

STATEMENT OF APPROPRIATE ASSESSMENT (ARTICLE 6(3))

An Bord Pleanála had regard to the documentation submitted by the applicant which included a comprehensive list of Natura 2000 sites potentially coming within the influence of the proposed port extension. The Board agreed with the screening assessment and conclusion reached in the report of the specialist ecological consultant (Mr. Bastrieri of Thomson Unicomarine, appointed to assist the Board's inspector) that the following sites:

- Galway Bay Complex SAC (site code 000268),
- Inner Galway Bay SPA (site code 004031) and
- Lough Corrib SAC (Site code 000297)

are the relevant European sites for which there is a likelihood of significant effects, requiring a 'stage II' assessment, and that other sites can be discounted from further consideration, owing to the separation distances involved and lack of likelihood of significant effects arising.

The Board considered the Natura impact statement and all other relevant submissions – including further information submitted by the applicant in response to a request by An Bord Pleanála, and further submissions made in the course of the oral hearing - and carried out an appropriate assessment of the implications of the proposed development for European sites listed above in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment the Board considered, in particular, the

- likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, including the reclamation of land in this area carried out by the Galway Harbour Company in the mid-1990s to create the Galway Harbour Enterprise Park (planning permission reference 95/68),
- mitigation measures which are included as part of the current proposal,
- conservation objectives for these European sites, and
- submissions of the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht, and of the other participants in the case including at the oral hearing.

In completing the AA, the Board accepted and adopted the appropriate assessment carried out in the report of the specialist ecological consultant appointed by the Board in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

The conclusions of the specialist ecological consultant in relation to impacts on the integrity of the European sites can be summarised as follows (Table, and text below):

Table – Summary of impacts on the Integrity of Natura 2000 sites.

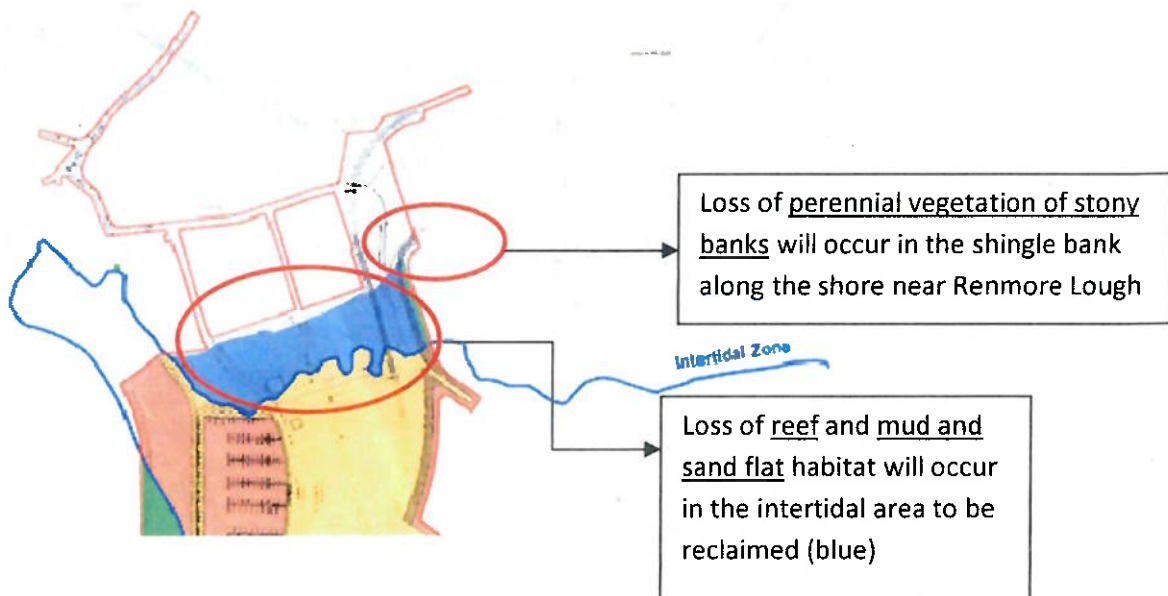
Natura 2000 site	Conclusion
<p>Galway Bay Complex SAC</p> <p>Site code 000268</p>	<p>The integrity of the European site will be affected by the proposed development, specifically:</p> <ul style="list-style-type: none"> • The direct and permanent loss of furoid-dominated reef habitat [1170] and mud and 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.
<p>Inner Galway Bay SPA</p> <p>Site code 004031</p>	<p>While some adverse impacts are likely, a significant adverse effect on the integrity of the SPA will not arise in view of the site's conservation objectives.</p>
<p>Lough Corrib SAC</p> <p>Site code 000297</p>	<p>While some adverse impacts are likely, a significant adverse effect on the integrity of the SAC will not arise in view of the site's conservation objectives.</p>

Impacts arising on the integrity of the Galway Bay Complex SAC

The '**furoid dominated reef**' habitat (Annex 1 habitat) and the '**mud and sand flat not covered by sea-water at low tide**' habitat that will be permanently removed by the proposed land reclamation are located in the inter-tidal zone directly adjacent to the existing Galway Harbour Enterprise Park. The **5.93 hectares** involved is clearly marked on the application drawings. There is a combination of reef habitat and mud and sand flat habitat occurring in this zone. The total area of reef habitat occurring in the SAC is 1227 hectares. Therefore in a 'worst case' scenario, the loss of 5.93 hectares would represent approximately 0.5% of the total area of the reef habitat that occurs within the European site.

The habitat supporting **perennial vegetation of stony banks** is found adjacent to the Galway Harbour Enterprise Park, beside Renmore Lough, and comprises a low shingle bank running along the shore. The shingle bank has been affected by recent storms but may be expected to recover. The proposed development will lead to changes in the hydrological regime at local level, sheltering the stony bank that forms the south boundary of Renmore Lough, which in turn will prevent storm and wave surges from accessing the stony banks, leading to increased colonisation by terrestrial vegetation. Therefore the proposed harbour expansion is expected to lead to a loss of the habitat. The total area of this habitat affected is approximately **0.35 hectares** of which approximately **0.2 hectares** lies within the boundary of the SAC.

Figure – indicative location of habitats where adverse impacts on integrity of the SAC will arise.



The assessment carried out by Mr Bastreri concluded that although there are certain **priority habitats** present within the Galway Bay SAC - including Lough Atalia and Renmore Lough which comprise coastal lagoon habitat - the proposed harbour extension project will not lead to negative implications arising for the conservation objectives relating to these priority habitats. The Board adopted this conclusion.

Impacts on the Inner Galway Bay SPA

Significant consideration has been given in the course of the application (including at the oral hearing) to potential impacts on the conservation interests (bird species) of the Inner Galway Bay SPA. Having analysed the issues involved, the Board's specialist ecological consultant Mr. Bastreri concluded as follows:

- Loss of intertidal and subtidal habitat, underwater noise and vibration and disturbance during construction are likely to have a moderate adverse impact on many of the bird species that are qualifying features of the SPA.
- Disturbance caused by an increase in shipping traffic during operation are likely to have a moderate adverse impact on some of the bird species that are qualifying features of the SPA.

He does not include the SPA in those sites whose integrity will be adversely affected by the proposed development.

The Board also gave consideration to the impacts arising, in particular the potential impacts on bird species owing to increased shipping movements associated with the proposed harbour extension once operational. Notwithstanding the extensive written and oral submissions made in relation to this matter, there remain conflicting views taken by the specialist ecologists representing the applicant and the NPWS in the course of the case. The Board took the view that some disagreement in relation to this aspect of the appropriate assessment was understandable given the nature, scope and duration of the project and the availability of information on the receiving environment. The matter has already been the subject of a 'further information request' and extensive exchanges at the oral hearing, and the Board considered that further surveying or analysis was unlikely to resolve this lack of agreement in view of the current understanding of the behaviour of marine birds.

Having examined the matter, the Board considered that Mr Bastreri's report represents the best scientific advice available, and that it takes a conservative approach in concluding a 'likely moderate adverse' impact owing to disturbance. The Board agreed with Mr. Bastreri that such an impact, if it were to arise, would not comprise a significant adverse effect on the integrity of the SPA in view of the site's conservation objectives.

Appropriate Assessment Conclusion

The Board 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 Board then proceeded to examine whether it should consider applying article 6(4) of the Directive to this project.

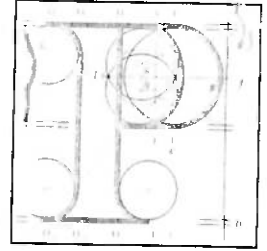
September 2015



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

Your Ref: JPK2139

An Bord Pleanála



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.

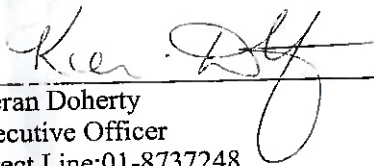
Should you require clarification of any matter a written request can be submitted and the Board will endeavour to clarify any technical or procedural queries arising. It is not the Board's role to suggest or influence what form the compensatory measures should take.

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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