

An Bord Pleanála



Background and Brief for Consultant Mr D Bastreri Assessment of Compensatory Measures

Strategic Infrastructure Case 61. PA0033

Background:

Further to receiving your report and recommendation and the report of Senior Planning Inspector Mr P Caprani the Board issued its initial Direction on this case on the 25th September 2015.

In consequent correspondence to the applicants dated 29th September 2015 the Board set out its statement of appropriate assessment, identified the resultant impacts on the integrity on the European site concerned arising from the proposed development and, on a without prejudice basis to the final determination of the application sought to invoke the derogation provisions set out in Article 6(4) of the Habitats Directive in regard to Imperative Reasons of Overriding Public Interest (IROPI). The Board's letter sought compensatory measures from the applicant to address the impacts on the integrity of the Galway Bay Complex SAC.

A response to this letter was received from the applicants on the 25th November 2015 setting out initial approaches to compensatory measures. Following the Board's consideration of these at a number of meetings a Direction was issued on 29th January 2016 instructing that this submission be forwarded to the NPWS for comment and to arrange a meeting between representatives of the Board and the NPWS to discuss the acceptability in principle of the emerging measures.

By way of a submission dated 27th May 2016 the NPWS responded to the request for comments and subsequent to this a meeting between representatives of the NPWS and the Board (Director of Planning and Assistant Director of Planning) was held on the 28th June 2016.

Pursuant to that meeting discussions were held between the applicant and NPWS to discuss the approach to the proposed compensatory measures. A tripartite meeting between the Board, NPWS and the applicants was then held on the 13th December prior to which (on 9th December 2016) the applicants lodged a further package of information setting out their proposals for compensatory measures. Due to the time

constraints it was not possible to review in any detail this further submission prior to the meeting although it was discussed at the tripartite meeting.

Having regard to the progress made on the compensatory measures it has now been agreed by the Board to seek your expert ecological advice on the approach to compensatory measures being proposed in the applicant's submissions.

Copies of the following documents to be forwarded to yourself:

1. An Bord Pleanála's Statement of Appropriate Assessment
2. ABP's request to the applicant to submit proposals for compensatory measures 29th September 2015.
3. Compensatory Measures report, Aquafact 25th November 2015
4. National Parks and Wildlife Service comments on proposed measures. 27th May 2016
5. Record of meeting between ABP and NPWS, 28th June 2016
6. Further documentation from applicant re compensatory measures, 9th December 2016.
7. Written record of tripartite meeting between ABP, NPWS and applicants on 13th December 2016.

Brief:

Continue to provide expert ecological advice to ABP as the case advances including:

- Review documents 1 to 7 (inclusive) above and any subsequent related documentation provided by ABP;
- Consider extent of any further information that might be of assistance to ABP at current initial phase in consideration of the compensatory measures and to advise accordingly in writing of necessity for any further clarification/information required;
- Carry out site inspections as agreed in advance by Assistant Director of Planning(ADP)/Director of Planning(DoP);
- Provide interim advice to Board on general approach and adequacy of initial compensatory measures being proposed as set out in above documents and in particular Point 6 above.
- Prepare additional written advice on the proposed compensatory measures as they are progressed as required by ABP having regard to phasing process set

out in ABP letter to applicants dated 29th September 2015 (see Document 2 above).

- Prepare final written report and recommendations on the proposed compensatory measures at conclusion of the compensatory measures analysis process (on completion of phase 2 as set out in the Board's letter dated 29th September 2015). It should be noted that such a final report (and any previous reports prepared) may form part of the Board's Statement of Case to be submitted to the Minister as part of the Art 6(4) and IROPI derogation process under s. 177AA of the Planning and Development Act.
- Attendance as required on behalf of ABP at related meetings held between ABP and the NPWS and/or applicants;
- Attendance as required at meetings to present conclusions on any matter relating to the proposed compensatory measures to ADP/DoP or Board of ABP as required.
- Reporting timelines for any of the above to be agreed between consultant and ADP/DoP



Philip Green

ADP

25/1/17

10/10/2023

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