that three ports are proposed for inclusion within the network – Dublin, Cork and Shannon Foynes. It also notes that efficient hinterland connections are critically important to a port's ability to facilitate large volumes of traffic. It states that TEN-T core ports must have a connection to both core road and rail networks, although it is acknowledged:

*"The vast majority of Ireland's freight movements to and from ports are via road. As acknowledged in the European Commission's White Paper, Roadmap to a Single European Transport Area – Towards a Competitive and Resource-Efficient Transport System, it is likely that "freight movements over short and medium distances (below some 300km) will to a considerable extent remain on trucks" (Commission of the European Communities 2011c)." (NPP, p.45).*

In recognition of the likely continued focus on road freight in Ireland, the NPP states that the interconnections between the national primary road network and the commercial port network will continue to be of primary importance<sup>7</sup>.

The NPP also identifies the relationship between ports and major cities, noting that as port facilities have shifted downstream over time it has allowed for the redevelopment of previously port-related lands for other commercial, residential or recreational uses. While it is acknowledged that this can be of mutual benefit to ports and local authorities, the NPP states that the cost of relocating and redeveloping port facilities must be considered in any redevelopment plans. This point is made in the context of the government's policy to require ports to fund any infrastructure developments from its own resources. It is stated within the NPP that:

*"...redevelopment proposals must take account of the need for sufficient replacement port capacity within the region. Any development proposals require careful consideration by all relevant stakeholders, in particular the planning authorities, local communities, port authorities and port users."*

The NPP sets a clear policy context for the future expansion and efficient operation of Port of Cork activities, emphasising the crucial role to be played in facilitating national economic growth. The proposed alterations remain consistent with this policy objective as they are required to ensure the efficient operation of the Port's activities.

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<sup>6</sup> NPP, p. 26

<sup>7</sup> NPP, p. 45

#### 4.8 Transport 21 2006-2015

Transport 21 set the projected capital investment framework under the National Development Programme over the period 2006 – 2015, although actual expenditure was significantly curtailed due to the national economic downturn.

The N28 National Primary Road, linking Cork City to Ringaskiddy, was proposed for upgrade under Transport 21, but this investment was suspended due to economic cutbacks. A decision has now been taken to proceed with the upgrade. It is currently anticipated that the Motorway Order and Environmental Impact Statement for the proposed road upgrade will be published early in 2017. The proposed alterations are consistent with the objectives of the capital investment framework as they are designed to effectively manage the release of traffic onto the national road network.

#### 4.9 The South West Regional Planning Guidelines 2010

The 2010–2022 South West Regional Planning Guidelines (2010 RPGs) highlight the importance of the relocation of the port to the region's strategic spatial strategy; acknowledge the limitations of potential rail transport and state that future port facilities need to be well served by the road network. S.1.3.33 of the 2010 RPGs state:

*“There is an immediate requirement to identify an appropriate location with deep water for enhanced port facilities within Cork Harbour to accommodate increasing traffic and to help secure the redevelopment of the City Docklands. In the past, proposals to relocate the port have raised concerns regarding the most appropriate land-side transport arrangements for freight. The rail network serving Cork does not provide an adequate means of collection/distribution of freight to the region and so future port facilities need to be well served by the road network.”*

S.5.5.8 of the 2010 RPGs emphasises the importance of the port's growth to the region, stating:

*“It is important to the development of the region's economy that the Port of Cork can increase its tonnage in line with the future economic growth of the region and its own strategic development plan (currently under review) will guide this approach.”*

The 2010 RPGs continue to provide regional spatial planning policy, pending publication of the Regional Spatial & Economic Plans, to be published by the new Regional Assemblies.<sup>8</sup>

The proposed alterations remain consistent with regional planning guidelines to facilitate and manage increased tonnage in line with economic growth projections for the region.

#### 4.10 Cork Area Strategic Plan (CASP) 2001-2020

CASP is a non-statutory document which was jointly undertaken by Cork County and Cork City Council to provide a vision and strategy for the development of the Cork City Region up to 2020. CASP identified the Port of Cork to be of strategic national importance:

*“The Port of Cork contributes significantly to the well-being of commerce, industry and tourism, not just of the Cork sub-region, but beyond, to the entire country.” (CASP, p.116)*

CASP considered that the Cork Area Strategic Plan and the Port of Cork's Strategic Development Plan were mutually reinforcing and that there was a need for effective partnership between the City and County Councils to ensure the accomplishment of both strategies. Essentially much of CASP objectives for growth of Cork City are dependent on the relocation of the Port's activities from the City Quays and Tivoli.

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<sup>8</sup> Cork and its region fall within the Southern & Eastern Regional Assembly.

CASP's policy is supportive of the Port's permitted development to relocate its inner harbour activities and to develop additional facilities at Ringaskiddy.

The proposed alterations remain consistent with the policy to redevelop the Port's facilities at Ringaskiddy.

#### **4.11 Cork County Development Plan 2014**

The Cork County Development Plan 2014 (CDP 2014) provides the spatial planning context for the location of additional port facilities in Cork County. The CDP 2014 notes that Cork Harbour is the second most significant port in the state and that the efficient movement of goods is vital to the competitiveness and economic welfare of the Cork Region. It states that the plan supports the development of expanded facilities at Ringaskiddy, so that port centred operations and logistics can become more efficient through the accommodation of larger ships and so that port traffic can directly access the National Road network without passing through the city centre. The policy objectives for Cork and other Ports (TM 5-2), are to:

- a) *“Ensure that the strategic port facilities at Ringaskiddy, Whitegate and Cork Airport have appropriate road transport capacity to facilitate their sustainable development in future years...*
- b) *Support the relocation of port activities and other industry away from the upper harbour on the eastern approaches to the city.*
- c) *Support Ringaskiddy as the preferred location for the relocation of the majority of port related activities having regard to the need for a significant improvement to the road network...*
- d) *Local area plans should give priority to identifying appropriate and sustainable locations for port related activities.*
- e) *Generally support the ports and harbours of the County and recognise their essential role in facilitating industrial development, defence, trade, marine leisure, recreation and other economic sectors, while respecting their environmental setting.*
- f) *Improve port and harbour infrastructure in the County to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long-term economic potential (including access) of the port or harbour.”*

Economic and policy objective EE 6-2 Cork Harbour also provides a policy objective to protect lands for port related developments at Ringaskiddy. The County Development Plan also identifies the need for the N28 to be upgraded as critical infrastructure to support employment development at Ringaskiddy.

The proposed alterations remain consistent with the Council Development Plan policy objectives for development of strategic port facilities at Ringaskiddy, and effectively managing the road network.

#### **4.12 Cork City Development Plan 2015-2021**

The Cork City Development Plan 2015-2021 identifies the importance of the relocation of port activities to achieve the strategic development objectives for Cork Docklands and Tivoli. The plan identifies issues which have constrained the redevelopment of the Docklands, including the failure to relocate port activities. It identifies the relocation of the Port as a critical step that needs to be undertaken to facilitate and encourage the redevelopment of Docklands and Tivoli, as well as further developing the Upper Harbour for tourism and recreation.

The City Development Plan policies have no bearing on the proposed alterations.

#### **4.13 Carrigaline Local Area Plans 2011**

The 2011 Carrigaline Electoral Area LAP provides the planning policy and zoning objectives for Ringaskiddy. The strategic aims for Ringaskiddy are to reaffirm its strategic industrial and port related roles and seek to promote its potential for large scale stand-alone industry, which are in line with the

strategic objectives for the settlement set out in the 2003 Carrigaline LAP. The 2011 Carrigaline LAP provides additional general development objectives for Ringaskiddy, which were not established in the 2003 LAP. These include the specific objective DB-02:

*“...to facilitate the relocation of the Port of Cork’s container and bulk goods facilities to Ringaskiddy.”*

The 2011 Carrigaline LAP zones the Port lands I-18 ‘Port Facilities and Port Related Activities’, (see figure 4.1)

The majority of land around Ringaskiddy is zoned for industrial use, although the village core is zoned for town centre / neighbourhood uses and there is some provision made for open space and amenity use, as illustrated on the zoning map in the LAP. The zoning map also shows the proposed route of the N28 upgrade, which will remove traffic from the residential core of Ringaskiddy and the village of Shanbally. The final route of the N28 will be determined following the current design process being undertaken by the Transport Infrastructure Ireland (TII).

The Carrigaline LAP is currently under review and is to be replaced by the Ballincollig / Carrigaline Municipal District Local Area Plan (draft BCMD LAP). A draft of the BCMD LAP was published in November 2016

The general objectives for Ringaskiddy in the draft BCMD LAP confirm the settlement’s role as a strategic employment area and:

*Reaffirm Ringaskiddy’s focus on industrial and port related roles which reflects its status as a Strategic Employment Area (Objective RY-GO-01)*

The draft LAP also includes objective to facilitate the relocation of the Port of Cork’s container and bulk goods facilities to Ringaskiddy (RY-GO-03) and to facilitate the proposed M28 and protect the route corridor from inappropriate development. (RY-GO-05). The zoning objective for Ringaskiddy terminal remains as Port Facilities and Port Related Activities (RY-I-18).

The proposed alterations remain consistent with local planning policy objectives for the development of expanded port facilities on lands zoned for Port related activities in Ringaskiddy.

#### **4.14 Summary**

The permitted development for Ringaskiddy Port Redevelopment is consistent with European and national policy objectives, which identify high quality transport infrastructure, including port facilities, as essential for economic growth; maximising Ireland’s ocean wealth; and ensuring competitiveness of Ireland and Europe. The proposed alterations do not affect the principle of the established permission to provide for the relocation of container trade and additional berthing capacity at the terminal. As noted in Chapters 1 & 2, the proposed alterations are required to facilitate the efficient operation of Port trade; to effectively manage the release of traffic onto the national road network; to maintain and improve the Port’s international competitiveness, and to ensure that the redevelopment project is financially robust.

At a European level, the TEN-T recognises the Port of Cork as a core network port; and significant grant funding has been awarded to progress the Port’s strategic development proposals, under both the TEN-T and CEF programmes. The need for efficient and competitive port services is a policy objective for Core Ports under TEN-T. The proposed alterations are designed to improve the efficiency of port operations and therefore remain consistent with TEN-T policy objectives.

The 2013 National Ports’ Policy (NPP 2013) establishes the policy framework for the development of port facilities in Ireland. It identifies the Port of Cork as one of 3 ‘Tier 1 – Ports of National Significance’ and endorses the principles contained within the Ports 2010 SDP. The NPP 2013 notes that identification of appropriate locations for port expansion should be addressed within spatial planning policy documents. The NPP 2013 requires Port companies to develop infrastructure from

their own resources. It is incumbent on the Port of Cork to promote a financially robust project, the financial implications of the development project are, accordingly, a material policy consideration. The proposed alterations are more cost effective, particularly in the early phases of implementation, than the permitted development.

The 2010 Regional Planning Guidelines (RPGs 2010) highlight the importance of the relocation of the Port to the region's strategic spatial strategy; acknowledge the limitations of potential rail transport and state that future port facilities need to be well served by the road network. The proposed alterations remain consistent with 2010 Regional Planning Guidelines to facilitate and manage increased tonnage in line with economic growth projections for the region.

Spatial Planning Policy (CASP, the 2014 County Development Plan; 2011 Local Area Plan and 2016 Draft LAP) identify Ringaskiddy as the preferred location for the primary expansion of port activities and the application lands at Ringaskiddy are zoned to provide for the location of the Port of Cork's container and bulk goods facilities. The Cork City Development Plan 2015-2021 identifies the critical need to relocate Port activities to facilitate the redevelopment of the Docklands and Tivoli and to maximise the potential of the Upper Harbour for other commercial and recreational uses. The proposed alterations remain consistent with Spatial Planning Policy, to provide an expansion of port activities at Ringaskiddy.

European, national, regional and local planning policy provide a framework supportive of the consolidation of port activities and the development of efficient port operations to facilitate sustainable economic growth. At a local level, Ringaskiddy has been identified as the preferred location for the relocation of container freight and the expansion of bulk freight. The strategic policy framework also recognises the need for Ports to operate efficiently and to have excellent connectivity within Ireland and Europe; as well as a requirement to be financially robust in bringing forward significant port capacity developments.

The proposed alterations remain consistent with this policy context, as they are required to facilitate efficient, effective and competitive port services, within a cost-effective development; and to manage a sustainable release of freight traffic onto the national road network.

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