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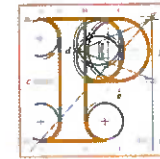
Galway Harbour Extension 61.PA0033

Article 6(4) IROPI Consideration

Board meeting
15th December 2020

Natura Sites

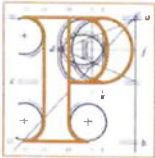
Galway Bay SAC and SPA (Birds)



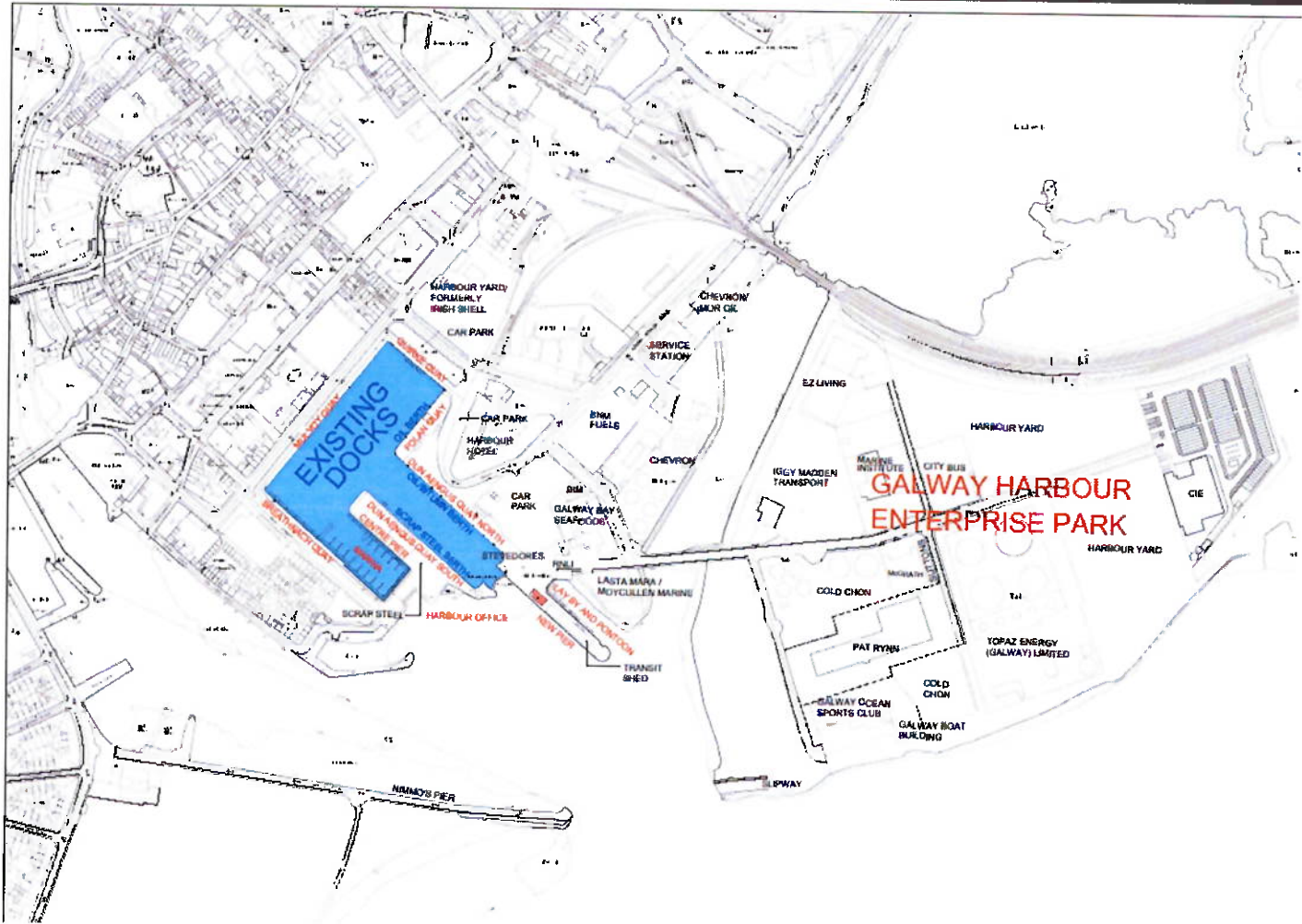
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Existing Port Operations

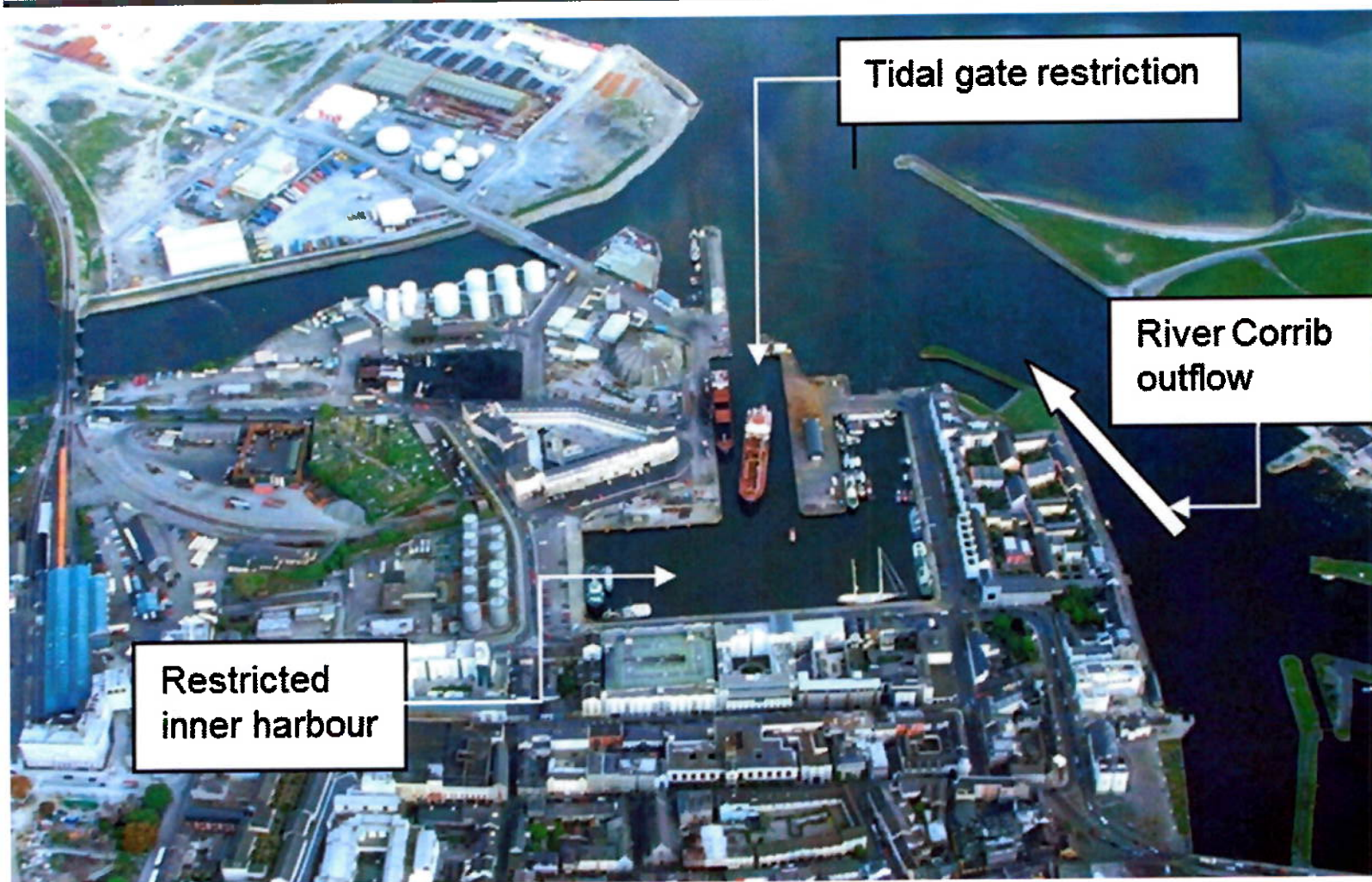


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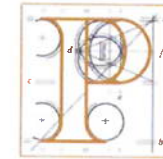
Existing Constraints

Existing Harbour in City Centre



Galway Harbour Extension

Proposed Development: Ref: 61.PA 0033



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The proposed development will include:-

- (i) quay walls, breakwaters and wave walls to create commercial quays and a deep water docking facility, extending southwards into Galway Bay
- (ii) dredging to create a new approach channel to the commercial quays and the deep water docking facility berths
- (iii) reclamation of approx 27 ha from the foreshore and sea bed
- (iv) development of the reclaimed lands and redevelopment of part of the adjacent Galway Harbour Enterprise Park lands for Harbour related business
- (v) marina on the western side
- (vi) fishing quays, slipway for a lifeboat station and a nautical centre on the eastern side
- (vii) a twin track freight rail link from the existing Galway to Dublin rail line to the commercial quays, including embankments, rail over-bridge to existing service road and noise abatement screening
- (viii) the construction of oil and bitumen transfer pipelines to the existing oil and bitumen tank farms on the Galway Harbour Enterprise Park and the provision of fire water storage facilities. This falls within the remit of EU Directive (96/82 EC) on the control of Major Accident Hazards, known as the SEVESO II Directive
- (ix) harbour related buildings, including Port Operations Office (4 storeys); Harbour Management Warehouse (single storey); Marina Office (single storey); Passenger Terminal (single storey); and ancillary car parking and site services, including 3 No. ESB sub-stations, demolition of 1 No. ESB sub-station, 3 No. Control Offices and Oil Terminal Water Pumphouse and a helicopter pad for search and rescue purposes.
- (x) the construction / improvement of access roads including the horizontal and vertical realignment of the road under Lough Atalia Road Rail Bridge [a protected structure] and realignment and improvements including traffic lights at Dock Road / Bóthar na Long / Galway Harbour Enterprise Park Access Road junction (adjacent to Harbour Hotel)
- (xi) the provision of landscaping and amenity areas, including replacement of the previously permitted amenity strip from the southern seaward boundary of the Galway Harbour Enterprise Park to form an amenity link from the marina to the nautical centre.
- (xii) the proposal includes for all associated temporary and permanent site development [including service roads / realignment of roads and underground works], landscape works [including public lighting and services] and activities to facilitate the construction of the development.



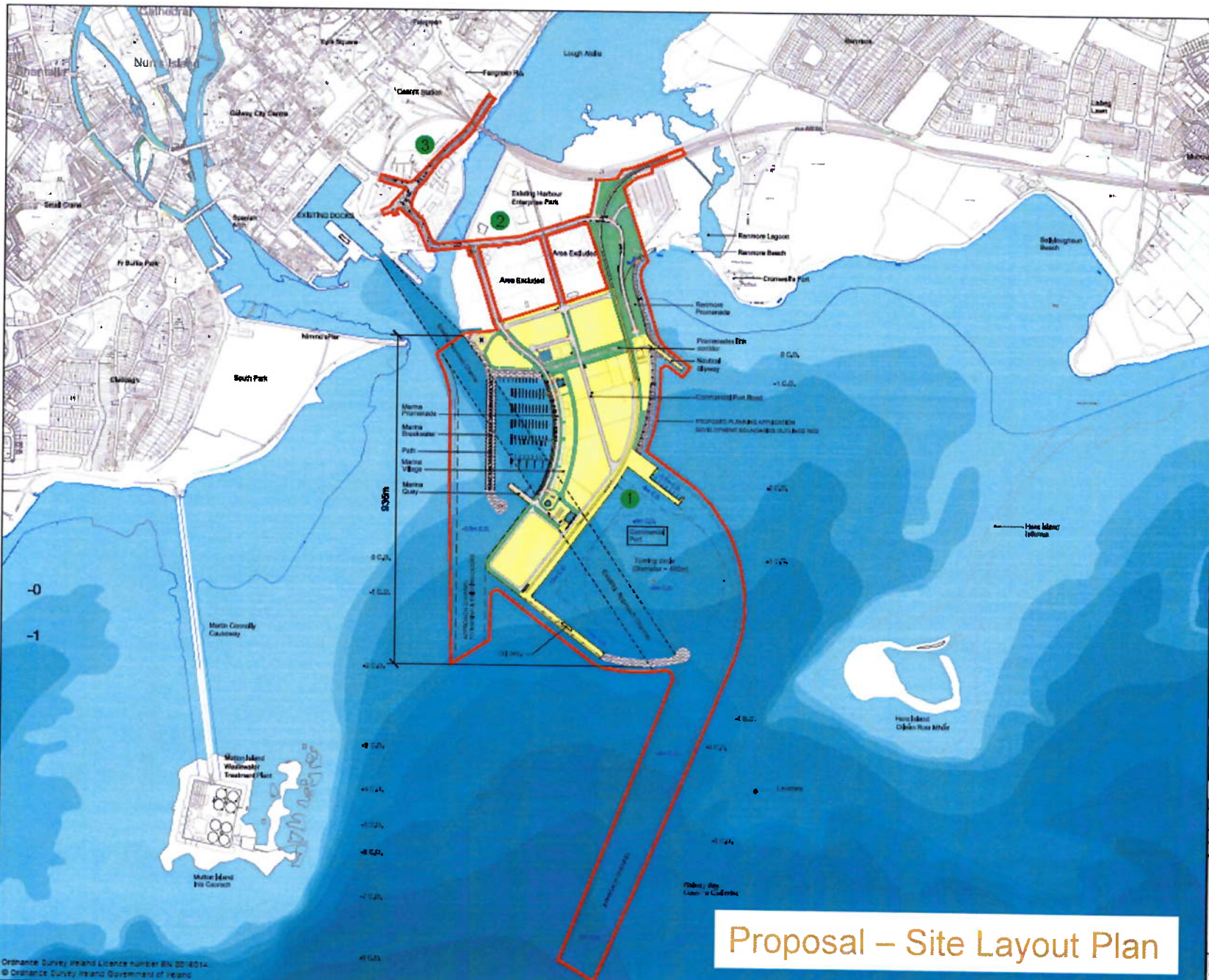
Proposal

Headline Information



- » Reclaiming 23.9 ha from the sea
- » Incorporate 4.1 ha of Galway Harbour enterprise park
- » Railway Spur
- » Breakwater & Revetment (c.3 ha)
- » Dredging c.46.5 ha
- » Accommodate Vessels with draft of up to -7.5 m (all tides); -11.5m (high tides)
- » Commercial Quays
 - » Main Quay 400m
 - » Projecting Quay 260m
- » Fishing Pier – Small Vessels
- » Marina Area – 266 berths, – 3.5m dredging
- » Yards, Firewater Pond, Buildings
- » Amenity Areas, Nautical Slipway
- » To be developed over 8 years in four phases





- 1 GALWAY HARBOUR EXTENSION DEVELOPMENT (INCL. LANES, BREAKWATERS, BREAKWATER AREAS)
- 2 GALWAY HARBOUR BREAKWATER PARK BOARD AND SERVICES UPGRADE
- 3 LOWER KATALIA ROAD AND BRIDGE

- NOTES**
1. DIMENSIONED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. END USER/EMPLOYERS REPRESENTATIVE, AS APPROPRIATE, TO BE ADVISED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
 4. THE CONTRACTOR SHALL UNDERTAKE A THOROUGH CHECK FOR THE ACTUAL LOCATION OF ALL REMAINING FEATURES, BEFORE ANY WORK COMMENCES.
 5. ALL LEVELS SHOWN RELATIVE TO CHATHAM SURVEY DATUM AT MULLIN ROAD.
 6. LEVELS SHOWN -C.G.D. RELATIVE TO CHATHAM DATUM.

Rev	Date	Description	By	Check

Client: **GALWAY HARBOUR COMPANY**

Project: **GALWAY HARBOUR EXTENSION**

Title: **SITE LAYOUT MAP**

Scale @ A1: 1/5000 A3 1/10000

Prepared by: DMW Date: JAN 2014

Project Director: J.P. KELLY

Drawing Status: PLANNING & ENG



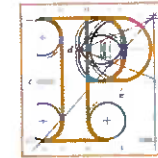
TOBIN Consulting Engineers
 Polymon House, Polymon Road,
 Galway, Ireland
 Tel: +353 (0)91 832211
 Fax: +353 (0)91 832210
 e-mail: info@tobin.ie
 www.tobin.ie

Drawing No: **2139-2117** A

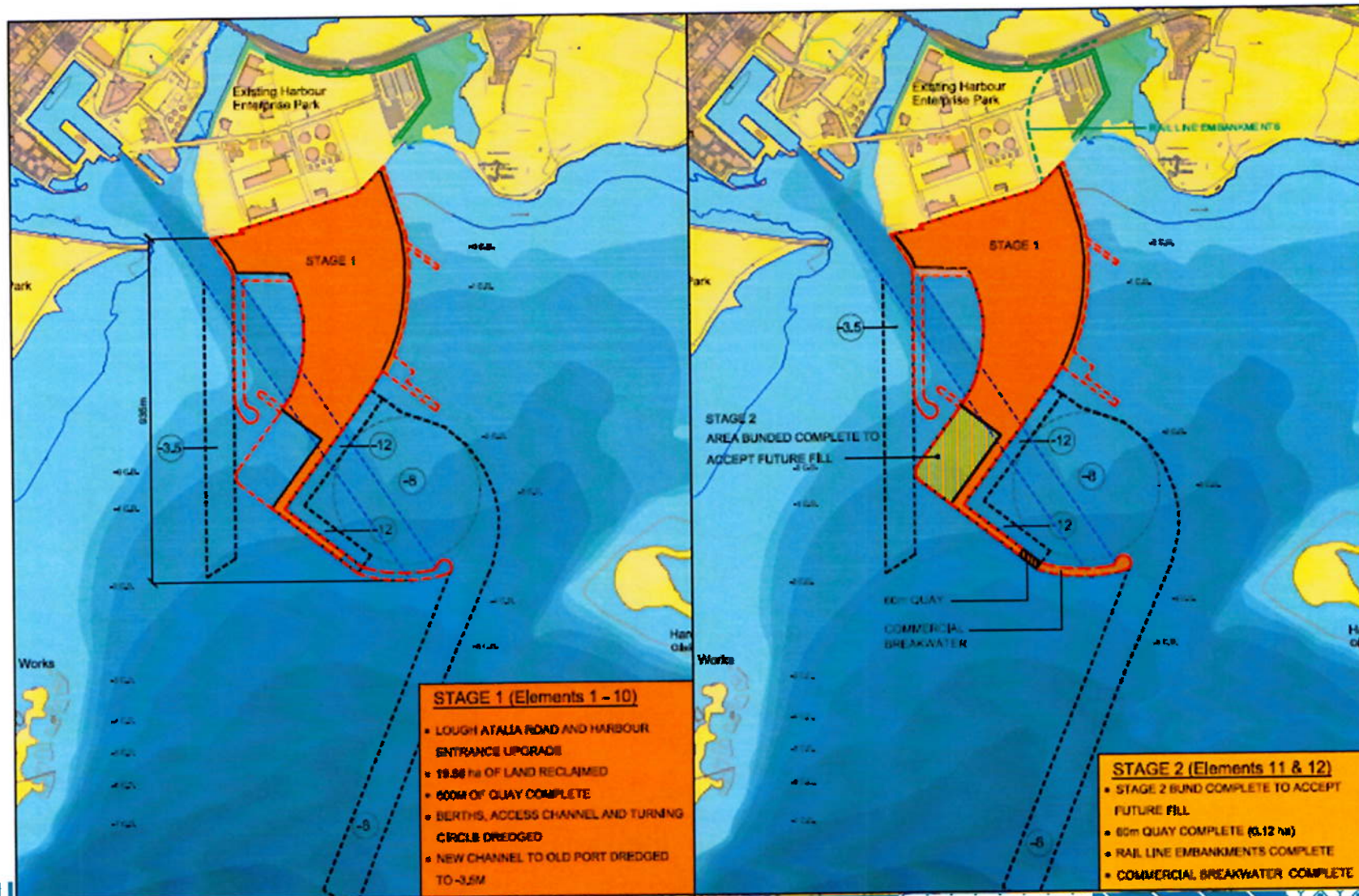
Proposal – Site Layout Plan

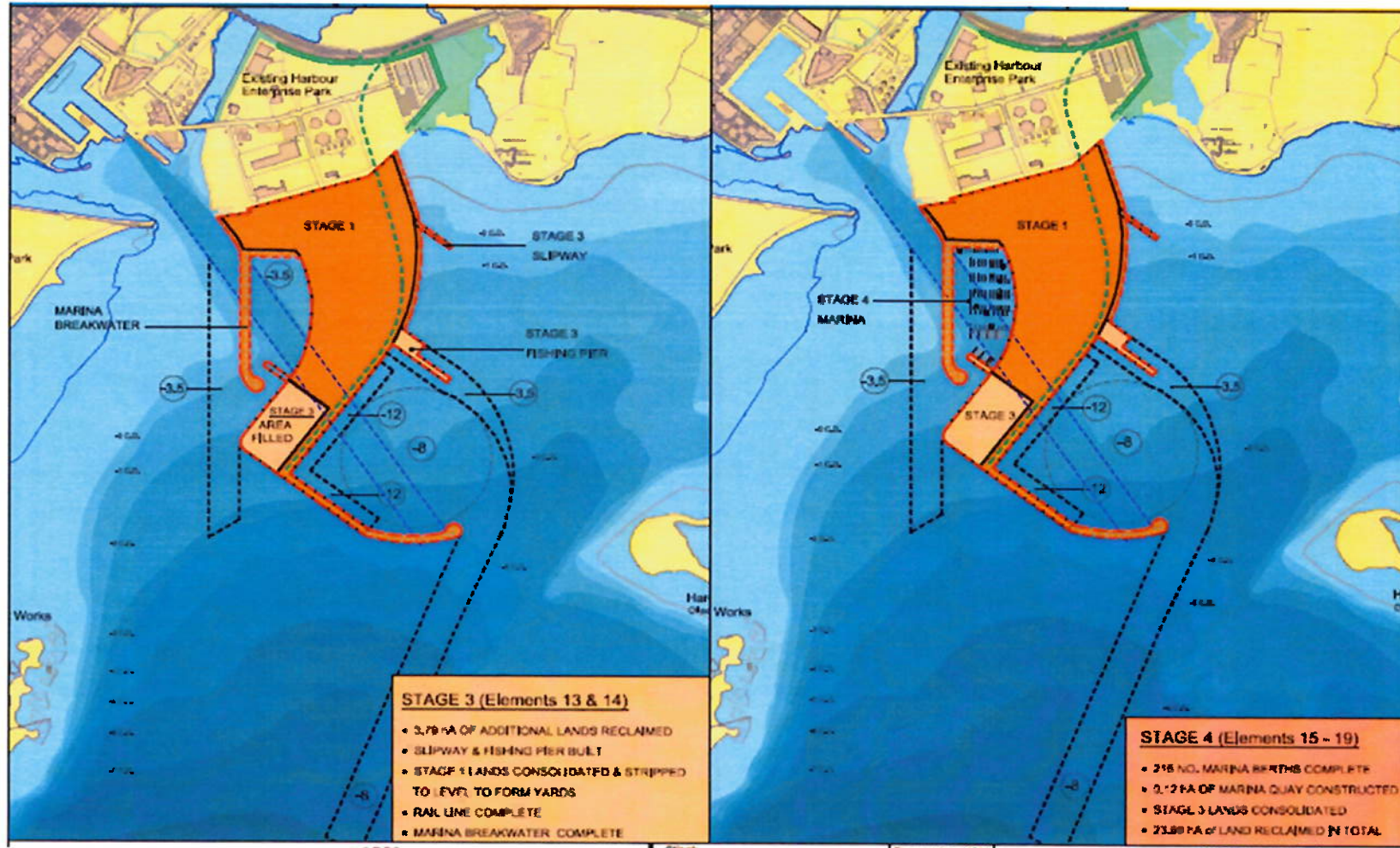
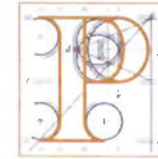
Ordnance Survey, Ireland Licence number EN 20-6014
 © Ordnance Survey, Ireland Government of Ireland

Construction Stage: 4 phases over 8 years – 20 work elements



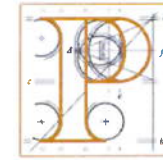
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Status of Application/Proposal

Article 6(4)

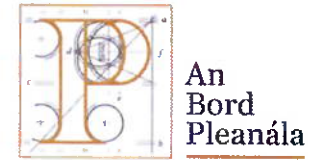


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-
- » The Board has completed an appropriate assessment of the proposed GHE in accordance with Article 6(3) of the Habitats Directive.
 - » Approval cannot be given under article 6(3), given that significant adverse impact on the integrity of the Galway Bay SAC would occur.
 - » Significant Adverse Impact includes:
 - » Direct and permanent loss of furoid-dominated reed habitat [1170] and mud and sand flat habitats [1140] in Galway Bay SAC
 - » The loss of perennial vegetation of Stony banks [1220] due to sheltering effects of the harbour extension
 - » Without prejudice to final outcome of the application, Board invited applicant to continue to seek approval for the project under Article 6(4) – IROPI
 - » Compensatory Measures were therefore sought, such that the overall coherence of the Natura 2000 network is maintained



Preliminary Proposed Compensatory Measures



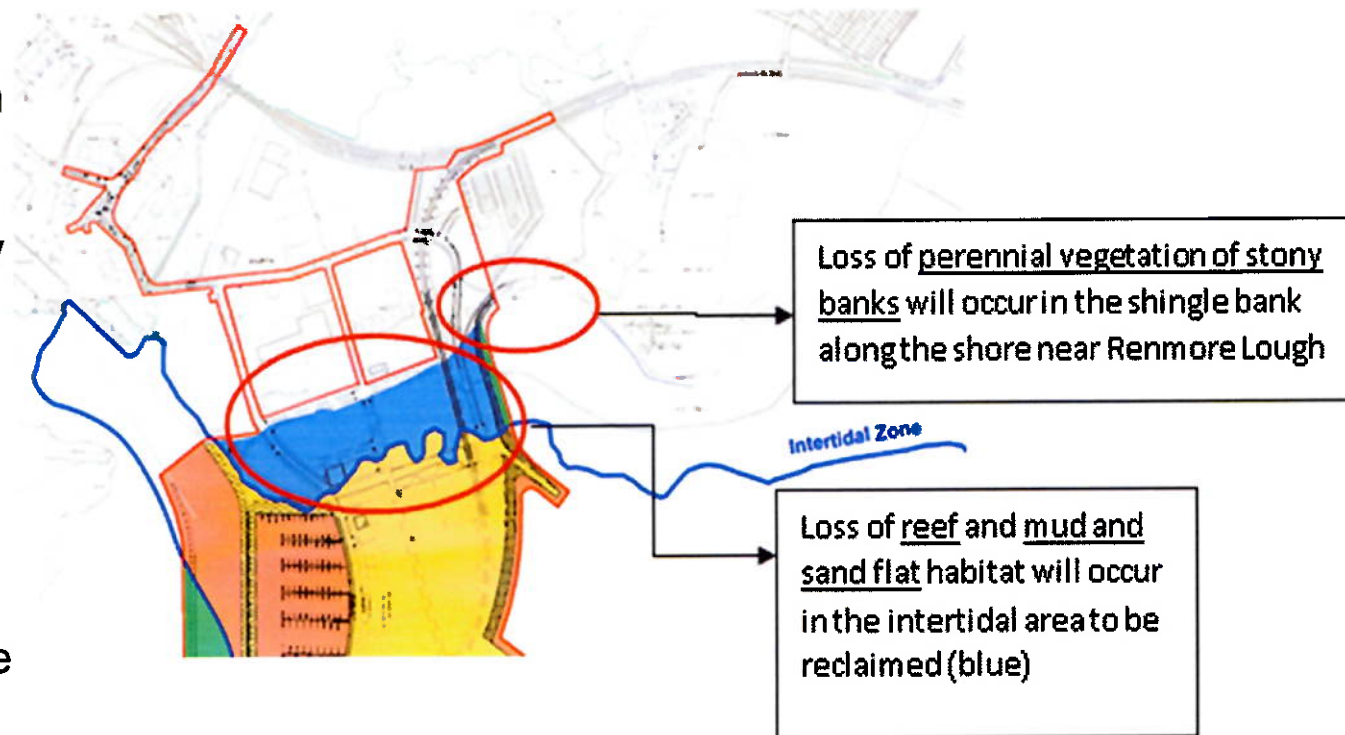
-
- » Report Version 2.3B, August 2017 – considering whether the ‘preliminary’ proposed compensation measures warranted further consideration.
 - » Report addressed proposed compensatory measures for habitat loss arising from both the **proposed Galway Harbour Extension (GHE) project (under 61.PA0033)** and the Galway Harbour Enterprise Park (GHEP) (legacy issues).
 - » The Report (V2.3B) is based on a request from An Bord Pleanála (ABP) dated 29/9/2015, responding document from NPWS dated 27/5/2016 and minutes of the meeting between ABP and NPWS dated 3/08/2016 on an initial report (November 2015).



Summary of Article 6(3) Findings

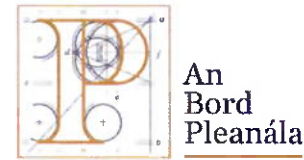
Conclusions of ABP at this point

- » Integrity of SAC adversely affected in two respects (map)
- » No impact on priority habitat (Lough Atalia)
- » No impact on integrity of Inner Galway Bay SPA or any other Natura site



Galway Harbour Extension

COMPENSATION AREAS



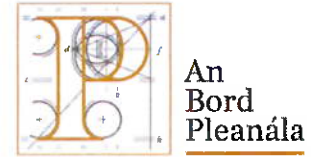
- » The Board (in their letter of 29/9/2015), deemed that the impacts on the integrity of the European Site due to the proposed project were as follows:
 - » Intertidal habitats (mud and sand flat and reefs): 5.93 ha
 - » Stony bank: 0.35 ha

- » In addition, it has been calculated by the developer's consultants that "legacy" losses from previous works at Galway Harbour were as follows:
 - » Intertidal habitats (mud and sand flat and reefs): 8.58 ha
 - » Stony bank: 0.28 ha
 - » Salt marsh: 7.39 ha



Galway Harbour Extension

COMPENSATION AREAS



- » Total compensation proposed to be provided for is therefore:
 - » Intertidal habitats (mud and sand flat and reefs): **14.51 ha** [EU Codes: 1140 and 1170]
 - » Stony bank: **0.63 ha** [EU Codes: 1210 and 1220]
 - » Salt marsh: **7.39 ha** [EU Codes: 1330 and 1410]

- » **None of these 3 habitats are listed as Priority Habitats in the EU Habitats Directive (EU 1992)**
 - » **therefore, no need for Minister to consult with/seek opinion of European Commission**



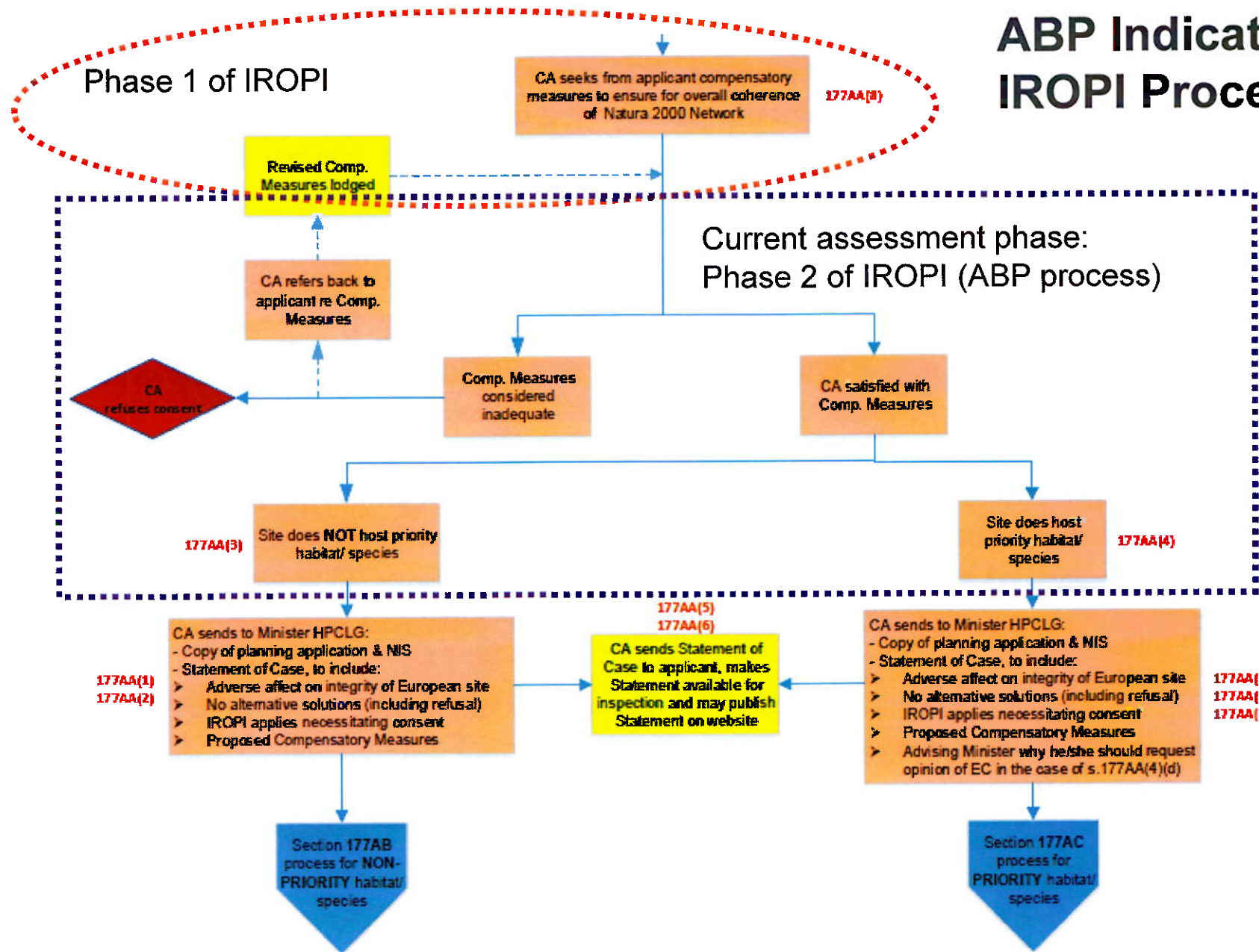
Conclusions & Recommendations (2017)



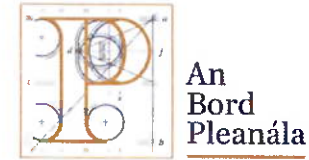
- » NPWS considered the proposed compensatory measures to be acceptable in principle and that they warrant further detailed consideration.
- » ABP consultant ecologist considered proposed compensatory measures to be acceptable in principle and that they warrant further detailed consideration.....
 - » also recommended that, to assist in determining whether the measures are successful, another degraded site be identified and monitored without the benefit of a management plan.
- » Inspectorate recommended that applicant be advised that proposals for compensation outlined in their report of August 2017 be further developed and submitted to the Board for their consideration (i.e. that applicant can move to Phase 2).
- » inspectorate also recommended that Report of ABP ecologist (dated September 2017 with respect to Version 2.3B Report) be referred to applicant to assist and advise them in their development of these proposals.



ABP Indicative IROPI Process



Chronology of events/engagement milestone dates



-
- **10th Jan 2014** – application lodged by Galway Harbour Company (GHC)
 - **25th Sept 2015** – Board direction recommending consideration of application under Article 6(4)
 - Bilateral & tripartite meetings between ABP, NPWS and applicant – **June/Oct 2016, April/July/Dec 2017**
 - **9th Aug 2017** - Report Version 2.3B “proposed compensatory measures” submitted to Board
 - **13th Oct 2017** – Board invited GHC to proceed to Phase 2
 - **April 2019** - proposed compensatory measures submitted
 - **August 2019** - obs/responses from DAU/NPWS received
 - **11th Sept 2019** – ABP consultant ecologist (Daniel Bastreri) submitted report on compensatory measures proposed
 - **7th Oct 2019** – FI request to applicant (response received from GHC in **Dec 2019** and circulated to stat bodies – responses received in **April 2020**)
 - Addendum Report from ABP ecologist (**Sept 2020**) and from Inspector (**6th Oct 2020**)



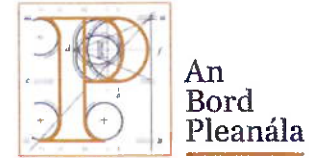
Board IROPI considerations



- Board is required to:
 - a) determine if there are imperative reasons of overriding public interest that necessitate the giving of consent for the proposed development,
 - b) propose the compensatory measures necessary to ensure that overall coherence of Natura 2000 network is protected,
 - c) prepare a statement of case that IROPI exists and setting out compensatory measures that are required,
 - d) forward the statement to Minister, together with a copy of the planning application and NIS.
- Board decided (in its Sept 2015 decision) that there were IROPI that would justify further consideration of proposed development – (a) completed
- In rel to (b), ABP assessment of proposed compensatory measures – Inspector's Addendum Report before us now
- Decision needed now in relation to (c) – and prepare statement of case



Proposed compensatory habitats



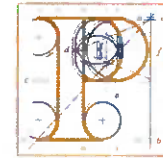
Proposal

- » To identify and manage lands within the Galway Bay SAC complex, which are currently of a substandard ecological condition, but if managed, would replicate the habitats that would be lost as a result of the development
- » Substandard areas of salt marsh and stony bank habitats have been described in places as being of “unfavourable/inadequate” (NPWS Saltmarsh Monitoring Programme Project, 2006, Tawin Island).
- » The management plans could, if implemented, improve the quality of these habitats in Tawin.

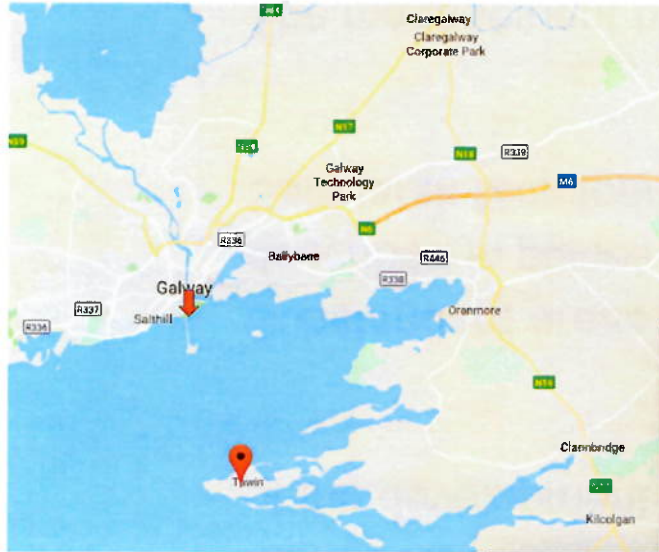


Tawin : Mweeloon Lagoon

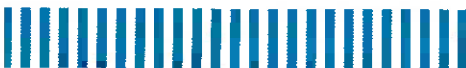
Preferred site for 'compensatory habitat'



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The compensatory report V2.3B proposes Site 1 "Mweeloon Lagoon" as the preferred option.



Galway Harbour Extension

Compensation areas to be provided



- » **Intertidal habitats** (mud and sand flat and reefs):
 - » lost or proposed to be lost: 14.51 ha
 - » replacement: 27.24 ha

- » **Stony bank:**
 - » lost or proposed to be lost: 0.63 ha
 - » replacement: 3.05 ha

- » **Salt marsh:**
 - » lost (under prev GHEP dev): 7.39 ha
 - » replacement: 11.71 ha



Tawin : Mweeloon Lagoon

Management broadly consists of:



- » Remove:
 - » damaging Impacts, e.g. grazing, slurry spreading, use of weed killers *etc.*
 - » damaging works e.g. drainage, machinery tracking over the habitat *etc.*
 - » litter on an on-going basis
 - » Constraining works e.g. no construction works on the habitats

- » Monitoring



Management Proposals

A. *Stony Bank and Saltmarsh*

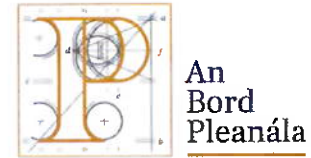


1. Manage the salt marsh and stony bank habitats in accordance with organic principles (possible purchase of lands req'd).
2. Control (in saltmarsh) and curtail (in stony bank) grazing.
3. Cease fertilizer and slurry spreading in areas of salt marsh and eliminate dunging in stony bank habitats.
4. Cease the use of herbicides
5. No livestock on the lands during the withdrawal period for medicines and anthelminths
6. Ensure no shooting.
7. Control access by tractors.
8. Eliminate the use of supplementary feeding to curtail the related poaching and rutting of lands.
9. Ensure no removal of cobbles (stony bank) / no further drainage channels (salt marsh)



Management Proposals

Stony Bank and Saltmarsh (cont'd)

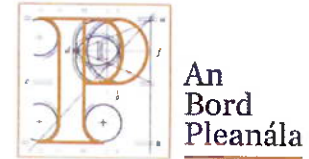


10. Limit construction and cease repair of any further land protection/ sea defence works unless approved for ecological reasons (i.e. protecting eco-conditions on lagoon).
11. Arrange for regular removal of flotsam and jetsam and other refuse.
12. Carry out annual biological surveys of the habitats to document any changes in their extent and in their characterising species.
13. If extreme events such as the storm in January 2014 occur, carry out surveys immediately to document the impact, and in light of results, adjust/modify the management plan.
14. Commission annual independent audit of the progress of the management plan, and in the light of the results, adjust/modify the management plan.
15. Erect 'informational/educational' signage.



Management Proposals

B. Intertidal sand and mudflats



Similar management proposed for

- » *Intertidal sands, muds and fucoid-dominated reef complex*

Control of non-native species

- » An additional and separate part of the management plan relating to the complex of intertidal reef, mud flat and sand flat habitat is to develop a programme to eradicate the non-native *Didemnum* in the selected site.



Galway Harbour Company Proposal:

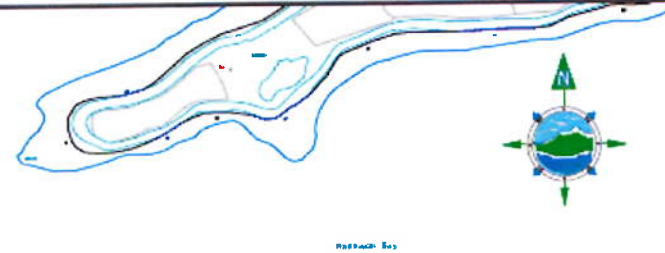
Lands Proposed to be acquired / managed



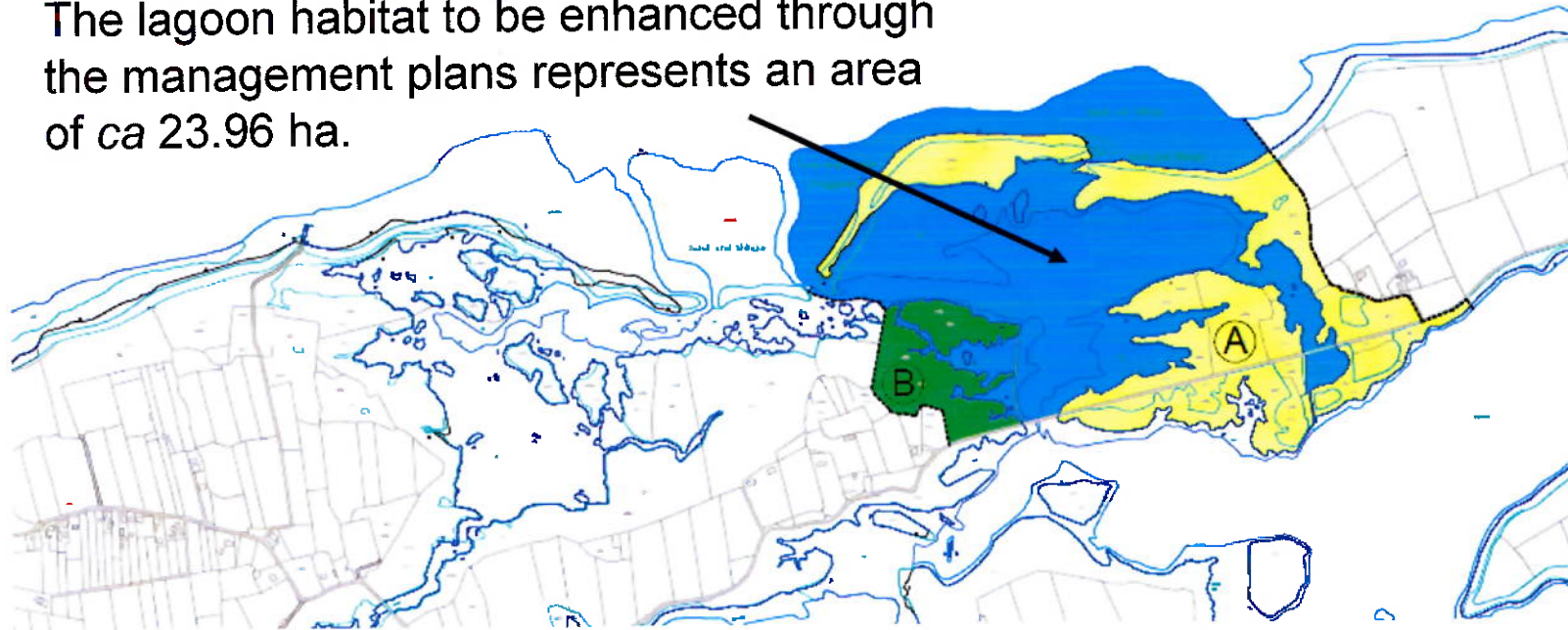
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Areas A & B

Ref	Colour	Folio No.	% Owned	Name	Location	Area
A	Yellow	GY 44409	100.00%	Church / Grealy	A	c.19.932 ha
B	Green	GY 11234	100.00%	Michael Harty	B	c.4.496 ha
Total						c.24.428 ha
	Blue	State Owned		Intertidal & Lagoonal Waters		c.34.436 ha
Total						c.58.868 ha

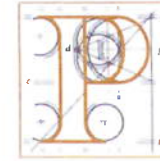


The lagoon habitat to be enhanced through the management plans represents an area of ca 23.96 ha.



Management Plans

COLLATERAL BENEFIT

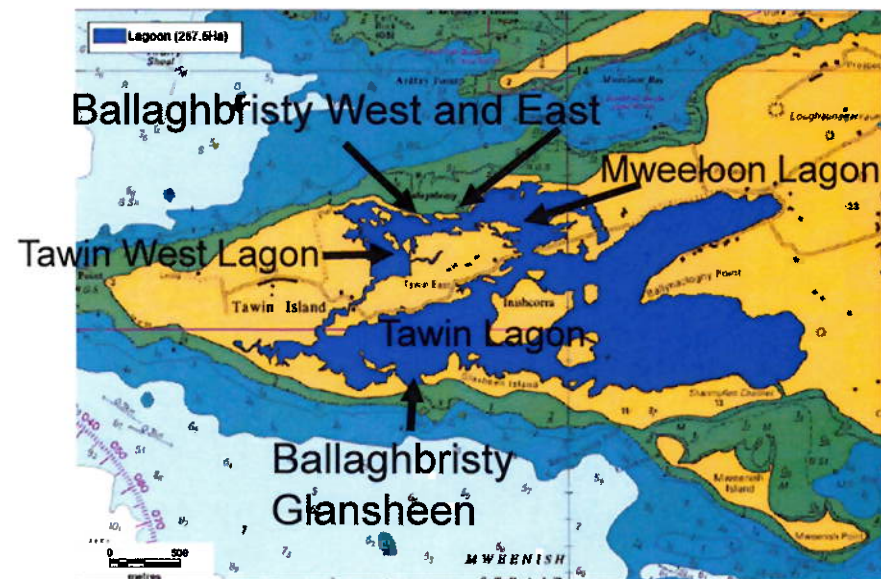


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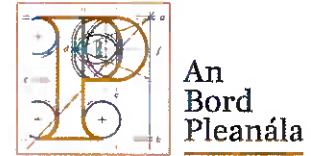
Tawin can be defined as “lagoon” which is a priority habitat within the EU Habitats Directive. The total area of lagoonal habitat at Tawin has been estimated at 267.5 ha making it the fourth largest lagoon in Ireland.

This is because:

1. The seaward openings at Ballaghbristy Glasheen on the south shore of Tawin and Ballaghbristy East and West on the north shore are cilled,
2. Sea water is retained in the landward areas of the water body and
3. Sections of these areas never dry out at Low Water.



Statement of Case

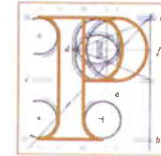


- ❑ ABP to compile a Statement of Case, including:
 - case information
 - AA (Article 6(3)) conclusions
 - Consideration of alternatives
 - IROPI reasoning – social, economic benefits context – weighed against env impact/ loss of habitat
 - Proposed compensation measures
- ❑ Statement of Case to be submitted to Min HLGH, who may consult with NPWS (under his remit). also make it SoC publicly available.
- ❑ ABP to conduct public consultation (5-weeks) on behalf of Minister with submissions to be forwarded to Dept – ABP inspector to prepare summary of issues raised
- ❑ Ultimately, Minister will direct ABP on whether to issue authorisation or not, only in relation IROPI element. Board to then consider Min's views in finalising its consideration of proposal.



Next steps

Simplified View : Interaction of Irish authorities



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