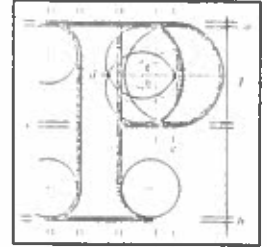


Our Ref: 61.PA0033
P.A.Reg.Ref:

An Bord Pleanála

Your Ref: JPK2139



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.

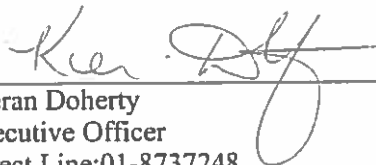
Should you require clarification of any matter a written request can be submitted and the Board will endeavour to clarify any technical or procedural queries arising. It is not the Board's role to suggest or influence what form the compensatory measures should take.

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

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