

APPENDIX No. 1

Correspondence from An Bord Pleanála

29th September 2015

13th October 2017

Our Ref: 61.PA0033
P.A.Reg.Ref:

Your Ref: JPK2139

An Bord Pleanála



TOBIN CONSULTING ENGINEERS		
PROJECT NO.		
FILE REF:		
Date Received	30 SEP 2015	
PASS TO	ACTION BY	DATE
JPK	JPK	30/9/15.

John P. Kelly
Tobin Consulting Engineers
Fairgreen House
Fairgreen Road
Galway

29th September 2015

Re: Galway Harbour Extension
Renmore and Townparks Townlands, Galway

Dear Sir,

I have been asked by An Bord Pleanála to refer further to the above mentioned proposed development and in particular to compensatory measures as required under Article 6(4) of the Habitats Directive.

The Board has completed an appropriate assessment of the proposed Galway Harbour Extension in accordance with Article 6(3) of the Habitats Directive and has concluded that approval of the proposed development could not be considered under Article 6(3) of the Habitats Directive, given that a significant adverse impact on the integrity of the Galway Bay SAC would occur.

The impacts on the integrity of the European Site are as follows:

- The direct and permanent loss of fucoid-dominated reef habitat [1170] and mud and sand flat habitat [1140] in Galway Bay Complex cSAC will result in the conservation objective for these features not being met. The direct and permanent loss of a habitat, which is part of the conservation objective of the site, is in general a significant adverse effect on the integrity of the site.
- The loss of perennial vegetation of stony banks [1220] due to the sheltering effect of the harbour extension will also have a significant adverse effect on the integrity of the cSAC.

Therefore, without prejudice to the final outcome of the application which is before the Board, and in accordance with section 37(F)(1) of the Planning and Development Act, 2000, as amended, you are invited to confirm that you wish the project to be considered for approval under Article 6(4) of the Directive, in which case it is necessary for you to submit proposals for compensatory measures to address the impacts on the integrity of the Galway Bay Complex SAC identified above. The compensatory measures should offset the negative effects of the project such that the overall coherence of the Natura 2000 network is maintained.

This information is required by the Board in order to continue to consider the case and to decide whether to apply a derogation under Article 6(4) of the Habitats Directive.

In order to comply with the Board's request, you are referred to the guidance in relation to compensatory measures set out in the European Commission (DG Environment) Guidance Document entitled: "Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC" (2007/2012), as may be updated.



It is noted that within this guidance, 'tight co-operation' between the applicant, the Natura 2000 authorities, and the assessment authority is encouraged with respect to the programme of conservation measures.

The Board proposes that the development of proposed compensation measures be addressed in two phases:

Phase 1 - the proposals for compensatory measures should be set out by Galway Harbour Company for initial consideration. You are advised to liaise with the National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht in this regard. It is envisaged that once proposals are received, the Board will also seek the views of the National Parks and Wildlife Service with respect to the acceptability in principle of the emerging proposals. The Board will advise in due course whether the compensatory measures should be developed in more detail, or otherwise.

Phase 2 - pending the outcome of Phase 1, the applicant will be afforded further time to develop the compensatory measures in more detail leading to submission of a completed proposal for consideration by the Board.

The further information referred to above should be received by the Board within eight weeks from the date of this notice (i.e. no later than 5.30 p.m. on the 24th November 2015).

Prior to any decision on the acceptability or otherwise of any compensatory measures, the Board will consider what public involvement is appropriate and may invite further submissions from parties to the case or seek further public notices.

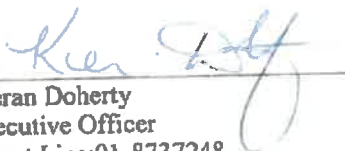
Should you require clarification of any matter a written request can be submitted and the Board will endeavour to clarify any technical or procedural queries arising. It is not the Board's role to suggest or influence what form the compensatory measures should take.

The following documents are attached for information purposes:

- An Bord Pleanála, findings of the Appropriate Assessment of the project.
- Galway Harbour Extension Project: Assessment of Ecological Impacts on the Marine Environment for An Bord Pleanála. Author Mr. Daniel Basterri of Thomson Unicmarine, February 2015.

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

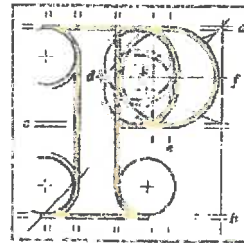
Yours faithfully,


Kieran Doherty
Executive Officer
Direct Line: 01-8737248

ADHOC/PA0033/38

Our Ref: 61.PA0033
P.A.Reg.Ref:

Your Ref: JPK 7476-04-04



An
Bord
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John P. Kelly
Tobin Consulting Engineers
Fairgreen House
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Galway

13th October 2017

TOBIN CONSULTING ENGINEERS		
PROJECT NO.		
FILE REF:		
Date Received	17 OCT 2017	
PASS TO	ACTION BY	DATE
MJK/SJC	SJC	17/10/17

LSJ

Re: Galway Harbour Extension
Renmore and Townparks Townlands, Galway

Dear Sir,

I have been asked by An Bord Pleanála to refer to the above mentioned proposed development and in particular to compensatory measures as required under Article 6(4) of the Habitats Directive.

The Board has considered the report from the Galway Harbour Company entitled 'Proposed Compensatory Measures (Version 2.3B)' which was received by An Bord Pleanála on the 9th August, 2017.

The Board is satisfied that the emerging proposals appear to be capable of producing a meaningful set of conservation measures that could provide adequate compensation within Galway Bay Complex SAC for the potential loss of habitats associated with the Galway Harbour Extension.

Whereas An Bord Pleanála had identified a requirement to compensate solely in relation to identified habitats affected by the proposed Harbour Extension, it is noted that the Harbour Company has chosen to also include in the scope of the emerging compensatory proposals measures relating to the previously completed Galway Harbour Enterprise Park. This approach is considered acceptable.

With respect to the previous An Bord Pleanála letter of 29th September, 2015, the Harbour Company is now invited to proceed to Phase 2 of the preparation of 'compensatory measures' whereby a detailed proposal is to be prepared and submitted to An Bord Pleanála for consideration.

In developing the proposal, the Harbour Company is advised to have regard to the guidance available in the European Commission (DG Environment) Guidance Document entitled: "Guidance document on Article 6 (4) of the 'Habitats Directive' 92/43/EEC" (2007/2012), as may be updated. This document emphasises the need to achieve a practical and robust set of measures, including comprehensive consideration of implementation and long term management and monitoring.

Please find enclosed for your information the report by An Bord Pleanála consultant ecologist Daniel Bastreri (of Marine Planning Matters Environment Consulting Ltd.), dated September 2017, in relation to your emerging proposals. This report is provided on a without prejudice basis bearing in mind the Board has not yet made any decision in relation to the final outcome in this case. Also enclosed is a copy of a letter received by An Bord Pleanála from the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht, which is dated 12th September, 2017.

The Harbour Company is now requested to respond to An Bord Pleanála within 3 weeks of the date of this letter outlining a draft programme for preparation of your detailed proposals. (i.e. no later than 5:30pm on the 2nd November, 2017) In this regard you are invited to include opportunities for further interim consultation meetings with An Bord Pleanála and the National Parks and Wildlife Service.

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Additionally the Board may require the Harbour Company to provide additional information in relation to potential environmental impacts of the proposed compensatory measures, in order to complete the environmental impact assessment of the overall strategic infrastructure development. You will be advised further on this issue in due course.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board

Yours faithfully,



Kieran Doherty
Executive Officer
Direct Line: 01-8737293

ADHOC/PA0033/0071