

An
Coimisiún
Pleanála

Direction
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PA0033

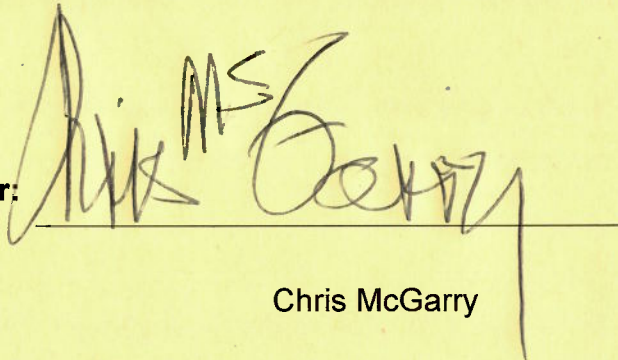
DRAFT

The submissions on this file and the Inspector's reports were considered at meetings held on 28/04/2015, 25/06/2015, 02/07/2015, 07/07/2015, 13/08/2015, 03/09/2015, 15/09/2015, 21/09/2015, 01/09/2016, 02/10/2017, 18/12/18, 17/06/2019, 15/12/2020, 18/10/2021, 28/06/2024, 06/11/2024, 20/11/2025, 04/03/2026 and 10/03/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation as set out in his Addendum Report dated 4th February 2026, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:



Date: 19/03/2026

Chris McGarry

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission made its decision consistent with,

- Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with the Climate Action Plan 2024 and the Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State, and
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

Furthermore, in coming to its decision the Commission had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European Policy/Legislation:

- (i) Directive 2011/92/EU (Environmental Impact Assessment Directive), and
- (ii) Directive 92/43/EEC (Habitats Directive), and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive).
- (iii) The inclusion of the Port of Galway as a Comprehensive Port in the Trans European Network – Transport (TEN-T network),

National Policy and Guidance including:

- (i) Project Ireland 2040 National Planning Framework, including the First Revision, 2025,
- (ii) National Development Plan 2021-2030,
- (iii) National Marine Planning Framework, 2021,
- (iv) National Ports Policy, 2013,
- (v) the objectives of Ireland's 4th National Biodiversity Action Plan 2023–2030,
- (vi) Climate Action Plans 2024 and 2025,
- (vii) Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction, 2024, and,
- (viii) National Energy and Climate Plan 2021-2030.

Regional and local policy:

- (i) Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032,
 - (ii) Galway City Development Plan 2023-2029 as varied, and,
 - (iii) Galway County Development Plan 2022-2028 as varied.
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- (b) the location, nature, scale and layout of the proposed development,
 - (c) the range of mitigation measures set out in the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata, October 2014, the Environmental Impact Statement addendum, 2024; Natura Impact Statement and Natura Impact Statement Addendum, 2024; and Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits,
 - (d) the expert reports on marine ecology, marine hydrology and water quality prepared on behalf of the Commission,

- (e) the submissions received in relation to the application by all parties and observers, at all stages of the process, including those received in 2014, the submissions made at the Oral Hearing held on 6th January 2015 (preliminary hearing) and held over several days between 13th January and 23rd January 2015, and submissions made subsequent to circulation of the Further Information received from the applicant on 27th September 2024, noting in particular that all material considerations and commentaries have been fully ventilated and circulated both during the initial 2014/2015 period, (before the Direction dated 25th September 2015, of the (then) Board to pursue the IROPI option) and during the period subsequent to the opinion of the Minister in 2024 that the compensatory measures proposed are sufficient to ensure the overall coherence of the Natura 2000 network is protected and thus that a planning determination of the case can proceed, such that the Commission has engaged in full with all material considerations and was satisfied that it had before it all information necessary to determine the application with no need for further exercises such as a reopening of the oral hearing or any further circulation of material,
- (f) the Direction of the (then) Board dated 25th September 2015,
- (g) the (then) Board letter dated 24th March 2021, to the Minister for Housing, Local Government and Heritage enclosing the Statement of Case for IROPI,
- (h) The notice pursuant to Section 177AB (3) of the Planning and Development Act 2000, as amended, issued by the Minister for Housing, Local Government and Heritage on 27th day of February 2024, stating his opinion that the compensatory measures proposed are sufficient to ensure the overall coherence of the Natura 2000 network is protected, and
- (i) the reports and recommendations of the Inspectors, comprising the original report dated 27th February 2015, the supplementary report dated 6th October 2020, and the final addendum report dated 4th February 2026.

Appropriate Assessment: Stage 1

The Commission considered the original appropriate assessment and conclusions carried out in 2015 and having regard to the passage of time since the application

was submitted to An Coimisiún Pleanála, the Commission proceeded to carry out a further appropriate assessment screening exercise based on updated and other relevant information, in relation to the potential effects of the proposed development on designated European Sites. The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the Addendum report of the Inspector.

The Commission agreed with and adopted the updated screening assessment and conclusion carried out in the final Addendum Inspector's report that the Galway Bay Complex Special Area of Conservation (Site Code: 000268), Slieve Toomey/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190), Inishbofin and Inishshark Special Area of Conservation (Site Code: 000278), Lough Corrib Special Area of Conservation (Site Code: 000297), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Inishkea Islands Special Area of Conservation (Site Code: 000507), Maumturk Mountains Special Area of Conservation (Site Code: 002008), Connemara Bog Complex Special Area of Conservation (Site Code: 002034), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Lower River Shannon Special Area of Conservation (Site Code: 002165), Blasket Islands Special Area of Conservation (Site Code: 002172), West Connacht Coast Special Area of Conservation (Site Code: 002998), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Inishmore Island Special Area of Conservation (Site Code: 000213), Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), Ballysadare Bay Special Area of Conservation (Site Code: 000622), Bunduff Lough and Machair/Trawalua/Mullaghmore Special Area of Conservation (Site Code: 000625), Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code: 000627), Clew Bay Complex Special Area of Conservation (Site Code: 001482), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Inner Galway Bay Special Protection Area (Site Code: 004031) and Lough Corrib Special Protection Area (Site Code: 004042) are the European Sites for which there is a likelihood of significant effects.

The Commission concluded that, having regard to the qualifying interests for which all other European Sites were designated and in the absence of viable connections to, and distance from the application site, these could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on any other European Sites in view of the Sites' conservation objectives and that the Stage 2 Appropriate Assessment is therefore not required in relation to these European Sites.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement as originally submitted and the Natura Impact Statement Addendum, 2024, and carried out an appropriate assessment of the implications of the proposal for the Galway Bay Complex Special Area of Conservation (Site Code: 000268), Slieve Tooley/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190), Inishbofin and Inishshark Special Area of Conservation (Site Code: 000278), Lough Corrib Special Area of Conservation (Site Code: 000297), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Inishkea Islands Special Area of Conservation (Site Code: 000507), Maumturk Mountains Special Area of Conservation (Site Code: 002008), Connemara Bog Complex Special Area of Conservation (Site Code: 002034), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Lower River Shannon Special Area of Conservation (Site Code: 002165), Blasket Islands Special Area of Conservation (Site Code: 002172), West Connacht Coast Special Area of Conservation (Site Code: 002998), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Inishmore Island Special Area of Conservation (Site Code: 000213), Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), Ballysadare Bay Special Area of Conservation (Site Code: 000622), Bunduff Lough and Machair/Trawalua/Mullaghmore Special Area of Conservation (Site Code: 000625), Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code: 000627), Clew Bay Complex Special Area of Conservation (Site Code: 001482), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Inner Galway Bay Special Protection Area (Site Code: 004031) and Lough Corrib

Special Protection Area (Site Code: 004042) in view of the Sites' conservation objectives.

The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment including the final addendum report of the Inspector and the associated expert report of the marine ecologist. In completing the assessment, the Commission considered:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspectors' reports and the conclusions reached in the final Addendum Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives.

In overall conclusion, the Commission was satisfied beyond reasonable scientific doubt that the proposed development, including the mitigation measures set out in the application documentation and which are secured by condition, would not adversely affect the integrity of the Slieve Tooney/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190), Inishbofin and Inishshark Special Area of Conservation (Site Code: 000278), Lough Corrib Special Area of Conservation (Site Code: 000297), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Inishkea Islands Special Area of Conservation (Site Code: 000507), Maumturk Mountains Special Area of Conservation (Site Code: 002008), Connemara Bog Complex Special Area of Conservation (Site Code: 002034), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Lower River Shannon Special Area of Conservation (Site Code 002165), Blasket Islands Special Area of Conservation (Site Code: 002172), West Connacht Coast Special Area of Conservation (Site Code: 002998), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Inishmore Island Special Area of Conservation (Site Code:

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Imperative Reasons of Overriding Public Interest

Subsequent to consideration of all relevant material and submissions on file, the Commission confirmed its original conclusion that the integrity of the Galway Bay Complex Special Area of Conservation (Site Code: 000268) would be adversely affected by the proposed development. Notwithstanding a negative assessment of the implications for the Galway Bay Complex Special Area of Conservation (Site Code: 000268), it is considered that the proposed development (project) must nevertheless be carried out for imperative reasons of overriding public interest, namely the need to ensure the continued operation of Galway as a regional port and the long term social or economic benefits of the proposed development. The imperative reasons of overriding public interest that necessitate the giving of consent for the proposed development are:

- (a) The proposal presents an integrated development that enhances the social, economic and recreational benefits of the port for the wider benefit of the population of Galway and its regional hinterland.
- (b) The enhancement of the port serving the region aligns with European, national and regional policies in favour of balanced spatial and economic development.
- (c) The port and the tradition of maritime trade is fundamental not just to the economy of Galway but also to its culture and identity.

- (d) Failing to address the existing constraints of the port would make the port unviable and lead to the demise of the port in the medium to long term and would fail to address the existing SEVESO constraints, as transposed by the Control of Major Accident Hazards (COMAH) Regulations, would impede tourism and the potential to develop a new urban quarter.
- (e) Alternative proposals within the bay were not feasible and would result in greater impacts on the conservation objectives of the Galway Bay Complex Special Area of Conservation (Site Code: 000268).
- (f) Shifting commercial shipping activity away from Galway to Shannon-Foynes would impair the Port of Galway's ability to fulfil its role as a designated Comprehensive Port in the Trans-European Transport Network and it may also undermine Galway's development as a an important driver of national growth and key regional centre in the National Planning Framework, and would inhibit marine/leisure expansion within Galway City.
- (g) The social and economic benefits of the project include positive impacts to tourism, marine research and development, including offshore renewable energy, urban regeneration, and marine leisure opportunities.
- (h) The loss of qualifying interests of the Galway Bay Complex Special Area of Conservation (Site Code: 000268) has been expressly weighed against the imperative reasons for the proposed development which are primarily social and economic in nature.

The Commission concluded that there are no feasible alternatives to the extension to Galway Harbour that would result in reduced impacts on the habitats, species and integrity of the Galway Bay Complex Special Area of Conservation (Site Code: 000268)

Having regard to the totality of the documentation on file, the Commission is satisfied that the proposals for compensatory measures for the direct and permanent loss of furoid-dominated reef habitat (Habitat Code: 1170), mud and sandflat not covered by seawater at low tide (Habitat Code: 1140), and the loss of perennial vegetation on

stonly banks (Habitat Code: 1220) due to sheltering, all in the Galway Bay Complex Special Area of Conservation (Site Code: 000268) are sufficient to ensure that the overall coherence of the Natura 2000 network is protected and are considered to address the impacts on the integrity of the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and, with associated accompanying measures and additional environmental benefits. In this regard the Commission has considered the Notice pursuant to Section 177AB (3) of the Planning and Development Act 2000, as amended, issued by the Minister for Housing, Local Government and Heritage on 27th day of February 2024. That Notice confirms the opinion of the Minister that the compensatory measures proposed are sufficient to ensure that the overall coherence of the Natura 2000 network is protected. The Commission also noted that pursuant to the Notice received from the Minister under Section 177AB(3), it may (as the competent authority) decide to grant consent for the proposed development with or without conditions.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024 and associated documentation submitted with the application,
- (c) the submissions received during the course of the application, and
- (d) the Inspectors' report and recommendation, supported by the reports of the Marine Ecologist, Marine Hydrologist and Environmental Scientist.

The Commission noted that the 2014 EIA Directive does not apply to this current planning application and the statutory exercise of environmental assessment has been carried out by reference to the applicable EU Directive as transposed at the time of the making of the application (Directive 2011/92/EU (Environmental Impact Assessment Directive)). Nevertheless and to provide a fluency of language and form, the assessment has incorporated referencing to the following headings; population and human health, Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC

and Directive 2009/147/EC respectively), Land, soil, water, air and climate, Material assets, cultural heritage and the landscape, the interaction between these factors and has included a reasoned conclusion.

The Commission considered that the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata October, 2014 and the Environmental Impact Statement Addendum, 2024, supported by the documentation submitted by the applicant, adequately considers alternatives for the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the final Addendum Inspector's report, of the information contained in the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024 and associated documentation submitted by the applicant, and submissions made during the course of the planning application.

The Commission concluded that, subject to the implementation of mitigation measures proposed, as set out in the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024, and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other existing and permitted development in the vicinity would be acceptable. In doing so, the Commission adopted the final Addendum report and conclusions of the reporting Inspector.

Reasoned Conclusions on the Significant Effects:

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Statement, 2014, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024 and supplementary information provided by the applicant, and to the submission from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct, indirect or

cumulative impacts on the environment, of the development permitted herein are, and will be mitigated as follows:

1. Construction activity will give rise to **noise and vibration** emissions, particularly during piling, underwater blasting and dredging activities. The impacts from such activities would be adequately mitigated by:
 - (a) Adherence to identified emission limit values and guidelines for such activities (BS 5607:2017),
 - (b) The short-term nature of the activities and limits on daily blasting activities.
 - (c) The use of marine mammal exclusion zones and marine mammal observers during construction works.
 - (d) Separation from the shoreline and sensitive receptors.
 - (e) On-going monitoring.
2. Negative impacts on **biodiversity** arising from construction and operation activities. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final Construction Environmental Management Plan. Construction of the development will also result in the direct loss of marine environment habitats. These impacts would be adequately mitigated by the implementation of the Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits.
3. Release of suspended solids and **soil** disturbance into Galway Bay, with associated siltation on seabed. These impacts would be adequately mitigated by:
 - (a) Removal of soils from over rock to curtail soil disturbance from the drilling, blasting and removal of rock.
 - (b) Balance of sediment dredging and re-use as land reclamation.
 - (c) Minimum release of suspended sediments to sea by the implementation of suitable construction methods.
4. Release of suspended solids into the **water** in Galway Bay, with associated siltation on seabed and the release of contaminants from increased suspended sediment concentrations during dredging. The impacts from such activities would be adequately mitigated by turbidity meters at dredge sites to record and control appropriate working over water to ensure that dredging is controlled.

5. Adverse impact on **landscape and visual** impact during construction and on completion of the proposed development. This has been mitigated at design stage and includes a landscaping scheme to reduce the long-term visual impact.
6. During construction, there will be temporary negative **Traffic and Transport** effect with heavy goods vehicle construction traffic flow generated by the development on the street network. This will be mitigated by the implementation of the detailed Construction Traffic Management Plan.
7. Excavation and development of the site will give rise to direct impacts on features of **archaeological** interest and previously unrecorded features. The impacts would be adequately mitigated by:
 - (a) Full resolution of all archaeological sites and areas identified during archaeological testing and underwater surveys.
 - (b) Compliance with the National Monuments Acts and the Construction and Environmental Management Plan.
 - (c) A Method Statement for Archaeological Works will be agreed with the National Monuments Service, with fieldwork and monitoring by a suitably qualified and licensed archaeological contractor.
 - (d) Completion of archaeological works prior to commencing enabling works.

Cumulative Impacts and Impacts from interactions:

It is considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed development, and the proposed mitigations measures detailed in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024. There is, therefore, nothing to prevent the approval of the proposed development on the grounds of significant environmental effects, or as a result of cumulative effects or effects arising from interactions between environmental factors.

The Commission was also satisfied that in assessing and granting permission for the proposed development, it has, in so far as practicable, performed its functions in a manner consistent with the applicable climate plans and objectives as required by

Section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended.

The Commission also concluded that approval of the proposed development is consistent with and would not jeopardise compliance with the requirements of the Water Framework Directive (2000/20/EC).

Proper Planning and Sustainable Development

It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with European (noting the inclusion of the Port of Galway as a Comprehensive Port in the Trans-European Transport Network TEN-T), national and regional policies and with the relevant provisions of the Galway City Development Plan 2023-2029 as varied, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area with the implementation of specified compensatory measures, would be acceptable in terms of traffic safety and would constitute a significant and positive infrastructural asset benefit to Galway city and the wider region. Furthermore, the proposed development will accommodate inter-modal transport, facilitate offshore and onshore renewable energy projects which will positively support the delivery of the goals and objectives set out in the Climate Action Plan 2024 and 2025 and that the proposal to include a freight rail link will be a potential facilitator for freight and cargo to be efficiently transported to and from the Galway Harbour Extension, when viable, to allow positive road traffic and environmental benefits. The proposed development is also considered to be in accordance with national, regional and local plan policy and these respective policies of themselves have been constituted within the framework of Ireland's climate obligations. In reaching this conclusion, the Commission had regard to the quantified construction and operational greenhouse gas emissions in the Environmental Impact Statement Addendum, 2024 and is satisfied that, while the proposed development by its construction will generate GHG emissions, it can be considered favourably within the context of overall climate obligations. The Commission is also satisfied that flood risk and coastal processes have been adequately assessed and mitigated and that the proposed development is

acceptable in this context. The proposed development would make a positive contribution towards the social and economic development of Galway City and the northwestern region and would be acceptable in respect of its likely effects on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 10th day of January 2014, and further information submitted on the 16th day of October 2014 and the 27th day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement and the Natura Impact Statement Addendum, 2024 shall be implemented in full.

Reason: To protect the environment and the integrity of European Sites.

3. All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October, 2014, the Environmental Impact Statement Addendum, 2024 shall be implemented in full.

Reason: In the interest of the protection of the environment.

4. (a) All environmental commitments contained in the Compensatory Measures Plan, Accompanying Measures Plan and Environmental Benefits (Tobin Consulting Engineers and Aquafact, 2022) shall be carried out in full.
(b) The implementation of the Compensatory Measures (set out in Part 2 of Compensatory Measures Plan, Accompanying Measures Plan and Environmental Benefits (Tobin Consulting Engineers and Aquafact, 2022))

shall be commenced prior to commencement of development, and the following specific measures outlined in Table 2-2: Compensatory Measures at Mweeloon for Intertidal (Measures 2, 3, 4, 5 and 6) and Table 2.4: Compensatory Measures at Tawin West for Stony Bank (Measures 1, 2, 6, 8 and 9) shall be completed prior to commencement of development.

- (c) Prior to commencement of development, the timing for the targets and monitoring methods for the achievement of the compensatory measures, accompanying measures and other environmental benefits shall be agreed in writing with the planning authority (Galway City Council) in consultation with the National Parks and Wildlife Service.

Reason: In the interests of ensuring that the overall coherence of the European Site network is maintained.

5. The period during which the proposed development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

6. Dredging activities for the proposed navigation channel section to the docks and marina on the west side of the harbour shall be confined to the outgoing ebbing flow phase.

Reason: In order to protect the coastal lagoon priority habitat in Lough Atalia.

7. Prior to the making available for occupation of the completed development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed at the Galway Harbour complex and to reduce and regulate the extent of car parking.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. The noise levels generated during the construction of the development shall not exceed the following limits: 55 dB(A) during daytime, 50 dB(A) during evening time and 45dB(A) during night-time when measured at the nearest existing occupied house. When measuring the specific noise, the time shall be any one-hour period.

Reason: In order to protect the amenities of property in the vicinity.

9. The proposed development shall be operated and managed in accordance with an Environmental Management System which shall be submitted by the developer and agreed in writing with the planning authority prior to commencement of development. This shall include the following:
- (a) proposal for the suppression of on-site noise and monitoring at sensitive receptors,
 - (b) proposal for the suppression of dust on site and on the surrounding roads,
 - (c) proposal for the bunding of fuel, lubrication storage areas and any other substance as required by the planning authority and details of emergency action including warning sign in the event of accidental spillage/leakage,
 - (d) details of safety measures for the fencing,
 - (e) specification of limits in relation to the following parameters, nitrogen oxides, sulfur dioxide, carbon monoxide and PM10 particulate matter,
 - (f) monitoring of ground and surface water quality, levels and discharges, and,
 - (g) details of site manager and public information signs at entrance.

Reason: In order to safeguard the environment and local amenities.

10. The landscaping scheme shown on Figure numbers 1 to 7, Volume 2D Drawings, Environmental Impact Statement, 2014, as submitted to the An Coimisiún Pleanála on the 10th day of January 2014 shall be carried out within the first planting season following substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be permitted in circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

12. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan including traffic management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all the construction stage mitigation measures outlined in the Natura Impact Statement, Natura Impact Statement Addendum, 2024, Environmental Impact Statement and Environmental Impact Statement Addendum, 2024 and shall provide details of intended construction practice for the proposed development, including and not limited to:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site if required,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) details of construction lighting,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil and,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environment Management Plan and monitoring results as appropriate shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, environmental protection, public health, and safety.

13. The developer shall appoint a suitably qualified ecologist to monitor and ensure

that all avoidance/ mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice.

Reason: To protect the environmental and natural heritage of the area.

14. An experienced Marine Mammal Observer shall be engaged for the duration of the pre-construction works in addition to the construction period of the proposed development. The Marine Mammal Observer will ensure no works shall proceed if marine mammals are observed within a radial distance of the sound source as follows:

Impact piling - 1,900 metres

Blasting - 1,500 metres

Dredging - 1,700 metres

2D seismic survey - 1,000 metres

The developer shall carry out pre-construction and construction works in accordance with Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (Department of Arts, Heritage and the Gaeltacht, January 2014) or in accordance with any updated version of this National Parks and Wildlife Service guidance.

Reason: To protect the environmental and natural heritage of the area.

15. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interests of environmental protection and public health

16. All mitigation measures in relation to archaeology as set out in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October, 2014, and the Environmental Impact Statement Addendum, 2024 shall be implemented in full. In advance of the commencement of construction works, the developer shall engage a suitably qualified archaeologist to carry out the following:
- (a) An underwater target test excavation shall be carried out on the wreck W17455 to establish the precise nature and context of the material present. This excavation shall be carried out in accordance with Section 13.2.4.2 of the Environmental Impact Statement Addendum, 2024 and in line with any recommendations of the Department of Housing, Local Government and Heritage. Following this and should coherent remains of a historic vessel be uncovered during the archaeological testing, further mitigation measures may be necessary, including full excavation of the wreck. Any further archaeological mitigation requirements shall be agreed in writing with the planning authority and the National Monuments Service, Department of Housing, Local Government and Heritage.
 - (b) The developer is required to employ a suitably qualified archaeologist (licensed under the National Monuments Acts) to submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/ site clearance/ and/or construction works. This shall be in addition to any mitigation measures outlined in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October, 2014, and the Environmental Impact Statement Addendum, 2024.
 - i. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/ or monitoring may be required.

- ii. No site preparation and/ or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.
- (c) The Construction and Environmental Management Plan shall include the location of any and all archaeological constraints relevant to the proposed development as set out in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October, 2014, and the Environmental Impact Statement Addendum, 2024 and by any subsequent archaeological investigations associated with the project. The Construction and Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological heritage environment during all phases of site preparation and construction activity.
- (d) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: In order to align the project with statutory obligations and policy objectives for the protection of the State's underwater archaeological heritage and to ensure the continued preservation (either in *situ* or by record) of places, caves, sites, features and other objects of archaeological interest.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is **€422,125** of which

To An Coimisiun Pleanala €403,381

To Galway City Council €12,612

To Shannon Foynes Port Company €6,132