



An  
Coimisiún  
Pleanála

# Inspector's Addendum Report

## PL 61.PA0033

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**Development**

Galway Harbour Extension

**Location**

Renmore and Townparks Townlands,  
Galway City.

**Planning Authority**

Galway City Council

**Applicant(s)**

Galway Harbour Company

**Type of Application**

Strategic Infrastructure Development  
under the provisions of Section 37E of  
the Planning and Development Act,  
2000, as amended

**Prescribed Bodies**

Department of Housing, Local  
Government and Heritage (2 no.)  
An Taisce  
Commission for Railway Regulation  
Environmental Protection Agency  
Health and Safety Authority  
Health Service Executive

Inland Fisheries Ireland  
Maritime Area Regulatory Authority  
Northern and Western Regional  
Assembly  
The Land Development Agency  
Transport Infrastructure Ireland  
Western Development Commission  
Uisce Éireann  
Department of Agriculture, Food and  
the Marine

**Observer(s)**

Dr. James McCarthy  
Galway Bay Sailing Club  
Galway Chamber of Commerce  
IBEC  
JFC Manufacturing Company  
Platfrom94  
Shane Foran  
Vincent Connell

**Dates of Site Inspection**

5<sup>th</sup> & 6<sup>th</sup> March 2025

**Inspector**

Liam Bowe

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## 1.0 Introduction

- 1.1 This report is an addendum report to the Inspector’s reports dated 27<sup>th</sup> February 2015 and 6<sup>th</sup> October 2020 in respect of PL 61.PA0033.
- 1.2. For clarity and given the extensive history of this planning application, I include an outline chronology of the steps taken to date in Table 1.1 below.

Date	Steps taken
27 <sup>th</sup> February 2015	Inspector’s Report
25 <sup>th</sup> September 2015	Board Direction to seek confirmation from GHC that they want to have the application considered under Article 6(4) IROPI
26 <sup>th</sup> April 2019	GHC’s Compensatory Measures Report and Addendum NIS considering the compensatory measures
6 <sup>th</sup> October 2020	Supplementary Inspector’s Report
24 <sup>th</sup> March 2021	Board letter to Minister for Housing, Local Government and Heritage enclosing the Statement of Case for IROPI
27 <sup>th</sup> February 2024	Ministerial letter confirming that the proposed compensatory measures are sufficient
16 <sup>th</sup> July 2024	Board issued request for further information including updates to the EIS
27 <sup>th</sup> September 2024	GHC submitted response to the further information request enclosing EIS Addendum 2024 and NIS Addendum 2024

**Table 1.1: Chronology of steps taken to date**

- 1.3. On 25<sup>th</sup> September 2015, having completed an appropriate assessment of the Galway Harbour Extension, the Commission decided that approval of the proposed development could not be considered under Article 6(3) of the Habitats Directive given that a significant adverse impact of the integrity of Galway Bay Complex SAC would occur. Galway Harbour Company (GHC) was therefore invited in accordance with Section 37(F)(1) of the Planning & Development Act, 2000 (as amended) (‘the Planning Act’) to confirm that it wished the project to be considered under Article 6(4) (IROPI) of the Habitats Directive. If so, the Commission required proposals from

GHC for compensatory measures to address the impacts on the integrity of Galway Bay Complex SAC identified in the findings of the appropriate assessment.

- 1.4. GHC submitted a final report entitled 'Proposed Compensatory Measures' to the Commission on 26<sup>th</sup> April 2019 with a separate addendum to the Natura Impact Statement (NIS) to include the consideration of the compensatory measures. The Commission concluded that the chosen site at Tawin Island and Mweeloon was deemed to be suitable to provide effective compensatory measures for the loss of habitat associated with the proposed expansion of Galway Harbour. Consequently, the Commission prepared a Statement of Case and submitted it to the Minister on 24<sup>th</sup> March 2021 in accordance with the provisions of Section 177AA(2) of the Planning Act in support of planning consent being given for imperative reasons of overriding public interest (IROPI) and compensatory measures.
- 1.5. On 27<sup>th</sup> February 2024, Minister Darragh O'Brien T.D. notified the Commission pursuant to Section 177AB(3) of the Planning and Development Act, 2000 (as amended) of his opinion that the compensatory measures proposed are sufficient to ensure that the overall coherence of the Natura 2000 is protected. Minister O'Brien advised that under Section 177AB(5) of the Act he was obliged to inform the European Commission of the compensatory measures and to forward them a copy of the statement of case for IROPI.
- 1.6. Following a meeting of the Commission held on 28<sup>th</sup> June 2024 the Commission decided to defer consideration of the case and to issue a notice under Section 37F(1)(a) of the Planning and Development Act, 2000 (as amended) to the applicant as follows:

*Having regard to the passage of time since the application was submitted to An Bord Pleanála, the applicant is requested to provide to the Board any updated information and any other relevant information which you may wish the Board to consider in its determination of the application. This information may include, in particular, any updates in relation to the Environmental Impact Statement.*
- 1.7. In response to this, the applicant (GHC) submitted an Addendum Environmental Impact Statement (EIS) and Natura Impact Statement (NIS) and associated materials to the Commission on 27<sup>th</sup> September 2024.
- 1.8. The various folders submitted with the further information are set out below:

- Cover Letter
- EIS Addendum Volume 1 – Main EIS Chapters (Folder 1)
- EIS Addendum Volume 2 – Appendices Part 1 of 2 (Folder 2)
- EIS Addendum Volume 2 – Appendices Part 2 of 2 (Folder 3)
- NIS Addendum and Appendices (Folder 4)

1.9. Following a further meeting of the Commission held on 6<sup>th</sup> November 2024, the Commission decided to make this information available for inspection and to invite further submissions or observations for a period of six weeks. The closing date for such submissions was 7<sup>th</sup> February 2025 and 23 submissions were received. GHC submitted a response to these submissions on 17<sup>th</sup> April 2025.

1.9.1. This report assesses the EIS Addendum 2024, the NIS Addendum 2024 and all associated materials, and the submissions and observations received on the further information. It considers whether any new issues arise either in law, policy, guidance or submissions and where it does so I engage with them under the relevant headings in my assessment below.

1.9.2. I have also carried out an updated AA screening and AA. In addition, the report considers whether there are any material changes that would affect the Article 6(4) assessment to date in terms of alternatives, IROPI and compensatory measures. The report concludes with my recommendation.

## 2.0 Submissions

### 2.1. Planning Authority

#### 2.1.1. Galway City Council (GCC)

- GCC's original submission in 2014 remains valid as many of the objectives in the City Development Plan carried forward into the current plan.
- Considers that the proposed development aligns with Policy 4.7 (Galway Port) and Policy 6.9 (Marine Sector and Renewable Energy) in the Galway City Development Plan 2023-2029 (GCDP).
- States that the GCDP emphasises the potential of the port to support offshore renewable energy and for the development of emerging energy technologies such as green hydrogen at Galway Port.
- States that the proposed development would unlock the potential for the redevelopment of the existing Inner Harbour lands, which are designated as a Regeneration Site in the GCDP.
- Highlights a specific policy objective (RPO 4.36) in the Regional Spatial & Economic Strategy 2020- 2032 that supports the sustainable expansion and upgrade of Galway Harbour and Galway Port as part of the overall vision to grow Galway as a City Region.
- Considers that the proposed development is expected to bring substantial benefits, including increased trade and tourism, further reinforcing Galway's status as a Regional City.

### 2.2. Prescribed Bodies

#### 2.2.1. An Taisce

- Contends that the response of the applicant does not appear to have adequately considered the significant changes under:
  - The Paris Agreement
  - The Effort Sharing Regulation

- National Energy and Climate Plan 2021-2030 (NECP)
  - Climate Action and Low Carbon Development Acts 2015-2021
  - Galway City Local Authority Climate Action Plan 2024-2029
  - The High Court decision on Coolglass Wind Farm case
  - The National Planning Framework 2018 and, in particular, NPO 40
  - Policy Statement on the Facilitation of Offshore Renewable Energy in Commercial Ports in Ireland (December 2021)
  - National Ports Policy Review
- Highlights the Shannon-Foynes jetty expansion and logistics park, which was co-funded by the EU's Connecting Europe Facility (CEF).
  - Highlights the €100m project to be built at Ringaskiddy, Co. Cork to support offshore renewable energy development.
  - Highlights the suitability of the deepwater quay at Ros an Mhíl, Co. Galway as an offshore servicing site.
  - Highlights Belfast Harbour's existing capabilities regarding offshore wind and a further proposed £90m investment in a new deepwater quay to support floating offshore wind farms.
  - Outlines the global climate reality and impending fines for Ireland from not meeting EU emissions targets.
  - Contends that there is no evidence that potential sea level rise has been factored into the proposed development since the original application.
  - Demonstrate how the storm surge during Storm Éowyn was in the order of 2.75m above the astronomical tide and express concern that the finished floor levels of all proposed buildings provide a freeboard of 295mm (and not the 800mm suggested in the EIS) if the same surge were to occur at highest tide.
  - Highlights that the applicant has not looked forward a century to consider decommissioning.

- Requests the Commission to seek the applicant to review impacts of storm surges of the height that occurred during Storm Éowyn and how the proposed development might cause deflection of storm surge waters to other areas.
- Contends that the Tier 1 Ports of Cork and Shannon-Foynes and the major fisheries ports of Ros an Mhíl and Killybegs may be better placed to service any need to support the development of offshore renewables off the west coast.
- State that a rail connection to Galway Harbour is not included in Iarnród Éireann's Rail Freight 2040 Strategy.
- Acknowledges that the Port of Galway is included in the TEN-T network since July 2024 as a 'comprehensive port' but highlights that both the Port of Cork and Shannon-Foynes Port have a higher designation as a 'core maritime port'.
- Outlines how the embodied carbon in the proposed development represents 0.366% of Ireland's 2026-2030 carbon budget and 0.3% of the Sectoral Emissions Ceiling for industry for the same period.
- Contends that the construction of 982 houses and 1,624 apartments would have to be abandoned to compensate for embodied carbon in the GHE in order to meet targets in the CAP.
- Contends that the applicant has failed to consider Iarnród Éireann's Rail Freight 2040 Strategy in the EIS Addendum.
- Claims that the operational stage emissions of 10.3ktCO<sub>2</sub>e would be 4.3% of the target emissions for Galway City under the LACAP 2024-2030, which is 72% more than stated in the further information submitted to the Commission.
- Outlines deficiencies in the 2022 and 2023 AERs submitted by Uisce Éireann to the EPA and highlights deficiencies in the wastewater and storm water networks referenced in Uisce Éireann's Drainage Area Plan for the Galway agglomeration.

- Contends that the NIS needs to be reviewed to take into account that there is no prospect of a rail link to the proposed development in the foreseeable future.
- Advises about the negative effects associated with cruise tourism.
- Contends that the proposed areas for Compensatory Measures should already be conserved within the Galway Bay Complex SAC.
- Submits that the four objectives of the Intertidal Management Plan are vague and unmeasurable and seeks the provision for more specific measurable metrics for each of the objectives (includes suggestions).
- Submits that the grant of planning permission should be made conditional on the achievement of specific metrics for each objective over the lifetime of the proposed development.
- Submits that the grant of planning permission should be made conditional on the purchase, within a set timeframe, of the 17.79 ha of intertidal habitat at Mweeloon and the 0.844 ha of stony bank at Twain West.
- Contends that the appropriate decision would be to refuse permission for the proposed development on the grounds outlined, including that it would be premature pending permission being granted for an appropriate flood relief scheme for Galway City.

#### 2.2.2. Commission for Railway Regulation

- Request consultation to ensure no increased risks associated with railway trespass during or post construction.
- Draw attention to construction guidelines to be adhered to for the safe operation of the railway line.
- The party undertaking works should consult Iarnród Éireann about road-rail interfaces on access routes that may have increased flow or abnormal loads.

#### 2.2.3. Department of Housing, Local Government and Heritage (Nature Conservation)

- Notes the review of current legislation, guidance and Natura 2000 conservation objectives documents by the applicant and the completion of additional surveys.

- Notes that the applicant compared the studies carried out over multiple years for intertidal benthic flora, fauna, and sediments and only small variations were seen in abundance and community types.
- Agrees that the conclusions reached in the original NIS and Addendum/Errata remain valid for Lough Atalia and Renmore Lough following further field surveys.
- Notes that there have been no significant changes to intertidal habitats, including Stony Bank Habitat and Slat Marsh Habitats CM1/CM2, since the original surveys carried out.
- Notes the conclusion that the evaluation of marine and coastal habitats has not changed under the NIS Addendum 2024 and that there will be “no additional significant impact to Galway Bay SAC”.
- Agrees that the conclusion reached by the applicant is supported by the available information.

#### 2.2.4. Department of Housing, Local Government and Heritage (Archaeology)

- Notes that works lowering the carriageway under the railway bridge at Lough Atalia Road have been completed as part of a separate scheme.
- Notes the addition of a pre-construction stage mitigation measure in relation to wreck site W17455.
- Conditions recommended to be attached to any approval of the proposed development in order to align the project with statutory obligations and policy objectives for the protection of the State’s underwater cultural heritage.

#### 2.2.5. Environmental Protection Agency (EPA)

- States that the development may require a Waste licence under the Waste Management Act, 1996 (as amended) or an Industrials Emissions licence under the EPA Act, 1992 (as amended).
- Unclear what elements of the proposed development would require a wastewater discharge licence from the EPA.
- Advise that a dumping at sea permit is required in the event of any deliberate disposal of a substance or material in the maritime area.

- State that the applicant will be required to submit an EIS to the EPA should a licence application be made.
- State that they cannot issue a Proposed Determination on a waste licence application which addresses the proposed development until a planning decision has been made.

#### 2.2.6. Health and Safety Authority (HSA)

- Does not advise against the granting of planning permission on the basis that no Class 1 petroleum products are offloaded at the new jetty while a cruise ship is in the harbour.
- Advises that future development around COMAH establishments has the potential to impact on the expansion of those establishments.

#### 2.2.7. Health Service Executive (HSE)

- Satisfied with the methodology used in relation to soil, hydrogeology and hydrology, and noise and vibration and recommends that construction monitoring be undertaken.
- Recommends that an odour management plan be devised and implemented.
- Content that there is adequate protection for ground and surface waters if all proposed mitigation measures are implemented.
- Recommends that a dust monitoring programme be put in place during the construction phase.
- Recommends that noise and vibration mitigation measures be put in place during the construction phase and if there are exceedances these measures should be reviewed.
- Recommends that the opportunities for health gain are maximised by the provision of walkways and cycle paths.

#### 2.2.8. Inland Fisheries Ireland (IFI)

- Highlights the classification of the River Corrib under the EU Water Framework Directive as of 'good ecological status' and 'not at risk' and the need to maintain these statuses.
- Notes the legislation protection for Atlantic salmon, sea lamprey and brook lamprey under the Lough Corrib SAC designation.

- Outlines concerns in relation to impacts on diadromous fish species (Atlantic salmon, sea trout, European eel and sea lamprey), particularly on European eels and the provision of a wildlife pass at the seaward end of the proposed harbour extension.
- Concerned that juvenile fish leaving the River Corrib and adult fish returning may be impacted by underwater noise.

#### 2.2.9. Maritime Area Regulatory Authority (MARA)

- Highlight the requirement for the applicant to make a maritime area consent (MAC) application before the 2<sup>nd</sup> anniversary of the date of grant of permission.
- Highlight that the MAC boundary will encompass all aspects of the proposed development within the maritime area.
- State the legislation used to determine a MAC application and the rehabilitation of the maritime area. Informs the Commission to be cognisant of a decommissioning plan.
- Highlight the legislation that requires MARA to licence marine usage activities.

#### 2.2.10. Northern and Western Regional Assembly

- Highlight that there are several Regional Planning Objectives (RPOs) in the RSES that are either directly or indirectly relevant (listed in Appendix I of submission) to the proposed development.
- States that the enhancement of Galway Harbour has been and continues to be supported and seen as a key strategic priority at regional level.
- Delivery of the project will significantly contribute to the future growth of Galway, the region and help achieve balanced regional growth.
- Confirm that the further information submitted reflects the current status of regional policy updates.

#### 2.2.11. The Land Development Agency (LDA)

- Express support for the Strategic Infrastructure Development as proposed by GHC.

- State that the relocation and expansion of port activity away from the Inner Harbour area of Galway Port is beneficial to unlocking the long-term regeneration potential of this strategically located city centre landbank.
- Outline the supporting policy in the NPF, RSES and City Development Plan for the regeneration of the Inner Harbour area.
- Whilst the LDA lands can function independently of the redevelopment of adjoining lands, the regeneration of the wider Inner Harbour area will benefit significantly from approval of the current application.

#### 2.2.12. Transport Infrastructure Ireland (TII)

- Confirm that their position remains as set out in earlier submission and have no specific observations to make in relation to the further information.

#### 2.2.13. Western Development Commission (WDC)

- Express support for the proposed development of Galway Harbour as the statutory body with the remit to promote, foster and encourage economic and social development in the Western Region.
- Contend that the development will enhance the capacity of the Port of Galway to support the growth of renewable energy opportunities in the Western Region.
- Contend that the development will contribute to a resilient maritime infrastructure and enable the Region to maximise the opportunities presented by the marine economy.
- Aligns with the Climate Action Plan and National Ports Policy in supporting offshore renewable energy and sustainable economic growth.

#### 2.2.14. Uisce Éireann (UÉ)

- Acknowledges that the applicant is seeking to extend public water and wastewater network infrastructure, alongside other basic infrastructural services, from the existing Galway Harbour Enterprise Park (GHEP) into the proposed reclaimed landbank.

- Requests the applicant to ensure the proposals for groundworks and site development, landscape works and activities to facilitate the construction of the development do not negatively impact on public infrastructure.
- Requests the applicant to engage with them prior to works commencing to agree any diversion measures and/or achieve separation distances meeting their standards and codes of practice.

## 2.3. Third Parties

### 2.3.1. Dr. James McCarthy

- Highly destructive to the city marine and shoreline ecosystems, especially to the EU protected Galway Bay SAC and Galway Bay SPA. An independent study of the extent of the biodiversity impacts should be undertaken.
- Contends that ship-to-rail transport in the Shannon Estuary is a better solution for the transport of goods in the west of Ireland.
- The proposed development appears to be totally disproportionate for a city the size of Galway and he is unsure of economic gains other than those generated during construction.
- Contends that the Shannon Estuary with existing deep water facilities is the logical place for all capital investment serving the heavy shipping side of the offshore wind energy business.

### 2.3.2. Galway Bay Sailing Club

- Express their full support for the expansion of the Port of Galway.
- State that the relocation of commercial shipping activities will offer them an opportunity to further enhance the club's operations, providing safer and more efficient access to the Bay.
- Highlight that the two Volvo Ocean Races demonstrated the potential of the city and its surroundings as a hub for maritime tourism and culture.

### 2.3.3. Galway Chamber of Commerce

- State that it represents 500 members and c.28,000 employees across Galway city and county.
- Fully endorse and strongly support the plans for the redevelopment of Galway Port.
- The NPF underscores the necessity of renewable energy development and contend that Galway's strategic location can be a key contributor to this. The inclusion of Galway Port in the TEN-T network highlights its significance.
- Contend that the development will improve intermodal connectivity and will serve as a catalyst for regional economic development.

### 2.3.4. IBEC

- State that Port capacity in Galway is wholly inadequate in order for it to compete for and win new national and international business and to meet the changing needs of existing customers.
- The Port needs to be capable of accommodating 12-20,000 tonne vessels to avail of more competitive process and to reduce carbon footprint.
- The expansion of Galway Port is integral to growing overall national port capacity to meet forecasted demand within the Irish Ports Capacity Study in the highest growth scenario by 2040.
- Improved harbour facilities will act as a driver for other industries in the region, such as tourism.
- Contend that the Project aligns with the NPF, the NDP, the NMPF, the National Investment Framework for Transport, the RSES and the GCDP.
- The relocation of port operations out of the inner dock will allow for the development of a mixed-use urban quarter adjacent to the city centre.
- The GHE will serve as a key determinant of the region's future economic prosperity.

### 2.3.5. JFC Manufacturing Company

- Express full support for the proposed extension to the Port of Galway.

- Committed to continue supporting the Port's activities with its products.
- Particularly welcome the proposal to move commercial shipping from the inner tidal basin from both navigational safety and city centre revitalisation perspectives.
- Recognise the potential that this project has for creating new employment opportunities in the expanded Port.

#### 2.3.6. Platform94

- Support and recognise the strategic significance of the project for Galway.
- Contends that the existing port infrastructure is no longer fit for purpose and is hindering Galway's ability to remain competitive as a commercial hub.
- The project aligns with national policies and will deliver transformative benefits to Galway.

#### 2.3.7. Shane Foran

- States that there have been significant changes in the legal and policy areas since the previous oral hearing and, such is the nature of these changes, contends that a new oral hearing is needed.
- Outlines a number of changes since the original submission of the scheme including Galway City Council's (GCC) ownership of GHC, designation of Galway as an urban node under TEN-T, Climate Change Act and Climate Action Plans, changes to GCC cycling policy in the city centre, designation of Lough Atalia as an element of EuroVelo 1, BusConnects Cross City Link proposals, and new public bike stations.
- Concerned that construction and operation of the scheme will have adverse impacts for vulnerable road users, particularly for cyclists.
- Contends that GCC, being the roads authority and owner of GHC, can now develop alternative road links to the harbour.
- Contends that the proposed manner of construction and operation of the harbour extension sits in direct opposition to the promotion of integration of active travel modes with transport infrastructure required by the TEN-T regulations.

- Contends that the proposed manner of construction and operation of the harbour extension also sits in direct opposition to CAP24 regarding the provision of cycling facilities.
- The Project will result in an increase in HGV movements in Galway City during and after construction.
- Considers the proposed haulage routes to be unsuitable roads for heavy construction traffic.
- Concerned about the impact on road safety and amenity that the movement of 5,300 tonnes of freight per day by HGV will have on the city streets and road users.
- Considers that the increased HGV activity in the city will have a negative impact on walking and cycling as part of the cultural heritage of the city.
- Considers the provision of an alternative link road serving the harbour to be a prerequisite.
- Provision should be made to include a coast walking and cycling route in the scheme.
- Any additional works carried out along the railway line should include restoration works to the railway line footpath.
- Suggests that the role of existing archway under the railway embankment should be accounted for in the design proposal as a walking/ cycling link between Renmore/ Mervue/ Wellpark and the city centre.

#### 2.3.8. Vincent Connell

- Compensatory measures in Mweeloon Bay takes no account of the damage caused to the livelihoods of the 12 full time fisherman who depend for their living on the shrimp pot fishery.
- Considers the eradication of *Didemnum vexillum* to be unattainable.
- GHC have no input on terrestrial farming practices on the land surrounding Mweeloon Bay.
- Highlights GHCs lack of activity in gathering marine litter to date.

### 3.0 Applicant's Response to the Submissions

- 3.1. GHC submitted a response to the submissions on 17<sup>th</sup> April 2025. GHC provided a summary of the main issues in the submissions and addressed each issue that was raised within the 23 no. prescribed bodies/ third party submissions. GHC also highlighted the amendments to the NPF, the publication of CAP25, and the status of the N6 Galway City Ring Road project (HA07.318220 refers). I provide a summary of GHC's response below.
- 3.2. GHC highlights An Taisce's failure to take account of the positive impact that the GHE will have towards achieving climate goals and refers to Section 11 of the EIS and Section 11.4 of the EIS Addendum. Essentially, the 'do-nothing' scenario will give rise to 11% higher emissions of CO<sub>2</sub> equivalent and, therefore, is in line with Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.
- 3.3. GHC state that the main alternatives for the proposed development have been addressed and properly considered in Chapter 3 of the EIS and the Addendum, and as part of the oral hearing.
- 3.4. GHC acknowledge that a rail link from the proposed development is not contained in Iarnród Éireann's Rail Freight 2040 Strategy but state that a rail link is included as part of the overall proposed development in order to 'future-proof' the project.
- 3.5. GHC outline how climate change considerations have been incorporated in the design of the proposed development with the provision of a freeboard of 0.51m on top of the predicted 200-year tidal storm surge flood level.
- 3.6. GHC contend that the profile of the storm surge associated with Storm Éowyn as presented by An Taisce is an over simplistic representation, which exaggerates the storm surge component of a possible flood event. GHC explain how this would represent a 1 in 2000-year event and that the recommended 200-year coastal flood level of 4.2m OD is supported by robust analysis.
- 3.7. GHC reiterate that the proposed development is independent of the Corrib go Córta Flood Relief Scheme, does not compromise and flood relief options, and will not exacerbate coastal and estuarine flooding or flood risk.

- 3.8. GHC states that a full assessment of the impacts on Galway Bay Complex SAC and Inner Galway Bay SPA was carried out and that the proposed compensatory measures for Tawin are far beyond the implementation of a management plan and are designed to ensure that the overall coherence of the Natura 2000 network is maintained. GHC contend that the Compensatory Measures Plan contains specific and measurable commitments.
- 3.9. GHC highlight that UÉ have raised no concerns relating to existing infrastructure or connection to same.
- 3.10. GHC highlight that Dr. James McCarthy was incorrect in stating that there was a large storm in 2024, which they state was a likely reference to Storm Debi in November 2023. GHC confirm that this event was included in the updated tidal analysis for the 200-year design flood level.
- 3.11. GHC confirm that there will be no dumping at sea and that all dredged material will be reused for the land reclamation component of the GHE.
- 3.12. GHC highlight the Statement of Case issued by An Bord Pleanála to the Minister outlining the reasons for the IROPI for the GHE.
- 3.13. GHC states that they have consulted previously with IFI on matters raised in their submission and accepts their observations/ recommendations.
- 3.14. In relation to the concerns expressed in Mr. Shane Foran's submission, GHC state that potential traffic impacts from HGV's on cyclists, existing road conditions and collision risk is addressed in the revised Mobility Management Framework in Chapter 13.5 of the EIS Addendum. GHC point out that a financial contribution will be required from them for the maintenance of pavements along the haul route and that operating road traffic noise emanating from the proposed development will be negligible.
- 3.14.1. GHC confirm that the issue raised by Vincent Connell on behalf of Galway Bay Inshore Fisherman's Association about the importance of the area to the local fishing fleet where the GHE is proposed has been addressed previously in submission responses and at the oral hearing. GHC outline that there is no specific nursery area for shrimp in Galway Bay and the area of and adjacent to the GHE is not of particular importance as a nursery for juvenile shrimp.

3.14.2. GHC outline the specific approach for the control of the invasive species *Didemnum* in Mweeloon Bay contained in the Compensatory Measures Plan and highlight other measures contained in the Plan that will ensure that the overall coherence of the Natura 2000 network is maintained.

3.15. GHC notes, appreciates and agrees with the submissions made by the Commission for Railway Regulation, the DAU (2 no. – natural heritage and archaeology), the EPA, Galway Bay Sailing Club, Galway Chamber of Commerce, the HSA, the HSE, IBEC, JFC Manufacturing Company Limited, MARA, NWRA, Platform 94, the LDA, TII, Western Development Commission, Galway City Council, and UÉ.

## **4.0 Further Submissions by Prescribed Bodies and Third Parties**

### **4.1. Prescribed Bodies**

#### **4.1.1. TII**

- No specific observations to make in relation to the GHC response.

#### **4.1.2. MARA**

- Highlight the legislative requirement for the applicant to make a maritime area consent (MAC) application before the 2<sup>nd</sup> anniversary of the date of grant of permission.
- Highlight that the MAC application shall have a rehabilitation schedule attached to it.

#### **4.1.3. OPW**

- No comment to make.

#### **4.1.4. An Taisce**

- Emphasise that GHC has not addressed their concerns about embodied carbon in the proposed development.
- In relation to alternatives, reiterate the point made about other ports having or will have enhanced facilities for cargo handling.

- Contend that it is unlikely that Galway Harbour will ever have a direct rail connection and that an increase in port activity will lead to an increased number of HGVs in the city centre.
- Reiterate their concern about displacement of flood water and storm surges.
- Queries how GHC can state that the proposed harbour layout and design will not compromise any flood relief scheme given that the Corrib go Cósta flood relief scheme is only at stage 1 of a five stage process.
- Reiterate their concerns that the proposed compensatory measures are no more than the measures that should be applied for the normal conservation of the Galway Bay SAC.
- Reiterate their concerns about capacity in the wastewater drainage network.

#### 4.1.5. Department of Agriculture, Food and the Marine

- The proposed development would have positive impacts on the Marine Institute and the work performed in support of the State, such as fisheries surveys, environmental, climate and ORE related activity.
- The proposed development will affect Bord Iascaigh Mhara's office and discussions are ongoing with GHC.

## 4.2. **Third Parties**

### 4.2.1. Galway Chamber of Commerce

- Remain supportive of the Galway Harbour extension.

### 4.2.2. Brendan and Laura Browne

- Reiterate concerns about flood impact.
- Find it difficult to see how the proposed development could not have anything but a direct impact on flooding.
- Highlight the presently unknown nature of flood relief options.

- Submits that the EIS Water Chapter 8 data as referred to in paragraph 4.1.6 of the replying submission must be outdated and needs to be reconsidered in line with the latest scientific findings.
- Contend that GHC made no specific response to the issues raised by residents.

#### 4.2.3. Thomas Cox (Claddagh Residents Association)

- Concerned about displacement of water and fear that increase in storms and flooding will see waters inundate their homes/ area.
- Anticipate that no work will be done on flood defences before 2030.
- Highlight the recent research carried out by University of Galway about the storm surge associated with Storm Éwoyn.
- Reiterate concerns about wastewater capacity, impacts on natural habitats, and traffic congestion.

#### 4.2.4. Vincent Connell

- Contend that the proposed construction site is a nursery for shrimp.
- Contend that it is unrealistic to state that the proposed compensatory measures and removal of a few unproductive oyster trestles will improve this European Site.
- States that available funds should be invested in flood defences rather than expanding the port.

#### 4.2.5. Derrick Hambleton

- Agrees with his colleagues in An Taisce regarding their comments on the proposed Compensatory Measures.
- Sees the proposed development as a facilitator of private property development rather than about creating a port that is needed.
- Any increase in port activity will lead to an increased number of HGVs in the city centre.

- Highlights the withdrawal of SSE Renewables from a consortium to build a hydrogen hub and the Sceirde Rocks applicants from the proposed offshore wind farm.
- Concerned about flooding and more regular storm surges.

## 5.0 Relevant Planning History

5.1. In their original submission, the planning authority outlined the extensive planning history on the site.

5.2. In addition, the relevant planning history that the Commission should note for this application is as follows:

- **ABP-321697-25:** 30 no. offshore wind turbine generators with gravity based fixed-bottom foundations and all associated work located off the coast of Co. Galway and Co. Clare.
- **P.A. Reg. Ref. 21316:** Permission granted to GHC for the partial demolition of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> storey of the existing Ice House building whilst retaining and upgrading the ground floor, ground floor entrance and existing ESB substation within.
- **P.A. Reg. Ref. 20331:** Permission granted for amendments to approved telecommunication development (P.A. Reg. Ref. 20/50).
- **P.A. Reg. Ref. 14272:** Permission granted to GHC for a bulk store (1,625m<sup>2</sup>).
- **P.A. Reg. Ref. 14226:** Permission granted for a storage shed.
- **P.A. Reg. Ref. 173:** Permission granted an extension of duration on P.A. Reg. Ref. No. 11/113 for the construction of a bitumen storage facility (two number 9,330m<sup>3</sup> bitumen storage tanks (30m diameter and height above ground to eaves is 11.7m)).
- **P.A. Ref. 2560296:** Application by the Land Development Agency for a proposed mixed-use development of 356 no. residential apartments, a creche, 2 no. café/restaurants, and 1 no. retail unit.

## 6.0 Policy Context

6.1. The original EIS Chapter included a review of the following planning context policy documents:

- European Policy Context Smarter Travel – A Sustainable Alternative
- Transport Policy 2009-2020
- National Spatial Strategy 2002-2020
- National Development Plan 2007-2013
- National Ports Policy 2013
- Regional Planning Guidelines for the West Region 2010-2022
- Galway City Development Plan 2011-2017

6.2. It concluded that the proposed development was fully supported by the specific objectives included in the Regional Planning Guidelines and the City Development Plan and was in line with the relevant national, regional and local planning and regional development policies and objectives. Similarly, the original assessment carried out by the Commission endorsed this conclusion, notwithstanding that the Inspector in his report dated 27<sup>th</sup> February 2015 favoured the expansion of Shannon/ Foynes port in line with the TEN-T programme at that time.

6.3. The EIS Addendum now submitted by GHC has comprehensively reviewed the updated planning policy context, specifically referencing the key documents listed below:

- Trans European Network – Transport (TEN-T)
- EU: Marine Spatial Plan
- National Planning Framework: Project Ireland 2040
- National Development Plan 2021-2030
- National Ports Policy 2013
- Irish Ports Capacity Study 2023
- National Marine Planning Framework 2021

- Northern and Western Regional Assembly (RSES) 2020-2032
- Galway City Development Plan 2023-2029
- Galway Transport Strategy 2016

## 6.4. European Level

### 6.4.1. Trans European Network – Transport (TEN-T)

The trans-European transport network (TEN-T) is a Europe-wide network of roads, rail lines, ports and airports. The components of the TEN-T network and infrastructure requirements across the network are set out in the TEN-T Regulation.<sup>1</sup>

Transport infrastructure on the Core TEN-T network is required to be completed to the standard set out in the Regulation by 2030. The Comprehensive network is a wider network which is required to be completed by 2050.

The regulation also sets out high-priority ‘European Transport Corridors’, which link passenger and freight transport networks across Europe. Ireland is included on two of these - the Atlantic Corridor and the North Sea-Rhine-Mediterranean Corridor.

The TEN-T network of July 2024 includes the Port of Galway as a Comprehensive Port for the first time along with the Port of Waterford and Rosslare Europort.<sup>2</sup> Annex II of the TEN-T document sets out the list of nodes of the Trans-European Transport Network in which Galway is included as an urban node.<sup>3</sup>

### 6.4.2. EU Marine Spatial Planning

Directive 2014/89/EU established an EU-wide framework for maritime spatial planning. Ireland transposed the Directive through the European Union (Framework for Maritime Spatial Planning) Regulations 2016, which was signed into law on 29<sup>th</sup> June 2016 and is realised within the National Marine Planning Framework (2021).

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<sup>1</sup> Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013.

<sup>2</sup> [https://transport.ec.europa.eu/document/download/b2f02275-f1d3-49a9-97b4-5c456e42dddb\\_en?filename=Annex1\\_ComprehensiveExtendedCore\\_ntw.pdf](https://transport.ec.europa.eu/document/download/b2f02275-f1d3-49a9-97b4-5c456e42dddb_en?filename=Annex1_ComprehensiveExtendedCore_ntw.pdf),

Comprehensive & Core Networks: Inland waterways and ports, Annex I Maps of the Comprehensive, Extended Core and Core Network.

<sup>3</sup> [4ef1ac2b-734c-4e0e-91e6-6e1d7c2f497a\\_en](https://transport.ec.europa.eu/document/download/4ef1ac2b-734c-4e0e-91e6-6e1d7c2f497a_en), Annex II List of Nodes of the Trans-European Transport Network.

## 6.5. National Level

### 6.5.1. National Development Plan 2021-2030 (NDP)

The current NDP outlines a comprehensive framework for investment in Ireland's infrastructure, including ports and harbours.

The NDP states that 'the importance of ports and airports in the context of regional connectivity continues to be of strategic importance, particularly the need to improve connectivity to State airports and ports in the northwest'. Investment will support the continued development and improvement of Ireland's ports by the relevant responsible commercial state-owned enterprises, consistent with sectoral priorities defined in the National Ports Policy.

Significant investment in Ireland's airports and ports will play a major role in safeguarding and enhancing Ireland's international connectivity which is fundamental to Ireland's international competitiveness, trading performance in both goods and services and enhancing its attractiveness to foreign direct investment. The importance of this objective cannot be understated in the context of the UK's exit from the EU.<sup>4</sup>

### 6.5.2. Project Ireland 2040 - National Planning Framework (NPF)

The first revision of the NPF was approved by Government in April 2025. The NPF is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. The revised NPF plans for a population of 6.1 million by 2040, an additional 250,000 people over that planned for in 2018. The NPF strategy aims at targeting a level of growth in the country's Northern and Western and Southern Regions combined, to at least match that projected in the East and Midland Region. In so doing, the Framework supports ambitious growth targets to enable the four cities of Cork, Limerick, Galway and Waterford to each grow by at least 50% to 2040 and to enhance their significant potential to become cities of scale. The plan contains a number of National Policy Outcomes (NPOs) such as:

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<sup>4</sup> P.107, Chapter 11: High-Quality International Connectivity, Project Ireland 2040: National Development Plan 2021-2030

- **NPO 2:**

The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the *Northern and Western* and Southern Regional Assembly areas combined. *(my italics)*

- **NPO 3:**

- Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million.
- *Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million. (my italics)*
- Southern Region: approximately 330,000 additional people over 2022 levels (c.450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

- **NPO 4:**

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.<sup>5</sup>

The NPF states that ports of regional significance, such as Galway, have an important role for regional employment and services and many smaller harbours serve rural and island communities. In addition to commercial freight, such ports support marine sectors that are dependent of local natural resources, such as fisheries, marine renewable energy, and marine tourism. The relevant NPOs in the plan are:

- **NPO 50:**

Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance, State Fishing Harbours and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, and

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<sup>5</sup> The five cities (Dublin, Cork, Limerick Galway and Waterford) and their suburbs as defined by the CSO in the Census of Population.

plans at local level to ensure the effective growth and sustainable development of the city regions and regional and rural areas, in accordance with National Ports Policy.

- **NPO 51:**

Support the sustainable delivery of port and harbour infrastructure to facilitate the development, maintenance and operation of off-shore renewable electricity generating developments.

A key future growth enabler identified for Galway is delivering a number of regeneration projects to extend and intensify the City Centre, including the Station, Docks, Headford Road and Sandy Road areas.

### 6.5.3. **National Ports Policy 2013 (NPP)**

The location of the harbour close to Galway's city centre limits its potential for further expansion in terms of increasing trade. However, it states that the inner harbour is an immensely attractive location for the development of marine tourism and leisure facilities, in particular a marina, as well as for urban redevelopment.

National Ports Policy endorses the development proposals in respect of the inner harbour for marine tourism and leisure facilities as well as for urban redevelopment and regeneration. Furthermore, the Government notes the return of cruise tourist traffic to Galway harbour and supports efforts to develop this business.

**Review of National Ports Policy – Issues Paper<sup>6</sup>:** Ireland will potentially need to build, on a phased basis, around four to five standard ORE port facilities (each capable of building 500 MW of ORE annually) that will act as construction and deployment ports over the next 25–30 years.

The Issues Paper notes that the Strategic Rail Review (see Section 6.5.5 below) will consider the rail network with regard to improving sustainable connectivity between the major cities, enhancing regional accessibility, supporting balanced regional development, and the potential role of rail freight. The Review is also considering the

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<sup>6</sup> The review consists of a two-part consultation process. Part 1 involved the publication of an Issues Paper, inviting submissions from stakeholders, and the closing date for receipt of submission was 15<sup>th</sup> January 2024. Part 2 will be a shorter public consultation on the Draft Policy document. The objective is to present a new draft policy to the Government in 2025 following the public consultation.

potential scope for improved passenger and freight rail services along the various existing or future potential corridors of the network.

The expected growth of cruise tourism, its environmental impact, in addition to the cruise capacity constraints now being experienced at Dublin Port raises several questions for how Irish ports handle the capacity required for cruise calls into the future.

#### 6.5.4. **Irish Ports Capacity Study 2023**

The study considers the Port of Galway to be of 'regional significance' and it identifies the need for significant investment to enhance its capacity. It presently comprises approximately 16 ha in the inner-city docklands and approximately 16 ha at the Galway Harbour Enterprise Park at Renmore to the East, which are operated by Galway Harbour Company and the Galway Harbour Enterprise Park, respectively.

##### **Traffic figures for Port of Galway in 2019:**

11 no. cruise ship calls (8,208 passengers)

177,568 tonnes Dry & Break Bulk

368,350 tonnes Liquid Bulk

##### **2040 forecasted demand - Baseline Growth Scenario:**

256,000 tonnes Dry & Break Bulk

655,000 tonnes Liquid Bulk

The main infrastructural restrictions of the current port facilities are the shallow dredge depth of the shipping channel, the limited length of the quays, size of the quayside areas, the tidal restrictions, and the size of the gates enclosing the docks.

Enhancing capacity will require accommodating larger vessels, and it is planned to service significantly larger volumes of freight, as well as passenger liners. A freight rail link to the hinterland is also planned, which will better facilitate trade and contribute to economic growth in the region.

#### 6.5.5. **All-Island Strategic Rail Review 2024**

The Rail Review Report sets out 32 strategic recommendations to enhance the rail system in Ireland and Northern Ireland up to 2050, aligning with net carbon zero commitments in both jurisdictions.

Acknowledges that the Iarnród Éireann Rail Freight 2040 Strategy aims to grow rail freight towards levels seen in Europe and provides a framework to achieve this goal. This will help reduce carbon emissions, improve air quality, reduce road noise and congestion, and support regional economic development. Recognises that there are opportunities to improve the efficiency of transferring freight between rail and sea transport. This could be achieved by considering, among others, opportunities to better connect ports to the railway where it runs close to ports.

Recommendation 23 - Strengthen rail connectivity to the island's busiest ports where links are feasible and improve access to ports that currently are underserved by rail freight, including Foynes for Limerick, Waterford, Marino Point for Cork, and Rosslare Europort.

#### 6.5.6. **National Marine Planning Framework 2021 (NMPF)**

The NMPF contains the objectives, policies and supporting actions the Government considers necessary to support the effective management of marine activities and more sustainable use of our marine resources.

Some relevant Objectives and Policies in relation to Ports include:

- Safeguard the operation of ports as key actors in the economic wellbeing of the State through the provision of safe and sustainable maritime transport.
- Facilitate a competitive and effective market for maritime transport services.
- Sustainable development of the ports sector and full realisation of the National Ports Policy with a view to providing adequate capacity to meet present and future demand, and to adapt to the consequences of climate change.
- Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance, and smaller harbours are appropriately addressed in regional and local marine planning policy.

**Ports, Harbours and Shipping Policy 3:** Proposals that may have a significant impact upon current activity and future opportunity for expansion of port and harbour activities must demonstrate consideration of the National Ports Policy, the National Planning Framework, and relevant provisions related to the TEN-T network.

**Ports, Harbours and Shipping Policy 5:** Proposals for capital dredging will be supported where it is necessary to safeguard national port capacity and Ireland's international connectivity, and where required compliance assessments associated with authorisations have been carried out and incorporated into subsequent competent authority decision(s).

#### 6.5.7. **Policy Statement on the facilitation of Offshore Renewable Energy by Commercial Ports in Ireland (2021)**

ORE developments will typically require both large-scale port infrastructure for project deployment and smaller-scale port facilities to provide ongoing operation and maintenance (O&M) services. Around the Irish coast, ORE projects will develop in several phases.

To meet Ireland's target of 5GW by 2030, it is clear that a minimum of two facilities will be required from 2025 onwards for deployment activity. A multiple of typically smaller ports will be needed for O&M operations.

The Offshore Renewable Energy Development Plan II will include identification of areas off the South West and West coasts which typically have deeper waters, and a less developed onshore transmission system than on the East coast. In that context, it is recognised that ports, e.g., Shannon Foynes Port or Port of Cork, or entities within the ports, can also play a significant part in the provision of the required large scale port infrastructure. There will also be opportunities for other ports along the west coast (in addition to the project under Phase 1) such as the port of Galway.

#### 6.5.8. **Ireland's integrated National Energy and Climate Plan (NECP) 2021-2030 (July 2024)**

Outlines how Ireland is committed to meeting ambitious targets for reducing GHG emissions through a suite of policy documents including the Climate Action Plan, National Energy and Climate Plan and the National Adaptation Framework.

The NECP covers five dimensions of the EU Energy Union:

- Decarbonisation
- Energy efficiency
- Energy security
- Internal energy markets
- Research, innovation and competitiveness

The NECP acts more as a collation of existing policies and an analysis of how we are performing relative to EU-wide targets, including projections on how we expect to perform in future years based on current trajectories. The climate and energy projections that underpin Ireland's NECP come from the annual reporting cycles of the Sustainable Energy Authority of Ireland (SEAI) and the Environmental Protection Agency (EPA).

It states that a multiport approach to the provision of port infrastructure to facilitate the development of ORE in Ireland will help maximise the economic benefits at regional as well as national level in terms of the creation of jobs and new SMEs that can support the development of the ORE industry.

#### 6.5.9. **Climate Action Plan 2024 and 2025**

This plan recognises the critical nature of the climate change challenge and sets out a roadmap for taking decisive action to halve GHG emissions by 2030 and reach net zero by 2050 in accordance with the European Green Deal, The Paris Agreement, and the Climate Action and Low Carbon Development Act, 2015 (as amended).

This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. Section 14 of the Plan deals with transport and table 14.3 sets out the key actions to deliver abatement in transport for the period 2026-2030. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. Fleet electrification and biofuels are expected to provide the greatest share of emissions abatement in the medium term.

The revised National Ports Policy will endeavour to follow the Climate Change Advisory Council's recommendation to prioritise "measures to strengthen the climate resilience of Irish Ports". The revised National Ports Policy will be aligned with CAP25; the National Adaptation Framework and the Climate Change Sectoral Adaptation Plan for the transport sector. The policy will also recognise and facilitate the role of ports in enabling future energy transitions, including the decarbonisation of shipping and of the wider logistics chain to encourage improved and greater integration of rail transport with our seaports, and facilitating the development of offshore renewable energy.<sup>7</sup> Actions for 2025 reflect continuation of, and are in line with, agreed policies set out in CAP23 and CAP24.

**Actions for implementation include:**

- TR/25/10 -** Based on the All-island Strategic Rail Review, publish a report on which rail projects to progress and deliver by 2035.
- TR/25/13 -** Review of the National Ports Policy to set a policy framework to contribute to the decarbonisation of maritime transport and the wider logistics chain and to support the development of Offshore Renewable Energy (ORE).

**6.5.10. National Biodiversity Action Plan (NBAP) 2023-2030**

Ireland's 4<sup>th</sup> NBAP builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiative

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<sup>7</sup> P.96, Climate Action Plan 2025

## 6.6. Regional Level

### 6.6.1. Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)

The RSES sets out a strategy to implement the NPF in the Northern and Western Region and provides a high-level development framework for the region that supports the implementation of the NPF and the relevant economic policies and objectives of the Government.

Galway is identified as the primary centre for growth in the region. Galway Harbour is ideally placed along the western seaboard to tap into emerging marine enterprises in particular, in the sustainable energy sector and offshore renewable energy.

Improvement of harbour facilities is of strategic importance and has the potential to contribute significantly to the economy of both the City and the region, increasing connectivity and contributing to the tourism, enterprise and offshore energy sectors.

The upgrade of Galway Harbour and Port continues to represent a key strategic priority for the Western Region. The ambition to upgrade Galway Port will allow for the facility to serve a dual role as a commercial port for cargo, and also a destination point for cruise tourism.

Within the transport strategy, the potential for double tracking of the railway line from Galway City to Athlone, or a more limited accommodation of stopping bays and the provision of a rail freight service from Galway harbour are also strategic projects that will enhance accessibility and connectivity in the region to 2040.

The following regional policy objectives are considered to be of relevance to the proposal:

**RPO 3.6.2** - The Assembly supports the proposition that 50% of new homes for the population targets will be constructed within the existing city development envelope, 40% of these shall be located on infill and/or brownfield sites.

**RPO 3.6.4** - The Assembly support the regeneration and development of city centre sites at Galway Harbour, Ceannt Station and Headford Road (S/M<sup>8</sup>).

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<sup>8</sup> S = Short term, M = Medium term, L = Long term

**RPO 3.6.7** - The Assembly supports the delivery of the infrastructure projects outlined below to develop the MASP:

- Galway City Ring Road (S)
- Galway Transport Strategy (S/M/L).

**RPO 3.6.9** - The Assembly supports the provision of a dual railway track between Galway and Athlone (M/L).

The RSES supports the further examination of the feasibility for pursuing designation of both Galway Port and Killybegs Port as EU TEN-T Comprehensive Ports. It is acknowledged that there are significant nature conservation concerns, particularly around Galway Port and these must be addressed within the feasibility study and any subsequent proposals to ensure compliance with the EU Habitats Directive.

**RPO 4.35** - To support the ongoing upgrade and improvement of the region's harbours and ports, and ensure the sustainable development of this infrastructure to enable aquaculture and seafood industry expansion responsively.

**RPO 4.36** - To support the sustainable expansion and upgrade of Galway Harbour and Galway Port as part of the overall vision to grow Galway as a City Region, subject to visual, transport and economic viability considerations and in compliance with the EU Habitats Directive (which may necessitate consideration of IROPI).

## 6.7. Local Level

### 6.7.1. Galway City Development Plan 2023-2029 (GCDP)

The GCDP came into effect on 4<sup>th</sup> January 2023. The site is located immediately to the south of lands zoned 'Enterprise, Industry and Related Uses' in the GCDP, the objective of which is to 'provide for enterprise, industry and related uses'.

One of the Strategic Goals of the Council is to 'Enable Galway to become a city of scale as envisaged in the NPF and a regional driver of development that can contribute to economic growth through the provision of balanced and sustainable economic opportunities for development, innovation and investment across all employment sectors and allow the role of the City and Metropolitan Area to harness

the strengths and maximise the economic development for the whole Northern and Western Region.’

**Section 4.7 Galway Port:** The Council will continue to support appropriate proposals for the improvement, development and extension of port facilities and supporting infrastructure to link in with the rail network and its potential to become part of the EU TEN-T Comprehensive Networks, subject to environmental review and considerations.

**Policy 4.7 Galway Port:** Support proposals for development and extension of port facilities and an extension of the rail line to the port, which are of strategic importance to the City and the northern and western region.

**Policy 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance:**

1. Protect European sites that form part of the Natura 2000 network (including Special Protection Areas and Special Areas of Conservation) in accordance with the requirements in the EU Habitats Directive (92/43/EEC), EU Birds Directive (2009/147/EC) and associated national legislation.
2. Ensure that all plans or projects within the Plan area will only be authorised and / or supported after the competent authority has ascertained based on scientific evidence, screening for appropriate assessment and /or a Habitats Directive Assessment that:
  - i. The plan or project will not give rise to an adverse direct, indirect or secondary effect on the integrity of any European site (either individually or in combination with other plans or projects); or
  - ii. The plan or project will have an adverse effect on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures

necessary to ensure the protection of the overall coherence of Natura 2000; or

- iii. The plan or project will have an adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

**Section 6.3.9 Marine Sector & Renewable Energy:** The proposals for re-development and extension of the harbour including the reclamation of 27 hectares is supported in the Plan as it is considered to have potential to contribute to marine enterprise and employment, the capacity to boost tourism and also provide for additional public realm with capacity for hosting large events. The benefit to the city also is that with re-location of activities further offshore it will enable the re-development of the designated regeneration site at the inner harbour, as outlined in Chapter 10 to provide for a new and compact, mixed-use quarter on the waterfront and adjacent to the city centre.

**Policy 6.9 Marine Sector & Renewable Energy:**

2. Support the migration of industrial uses from the inner harbour area to suitable locations to enable regeneration of the inner harbour area in line with national and regional objectives.
4. Support the sustainable re-development and extension of the Port of Galway and the diversification and expansion of activities subject to environmental, visual, economic viability and transportation considerations. in line with the National Marine Planning Framework (NMPF) 2021, and any successor thereof, or any emerging national ports strategies.

**Section 10.6 Inner Harbour Regeneration Site:** It is acknowledged that the constraints associated with the existing docks require that in order to modernise and address deficiencies, the harbour functions will need to be relocated to an alternative site. Galway Harbour Company has proposals to address this by providing for a major new port development to the east of the existing Inner Harbour and a Strategic Infrastructure Development application for this proposed development is being assessed by An Bord Pleanála. The development of new port facilities has the potential to free up the existing working port site for redevelopment.

#### 6.7.2. **Galway County Development Plan 2022-2028**

Policy Objectives for Ports, Harbours, Piers and Slipways include:

##### **PH 1 Sustainable Development of Ros an Mhíl Sea Port and Galway Harbour:**

Galway County Council shall continue to recognise the strategic importance of Ros an Mhíl and Galway Harbour and shall promote and facilitate their sustainable development.

##### **PH 2 Sustainable Development of Ports, Harbours, Piers and Slipways:**

a) Support the development of Ros an Mhíl Harbour as a deep water port and support and facilitate improvements and maintenance to other harbours, piers and slips throughout the County and consider any new marine infrastructure where appropriate;

b) Facilitate the safe and convenient access to the water for the purpose of public transport, industry, commerce, sea rescue, tourism, aquaculture and recreation where appropriate and as resources allow.

Policy Objectives Natural Heritage and Biodiversity include:

##### **NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species**

Protect and where possible enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts) and extend to any additions or alterations to sites that may occur during the lifetime of this plan.

Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).

Support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network.

### **NHB 3 Protection of European Sites**

No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).<sup>9</sup>

### **NHB 10 NPWS & Integrated Management Plans:**

Article 6(1) of the Habitats Directive requires that Member States establish the necessary conservation measures for European sites involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans. The NPWS's current priority is to identify site specific conservation objectives; management plans may be considered after this is done. Where Integrated Management Plans are being prepared by the NPWS for European sites (or parts thereof), the NPWS shall be engaged with in order to ensure that plans are fully integrated with the Plan and other plans and programmes, with the intention that such plans are practical, achievable and sustainable and have

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<sup>9</sup> This objective is prefaced in the Plan by stating except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available; (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

regard to all relevant ecological, cultural, social and economic considerations, including those of local communities.

#### 6.7.3. **Galway Transport Strategy 2016 (GTS)**

**Section 2.2. Land Use and Future Growth** states that a number of brownfield sites have been identified as key development opportunities within the city centre, including Ceannt Station and Galway Harbour, and the development of Galway Port is also expected to occur in the coming years.

**Section 3.4.1.4 HGV Management** states that while the planned redevelopment of Galway Port is currently in the planning process, it is not a project that forms part of the GTS. Although if implemented it may influence local freight movements, the GTS approach to HGV management will remain the same irrespective.

#### 6.7.4. **Galway City Council Climate Action Plan (LACAP) 2024-2029**

The vision for Galway City in the LACAP is to be a climate resilient, biodiversity rich, environmentally sustainable and carbon neutral city by no later than the end of 2050.

Noted that projected increases in the frequency of extreme precipitation events will result in increased surface water and riverine flood risk for Galway City and that coastal erosion and coastal flooding events are common in Galway City.

##### **Galway Port and proposed Galway hydrogen hub:**

The LACAP acknowledges the potential to partner with the proposed hydrogen hub. Although the proposed location will be situated at the Port of Galway, outside of the Decarbonization Zone, its implementation will enable the sustainable use of hydrogen within the zone. This key enabling infrastructure will assist in the decarbonisation of the more challenging sectors such as industry and transport sectors, in particular.

#### 6.8. **Natural Heritage Designations**

- 6.8.1. The proposed development lies within two designated European sites, namely Galway Bay Complex SAC (site code: 000268) and Inner Galway Bay SPA (site code: 004031). Lough Corrib SAC (site code: 000297) and Lough Corrib SPA (site code: 004042) are located c.1km and c.4.5km, respectively, to the northwest of the subject site.

- 6.8.2. Further to these, Duvillaun Island SAC (site code: 000495) is located c.116km to the north west; West Connacht Coast SAC (site code: 002998) is located c.76km to the north west; Slieve Tooney / Tormore Island / Loughros Beg Bay SAC (site code: 000190) is located c.165km to the north; Slyne Head islands SAC (site code: 000328) is located c.79km to the north west; East Burren Complex SAC (site code: 001926) is located c.11.5km to the south; Connemara Bog Complex SAC (site code: 002034) is located c.14.9km to the north west; and Kilkieran Bay and Islands SAC (site code: 002111) is located c.38km to the west.
- 6.8.3. Each of the SAC's listed in section 6.8.2 above have additional Qualifying Interests (QIs) since the original NIS and appropriate assessment was carried out. In order to address this, GHC has prepared an addendum to the original NIS with regard to the foregoing European Sites and submitted it to the Commission in respect of the proposed development. GHC has also submitted a Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits (Tobin Consulting Engineers and Aquafact, 2022). All issues in relation to impact on European sites are discussed below in Section 8 of this report and within the report prepared by Daniel Bastreri, Marine Ecologist (see Appendix 1). I have also carried out an updated AA screening (see Appendix 4) and an updated AA (see Appendix 5).

## 6.9. Water Framework Directive

- 6.9.1. The European Union Water Framework Directive (WFD) was signed into law in October 2000. It requires EU member States to achieve water quality of at least 'good status' in rivers, lakes, groundwater, estuaries and coastal waters, by 2027 at the latest. The Directive governs all activities that may have an impact on this objective or on the quality or quantity of water.
- 6.9.2. The WFD is implemented through River Basin Management Plans (RBMPs). The RBMPs describe the current state of the water environment for each RBD, the pressures affecting the water environment, the objectives for protecting and improving it, and the programme of measures needed to achieve the statutory environmental objectives of the WFD. RBMP are required to be reviewed every six years. Three cycles of the RBMP have been undertaken in Ireland to date: 2009 - 2015, 2018 - 2021 and 2022 -2027.

The Water Action Plan 2024 is the current RBMP for Ireland and it sets out the actions to protect, improve and restore water quality in our water bodies (rivers, lakes, estuaries, coastal waters) up to 2027. The plan focuses on protecting and restoring water quality by preventing and reducing pollution, by restoring natural ecosystem functions and by continuing to invest in water infrastructure

## **7.0 Assessment**

### **7.1. Overview**

- 7.1.1. At the outset, I want to clarify for the Commission that my assessment will focus on the changes to policy, new legislation, and new guidelines, as well as additional surveys carried out and additional data available since the original EIS (January 2014) and Addendum/ Errata (October 2014) were submitted to the Commission, including the EIS Addendum 2024, for the purposes of ensuring that an up to date EIA and AA is completed and the planning assessment takes account of relevant changes in policy and guidelines.
- 7.1.2. In addition, in circumstances where the Commission has decided to invoke Article 6(4) of the Habitats Directive and the Minister has approved the associated compensatory measures, I do not propose to revisit these issues. My assessment will however consider whether any significant new point emerges either in law, policy, guidance or submissions and where it does so I will engage with it under the relevant headings in my assessment below and where no significant new point emerges, I will state so. I have also carried out an updated AA screening and AA. In addition, the report considers whether there are any material changes that would affect the Article 6(4) assessment in terms of alternatives, IROPI and compensatory measures.
- 7.1.3. Having examined the submission(s) received and having regard to the relevant updated local/ regional/ national policies and guidance, I consider the main issues are as follows:
- Principle of Development and updated Planning Policy
  - Climate Targets
  - Compliance with Water Framework Directive

- Marine Hydrology
- Biodiversity
- Other Issues

7.1.4. I will assess the issues presented in the EIS Addendum 2024 and NIS Addendum 2024 separately in Sections 8 and 9, respectively, below.

## 7.2. Principle of Development and updated Planning Policy

- 7.2.1. To reiterate, the proposed development entails an extension to the Port of Galway comprising 660m of quay berth (including a breakwater) with a depth of 14.9m, serviced by a 10.9m deep channel and 400m turning circle, 28.07 ha. of land development, a marina with 216 no. berths, a fishing pier, a nautical centre slipway, and a freight rail link. At the outset and for the Commission's convenience, I will provide an overview of the Commission's position in relation to the principle of the development within the relevant policy context at the time of the decision in 2015.
- 7.2.2. In its decision on 25<sup>th</sup> September 2015, the Commission highlighted the existing constraints and deficiencies affecting the operations of the Port of Galway and acknowledged that failure to address these deficiencies would signal the demise of commercial shipping in the medium-long term. It was highlighted that this would impair the ability of the western region to exploit the natural resources of its hinterland, impair the competitiveness of the region, and increase the disadvantage of the region. It was considered that this created an imperative need for the development as important regional infrastructure. Further to this, the Commission stated that continuing to use the inner harbour as a commercial port would constrain the development of the city centre.
- 7.2.3. In 2015, the planning inspector in his report to the Commission dated 27<sup>th</sup> February 2015 outlined his concerns in relation to the Port of Galway having a tier 3 status under the NPP and how this situated Shannon/ Foynes, as a tier 1 and TEN-T designated port, as the most appropriate location for expansion and development on the western seaboard. It was also recognised by the Commission, in their decision, that there are several other Irish ports, including Shannon-Foynes, which are capable of handling the existing and planned future commercial freight tonnage of

the Port of Galway. However, the Commission considered that shifting commercial activities from Galway to Shannon-Foynes would seriously impair Galway Port's ability to fulfil its functional role as a tier 3 regional port, as envisaged in the National Ports Policy 2013 (NPP), into the longer term. It stated that this would also compromise the development of Galway as a Gateway City as designated in the National Spatial Strategy.

- 7.2.4. The Commission outlined the socio-economic benefits that would accrue to Galway and the region as a result of the proposed development, including tourism development, marine research and development, offshore renewable energy, urban regeneration opportunity, and sailing/ leisure opportunities. On this basis, the Commission decided to invite GHC to confirm that it wished the project to be considered under Article 6(4) (IROPI) of the Habitats Directive. The process that was undertaken is outlined in sections 1.3, 1.4 and 1.5 above.
- 7.2.5. The following provides an overview of both the updated and new policies and guidelines that are pertinent to the proposed development. I will also highlight any new legal parameters within which the proposed development must be considered and discuss other policy issues raised in the submissions of prescribed bodies and third parties.
- 7.2.6. At European level, I confirm to the Commission that the policy position for the development of the Port of Galway has been significantly strengthened. The Trans European Network – Transport ("TEN-T") network of July 2024 includes Galway as an **Urban Node** and a **Comprehensive Port** for the first time.<sup>10</sup> From a policy perspective, I am satisfied that this would position the Port of Galway to be expanded and developed in tandem with other Irish ports that are designated as either 'core' or 'comprehensive' under the TEN-T. Significantly, all TEN-T network ports are eligible to apply for the Connecting Europe Facility (CEF) Fund<sup>11</sup> – including for ORE Ports Facilitation. The CEF contributes to the completion of the core network and comprehensive network, which are policy objectives of the trans-

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<sup>10</sup> Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013.

<sup>11</sup> The Connecting Europe Facility (CEF) for Transport is the EU funding instrument that supports the development of the trans-European transport (TEN-T) network.

European transport network. The comprehensive network connects all regions of the EU to the core network and is intended to be completed by 2050.

- 7.2.7. At national level, although the NPP designation of the Port of Galway as a tier 3 port has not changed from 2013, this policy is currently under review with an issues paper presented for public consultation.<sup>12</sup> The designation of the Port of Galway as a Comprehensive Port in the TEN-T Europe-wide network may be reflected in the updated version of the NPP in the form of designation as a tier 2 port. I advise the Commission that the designation of a Comprehensive Port under the TEN-T policy is more than sufficient in its own right to come to a judgement that the Port of Galway is now recognised at European level as a higher order port than envisaged in the NPP in 2013.
- 7.2.8. The designation of Galway as an Urban Node within the TEN-T network, is underpinned at national level in the NPF. As outlined in Section 6 above, the NPF strategy aims at targeting a level of growth in the country's Northern and Western and Southern Regions combined, to at least match that projected in the East and Midland Region. In so doing, the Framework supports ambitious growth targets to enable the four cities of Cork, Limerick, *Galway* and Waterford to each grow by at least 50% to 2040 and to enhance their significant potential to become cities of scale. This is supported by **NPOs 2, 3, and 4**.
- 7.2.9. Galway's future growth will be dependent on the delivery of a number of regeneration projects to extend and intensify the City Centre, including the Station, Docks, Headford Road and Sandy Road areas. The NPF states that ports of regional significance, such as Galway, have an important role for regional employment and services. In this regard, I am satisfied that the expansion and development of the Port of Galway will be a key enabler in Galway fulfilling its growth targets and the enhancement of the strategic regional role envisaged for the city in the NPF.
- 7.2.10. It is an objective of the NMPF to safeguard the operation of ports as key actors in the economic wellbeing of the State through the provision of safe and sustainable maritime transport. It is also an objective to facilitate a competitive and effective

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<sup>12</sup> Part 1 of the consultation process involved the publication of an Issues Paper, inviting submissions from stakeholders and this was completed on 15<sup>th</sup> January 2024. Part 2 will be a shorter public consultation on the Draft Policy document. The objective of the Department of Transport is to present a new draft policy to the Government in 2025.

market for maritime transport services. I am satisfied that the proposed extension to the Port of Galway aligns with these objectives and will lead to progressing towards the realisation of the NPP with a view to providing adequate capacity to meet present and future demand, and to adapt to the consequences of climate change.

- 7.2.11. At a regional level, the RSES for the Northern and Western Region, and particularly policy objective **RPO 4.36** supports the sustainable expansion and upgrade of Galway Harbour and Galway Port as part of the overall vision to grow Galway as a City Region, subject to visual, transport and economic viability considerations and in compliance with the EU Habitats Directive (which may necessitate consideration of IROPI). The Commission should also note that the aim within the RSES to support the further examination of the feasibility for pursuing the designation of Galway Port as an EU TEN-T Comprehensive Port has been realised (as detailed above in section 7.2.6). The upgrade of Galway Harbour and Port continues to represent a key strategic priority for the Western Region. I consider that this designation adds more weight to the pursuit of policy objective RPO 4.36.
- 7.2.12. I note that the submission of the LDA highlights the importance of freeing up of the Docks area to facilitate the development of both lands in their ownership and other adjacent city centre lands for what I would consider to be more appropriate residential and commercial use at this city centre location. In this regard, I contend that the proposed development would assist in realising policy objectives **RPO 3.6.2** and **RPO 3.6.4** where the Regional Assembly supports the regeneration and development of city centre sites at Galway Harbour and the proposition that 50% of new homes for the population targets will be constructed within the existing city development envelope with 40% of these located on infill and/or brownfield sites
- 7.2.13. At local level, there is significant policy support for extending the Port of Galway in the GCDP. In particular **Policy 4.7 Galway Port** supports proposals for development and extension of port facilities and an extension of the rail line to the port, which are of strategic importance to the City and the northern and western region. The City Council also supported the port's potential to become part of the EU TEN-T Comprehensive Networks, which, as outlined above, has been realised.
- 7.2.14. Further to this, one of the Strategic Goals of the Council is to enable Galway to become a city of scale as envisaged in the NPF and a regional driver of

development. In Section 6.3.9 Marine Sector & Renewable Energy of the GCDP, it is stated that re-development and extension of the harbour including the reclamation of 27 hectares is supported in the Plan as it is considered to have potential to contribute to marine enterprise and employment, the capacity to boost tourism and also provide for additional public realm with capacity for hosting large events. **Policy 6.9.2 Marine Sector & Renewable Energy** supports the migration of industrial uses from the inner harbour area to suitable locations to enable regeneration of the inner harbour area in line with national and regional objectives. It states that the benefit to the city also is that the re-location of activities further offshore will enable the re-development of the designated regeneration site at the inner harbour to provide for a new and compact, mixed-use quarter on the waterfront and adjacent to the city centre.

7.2.15. Similarly, **Policy 6.9.4 Marine Sector & Renewable Energy** in the GCDP supports the sustainable re-development and extension of the Port of Galway and the diversification and expansion of activities in line with the NMPF or any emerging national ports strategies. This is further supported by the Policy Statement on the facilitation of Offshore Renewable Energy by Commercial Ports in Ireland whereby, to meet Ireland's target of 5GW by 2030, a minimum of two facilities will be required from 2025 onwards for deployment activity and a multiple of smaller ports will be needed for O&M operations. Although it is recognised that Shannon-Foynes Port and the Port of Cork can also play a significant part in the provision of the required large scale port infrastructure, there will also be opportunities for other ports along the west coast such as the Port of Galway.

7.2.16. I do note the contents of the submission from An Taisce and a number of third parties in this regard whereby they highlight what they consider to be more appropriate alternative ports for the facilitation of the roll-out of ORE off the west coast. These include the Shannon-Foynes jetty expansion and logistics park (co-funded by the EU's Connecting Europe Facility (CEF)), the €100m project to be built at Ringaskiddy, Co. Cork, and Belfast Harbour's existing capabilities regarding offshore wind (and further proposed £90m investment in a new deepwater quay to support floating offshore wind farms). They also highlight the suitability of the deepwater quay at Ros an Mhíl, Co. Galway as an offshore servicing site.

7.2.17. I consider that the policy position for developing the Port of Galway has been strengthened since the 2015 decision by the Commission, particularly with its designation as an **Urban Node** and a **Comprehensive Port** under the TEN-T network. Notwithstanding the obvious socio-economic benefits that would accrue to Galway City and the region in terms of having a larger working port, an enhanced tourism industry, the opportunity to develop brownfield sites for city centre uses, and enhanced local amenities, I consider that having for example Shannon-Foynes Port and the Port of Galway working in association with each other rather than directly competing for the long term development of the country's offshore renewable infrastructure could only result in the advancement of achieving the essential and legally obligated climate targets between now and 2050.

7.2.18. Having regard to the nature and scale of the proposed development, the long-established existing land use on the site, the location of the site and the national, regional and local planning policies that supports an expansion of the Port of Galway as well as the designation of Galway as an Urban Node and a Comprehensive Port under the TEN-T network, I consider that the principle of the proposed development is strengthened under all of the updated tiers of planning policy.

### 7.3. **Climate Targets**

7.3.1. As part of the update of the EIS, GHC has submitted details in relation to the carbon footprint of the proposed harbour extension in order to determine and assess the sustainability of the project and whether it aligns with sustainability goals. This carbon footprint includes estimations of both embodied and operational carbon, as well as all project life cycle stages.

7.3.2. An Taisce contends that the response of the applicant in relation to climate does not appear to have adequately considered significant changes since the original EIS in 2014 under:

- National Energy and Climate Plan 2021-2030 (NECP)
- Climate Action and Low Carbon Development Acts 2015-2021
- Galway City Local Authority Climate Action Plan 2024-2029

- 7.3.3. These policy documents contain the broader, overall national projections for emissions reductions provided by the EPA. Section 15 of the Climate Action and Low Carbon Development Act 2015 requires the Commission, as a public body, to perform its function in a way that is consistent with Ireland's climate goals, such as supporting climate action plans and national adaptation frameworks. My assessment hereunder interrogates this consistency and seeks to ascertain whether the proposed Galway Harbour Extension could assist in the advancement of achieving Ireland's legally obligated climate targets between now and 2050.
- 7.3.4. An Taisce state the estimated embodied carbon (73,060 tCO<sub>2e</sub>) of the proposed development would represents 0.0366% of Ireland's 2026-2030 Carbon Budget of 200 MtCO<sub>2e</sub>. It would also represent 0.3% of the Sectoral Emissions Ceiling of 24 MtCO<sub>2e</sub> for industry for the period 2026-2030. An Taisce also state that Ireland is going to overshoot its 2021-2025 legally binding Carbon Budget and, therefore, this overshoot will have to be deducted from the legally binding 2026-2030 budget.
- 7.3.5. An Taisce highlight that the embodied carbon of the proposed development (73,060 tCO<sub>2e</sub>) would represent 30.21% of the target carbon emissions for Galway City outlined in the LACAP for 2030. An Taisce also highlight that the operational stage of the proposed development represents 4.2% of the city's target carbon emissions for 2030 and not the 2.1% stated in the EIS (Section 11.7 Cumulative Impact Assessment).
- 7.3.6. CAP24 and CAP25 include objectives to support proposals which aim to achieve a climate neutral economy. In line with EU ambition, the Programme for Government, Our Shared Future commits to achieving a 51% reduction in Ireland's overall GHG emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050. It is acknowledged in the EIS Addendum that if policies and measures in the higher ambition (with additional measures) scenario are implemented, Ireland can achieve a reduction of 29% by 2030 compared to 2018. Within this context, the point that An Taisce articulate in relation to overshoot is well made.
- 7.3.7. In their response to An Taisce's submission, GHC state that An Taisce have failed to take account of the positive impact that the GHE will have towards achieving climate goals and, essentially, the 'do-nothing' scenario will give rise to 11% higher emissions of CO<sub>2</sub> equivalent and, therefore, the proposed development is in line with

Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

- 7.3.8. It is stated in the LACAP that the GHG emissions for Galway City in 2018 totalled 493,503 tCO<sub>2</sub>e and considering the national level target to achieve 51% reduction in greenhouse gas emissions vs. 2018 by 2030, the 2030 emissions target for Galway City is a reduction to 241,816 tCO<sub>2</sub>e.<sup>13</sup> An Taisce is correct in its calculation that the 73,060 tCO<sub>2</sub>e of embodied carbon of the proposed development represents 30.21% of the target emissions.
- 7.3.9. Although the figures presented by An Taisce in relation to carbon footprint and emissions are accurate, I consider them to be more statements of the facts rather than to be of use in any argument against the principle of the proposed development. For example, there is no disagreement with the figure of 73,060 tCO<sub>2</sub>e of embodied carbon within the proposed development. However, I consider that the life of the proposed development could be the equivalent of the existing quays (160 years) or, in a pessimistic scenario, 100 years. Consequently, the embodied carbon can be considered to at least a 100-year output and should be included in any calculations as such.
- 7.3.10. Further to this, I disagree with An Taisce's exercise in comparing the carbon footprint figures for the proposed development to the housing unit equivalent and contending that one has to be offset against, or developed in lieu of, the other. The achievement of emissions target will be sectoral led and cross-sectoral. For example, even with the expansion of activity in the Port of Galway predicted to increase per the Irish Ports Capacity Study 2023, it is anticipated that the importation of liquid bulk at the port will decline commensurate with a reduction in its use within the residential, transport and industry sectors in Ireland.
- 7.3.11. It is estimated that during the operational stage, the average annual emissions of CO<sub>2</sub>e would be c.10,255 tonnes/year and that the operational phase of this proposed development will contribute c.2.1% of Galway City's emissions on an annual basis.<sup>14</sup>

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<sup>13</sup> P.20, Section 2.2.1 Sources of Emissions in Galway City, Galway City Council Local Authority Climate Action Plan 2024-2029

<sup>14</sup> P.6, Cumulative Impact Assessment, Chapter 11, EIS Addendum

Although An Taisce claim, correctly, that this represents 4.2% of the city's 2030 target carbon emissions, the actual figure is not disputed.

- 7.3.12. In relation to specific climate targets, the carbon footprint of the proposed site is clearly annotated in Table 11-1 Carbon Life Cycle Emissions from the Proposed Installation of the EIS. Total Carbon Emissions over a 30 year life cycle of the proposed development are estimated to be 380,735 tCO<sub>2e</sub>. It is stated in the EIS that the “Do-Nothing” scenario as outlined in the Carbon Life Cycle Assessment Report<sup>15</sup> has projected carbon emissions for the same period of 424,464 tCO<sub>2e</sub>, which is 11% higher emissions of CO<sub>2e</sub>. Basically, the proposed development will reduce its climate impact when compared with the “Do-Nothing” scenario. The “Do-Nothing” scenario would result in higher CO<sub>2</sub> emissions from increased road traffic hauliers than the emissions scenario for the proposed development and by utilising this regional port and transporting goods by sea in larger vessels, the carbon footprint of goods delivered to the region will be reduced.
- 7.3.13. Additionally, I consider the NECP to be clear and supportive of the Department of Transport policy statement on the facilitation of ORE by ports by stating that a multiport approach to the provision of port infrastructure to facilitate the development of ORE in Ireland will help maximise the economic benefits at regional as well as national level in terms of the creation of jobs and new SMEs that can support the development of the ORE industry.<sup>16</sup> I have also articulated the practicalities of this view for achieving climate targets in section 7.2 above.
- 7.3.14. Overall, I am satisfied and agree with the applicant that the proposed Galway Harbour Extension will accommodate inter-modal transport, facilitate offshore and onshore renewable energy projects which will positively support the delivery of the goals and objectives set out in the CAP25 and that the proposal to include a freight rail link will enable freight and cargo to be efficiently transported to and from the Galway Harbour Extension, when viable, to allow positive road traffic and environmental benefits.

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<sup>15</sup> Carbon Life Cycle Assessment Report, Appendix 11.1, EIS Addendum

<sup>16</sup> P.164, Ireland's integrated National Energy and Climate Plan 2021-2030 (July 2024)

#### **7.4. Compliance with Water Framework Directive**

- 7.4.1. I draw the Commission's attention to the report prepared by Mr. Emmet Smyth, An Coimisiún Pleanála's in-house scientist, contained in Appendix 3 attached to this planning report.
- 7.4.2. Mr. Smyth's assessment was undertaken to ascertain whether the proposed development would result in the deterioration of the current Water Framework Directive status of the relevant water bodies within the project area. In this regard, the project is located within the following surface water bodies, Corrib Estuary a transitional waterbody not heavily modified, Inner Galway Bay North coastal waterbody and Oranmore and Corrib river waterbodies. The project also lies within the Clarinbridge groundwater body (WE\_G\_0008) which is at good status both qualitatively and quantitatively there are no likely significant water quality effects on groundwater expected.
- 7.4.3. The Commission should note that Mr. Smyth assessed the potential impact that the proposed development may have on the environment and water quality and concluded that the proposed development will not result in a risk of deterioration of any water body, either on a temporary or permanent basis.
- 7.4.4. GHC do acknowledge that the construction of the proposed development will have impacts on the physical and chemical characteristics of the aquatic environment in the vicinity of the mouth of the River Corrib. The most significant impact will arise due to sediment being brought into the water column by dredging activities during the construction phase only, but this will be localised.
- 7.4.5. I note from the original EIS that the harbour extension will result in permanent changes to current direction and velocity, sediment distribution in the area to the east of Mutton Island, salinity values and wave climate characteristics. These changes are also considered localised, minor in scale and will not affect water quality or the functioning of the ecosystem. To affect this, for example, mitigation to protect Lough Atalia from sediments will involve confining dredging activities to the outgoing ebbing flow for the proposed navigation channel section to the Docks and Marina on the west side of the harbour.
- 7.4.6. GHC have submitted information about additional surveys carried out and data collated between 2014 and 2024. GHC have reviewed bathymetric surveys of the

Galway Docks basin area, and surveys of the navigation approach channel are conducted on a 6-month basis for the Harbour Authority. The most recent survey was conducted by Hydro Survey in March 2024 and showed little change in bed levels occurring over the original bathymetry used in the hydrodynamic modelling assessments.<sup>17</sup> No maintenance dredging campaign has been required on the artificially deepened navigation channel since 2001 and at both the Corrib channel section and the entrance to Lough Atalia the velocities maintain a stable rocky bed with no deposition.

- 7.4.7. In relation to water quality, the Coastal Waterbody Status of Inner Galway Bay North 2013-2018 was measured as 'Good'.<sup>18</sup> Similarly, it is stated that Bathing Water Quality was measured at Ballyloughane Beach in 2023 and was noted as having 'Excellent Water Quality', while Grattan Road Beach achieved 'Good Water Quality' status in 2023. The AER 2022<sup>19</sup> noted the discharge from the wastewater treatment plant does not have an observable impact on water quality or a negative impact on the WFD status.
- 7.4.8. An Taisce have outlined deficiencies in the 2022 and 2023 AERs submitted by UÉ to the EPA and highlight deficiencies in the wastewater and storm water networks referenced in UÉ's Drainage Area Plan for the Galway agglomeration. Further to this, An Taisce contends that the findings of a survey carried out by McBreen Environmental on the existing siphons should have been considered as the proposed development will provide facilities for ships to discharge sewage into the network.
- 7.4.9. However, UÉ have acknowledged the applicant's proposals to extend public water and wastewater network infrastructure from the existing Galway Harbour Enterprise Park (GHEP) into the proposed reclaimed landbank and merely request GHC to engage with them prior to works commencing to agree any diversion measures and/or achieve separation distances. I consider a further issue raised by An Taisce in relation to UÉ's compliance with condition no.5 of their discharge licence to be matter for the EPA and not necessary for the Commission to consider.

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<sup>17</sup> See Bathymetric Survey Drawings, Appendix 8.1 and Appendix 8.2, Chapter 8, EIS Addendum

<sup>18</sup> <https://gis.epa.ie/EPAMaps/SewageTreatment>

<sup>19</sup> Annual Environmental Report – Galway City D0050-01 (Irish Water, 2022)

- 7.4.10. In his report, Mr. Smyth advises that for the years 2022 and 2023 the AERs have deemed the Galway agglomeration to be compliant with no exceedances across the various parameters and compliant with the conditions of the discharge authorisation. Mr. Smyth also notes that UÉ reports that the coastal and transitional waters met the required EQS as stipulated under the Surface Water Regulations 2009, with the treatment plant not to be deemed to having any negative impact on the ability of the receiving waters to achieve Water Framework Directive objectives. Mr. Smyth confirms that data from the last three years would suggest that the WWTP presently is not impacting on water quality and therefore will not impede the ability of the WFD objectives to be met post development. On this basis, I am satisfied that any increased loading on the public wastewater treatment infrastructure as a result of the proposed development will be treated adequately and will not have any adverse impact on the water quality in Galway Bay.
- 7.4.11. The EPA advise that a dumping at sea permit is required in the event of any deliberate disposal of a substance or material in the maritime area. In their response to this, GHC have confirmed that there will be no dumping at sea and that all dredged material will be reused for the land reclamation component of the GHE.
- 7.4.12. In their submission, IFI highlight the classification of the River Corrib under the EU WFD as of 'good ecological status' and 'not at risk' and the need to maintain these statuses. Following the updated desk study assessment on water quality within the proposed development area and the surrounding Inner Galway Bay, it is confirmed that the conclusions in relation to water quality remain valid as no significant changes to the baseline have occurred since the original EIS and associated documentation was submitted. The conclusions previously described in the EIS remain valid and previously identified mitigation measures should remain in place to ensure this water quality status is maintained.
- 7.4.13. Notwithstanding the conclusions outlined above, I again draw the Commission's attention to the report prepared by Mr. Smyth and his comments therein. Mr. Smyth notes that the Terryland\_10 stream enters the Corrib main channel and is presently at Moderate status due to pressures attributable to a combination of channelisation and misconnections. The main channel Corrib\_020 is of good status and not deemed to be at risk downstream from the entry point of the Terryland\_10 stream. Mr. Smyth is satisfied, given the distance, that the development and operational

works will not propagate upstream and, therefore, will not impact on the ability of the Corrib to retain its good status.

7.4.14. Mr. Smyth outlined the extent of his review of the new information presented by the applicant and the concerns outlined by An Taisce and IFI in their submission. I am satisfied with his conclusion that the proposed development will not result in a risk of deterioration of any water body, in this instance coastal waters, either on a temporary or permanent basis nor will it impact the ability of any water body to retain its good status.

## 7.5. Marine Hydrology

7.5.1. Professor Jørgen Fredsøe, a marine hydrologist consultant was originally appointed to specifically assess the proposal and whether or not it would have any impact on the hydrodynamics of the marine environment. Professor Fredsøe was present at the oral hearing and prepared a full report on the planning application in 2014. Professor Fredsøe was re-appointed to review the updated information submitted by GHC as follows:

- Review the hydrological elements of the project insofar as they relate to project amendments and submissions/ observations.
- Assess the adequacy of the sections of the Environmental Impact Statement (EIS) Addendum of 2024 (including all addenda) relating to hydrology.
- Assess the adequacy of the Natura Impact Statement (NIS) Addendum of 2024 (including all addenda) relating to hydrology.
- Review and evaluate submissions relating to hydrology received as part of the public consultation process.

7.5.2. Professor Fredsøe's report is attached to my planning report (Appendix 2 refers). I do not propose to summarise Professor Fredsøe's report, but I will draw the Commission's attention to his comments therein and the main conclusions in relation to the marine hydrology issues, which I will reference throughout my assessment hereunder. I confirm to the Commission that there is no conflict between Professor Fredsoe's report in relation to his assessment of the adequacy of the hydrology

aspect of the NIS Addendum 2024 and Mr. Bastreri's expert ecology report on the same documentation.

### Flooding

- 7.5.3. The proposed development site is located within Flood Zone A as defined within the DoEHLG's guidelines.<sup>20</sup> Flood Zone A is the high flood risk zone and represents lands that are below the 100-year fluvial flood level or the 200-year tidal or combined (tidal and fluvial) flood level. The Guidelines state that only water-compatible development, such as docks and marinas, dockside activities that require a waterside location, amenity open space, outdoor sports and recreation, would be considered appropriate in this zone. The proposed Galway Harbour extension is considered a water compatible development and recognised as appropriate development for Flood Zone A.
- 7.5.4. It is stated in the EIS Addendum that the quay height and operational ground level along the Quay are set at 4.7m O.D. Malin which is above the design flood level of 4.646m O.D. and therefore considered safe from inundation from storm surge tides. The minimum finished floor level for all buildings on the port site is to be 5.5m O.D. which is above the design flood level providing a freeboard of 850mm and not considered at risk of flooding from tidal/ combined fluvial flood inundation.
- 7.5.5. It is noted in the LACAP that, most recently, river and pluvial flooding events in 2020 and 2021 demonstrated a range of impacts for Galway City. These impacts included damage to residential properties, closure of businesses, disruption to public services and closure of transport networks. Projected increases in the frequency of extreme precipitation events will result in increased surface water and riverine flood risk for Galway City.<sup>21</sup>
- 7.5.6. Since the original application to the Commission in 2014, an additional 13 years of gauged tidal flood data has become available for the gauges at Wolfe Tone Bridge, Oranmore and Galway Port. These are presented in Tables 8.4, 8.5 and 8.6 of the

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<sup>20</sup> The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (November 2009)

<sup>21</sup> P.15, Section 2.1.2 Extreme Weather Events, Galway City Council Local Authority Climate Action Plan 2024-2029

EIS Addendum. This additional data increases the robustness and accuracy of the extreme water level predictions for updating the flood risk and impact assessment.

- 7.5.7. Following on from these considerations, the updated assessment of flood risk confirms that the critical flood level is the 200-year tidal storm surge plus statistical error of 4.194m OD plus mid-range climate change allowance (sea level rise) of 0.5m giving a flood design level of 4.694m OD Malin. GHC confirm that this design flood level is only 0.048m higher than the original design flood level in the 2014 EIS. The Flood Risk Assessment in the EIS Addendum concludes that proposed harbour extension development has been shown not to impact on flood risk for the adjoining areas.
- 7.5.8. In their submission, An Taisce contends that there is no evidence that potential sea level rise has been factored into the proposed development since the original application. An Taisce give a demonstration of how the storm surge during Storm Éowyn was in the order of 2.75m above the astronomical tide and express concern that the finished floor levels of all proposed buildings provide a freeboard of 295mm (and not the 800mm suggested in the EIS) if the same surge were to occur at highest tide. Further to this, An Taisce requests the Commission to seek the applicant to review impacts of storm surges of the height that occurred during Storm Éowyn and how the proposed development might cause deflection of storm surge waters to other areas.
- 7.5.9. In response to this, GHC contend that the profile of the storm surge associated with Storm Éowyn as presented by An Taisce is an over-simplistic representation, which exaggerates the storm surge component of a possible flood event. GHC explain how this would represent a 1 in 2000-year event and that the recommended 200-year coastal flood level of 4.2m OD is supported by robust analysis.
- 7.5.10. As noted above, Professor Jørgen Fredsøe was retained by the Commission to carry out an independent assessment<sup>22</sup> of this particular issue, and all other marine hydrology issues associated with the proposed development. Should the Commission need to refer to his original report it is appended to Mr. Paul Caprani's Inspector's Report dated 27<sup>th</sup> February 2015.

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<sup>22</sup> Please refer to Appendix 2 attached to this Planning Report for the Marine Hydrology Assessment prepared by Professor Jørgen Fredsøe.

- 7.5.11. In his report dated 28<sup>th</sup> March 2025, Professor Fredsøe makes the distinction between tidal flow and storm induced flow, as tidal flow is independent of climate changes. GHC make the same point in their response to An Taisce's submission and disagree with the calculations. The Commission should note that there is a difference in GHC's and An Taisce's calculation of available freeboard of approximately 500mm for a Storm Éowyn surge, spring tide, and west to south wind occurring at the same time. However, I consider this to be a moot point as the main consideration is the displacement of water and its impact on nearby buildings and land uses.
- 7.5.12. Whilst Professor Fredsøe acknowledges An Taisce's calculations in relation to the worst-case scenario storm surge, he explains that the timescale for a rising storm surge (c.1.5 hours) will mean the displaced by structure water being levelled over a larger bay area and, consequently, any additional water level increases will be negligible (less than a few millimetres). On this basis, I am satisfied that any future storm surges, even in the worst-case scenario, will not result in any significant displacement of water as a result of the GHE and, therefore, will not contribute to any additional flood impact on residential and commercial properties in Galway City.

#### Wind and Waves

- 7.5.13. The original wave climate study in the 2014 EIS used historical wind data from the Belmullet Station. As part of the update by GHC, the most recent 22-year wind record of hourly wind speeds from the nearest coastal Met station to Galway at Mace Head was examined. Professor Fredsøe highlights that wind waves are formed by wind, and their size grows with free stretch, strength and direction of wind and finally the time, the wind is acting. However, the free stretch in the most exposed direction (WSW) for the bay is limited because of the Aran Islands.
- 7.5.14. The EIS Addendum includes additional data over a 22 year wind record, and this data modifies the predicted 50 year wind from 30m/s to 31-32m/s. Similarly, the wave climate modelling and findings are considered to remain valid. I am satisfied that this is a very small increase and Professor Fredsøe confirms that it is reasonable to neglect this small increase in predicted extreme wind, since the waves break in shallow water, so the limited water depth limits their height anyway. Consequently, I am satisfied that the findings in the original EIS in relation to wind and waves also remain valid.

## Other Marine Hydrology Issues

- 7.5.15. The Commission should note that Professor Fredsøe identified a potential issue at the western side of the GHE near the mouth of the River Corrib where the proposed outer western breakwater acts as a guiding wall for the river, which is being deflected to a more southern direction. Although this will keep the newly dredged channel for the Inner Harbour clean, additional scour may be introduced along the breakwater and further upstream. A result of this effect will be to increase water levels at the curve in the river by the order a few centimetres at very high river flows. I am satisfied that the impact of this would not be significant and, otherwise, the GHE would not contribute to a rise in water levels.
- 7.5.16. The Commission should also note that An Taisce suggest that the proposed development would be premature pending permission being granted for an appropriate flood relief scheme for Galway City. At present, the Galway Flood Relief Scheme is still at feasibility and design stage and a proposed scheme has not been fully developed. It is stated in the EIS Addendum that the likely solution to coastal flooding will be shoreline defences in the form of walls, rock armouring, embankments and possibly demountable defences. I am satisfied that proposed GHE will not obstruct any such potential defence heights or locations in such areas which include the Galway Docks, Claddagh Basin, Southpark, and Salthill promenade. As outlined above, the proposed GHE will have no impact on flood risk for the adjoining areas and, consequently, I do not consider the proposed development to be premature pending a flood relief scheme.

## **7.6. Biodiversity**

- 7.6.1. At the outset, I draw the Commission's attention to changes in Natura 2000 designations and qualifying interests within these designations since 2014. These are annotated in Table 7-1 of Chapter 7 Flora and Fauna of the EIS Addendum. I will assess the implications of these changes separately within the Appropriate Assessment (see Section 8 below). I will confine this part of my assessment to possible impacts as a result of new surveys or data on biodiversity in general.

## Habitats

- 7.6.2. The main development area comprises marine habitat in the form of a sheltered shore covered with seaweeds. An intertidal survey carried out in 2023<sup>23</sup> recorded lichen species on the rock armour above high water. Different algal species were recorded in the upper shore, mid shore and in the lower shore areas and some species were recorded throughout the shore. These habitats are clearly presented in Figure 3.3: Intertidal substrate habitats at Renmore of the Intertidal Habitat Assessment in Appendix 7.1 of the EIS Addendum.
- 7.6.3. The classifications for the upper shore and bedrock (with barnacles), mid shore biotope, and lower shore biotope (with red seaweeds) remain the same since 2014. 10 no. intertidal sampling stations<sup>24</sup> were used for benthic sampling and analysis. The biotopes found in the sand, shell and mud substrates were determined by their infaunal species and this is outlined in section 3.2.2 of the Intertidal Habitat Assessment. 54 no. taxa were found to be present, consisting of 1 no. cnidarian (anemone), 1 no. nematode (roundworm), 1 no. nemertean (ribbon worm), 21 no. annelids (segmented worms), 14 no. arthropods (crabs, shrimps, prawns), and 16 no. molluscs (mussels, cockles, snails, etc.). Overall, it is clearly presented that the baseline marine habitats as previously described in the original EIS remain valid.
- 7.6.4. A desk study was carried out in relation to terrestrial habitats both within the site of the proposed development and in the zone of potential influence. A field assessment was also conducted to determine whether there had been any significant changes to the baseline environment in terms of terrestrial habitats and flora.
- 7.6.5. This field assessment confirmed that lands within the site boundary were dominated by habitat classified as Buildings and artificial surfaces (BL3) and Spoil and bare ground (ED2) with small areas of Scrub (WS1), consistent with the findings of the original EIS. No significant changes to areas of previously mapped Shingle and Gravel Banks (CB1) at Renmore Beach were found to have occurred, although some of the shingle area is now vegetated with species of Sea Radish, Sea mayweed and Spear leaved oracle, as per the stony bank report.<sup>25</sup> As shingle banks are dynamic habitats these minor changes are not considered to be significant. Essentially, the

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<sup>23</sup> GHC provide the full results of the 2023 intertidal survey in the Intertidal Habitat Assessment, Renmore, Galway Bay (AQUAFAC, June 2023), Appendix 7.1, Volume 2, EIS Addendum.

<sup>24</sup> P.2, Tables 2.1 and 2.2, *ibid*.

<sup>25</sup> See: A Survey of Shingle Vegetation at Renmore, Co. Galway (Enviroscope Environmental Consultancy, September 2017), Appendix 7.2, Volume 2, EIS Addendum.

results of this walkover survey also found that there have been no significant changes to the terrestrial habitats either within the site of the proposed development or in the zone of potential influence.

- 7.6.6. It should be noted that Japanese knotweed was recorded within the proposed development site, close to the railway track.<sup>26</sup> This species was not recorded during the surveys undertaken to inform the original EIS and, consequently, an Invasive Species Management Plan has now been prepared by MKO on behalf of GHC.

### Lagoons

- 7.6.7. In the original EIS it was noted that both Lough Atalia and Renmore Lough were species poor. An updated survey of Lough Atalia was undertaken with a 'drop down video' in July 2024<sup>27</sup>, which confirmed this. The most diverse station in the original survey was station 1, closest to the open sea, and, similarly, this was confirmed in the updated survey. Lough Atalia is regarded as grossly polluted and of no conservation value. Salinity readings of 22.26 – 26.08 were also recorded, which are indicative of brackish water and also fall within the same ranges as those noted in the original EIS.
- 7.6.8. A sweep net and probe survey<sup>28</sup> was carried out in Renmore Lough. The sweep survey showed a similar composition of lagoonal specialist species as those observed in a previous coastal lagoon monitoring survey in 2016. Four lagoonal specialist species were recorded in the 2016 and 2024 surveys, whilst two of these (*Ecrobia ventrose* and *Ruppia sp.*) had only been recorded in the 2013 survey that informed the original EIS. Again, salinity readings of 5.88 – 14.6 were recorded, which are indicative of brackish water and also fall within the same ranges as those noted in the original EIS.
- 7.6.9. I am satisfied that it clearly presented following field surveys that no significant changes to the baseline environment in these lagoons have occurred since the original EIS and associated documentation. Consequently, although Lough Atalia is

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<sup>26</sup> Drawing No.: Figure 1, Japanese Knotweed Invasive Species Management Plan (MKO, September 2024), Appendix 7.10, Volume 2, EIS Addendum.

<sup>27</sup> Figure 7-10: Drop down video locations at sites of previous sample grabs, Chapter 7 Flora and Fauna, Volume 1, EIS Addendum.

<sup>28</sup> Figure 7-15: Renmore Lough sampling stations, *ibid.*

regarded as grossly polluted, I am satisfied that the proposed development will not exacerbate its condition or prevent it from obtaining good ecological status.

### Mammals

7.6.10. Aquafact were engaged by GHC to carry out Marine Mammal Observer (MMO) surveys in 2023. The survey work (nine land-based watches at Nimmo's pier and one boat-based watch which was carried out in the vicinity of Galway Bay) was carried out during daylight hours to record the marine mammal activity in the vicinity of the Proposed Development. The harbour seal was the most sighted species with a total of 38 sightings; the grey seal was sighted 9 times; and there were 22 sightings of the bottlenose dolphin. However, no conclusive observations of harbour porpoise were recorded in the 2023 surveys.<sup>29</sup>

7.6.11. There is potential for significant effects on each of these species if appropriate mitigation is not in place for the duration of the construction period through potential collision risk, noise level disturbance and sedimentation increase in the water column causing dispersal of prey. The Commission should note that the previously reported exclusion zones (Southall *et al.*, 2007)<sup>30</sup> are now updated (Southall *et al.*, 2019)<sup>31</sup> to the following:

- Impact piling: 1,900m
- Blasting: 1,500m
- Dredging: 1,700 m

7.6.12. Additionally, the provision of an experienced MMO for the duration of the pre-construction works in addition to the construction period of the proposed development will ensure no significant effect on marine mammals within the proposed development area. The MMO will also be engaged during the 2D seismic surveys. I note an exclusion zone of 1,000m is required for all seismic surveys per

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<sup>29</sup> Harbour seal (*Phoca vitulina*), Grey seal (*Halichoerus grypus*), Harbour porpoise (*Phocoena phocoena*) and Bottlenose dolphin (*Tursiops truncatus*) are qualifying interests of a number of SACs in the vicinity of the proposed development.

<sup>30</sup> Southall, B. L., Bowles, A. E., Ellison, W. T., Finneran, J. J., Gentry, R. L., Greene, C. R. Jr., Kastak, D., Ketten, D. R., Miller, J. H., Nachtigall, P. E., Richardson, W. J., Thomas, J. A., and Tyack, P. L. 2007. Marine mammal noise exposure criteria: Initial scientific recommendations. *Aquatic Mammals*, 33(4), 411-521.

<sup>31</sup> Southall, B. L., Finneran, J. J., Reichmuth, C., Nachtigall, P. E., Ketten, D. R., Bowles, A. E. & Tyack, P. L. 2019. Marine mammal noise exposure criteria: Updated scientific recommendations for residual hearing effects. *Aquatic Mammals*, 45(2), 125-232.

current guidance.<sup>32</sup> If the Commission is minded to grant permission for the proposed GHE, I recommend that a condition be attached to such a grant of permission specifying these exclusion zones or in accordance with any updated NPWS guidance.

- 7.6.13. A desk study and field assessment (July 2024) was carried out in relation to otter and the baseline environment in terms of their habitat. The results of the field survey found that there have been no significant changes to the otter habitats within the site of the proposed development and no otter resting or breeding sites were recorded within the proposed development boundary or potential zone of influence. Given this, I am satisfied that the baseline otter habitat as previously described in the original EIS remains valid.
- 7.6.14. MKO were engaged to undertake updated bat surveys in August 2022.<sup>33</sup> 80 bat passes were recorded at dusk, while 4 bat passes were recorded at dawn. Species recorded during these surveys were Soprano pipistrelle, Common pipistrelle and Leisler's bat. No evidence of roosting bats and no high potential roost features were identified during the walkover and activity surveys.
- 7.6.15. The level of activity was higher in the 2022 surveys than in those that informed the original EIS. However, it is noted in the EIS Addendum, and I agree with the observation, that the survey methodologies and equipment were also different and have advanced in the intervening decade. I note and I am satisfied that the best practice recommendations in the 2022 report do not contradict the findings and assessments presented in the original EIS and associated documentation.

### Birds

- 7.6.16. Updated waterbird surveys<sup>34</sup> that were carried out in the winter of 2022/'23 in the form of monthly tidal cycle counts and vantage point watches. The vantage point watches covered the same area as the 2011-2014 surveys and the tidal cycle counts covered the wider area between the Mutton Island causeway and Ballyloughane Beach. As in the 2011-2014 survey period, the area of the proposed development

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<sup>32</sup> Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (Department of Arts, Heritage and the Gaeltacht, January 2014).

<sup>33</sup> Bat Report – Galway Harbour Extension (MKO, July 2023), Appendix 7.8, Volume 2, EIS Addendum.

<sup>34</sup> See: Galway Harbour Extension: Waterbird Survey 2022/23 (Dr. Tom Gittings, June 2023), Appendix 7.5, Volume 2, EIS Addendum.

supports very low numbers of waterbirds, but more significant numbers of several species were recorded in the tidal cycle counts.

- 7.6.17. For example, a flock of 76 no. Ringed Plovers were recorded roosting on a gravel area within the development site boundary and a raft of 6 no. Great Northern Divers was observed at dusk on one of the survey days. Turnstones occurred less frequently and in lower numbers during the 2022/'23 waterbird surveys. Overall, the waterbird survey concluded that the results of the 2022/'23 waterbird surveys are not likely to significantly change the previous assessment of the potential impact of the proposed development.
- 7.6.18. I am satisfied that the updated bird surveys present the evidence that the findings of the impact assessment presented in the submitted EIS and associated documentation remain valid.

#### Conclusion

- 7.6.19. As I stated above, I confined this part of my assessment to possible impacts as a result of new surveys or data on biodiversity in general. The Commission are aware from the assessments carried out to date in respect of the proposed development and the subsequent ministerially approved Compensatory Measures Plan that the proposed development will compromise a number of the conservation objectives of QI's related to Galway Bay Complex SAC. This and the changes to Natura 2000 designations and additional qualifying interests are assessed within Section 8 Appropriate Assessment below.

### **7.7. Other Issues**

#### Material Contravention

- 7.7.1. I note the recommendation of Mr. Paul Caprani, Senior Planning Inspector in his report to the Commission dated 27<sup>th</sup> February 2015 where it was considered that adverse impacts on the qualifying interests of a Natura 2000 Site(s) cannot be ruled out, and that the proposed GHE 'would materially contravene Policy 4.4 of the Galway City Development Plan 2011-2017 which seeks to conserve and promote the enhancement of Internationally (EU) designated sites including Galway Bay Complex cSAC and Galway Bay SPA.'

7.7.2. Although the Galway City Development Plan 2023-2029 acknowledges that the city supports a number of European designated sites, namely Galway Bay Complex SAC, Lough Corrib SAC, Inner Galway Bay SPA and Lough Corrib SPA, there is no policy in the current plan that could be considered the equivalent of Policy 4.4 of the Galway City Development Plan 2011-2017. The current plan seeks to ensure that there are no likely significant effects on the integrity of any European Site and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied.

7.7.3. This manifests in a general policy in the GCDP 2023-2029 - **Policy 5.2 (1)** Protected Spaces: Sites of European, National and Local Ecological Importance which states:

1. Protect European sites that form part of the Natura 2000 network (including Special Protection Areas and Special Areas of Conservation) in accordance with the requirements in the EU Habitats Directive (92/43/EEC), EU Birds Directive (2009/147/EC) and associated national legislation.

7.7.4. Further to this, the more specific policy (**Policy 5.2 (2)**) seeks to:

Ensure that all plans or projects within the Plan area will only be authorised and/ or supported after the competent authority has ascertained based on scientific evidence, screening for appropriate assessment and /or a Habitats Directive Assessment that:

- i. The plan or project will not give rise to an adverse direct, indirect or secondary effect on the integrity of any European site (either individually or in combination with other plans or projects); or
- ii. The plan or project will have an adverse effect on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or

iii. The plan or project will have an adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the *Commission (my italics – EU Commission)*, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

7.7.5. I am satisfied that, although adverse impacts on the qualifying interests of the Galway Bay Complex SAC were not ruled out under Article 6(3) of the Habitats Directive, the proposed GHE does not materially contravene policy in the GCDP 2023-2029 as Policy 5.2 (2) ii and iii allow for a project such as the proposed GHE to proceed in accordance with IROPI procedures. In this regard, it has been concluded under Article 6(4) of the Habitats Directive (see Section 9 of this report below) that the Ministerially approved Compensatory Measures Plan will provide a significant positive effect on the Galway Bay Complex SAC and the overall coherence of the Natura 2000 network.

7.7.6. Furthermore, following the AA of the other Natura 2000 sites brought forward to Stage 2, I am also satisfied that the proposed GHE does not materially contravene policy in the GCDP 2023-2029 as the project will not give rise to an adverse direct, indirect or secondary effect on the integrity of any European site (either individually or in combination with other plans or projects).

#### Duration of Permission

7.7.7. The applicant is seeking a ten year permission. This would be consistent with the duration of permissions of similar scale, and I draw the Commission's attention to the stated construction sequencing (Drawing No.'s: 2139-2145 Rev. A to 2139-2153 Rev. A) demonstrating 20 no. construction elements to the proposed development. Having regard to the nature of the development and proposed phases as outlined, I

consider the duration of permission sought is appropriate, should the Commission be minded to grant permission.

#### Land Ownership

- 7.7.8. The issue of a change in ownership of GHC was raised by one of the observers (Shane Foran) and this has arisen as a result of the passage of time between the original application and now. In this regard, I note that GHC have not clarified this in their response to the third party submission. However, I am satisfied that any permitted land use herein will remain with the land and may be carried out by the applicant or a third party developer regardless of the present day owner.

#### Decommissioning

- 7.7.9. An Taisce highlight that the applicant has not looked forward a century to consider decommissioning. Further to this, MARA informs the Commission to be cognisant of a decommissioning plan. However, GHC have stated that this project is a permanent structure and therefore it is not envisaged that decommissioning will ever occur. As I have stated in Section 7.3 above, I consider that the life of the proposed development could be the equivalent of the existing quays (160 years) or, in a pessimistic scenario, 100 years. Given the length of time that will have elapsed, I am of the opinion that it would not be reasonable or practicable to prescribe a decommissioning condition when such a scenario may not arise.

#### Request for Oral Hearing

- 7.7.10. One of the observers (Shane Foran) requested that the Commission hold a new oral hearing as there have been significant changes in the legal and policy areas since the previous oral hearing. I highlight to the Commission that an oral hearing was held in accordance with the provisions of Section 134 of the Planning and Development Act, 2000 (as amended).
- 7.7.11. Further to this and having regard to the new information provided by the applicant including the EIS Addendum and NIS Addendum and to the submissions received to date from the prescribed bodies and observers, I do not consider that the issues arising would warrant the re-opening of an oral hearing. Although it is a matter for the Commission to consider re-opening an oral hearing, in this instance I advise the Commission that the convening of a further hearing would not be likely to elicit new

information that would assist in the understanding or proper assessment of the proposed development. The Commission should also note that the response of GHC to the submissions was received on 17<sup>th</sup> April 2025 and these were re-circulated to the planning authority, prescribed bodies and third parties to give a further opportunity to comment.

#### Other matters raised in Submissions

7.7.12. An Taisce highlight a number of port facilities that have benefitted from funding such as the Shannon-Foynes jetty expansion and logistics park (co-funded by the EU's CEF), the development of the €100m project at Ringaskiddy, and Belfast Harbour's existing capabilities regarding offshore wind and a further proposed £90m investment in a new deepwater quay to support the assembly and installation of the next generation of floating offshore wind farms.<sup>35</sup> They also highlight the suitability of the deepwater quay at Ros an Mhíl, Co. Galway as an offshore servicing site. There is no doubt that a development of the nature proposed for the GHE will require significant funding at national and European level to proceed. This funding issue is separate to planning considerations but, in this context, I am satisfied that the current proposals for the Port of Galway can be developed to accommodate ORE projects off the west coast to 2040 and beyond either as a standalone development or in conjunction with the development of the port facilities at Shannon-Foynes or other ports.

## **8.0 The Likely Significant Effects on a European Site**

### **8.1. Introduction**

8.1.1. The original NIS and subsequent Addenda/ Errata documents assessed the potential impacts of the proposed development on the Qualifying Interests (QIs) of Inner Galway Bay SPA, Lough Corrib SAC and Galway Bay Complex SAC. On 25<sup>th</sup> September 2015, having completed an appropriate assessment of the GHE, the Commission decided that approval of the proposed development could not be considered under Article 6(3) of the Habitats Directive given that a significant adverse impact of the integrity of Galway Bay Complex SAC would occur. GHC was

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<sup>35</sup> [Belfast Harbour | WORK COMMENCES ON BELFAST HARBOUR'S LARGEST EVER PORT INVESTMENT PROJECT TO CREATE NEW CRUISE AND OFFSHORE WIND ENERGY TERMINAL](#)

therefore invited to confirm that it wished the project to be considered under Article 6(4) (IROPI) of the Habitats Directive.

- 8.1.2. Within the Commission's direction dated 29<sup>th</sup> September 2019, a two-phase approach to the compensation measures was proposed. Phase 1 would comprise proposals for compensatory measures where GHC would liaise with NPWS and the Commission would seek the approval of NPWS as to the acceptability of the proposed compensatory measures. The Commission were then to advise if the proposals should be developed in more detail, or otherwise. Phase 2 gave GHC further time to develop proposals and for the submission of a completed proposal to be considered by the Commission.
- 8.1.3. GHC submitted a final report entitled 'Proposed Compensatory Measures' to the Commission on 26<sup>th</sup> April 2019 with a separate addendum to the NIS to include the consideration of the compensatory measures at Tawin Island to address the impacts on the integrity of Galway Bay Complex SAC identified in the findings of the appropriate assessment. The Commission concluded that the chosen site at Tawin Island was deemed to be suitable to provide effective compensatory measures for the loss of habitat associated with the proposed expansion of Galway Harbour.
- 8.1.4. Consequently, the Commission prepared a Statement of Case and submitted it to the Minister in support of planning consent being given for imperative reasons of overriding public interest (IROPI) and compensatory measures. On 27<sup>th</sup> February 2024, Minister Darragh O'Brien T.D. notified the Commission of his opinion that the compensatory measures proposed are sufficient to ensure that the overall coherence of the Natura 2000 network is protected. Minister O'Brien also advised that he was obliged to inform the European Commission of the compensatory measures and to forward them a copy of the statement of case for IROPI.
- 8.1.5. I note the assessments carried out to date which resulted in the Commission deciding to invoke the Article 6(4) process and the Minister approving the compensatory measures in 2024.
- 8.1.6. A Natura Impact Statement (NIS) Addendum (September 2024) has now been submitted to the Commission. This report has been prepared by Brónagh Boylan, Ecologist with AQUAFAC (APEM Group). This NIS Addendum reviews the data that has been previously submitted and relied upon, and the results published in the

previous NIS documents to confirm whether same remains valid. It also updates any sections with additional relevant results and data as appropriate and includes updates to conservation objectives documents for relevant Special Area of Conservation (SAC) and Special Protection Area (SPA) sites and updated terrestrial and marine survey data.

- 8.1.7. This Addendum Report accordingly focusses on assessing the additional information and submissions for the purposes of ensuring that the AA screening and AA of the proposed development is up to date and takes account of the updates/ changes to the Natura 2000 network, updates to the conservation objectives for the relevant SACs and SPAs, and the updated terrestrial and marine survey data. An updated AA screening is carried out for this purpose and, consequent, an updated AA is also carried out. A further review (see Section 9 below) as to whether there are any material changes that would affect the Article 6(4) assessment in terms of alternatives, IROPI and compensatory measures is also carried out.

## **8.2. Issues raised in relation to Appropriate Assessment**

- 8.2.1. The DoHLGH (Nature Conservation) provided their view that the evaluation of marine and coastal habitats has not changed under the NIS Addendum 2024 and that there will be “no additional significant impact to Galway Bay SAC” and the Department agrees that the conclusion reached by the applicant is supported by the available information.
- 8.2.2. An Taisce contend that the proposed areas for Compensatory Measures should already be conserved in accordance with best practice and, therefore, not need Compensatory Measures to ensure their conservation within the Galway Bay Complex SAC.
- 8.2.3. An Taisce also submits that the grant of planning permission should be made conditional on the purchase, within a set timeframe, of the 17.79 ha of intertidal habitat at Mweeloon and the 0.844 ha of stony bank at Tawin West.

### 8.3. The Natura Impact Statement (NIS) Addendum 2024

8.3.1. The original NIS submitted as part of this planning location, in addition to the NIS Addenda/Errata in 2014, 2015, 2019, 2022 identified a number of European Sites that could potentially be affected by the proposed development. A number of SAC's have had QI's added since the time of the original submission and, consequently, the NIS Addendum 2024 examines and assesses potential adverse effects of the proposed development on those European Sites, namely:

- Galway Bay Complex SAC (000268)
- Duvillaun Island SAC (000495)
- Lough Corrib SAC (000297)
- West Connacht Coast SAC (002998)
- Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (000190)
- Slyne Head Islands SAC (000328)
- East Burren Complex SAC (001926)
- Connemara Bog Complex SAC (002034)
- Kilkieran Bay and Islands SAC (002111)

8.3.2. The applicants NIS Addendum 2024 outlined the methodology used for assessing potential impacts on the habitats and species within these European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

8.3.3. The applicant's NIS Addendum 2024 was prepared in line with current best practice guidance. The applicant's NIS Addendum 2024 concluded that:

- all aspects of the proposed development project have been identified which, in the light of the best scientific knowledge in the field, can by themselves or in combination with other plans or projects, affect the European sites in the light of its conservation objectives;

- there are complete, precise and definitive findings and conclusions regarding the identified potential effects on any European site;
- on the basis of those findings and conclusions, the competent authorities are able to determine that no scientific doubt remains as to the absence of the identified potential effects; and
- thus, the competent authorities may determine that the proposed development will not adversely affect the integrity of any European Site.

#### 8.4. **AA Screening Determination (see Appendix 4 of this Report)**

8.4.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I include the following Natura 2000 sites for screening that the proposed development is likely to have a significant effect on the protected birds and habitat of the following sites 'alone' in respect of effects associated with construction and disturbance within the nearby SACs/SPAs:

- Galway Bay Complex SAC (000268)
- Moneen Mountain SAC (000054)
- Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (000190)
- Castletaylor Complex SAC (000242)
- Inishbofin and Inishshark SAC (000278)
- Lough Corrib SAC (000297)
- Slyne Head Islands SAC (000328)
- Duvillaun Islands SAC (000495)
- Inishkea Islands SAC (000507)
- Lough Fingall Complex SAC (000606)
- Kiltiernan Turlough SAC (001285)
- Ross Lake and Woods SAC (001312)
- East Burren Complex SAC (001926)
- Maumturk Mountains SAC (002008)
- Connemara Bog Complex SAC (002034)
- Kilkieran Bay and Islands SAC (002111)
- Lower River Shannon SAC (002165)

- Blasket Islands SAC (002172)
- West Connacht Coast SAC (002998)
- Donegal Bay (Murvagh) SAC (000133)
- St. John's Point SAC (000191)
- Inishmore Island SAC (000213)
- Killala Bay/ Moy Estuary SAC (000458)
- Ballysadare Bay SAC (000622)
- Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625)
- Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627)
- Clew Bay SAC (001482)
- Slyne Head Peninsula SAC (002074)
- Inner Galway Bay SPA (004031)
- Lough Corrib SPA (004042)
- Creganna Marsh SPA (004142)

8.4.2. The applicants NIS Addendum 2024 included European Sites where additional QIs have been added since the time of the original NIS submission. In my screening and in the interests of clarity and completeness, I have included all European Sites screened in the original NIS and NIS Addenda/Errata Documents (2014, 2015, & 2019).

8.4.3. I also draw the Commission's attention to the fact that the applicant has included the Grey Seal as a QI of the Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (site code: 000190) with the potential to be impacted by the GHE.<sup>36</sup> In the interests of completeness, I will also include in this screening Natura 2000 sites at or within the same range from the proposed GHE that have had marine mammals added as QIs since the original NIS, subsequent Addenda/Errata and appropriate assessment was carried out. The following are such sites and associated QIs that could be impacted:

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<sup>36</sup> P.63-64, NIS Addendum (September 2024).

**Table 8.1 European Sites with additional QI(s) at risk from impacts of the proposed project**

European Site(s)	Additional QI(s) that could be impacted
Donegal Bay (Murvagh) SAC (000133) <sup>37</sup>	Harbour Seal ( <i>Phoca vitulina</i> ) [1365]
St. John's Point SAC (000191) <sup>38</sup>	Bottlenose dolphin ( <i>Tursiops truncatus</i> ) [1349]
Inishmore Island SAC (000213) <sup>39</sup>	Harbour Porpoise ( <i>Phocoena phocoena</i> ) [1351]
Killala Bay/ Moy Estuary SAC (000458) <sup>40</sup>	Harbour Seal ( <i>Phoca vitulina</i> ) [1365]
Inishkea Islands SAC (000507) <sup>41</sup>	Grey Seal ( <i>Halichoerus grypus</i> ) [1364]
Ballysadare Bay SAC (000622) <sup>42</sup>	Harbour Seal ( <i>Phoca vitulina</i> ) [1365]
Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625) <sup>43</sup>	Harbour Porpoise ( <i>Phocoena phocoena</i> ) [1351]
Cummeen Strand/ Drumcliff Bay (Sligo Bay) (000627) <sup>44</sup>	Harbour Seal ( <i>Phoca vitulina</i> ) [1365]
Clew Bay SAC (001482) <sup>45</sup>	Harbour Seal ( <i>Phoca vitulina</i> ) [1365]
Slyne Head Peninsula SAC (002074) <sup>46</sup>	Bottlenose dolphin ( <i>Tursiops truncatus</i> ) [1349]
Slyne Head Islands SAC (000328)	Grey Seal ( <i>Halichoerus grypus</i> ) [1364]

<sup>37</sup> S.I. No. 293/2019 - European Union Habitats (Donegal Bay (Murvagh) Special Area of Conservation 000133) Regulations 2019.

<sup>38</sup> [https://www.npws.ie/sites/default/files/protected-sites/amendment\\_notifications/AN000191.pdf](https://www.npws.ie/sites/default/files/protected-sites/amendment_notifications/AN000191.pdf)

<sup>39</sup> [https://www.npws.ie/sites/default/files/protected-sites/amendment\\_notifications/AN000213.pdf](https://www.npws.ie/sites/default/files/protected-sites/amendment_notifications/AN000213.pdf)

<sup>40</sup> S.I. No. 117/2020 - European Union Habitats (Killala Bay/Moy Estuary Special Area of Conservation 000458) Regulations 2020.

<sup>41</sup> S.I. No. 298/2019 - European Union Habitats (Inishkea Islands Special Area of Conservation 000507) Regulations 2019.

<sup>42</sup> S.I. No. 66 of 2022 - European Union Habitats (Ballysadare Bay Special Area of Conservation 000622) Regulations 2022.

<sup>43</sup> [https://www.npws.ie/sites/default/files/protected-sites/amendment\\_notifications/AN000625.pdf](https://www.npws.ie/sites/default/files/protected-sites/amendment_notifications/AN000625.pdf)

<sup>44</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000627.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000627.pdf)

<sup>45</sup> S.I. No. 65 of 2022 - European Union Habitats (Clew Bay Complex Special Area of Conservation 001482) Regulations 2022.

<sup>46</sup> S.I. No. 525 of 2021, European Union Habitats (Slyne Head Peninsula Special Area of Conservation 002074) Regulations 2021.

8.4.4. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's NIS Addendum 2024 for the proposed development, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

8.4.5. Thus, having regard to the qualifying interests for which the sites were designated and in the absence of connections to and distance between the application site, it is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following 7 no. European Sites in view of the site(s) conservation objectives:

- Moneen Mountain SAC (000054)
- Castletaylor Complex SAC (000242)
- Lough Fingall Complex SAC (000606)
- Kiltiernan Turlough SAC (001285)
- Ross Lake and Woods SAC (001312)
- East Burren Complex SAC (001926)
- Creganna Marsh SPA (004142)

8.4.6. I conclude that a Stage 2 Appropriate Assessment is not therefore required for the 7 no. sites outlined above.

8.4.7. This conclusion is based on:

- Objective information presented in the Applicant's Screening Report, the original NIS and NIS Addenda/ Errata Documents (2014, 2015, & 2019) and NIS Addendum 2024.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

- Distance from European Sites.
- The absence of meaningful pathway to any European Site.
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.4.8. To conclude, I consider that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone' for the following sites, for which the potential for significant effects could not be excluded:

- Galway Bay Complex SAC (000268)
- Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (000190)
- Inishbofin and Inishshark SAC (000278)
- Lough Corrib SAC (000297)
- Slyne Head Islands (000328)
- Duvillaun Islands SAC (000495)
- Inishkea Islands SAC (000507)
- Maumturk Mountains SAC (002008)
- Connemara Bog Complex SAC (002034)
- Kilkieran Bay and Islands SAC (002111)
- Lower River Shannon SAC (002165)
- Blasket Islands SAC (002172)
- West Connacht Coast SAC (002998)
- Donegal Bay (Murvagh) SAC (000133)
- St. John's Point SAC (000191)
- Inishmore Island SAC (000213)
- Killala Bay/ Moy Estuary SAC (000458)
- Ballysadare Bay SAC (000622)
- Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625)
- Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627)
- Clew Bay SAC (001482)
- Slyne Head Peninsula SAC (002074)

- Inner Galway Bay SPA (004031)
- Lough Corrib SPA (004042)

## 8.5. **Appropriate Assessment Conclusion - Stage 2 (Appendix 2 of this Report)**

8.5.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive,
- The original NIS and NIS Addenda/ Errata Documents (2014, 2015, & 2019) and NIS Addendum 2024 and associated documents, and
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

### Compliance with Article 6(3) of the EU Habitats Directive

8.5.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.5.3. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

8.5.4. The proposed development has been considered under the assessment requirements of Section 177U and 177AE of the Planning and Development Act 2000 and having regard to:

- The scientific information on file in respect of the Galway Bay Complex SAC (000268), Slieve Tooney/ Tormore Island/ Loughros Beg Bay SAC (000190), Inishbofin and Inishshark SAC (000278), Lough Corrib SAC (000297), Slyne Head Islands (000328), Duvillaun Islands SAC (000495), Inishkea Islands SAC (000507), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034), Kilkieran Bay and Islands SAC (002111), Lower River Shannon SAC (002165), Blasket Islands SAC (002172), West Connacht Coast SAC (002998), Donegal Bay (Murvagh) SAC (000133), St. John's Point SAC (000191), Inishmore Island SAC (000213), Killala Bay/ Moy Estuary SAC (000458), Ballysadare Bay SAC (000622), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625), Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627), Clew Bay SAC (001482), Slyne Head Peninsula SAC (002074), Inner Galway Bay SPA (004031) and Lough Corrib SPA (004042).
- The available information as presented in the submitted documents regarding habitats, species, ground and surface water pathways between the application site and the European sites and other information available, (incl. the desktop studies and field surveys), NPWS website and aerial imagery,
- The nature and scale of the proposed development and works and the nature of potential likely significant effects,
- A combination of the separation distances and a lack of connectivity between the proposed development site and the European sites examined in this assessment,
- The nature of the qualifying interests, special conservation interests and conservation objectives of the European sites,
- The potential impacts and mitigation measures proposed for all phases of the proposed development.

8.5.5. This conclusion is based on a complete assessment of all aspects of the proposed project. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with

other plans and projects would not adversely affect the integrity of the European sites including Slieve Tooney/ Tormore Island/ Loughros Beg Bay SAC (000190), Inishbofin and Inishshark SAC (000278), Lough Corrib SAC (000297), Slyne Head Islands (000328), Duvillaun Islands SAC (000495), Inishkea Islands SAC (000507), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034), Kilkieran Bay and Islands SAC (002111), Lower River Shannon SAC (002165), Blasket Islands SAC (002172), West Connacht Coast SAC (002998), Donegal Bay (Murvagh) SAC (000133), St. John's Point SAC (000191), Inishmore Island SAC (000213), Killala Bay/ Moy Estuary SAC (000458), Ballysadare Bay SAC (000622), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625), Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627), Clew Bay SAC (001482), Slyne Head Peninsula SAC (002074), Inner Galway Bay SPA (004031) and Lough Corrib SPA (004042) or any other European site, in view of the sites' Conservation Objectives.

- 8.5.6. The permanent and irreversible loss of intertidal habitats and the permanent loss of stony bank vegetation due to recolonisation within Galway Bay Complex SAC (000268) is acknowledged here and I note the assessments carried out to date which resulted in the Commission deciding to invoke the Article 6(4) process and the Minister approving the compensatory measures in 2024. I discuss this further in Section 9 below.

## 8.6. **Appropriate Assessment Conclusions**

- 8.6.1. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the above named European sites or any other European site, with the exception of Galway Bay Complex SAC, in light of their conservation objectives (subject to the implementation of mitigation measures outlined in Appendix 4 of this Report and the applicant's EIS and EIS Addenda/ Errata Documents and the original NIS and NIS Addenda/ Errata Documents (2014, 2015, & 2019) and NIS Addendum 2024.

## 9.0 The grounds for Imperative Reasons of Overriding Public Interest (IROPI) under Article 6(4) of the Habitats Directive

### 9.1. Background

- 9.1.1. The chronology of procedures for invoking Article 6(4) of the Habitats Directive are outlined in Section 8.1 of this report above.
- 9.1.2. For ease of reference for the Commission, the Statement of Case was outlined to the Minister for Housing, Local Government and Heritage on 25<sup>th</sup> March 2021 and set out the imperative reasons of overriding public interest that necessitate the giving of consent for the proposed development. These reasons were:
- The proposal presents an integrated development that enhances the social, economic and recreational benefits of the port for the wider benefit of the population of Galway and its regional hinterland.
  - The enhancement of the port serving the region aligns with European, national and regional policies in favour of balanced spatial and economic development.
  - The port and the tradition of maritime trade is fundamental not just to the economy of Galway but also to its culture and identity.
  - Failing to address the existing constraints of the port would make the port unviable and lead to the demise of the port in the medium to long term and would fail to address the existing Seveso constraints, would impede tourism and the potential to develop a new urban quarter.
  - Alternative proposals within the bay were not feasible and would result in greater impacts on the Conservation Objectives of the Galway Bay Complex SAC and Inner Galway Bay SPA.
  - Shifting commercial shipping activity away from Galway to Shannon-Foynes would impair the Port of Galway's ability to fulfil its historical role as a Tier 3 regional port as envisaged in the National Ports Policy and it may also undermine Galway's development as a Gateway City designated in the NSS and subsequently reinforced in the National Planning Framework, and would inhibit marine/Leisure expansion within Galway City.

- There were no feasible alternatives.
- The social and economic benefits of the project include positive impacts to tourism, marine research and development, including offshore renewable energy, urban regeneration, and marine leisure opportunities.
- The loss of qualifying interests of the Galway Bay Complex SAC has been weighed against the imperative reasons for the proposed development which are primarily social and economic in nature.

9.1.3. The Commission concluded that the chosen site at Tawin Island was deemed to be suitable to provide effective compensatory measures for the loss of habitat associated with the proposed extension of Galway Harbour. The Commission also had regard to the monitoring programme proposed which sets out clear and unambiguous objectives with appropriate targets and indicators which are considered to be fit for purpose. The Commission is satisfied that appropriate compensation measures can be put in place to offset and compensate for any impact that will arise as a result of the Galway Harbour Extension, so as the overall coherence of the European sites is maintained.

9.1.4. As well as this, the Commission can only consider examining imperative reasons of overriding public interest, only subsequent to satisfying itself that it has been demonstrated that alternative solutions do not exist which would have a less damaging impact on the conservation objectives of a Natura 2000 site. I have articulated my views on alternative solutions earlier in this report (please see sections 7.2.15, 7.2.16 and 7.2.17 above) and, essentially, I consider that the policy position for developing the Port of Galway has been strengthened since the 2015 decision by the Commission to give consideration for the proposed GHE for IROPI, particularly with the Port of Galway's more recent designation as an Urban Node and a Comprehensive Port under the TEN-T network. Furthermore, I consider that this addresses the concern raised in the original Inspector's report dated 27<sup>th</sup> February 2015 on this matter.

## 9.2. **Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits**

- 9.2.1. The proposed compensatory measures detailed in the Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits (July 2022) includes maps of compensatory areas, showing different substrata, habitats, ecological communities and biotopes, both in Tawin Island and Mweeloon. In his expert Marine Ecology report (see Appendix 1 attached to this Planning Report), Mr. Bastreri confirms this by stating that the compensatory measures address the habitats and species negatively affected in a proportion not only comparable but also applied to larger areas of the affected habitats, including measures conducive to improve biodiversity in the intertidal habitats, such as control of the invasive *Didemnum sp.* and reduction of nutrient runoff. Therefore, I am satisfied that these measures remain valid.
- 9.2.2. In their submission, An Taisce contend that the proposed areas for Compensatory Measures should already be conserved in accordance with best practice and, therefore, not need Compensatory Measures to ensure their conservation within the Galway Bay Complex SAC. However, I am satisfied that the type of compensatory measures proposed by GHC would not be carried out by the NPWS or other state agency if they did not form part of the Compensatory Measures Plan that GHC have now committed to and which form part of the requirements for Article 6(4). I also consider what is proposed to be consistent with EC Guidance (2018<sup>47</sup> and 2021<sup>48</sup>), which states that '*Compensatory Measures should go beyond the normal/ standard measures required for the designation, protection and management of Natura 2000 sites*' and '*can consist of the re-creation of a comparable habitat or the biological improvement of a substandard habitat of the same type within an existing designated site*'.
- 9.2.3. In order to ensure that the proposed measures are carried out, An Taisce also submits that the grant of planning permission should be made conditional on the purchase, within a set timeframe, of the 17.79 ha of intertidal habitat at Mweeloon

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<sup>47</sup> Commission Notice (2019/C 33/01): Managing Natura 2000 sites - The provisions of Article 6 of the Habitats Directive 92/43/EEC.

<sup>48</sup> Commission Notice (2021/C 437/01): Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

and the 0.844 ha of stony bank at Tawin West. I agree with An Taisce on this matter, and I do note that GHC have a contract to acquire these lands. I also note that it is the intention of GHC to commence implementation of the compensatory measures before works commence on the proposed GHE. However, if the Commission is minded to grant permission for the proposed development, I recommend that a condition be attached to bring clarity to the timing of the implementation of the compensatory measures.

- 9.2.4. The accompanying measures put forward to address historic losses (some areas of intertidal, stony bank and salt marsh habitats)<sup>49</sup> associated with the development of GHEP in the 1990's consist of management of land that has been acquired by GHE. In their submission, An Taisce contended that the four objectives of the Intertidal Management Plan are vague and unmeasurable and seeks the provision for more specific measurable metrics for each of the objectives and suggested that the grant of planning permission should be made conditional on the achievement of specific metrics for each objective over the lifetime of the proposed development.
- 9.2.5. In their response to An Taisce's submission, GHC contend that the Compensatory Measures Plan contains specific and measurable commitments. Although I note An Taisce's concerns, I am satisfied that the objectives are measurable. However, if the Commission is minded to grant permission for the proposed development, I would recommend that a specific condition be attached to such a grant of permission requiring the achievement of such targets by GHC, under the supervision of the NPWS.
- 9.2.6. The Commission should note Section 5.3.2.2 of Mr. Bastreri's report (see Appendix 1 attached to this Planning Report) where he summarises the extent of the additional environmental benefits associated with the compensatory and accompanying measures. Significant benefits accrue to a lagoonal habitat, limestone pavement and salicornia, all of which are designated priority habitats.<sup>50</sup>
- 9.2.7. I am satisfied that the proposed development is not likely to have significant effects on the Galway Bay Complex SAC in respect of effects associated with an extended

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<sup>49</sup> The areas of habitat lost due to the GHEP are: 8.580ha of Intertidal habitat, 7.390ha of salt marsh, and 0.280ha of stony bank.

<sup>50</sup> [Document - Annex I: Natural habitat types of community interest whose conservation requires the designation of Special Areas of Conservation](#)

number of boreholes and core holes. I conclude this on the basis that the areas where additional boreholes and core holes will be undertaken forms part of the habitat that will be removed with the GHE and, as a Compensatory Measures Plan is agreed for this area.

9.2.8. I draw the Commission's attention to the submission made by the DoHLGH (Nature Conservation) where it noted the conclusion that the evaluation of marine and coastal habitats has not changed under the NIS Addendum 2024 and that there will be "no additional significant impact to Galway Bay SAC" and the Department agrees that the conclusion reached by the applicant is supported by the available information.

9.2.9. Overall, I am satisfied that the Compensatory Measures Plan will provide a significant positive effect on the Galway Bay Complex SAC and the overall coherence of the Natura 2000 network. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

## **10.0 Environmental Impact Assessment**

### **10.1. Introduction**

10.1.1. The proposed development is of a type and scale that required environmental impact assessment under the Planning and Development Act 2000, as amended, with the development comprising one which falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Namely, the development would be of strategic economic or social importance to the State or the region in which it would be situate, and/ or the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.

10.1.2. The original planning application and associated EIS was lodged with the Commission on 10<sup>th</sup> January 2014. Since the Commission's decision on 29<sup>th</sup> September 2015 where the Commission required proposals from GHC for compensatory measures to address the impacts on the integrity of Galway Bay SAC

identified in the findings of the appropriate assessment, GHC submitted a final report entitled 'Proposed Compensatory Measures' to the Commission on 26<sup>th</sup> April 2019 with a separate addendum to the Natura Impact Statement (NIS) to include the consideration of the compensatory measures.

10.1.3. Consequently, the Commission prepared a Statement of Case and submitted it to the Minister on 24<sup>th</sup> March 2021 in support of planning consent being given for imperative reasons of overriding public interest (IROPI) and compensatory measures. On 27<sup>th</sup> February 2024, Minister Darragh O'Brien T.D. notified the Commission) of his opinion that the compensatory measures proposed are sufficient to ensure that the overall coherence of the Natura 2000 network is protected. Minister O'Brien advised that he was obliged to inform the European Commission of the compensatory measures and to forward them a copy of the statement of case for IROPI.

10.1.4. Following a meeting of the Commission held on 28<sup>th</sup> June 2024 the Commission decided to defer consideration of the case and to issue a notice under Section 37F(1)(a) of the Planning and Development Act, 2000 (as amended) to the applicant as follows:

*Having regard to the passage of time since the application was submitted to An Bord Pleanála, the applicant is requested to provide to the Board any updated information and any other relevant information which you may wish the Board to consider in its determination of the application. This information may include, in particular, any updates in relation to the Environmental Impact Statement.*

10.1.5. In response to this, GHC submitted an Addendum Environmental Impact Statement (EIS) and associated materials to the Commission on 27<sup>th</sup> September 2024. GHC's updated EIS is presented as two volumes:

- EIS Addendum Volume 1 – Main EIS Chapters (Folder 1)
- EIS Addendum Volume 2 – Appendices Part 1 of 2 (Folder 2)
- EIS Addendum Volume 2 – Appendices Part 2 of 2 (Folder 3)

10.1.6. The EIS Addendum contributors together with their relevant qualifications and experience are set out under the relevant chapter headings. I am satisfied that the EIS Addendum has been prepared by competent experts to ensure its completeness

and quality, and that the information contained in the EIS Addendum and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment.

## 10.2. **Assessment of Likely Significant Effects**

10.2.1. As stated in Mr. Paul Caprani's Supplemental Inspector's Report dated 6<sup>th</sup> October 2020, the 2014 EIA Directive does not apply to this current planning application. However, I have similarly considered it appropriate to assess the proposed development under the following headings and to include a reasoned conclusion:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.

10.2.2. This assessment includes an examination, analysis and evaluation of the updated documents, including the EIS Addendum 2024 and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- New Issues raised in submissions.
- Original findings and mitigation measures.
- Examination, analysis and evaluation of changes.
- Any new direct and/ or indirect significant effects.

10.2.3. Having regard to the foregoing, this Addendum Report accordingly focuses on an assessment of the new information provided including the updates to the EIS in the

EIS Addendum 2024. I confirm that this section of my report must be read in conjunction with the Inspector's Report dated 27<sup>th</sup> February 2015.

### 10.3. Alternatives

- 10.3.1. The original EIS concluded that the project objectives cannot be met in a 'do nothing' scenario and that the outcome in the case of improvements to the existing Inner Harbour is similar to the 'do nothing' scenario. It examined alternative scales/ designs and alternative locations in Inner Galway Bay and found that these would be more damaging to the Natura 2000 site. It also concluded that alternatives beyond Galway Bay would not meet the project objectives and that the project aims could not be met by locating the facility abroad.
- 10.3.2. The most significant policy change since 2014 has been the designation of the Port of Galway as an **Urban Node** and a **Comprehensive Port** under the TEN-T network. The implication of this is articulated earlier in my report, Section 7.2 refers. Succinctly, this consolidates the policy position for expansion of the Port of Galway and further strengthens the decision of the Commission to invite GHC to confirm that it wished the project to be considered under Article 6(4) (IROPI) of the Habitats Directive. The basis of the Commission's decision was the need to ensure the continued operation of Galway as regional port, and the long term social and economic benefits that the GHE would bring to the city and the region.
- 10.3.3. In the intervening period, permissions have been issued (P.A. Ref. No.'s 17/967 and 23/218 refer) for a deepwater quay providing 200m of outside berthage at Rosaveel Harbour (37km west of Galway City). However, the permission was subject to a judicial review and subsequently conceded by Galway County Council. The Commission should note that no retrospective planning permission has been granted since the legal proceedings. Notwithstanding this, the development at Rosaveel would not meet the project objectives for the GHE and Rosaveel remains poorly connected to Galway City to offer a viable alternative.
- 10.3.4. I am satisfied, therefore, that GHE represents the least damaging option environmentally in terms of meeting the project objectives, complies with national and European policy and will support the socio-economic wellbeing of the region.

Consequently, I agree with the conclusion of the EIS Addendum that the findings of the original EIS in relation to alternatives remain valid.

#### **10.4. Population and Human Health**

##### **10.4.1. Issues raised**

There were a number of contributions in relation to impact on human beings in the submissions received, mostly in relation to the positive impact that the proposed development would have on the prosperity of the city and the region.

Northern and Western Regional Assembly stated that the delivery of the project will significantly contribute to the future growth of Galway, the region and help achieve balanced regional growth.

Similarly, the WDC contend that the development will enhance the capacity of the Port of Galway to support the growth of renewable energy opportunities in the Western Region as well as contributing to a resilient maritime infrastructure and enable the Region to maximise the opportunities presented by the marine economy.

The LDA stated that the relocation and expansion of port activity away from the Inner Harbour area of Galway Port is beneficial to unlocking the long-term regeneration potential of this strategically located city centre landbank.

Galway Bay Sailing Club stated that the relocation of commercial shipping activities will offer them an opportunity to further enhance the club's operations, providing safer and more efficient access to the Bay. They also highlight that the two Volvo Ocean Races demonstrated the potential of the city and its surroundings as a hub for maritime tourism and culture.

IBEC believe that improved harbour facilities will act as a driver for other industries in the region, such as tourism. They also contend that the relocation of port operations out of the inner dock will allow for the development of a mixed-use urban quarter adjacent to the city centre and that the GHE will serve as a key determinant of the region's future economic prosperity.

JFC Manufacturing Company recognise the potential that this project has for creating new employment opportunities in the expanded Port.

One of the third parties, Dr. James McCarthy, contends that the proposed development appears to be totally disproportionate for a city the size of Galway and he is unsure of economic gains other than those generated during construction.

Vincent Connell states that the compensatory measures in Mweeloon Bay takes no account of the damage caused to the livelihoods of the 12 full time fisherman who depend for their living on the shrimp pot fishery.

#### 10.4.2. Context

EIS Addendum Chapter 5 describes the potential effects of the Proposed Development on human beings. The EIS Addendum reviews any material changes to the original EIS chapter, summarises the previous conclusions, and provides additional surveys, data or policy developments of relevance for population, economic activity, and land use and amenity.

The Chapter provides an assessment of the validity of earlier conclusions and any amendments to these, impacts on human beings, as well as a cumulative assessment for health and safety, dust and noise, traffic, employment and investment, land use, and tourism and amenity.

#### 10.4.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.1 below.

<b>Table 10.1: Summary of Potential Effects (Population and Human Health)</b>	
<b>Do Nothing</b>	
<ul style="list-style-type: none"> <li>The 'do nothing' scenario would result in the development site remaining in its current condition and land would not be reclaimed from Galway Bay. A significant opportunity to provide an enhanced harbour facility to meet modern needs would be lost, and this would result in a negative impact on the local and regional economy and employment.</li> </ul>	
<b>Construction</b>	
<ul style="list-style-type: none"> <li>Significant positive impact on local and regional employment.</li> </ul>	
<b>Operational Impacts</b>	
<ul style="list-style-type: none"> <li>Significant positive impact in terms of human beings, including economic activity and land use and amenity.</li> <li>Incorporates public amenities and facilities, including landscaped open space, promenades/ walkways, public access and marina and, in addition, it creates a sheltered and safe area for water-based leisure activities.</li> </ul>	

<ul style="list-style-type: none"> <li>• Relocation of commercial/ industrial harbour-related activities from the Inner Harbour facilitates the regeneration and environmental improvement of this inner-city area as a new urban neighbourhood and visitor destination.</li> <li>• Addresses Seveso issues associated with oil handling.</li> </ul>
<p><b>Decommissioning</b></p> <ul style="list-style-type: none"> <li>• Decommissioning is not proposed.</li> </ul>
<p><b>Cumulative Impacts</b></p> <ul style="list-style-type: none"> <li>• Positive regenerative impact on surrounding land uses.</li> <li>• It is expected that due to the proximity and scale of a number of other projects, the potential exists for cumulative effects on Human Beings in relation to traffic (discussed below in Section 9.12) and employment (both short and long term).</li> </ul>

#### 10.4.4. Changes to the Baseline

The EIS addendum has updated the figures and data in relation to population, economic activity, employment, tourism, fishing and land use and amenity. The 2022 census figures have been included and significant information on disability and health has been published following on from the census.

#### 10.4.5. Potential Effects per EIS Addendum

The EIS Addendum identified constraints regarding the existing harbour which impact economic development and employment, including maritime tourism and industry. The regenerating of the Inner Harbour area will be positive impacts for both existing and new residents of the area, as well as visitors, supporting Galway's thriving tourism industry.

Positive socio-economic gains are forecast during the operational phase of the proposed project and, consequently, positive human health effects are also predicted.

Some potential cumulative traffic related impacts associated with the construction of other projects are identified, e.g. BusConnects, N6 Ring Road, and Ceannt Station development. This is addressed under the Material Assets section below.

#### 10.4.6. Mitigation

As there will be no significant effect on population trends or densities, no mitigation measures are required, however mitigation for air quality, noise, and traffic, are discussed in the EIS Addendum under those specific Chapters.

#### 10.4.7. **Residual Effects**

No significant residual effects have been identified.

#### 10.4.8. **Assessment**

No changes are predicted to the construction phase, except some cumulative traffic related impacts associated with the construction of other projects. The construction phase will have a significant positive impact on local and regional employment. In relation to human health during the construction phase, there will be no significant impact on tourism, amenity, and services.

The operational phase of the development will lead to positive impacts on land use. I also agree with the vast majority of the third party submissions that the proposed development has the potential to increase investment and employment in marine based sectors and that it will support the Galway region in enhancing its role as a major maritime tourism and leisure location. As positive socio-economic gains are forecast during the operational phase of the proposed project, positive human health effects are also predicted.

Finally, I am satisfied that the issue raised by Vincent Connell that the compensatory measures in Mweeloon Bay takes no account of the damage caused to the livelihoods of the 12 full time fisherman who depend for their living on the shrimp pot fishery has been adequately addressed in Section 9.7 of Mr. Paul Caprani's planning report dated 27<sup>th</sup> February 2015. Mr. Caprani concluded that the impact of the proposed development would be negligible in the context of the existing shrimp and lobster grounds available to fish in the Inner Galway Bay area.

#### 10.4.9. **Conclusion**

I am satisfied that the proposed development would not have an adverse impact on Population and Human Health, subject to compliance with relevant legislation and guidance, implementation of the EIS mitigation measures, and compliance with recommended conditions.

## 10.5. Soils

### 10.5.1. Issues raised

There were no issues raised in relation to soils in the submissions received.

### 10.5.2. Context

EIS Addendum Chapter 6 with associated Appendices (6.1 and 6.2), has assessed the potential impacts on the soil associated with the Proposed Development. The EIS Addendum describes the changes to the baseline conditions, additional surveys and data, and any cumulative impacts.

### 10.5.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.2 below.

<b>Table 10.2: Summary of Potential Effects (Soils)</b>
<b>Do Nothing</b>
<ul style="list-style-type: none"><li>• The 'do nothing' scenario would result in the development site remaining in its current condition and the land would not be reclaimed from Galway Bay.</li></ul>
<b>Construction</b>
<ul style="list-style-type: none"><li>• Removal and infilling of lagoon areas which make up the reclaimed area together with the drilling and blasting of bedrock and dredging of settlement within the Bay area.</li><li>• Release of suspended solids and contaminants associated with the construction and dredging activity.</li><li>• Release of dust emissions and hydrogen sulphate during land reclamation works.</li></ul>
<b>Operational Impacts</b>
<ul style="list-style-type: none"><li>• Sediment suspension by propellor wash.</li><li>• Alteration to current directions resulting in a shift of existing erosion and deposition sites.</li><li>• Sediment re-suspension by maintenance dredging operations.</li></ul>
<b>Decommissioning</b>
<ul style="list-style-type: none"><li>• Decommissioning is not proposed.</li></ul>
<b>Cumulative Impacts</b>
<ul style="list-style-type: none"><li>• There are no significant cumulative impacts with other projects predicted as soil excavations are localised, remote from the city in an underwater zone or on ground that has already been developed in the Galway Harbour area.</li></ul>

### 10.5.4. Changes to the Baseline

Regular bathymetric surveys of the Galway Docks basin area and the navigation approach channel are conducted on a 6-month basis with the most recent survey conducted March 2024 and showed little change in bed levels occurring (refer to Appendix 6.1 and Appendix 6.2 for bathymetric survey drawings).

No maintenance dredging campaign has been required since 2001, which indicates that the seabed levels at the proposed development site are stable and not subject to any significant changes in level either from deposition or erosion.

#### **10.5.5. Potential Effects per EIS Addendum**

There are no changes to the design of the proposed development and no changes to the ground conditions of the proposed development since 2014 and, therefore, no changes in the approach to soils.

#### **10.5.6. Mitigation**

The mitigation measures to counteract potential adverse impacts include the use of turbidity meters to assess sediment suspension. The incorporation of geo-membranes within the lagoon areas will curtail sediment release during the infilling process.

No changes to the conclusion in the original EIA and as outlined in the section above. The previous mitigation measures remain appropriate for the proposed development.

#### **10.5.7. Residual Effects**

For all phases, following implementation of mitigation measures outlined in the original EIS, no significant adverse effects are likely to arise.

#### **10.5.8. The Assessment**

There is no change to the proposed development since 2014 and the methods proposed, site layout, design and how the soils are addressed all remain the same.

#### **10.5.9. Conclusion**

The re-use of dredged material in the construction of the GHE remains appropriate and, as there are no changes, the conclusion of the original EIS remains valid. I consider the applicant's assessment has identified the relevant issues in relation to soil and that no significant adverse effects are likely to arise.

## 10.6. Flora and Fauna

### 10.6.1. Issues raised

An Taisce and the NPWS have raised issues and made comments, respectively, in relation to biodiversity and I have addressed these earlier in my report under the Appropriate Assessment section above.

IFI notes the legislation protection for Atlantic salmon, sea lamprey and brook lamprey under the Lough Corrib SAC designation. They outline their concerns in relation to impacts on diadromous fish species (Atlantic salmon, sea trout, European eel and sea lamprey), particularly on European eels and the provision of a wildlife pass at the seaward end of the proposed harbour extension. They are also concerned that juvenile fish leaving the River Corrib and adult fish returning may be impacted by underwater noise.

Dr. James McCarthy contends that the proposed development would be highly destructive to the city marine and shoreline ecosystems, especially to the EU protected Galway Bay SAC and Galway Bay SPA and requests that an independent study of the extent of the biodiversity impacts should be undertaken.

Vincent Connell considers the eradication of *Didemnum vexillum* to be unattainable.

### 10.6.2. Context

Biodiversity is addressed in Chapter 7 of the EIS Addendum, Volume I, and Appendices 7.1 – 7.10, Volume II. Chapter 7 sets out the additional surveys, data and policy developments, assesses the validity of earlier conclusions, compares the findings and assesses the in-combination effects of the project.

The findings of the original EIS combined with the accompanying NIS showed there will be an adverse effect on the QIs of the Galway Bay Complex SAC. As a result, compensatory measures were proposed and detailed in the Addendum/ Errata NIS compiled in 2019 and revised in 2022. These compensatory measures have been accepted by the Minister for Housing, Local Government and Heritage as confirmed in February 2024.

The EIS Addendum reviews and confirms that the data that was used remains valid, and similarly reviews the results published in the previous EIS documents and also updates sections with additional relevant results and data as appropriate. The EIS Addendum also includes any updates to conservation objectives documents for the relevant European Sites and considers and includes updated terrestrial and marine survey data.

Updated surveys have been carried out to inform the updated assessment and to be in line with current guidance, and this confirms that there has been minimal change to the baseline of the proposed development site.

The EIS Addendum concludes that the assessment of effect on Natura 2000 site integrity remains valid, all compensatory measures proposed as part of the NIS will provide a significant positive effect on Galway Bay Complex SAC and Inner Galway Bay SPA and its associated QI's and SCI's. It also confirms that the conclusions in relation to Lough Atalia and Renmore Lough benthic habitat remain valid as no significant changes to the baseline have occurred since the original EIS was submitted.

### 10.6.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.3 below.

<b>Table 10.3: Summary of Potential Effects (Flora and Fauna)</b>	
<b>Do Nothing</b>	
<ul style="list-style-type: none"> <li>Possible that the number of ships using the port will decline because of difficulties for large ships in docking at certain states of the tide and because of a lack of facilities. This may have a positive impact in that the amount of ship disturbance could decline and the potential for spillages/ pollution from ships in the bay may decrease (slight/ imperceptible). It is likely that the proposed development site will remain in its current state and the habitats and species assemblage will not change.</li> </ul>	
<b>Construction and Operation Phase Impacts</b>	
<ul style="list-style-type: none"> <li>Reclamation of land as part of the construction of the proposed development constitutes the direct and irreplaceable loss of 26.93 ha of potential feeding habitat for fish, sea birds and sea mammals.</li> <li>Permanent loss of habitat/ QIs of the Galway Bay Complex SAC.</li> <li>Implementation of compensatory measures to enhance the Galway Bay Complex SAC</li> </ul>	
<b>Decommissioning</b>	

- Decommissioning is not proposed.

#### **Cumulative Impacts**

- It was determined that there is no potential for cumulative effects given that there is no pathway for the development to act cumulatively with other projects to result in adverse cumulative effects.

#### **10.6.4. Changes to the Baseline**

In the original EIS, Galway Bay Complex and the other designated sites for QIs were listed as candidate Special Areas of Conservation (cSAC). However, since then, the status has been updated to Special Areas of Conservation (SAC). Sixteen additional conservation features were identified since the original EIS and subsequent addendum in 2014 for sites within the Zone of Influence of the project and, consequently, an NIS Addendum was prepared to accompany the EIS Addendum.

Upon revision of the previously identified SAC within the Likely Zone of Impact described in the original EIS and EIS Addenda Documents, it was identified that certain SACs have since been revised with additional QI's. This review is assessed above within the Appropriate Assessment section of my report.

No significant changes were recorded in the bird populations utilising the study area that would be likely to alter the conclusions presented in the original EIS. Similarly, no unexplainable changes to the presence and levels of activity of marine mammals (e.g. harbour seal, grey seal, bottlenose dolphin, harbour porpoise, and otter) in Galway Bay Complex SAC were recorded in the field survey carried out 2024.

It was noted that both the number of bat species recorded, and the level of activity was higher in 2022 surveys than in those that informed the original EIS, but the site is still considered to be of low value to bat species.

#### **10.6.5. Potential Effects per EIS Addendum**

Pre-construction works will consist of a series of geotechnical site investigations within a five-to-seven-month timeframe with intrusive site investigation works (i.e. boreholes, core holes) carried out in shifts over a full week i.e. seven days a week.

A full assessment of the potential for significant effect of the proposed pre-construction works in relation to the QIs and SCIs of the relevant European

Designated Sites was carried out in NIS Addendum 2024 and proposed additional mitigation set out therein.

The invasive species Japanese Knotweed (*Fallopia japonica*) was recorded within the proposed development site, to the northern boundary along the railway line.

#### 10.6.6. **Mitigation**

A Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits report has been approved by the Minister to compensate for the potential impacts to QIs of the Galway Bay Complex SAC arising from the proposed development. It is anticipated that the removal of aquaculture trestles, control of a marine invasive non-native tunicate species, *Didemnum vexillum*, and restoration of a stony bank area at the compensation site will result in an overall significant positive impact on the environment of Galway Bay Complex SAC.

To address the potential for effect to marine life as a result of the 2D seismic survey, an Environmental Mitigation Plan will be implemented. Works will be restricted to a certain time of the year and several lighter, less “noisy” test airgun shots will be carried out prior to commencing the survey, to encourage any nearby mammals to avoid this area. A MMO will also be on location during the works to determine if any mammals are nearby. Similarly, blasting and piling will be limited to periods when juvenile stage salmonids are not passing in the vicinity of the proposed development.

As stated in Section 9.5 Biodiversity above, exclusion buffers for temporary threshold shift (i.e., temporary hearing effects) for Harbour Porpoise (*Phocoena phocoena*) are now updated to the following:

- Impact piling: 1,900m
- Blasting: 1,500m
- Dredging: 1,700m
- 2D Seismic surveys: 1,000m

An Invasive Species Management Plan for the identified Third Schedule species, Japanese knotweed (*Reynoutria japonica*), has been prepared.

No significant changes in the potential impacts to those listed in the original EIS are expected, taking these adjustments into account.

#### 10.6.7. Residual Effects

No significant residual effects have been identified.

#### 10.6.8. The Assessment

IFI concerns in relation to impacts on diadromous fish species (Atlantic salmon, sea trout, European eel and sea lamprey) from potential adverse impacts from underwater noise and vibration have been addressed through impact avoidance and mitigation measures.

Dr. James McCarthy requests that an independent study of the extent of the biodiversity impacts should be undertaken. As part of the assessment of this planning application to the Commission and the re-assessment following the submission of the EIS Addendum, the Commission have engaged the services of Mr. Daniel Bastreri, Marine Ecologist to carry out an independent review of the marine ecology elements of the project insofar as they relate to the project amendments and submissions/ observations received by the Commission. Mr. Bastreri was also tasked with assessing the adequacy of the ecology section of the EIS Addendum 2024 and the adequacy of the NIS Addendum 2024.

In relation to the issue of *Didemnum vexillum* its eradication, Mr. Daniel Bastreri notes in his report that one of the compensatory measures proposed by GHC i.e., the control of this invasive species, will be conducive to improving biodiversity in the intertidal habitats.

I have examined, analysed and evaluated Chapter 7 of the EIS Addendum 2024, and all of the associated documentation. The EIS Addendum 2024 has raised no significant additional concerns in relation to Biodiversity. As outlined in Table 10.3 above, no significant additional likely effects on habitats/ species have been identified as part of the assessment during the construction and operational phases of the proposed development. With the implementation of mitigation measures outlined in Chapter 7 of the original EIS and those additional mitigation measures outlined in Chapter 7 of the EIS Addendum 2024, I consider the likelihood of adverse effects to be negligible and not significant.

### 10.6.9. **Conclusion**

It can be concluded that there have been no significant changes to the locally, nationally, or internationally important populations of birds and marine mammals in the study area from those previously recorded and detailed in the Bird Report and mammal surveys.

Having regard to the nature of the proposed development, I am satisfied that the adverse impacts on biodiversity and the Natura 2000 sites have been identified, and the proposed mitigation measures for all Natura sites and confirmed compensatory measures for Galway Bay Complex SAC address this, subject to implementation of the mitigation measures and the compensatory measures outlined in the Compensatory Measures Accompanying Measures and Additional Environmental Benefits report. Otherwise, I am satisfied that the proposed development would not have an adverse impact on biodiversity, subject to compliance with relevant legislation and guidance, implementation of the EIS mitigation measures, and compliance with recommended conditions.

## 10.7. **Water**

### 10.7.1. **Issues raised**

An Taisce contends that the proposed development would be premature pending permission being granted for an appropriate flood relief scheme for Galway City. They also outline deficiencies in the 2022 and 2023 AERs submitted by UÉ to the EPA and highlight deficiencies in the wastewater and storm water networks referenced in UÉ's Drainage Area Plan for the Galway agglomeration.

IFI highlight the classification of the River Corrib under the EU Water Framework Directive as of 'good ecological status' and 'not at risk' and the need to maintain these statuses.

### 10.7.2. **Context**

EIS Addendum Chapter 8 with Appendices (8.1 and 8.2) reviews the previous EIS chapter, summarises the previous conclusions, and aims to identify any updates on the current water quality status and coastal processes of the Inner Galway Bay area and any updates in current guidance and legislation.

GHC has reassessed the potential impacts from the Proposed Development on the water environment during all phases of development. The re-assessment was based on updated desk studies and field surveys and monitoring of bathymetry, water quality, hydrodynamics and sediments, wave climate, flood risk, and salinity studies.

### 10.7.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.4 below.

<b>Table 10.4: Summary of Potential Effects (Water)</b>	
<b>Do Nothing</b>	
<ul style="list-style-type: none"> <li>The existing port usage will decline resulting in a long-term, slight/ imperceptible impact.</li> </ul>	
<b>Construction</b>	
<ul style="list-style-type: none"> <li>Potential sediment being brought into the water column by dredging activities.</li> <li>Release of diesel, sewage, grey water and bilge water from the construction site.</li> <li>Disposal of ballast waters from construction vessels.</li> </ul>	
<b>Operational Impacts</b>	
<ul style="list-style-type: none"> <li>Permanent changes to current direction and velocity, and sediment distribution in the area to the east of Mutton Island and permanent changes in salinity values and wave climate characteristics.</li> </ul>	
<b>Decommissioning</b>	
<ul style="list-style-type: none"> <li>No decommissioning proposed.</li> </ul>	
<b>Cumulative Impacts</b>	
<ul style="list-style-type: none"> <li>No cumulative impact on the hydrological and coastal processes regime of the Corrib estuary or the transitional and coastal waters of Inner Galway Bay including the existing Galway Harbour area and the priority lagoonal habitats of Lough Atalia and Renmore Lough.</li> </ul>	

### 10.7.4. Changes to the Baseline

Following an updated desk study assessment on water quality, it is confirmed that the conclusions in relation to water quality remain valid as no significant changes to the baseline have occurred since the original EIS.

A survey of the bathymetry at the proposed development area, approach channel to Galway Docks, inlet channel to Lough Atalia and Lough Atalia and Renmore Lough was carried out to augment the existing available bathymetric surveys. The changes in the model parameters, bathymetry and boundary conditions were found not to be significantly different to those considered in the 2014 EIS.

The impact of reduced salinity within Lough Atalia and Renmore Lough presented in the EIS remain valid both in terms of magnitude and effect.

The treated effluent dispersion from the Mutton Island sewage outfall and the proposed future sewage outfall will not impact negatively on the water quality status, bathing water quality status and shellfish waters within and outside of Inner Galway Bay.

The updated Flood Risk Assessment concludes that the proposed harbour development is appropriate development for Flood Zone A and that it will not increase flood risk to adjacent lands and developments from sea levels, wave climate and river flows.

#### 10.7.5. **Potential Effects per EIS Addendum**

There are no changes to the proposed development and, therefore, the potential construction phase effects remain the same, such as potential impacts to water could occur from accidental spillages and leakages and an increase the loading of suspended sediment.

In relation to fluvial and pluvial flooding, the frequencies of heavy precipitation events show notable increases of approximately 20% during the winter and autumn months.

Sea levels (Dublin Port record) have risen on a monthly mean of 7mm for the period 1984 to 2016. The OPW has recommended that a mid-range future scenario of a 500mm rise in sea levels is considered and a 1000mm increase in sea levels is considered for the high-end future scenario.

Wave climate may also be altered with increased energy and storm conditions, but the OPW do not have specific guidance on wave climate allowances.

The updated assessment of flood risk confirms that the critical flood level is the 200-year tidal storm surge plus statistical error of 4.194m OD plus mid-range climate change allowance (sea level rise) of 0.5m giving a flood design level of 4.694m OD. This design flood level is only 0.048m higher than the original design flood Level in the 2014 EIS.

#### 10.7.6. **Mitigation**

No changes to the conclusion in the original EIS and as outlined in the section above. The previous extensive mitigation measures remain appropriate for the proposed development.

For example, mitigation to protect Lough Atalia will involve confining dredging activities to the outgoing ebbing flow for the proposed navigation channel section to the Docks and Marina on the west side of the harbour.

Similarly, it is considered prudent to retain the present OPW recommendations for flood relief schemes of a potential 20% increase in flood flows at the mid-range future scenario and 30% increase in flood flows at the high emission future scenario.

#### 10.7.7. **Residual Effects**

No significant residual effects have been identified.

#### 10.7.8. **The Assessment**

Water quality in the Galway Harbour Area is of “Good to Excellent” bathing quality, with the Galway City WWTP operating within its limits and meeting its Water Framework Directive status. Previously identified mitigation measures will remain in place to ensure this water quality status is maintained. As outlined in Section 7 of this planning report above and within the expert report (see Appendix 3) of the Commission’s scientist, Mr. Emmet Smyth, the proposed development will not result in a risk of deterioration of any water body, in this instance coastal waters, either on a temporary or permanent basis. Mr. Smyth is satisfied that the applicant has submitted sufficient evidence regarding the potential for environmental impact to support the development as proposed and that no reasonable scientific doubt remains regarding the proposal.

I also draw the Commission’s attention to the conclusion of Mr. Jørgen Fredsøe, Marine Hydrologist in his expert report where he states that the original EIS “is a very solid report with respect to the topic of water.” Mr. Fredsøe states that the flow pattern is modelled professionally by adequate numerical modelling, and the physics behind this is explained adequately. Mr. Fredsøe further states that Chapter 8 on Water in the EIS Addendum 2024 improved the description of tidal flood and

illustrated the robustness of predicting extreme flood levels by including further updated data.

More specifically and in relation to the concerns raised by An Taisce in their submission, Mr. Fredsøe highlights the provision of an extended data series for extreme wind strength, which increases the prediction for the 50 year storm prediction for wave climate by 5%. Mr. Fredsøe agrees with the conclusion in the EIS Addendum that this is small and that wave heights will not increase anyway because the waves will decrease in height due to wave breaking. Mr. Fredsøe also outlines how a storm surge like that occurred Storm Éowyn would be displaced over the bay area over a 1.5 hour timescale and, therefore, any additional water level increase would be negligible at existing structures.

Mr. Fredsøe highlights that some spill (sedimentation) will inevitably occur during excavation works. However, Mr. Fredsøe compares the level of layer thickness on the seabed to that of a large storm (a natural process) and, therefore, it is anticipated that the spill from dredging will not constitute any problem for seabed diversity.

The Commission should also note that Mr. Fredsøe found two minor issues that were not referenced in the EIS Addendum, namely superelevation and possible bend scour on the mouth of the River Corrib. However, I am satisfied that, as outlined in Mr. Fredsøe's report, this deflection at the mouth of the Corrib is small and will not result in any significant impacts.

With the implementation of Mitigation Measures outlined in the original EIS and the EIS Addendum, I consider that the proposed development is not predicted to give rise to significant adverse impacts to water at any phase of the development.

#### 10.7.9. **Conclusion**

I consider the applicant's assessment has identified the relevant issues in relation to water and that no significant adverse effects are likely to arise. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or

otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.8. Air Quality

### 10.8.1. Issues raised

There were no issues raised in relation to air quality in the submissions received.

### 10.8.2. Context

EIS Addendum Chapter 9 Volume 1 with Appendix 9.1 (Dust Management Plan) in Volume 2 reviews the previous EIS chapter, summarises the previous conclusions, and aims to identify any updates on air quality standards in Galway City and in the vicinity of Galway Port.

GHC has reassessed the potential impacts from the Proposed Development on air quality during all phases of development. The re-assessment was based on updated results from an air quality (NO<sub>2</sub>) monitoring station on Eyre Square and a station in Briarhill. Both were installed by the EPA in 2022 and the Briarhill station monitors for both Nitrogen Dioxide and Particulate Matter in the form of PM<sub>10</sub> and PM<sub>2.5</sub>.<sup>51</sup>

### 10.8.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.5 below.

<b>Table 10.5: Summary of Potential Effects (Air Quality)</b>	
<b>Do Nothing</b>	
	<ul style="list-style-type: none"> <li>Air emissions in the existing Docks area would not improve.</li> </ul>
<b>Construction</b>	
	<ul style="list-style-type: none"> <li>Potential dust effects during the construction phase are considered to be temporary in nature, with no long-term deterioration of conditions.</li> <li>Increased hydrogen sulphide (H<sub>2</sub>S) levels are likely to result from dredging activities (odour).</li> </ul>
<b>Operational Impacts</b>	
	<ul style="list-style-type: none"> <li>Operational and accidental spills and releases of dusts during the handling of dry bulk cargo (for example coal) may cause a temporary local deterioration in air quality.</li> </ul>

<sup>51</sup> Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>) may be emitted as a primary pollutant from road vehicle exhausts, which is the main source in urban areas.

<ul style="list-style-type: none"> <li>• Decrease in air emissions per tonne of goods transported at the new harbour area due to the use of larger more efficient vessels, fewer numbers required and reduced turnaround capability.</li> </ul>
<b>Decommissioning</b>
<ul style="list-style-type: none"> <li>• No decommissioning proposed.</li> </ul>
<b>Cumulative Impacts</b>
<ul style="list-style-type: none"> <li>• This could have a cumulative impact with other construction works within 250m of the development site but there are no other major developments within this distance of the site, and the cumulative effects are considered to be not significant.</li> <li>• There are no development projects of significance that would generate a meaningful cumulative impact from an operational perspective.</li> </ul>

#### 10.8.4. **Changes to the Baseline**

Following an updated desk study assessment on air quality, it is confirmed that the conclusions in relation to air quality remain valid as no significant changes to the baseline have occurred since the original EIS.

The results of modelling indicate that all levels of pollutant for different scenarios proposed are predicted to remain within the limits for the protection of human health.

#### 10.8.5. **Mitigation**

In addition to the EPA monitoring stations, it is proposed to carry out a series of ambient air quality monitoring tests within the environs of the Port during construction and operation of the installation. A Dust Management Plan (see Appendix 9.1 of EIS Addendum) will also be implemented.

#### 10.8.6. **Residual Effects**

No significant residual impacts have been identified.

#### 10.8.7. **The Assessment**

I have examined, analysed and evaluated Chapter 9 of the EIS Addendum, and all of the associated documentation and submissions on file in relation to Air Quality.

I am satisfied with the applicant's understanding of the baseline environment, and the results of modelling indicate that all levels of pollutant for different scenarios proposed are predicted to remain within the limits for the protection of human health.

I am confident the modelling is robust, and I am satisfied that no significant impacts are likely in relation to air quality.

### 10.8.8. Conclusion

The proposed development would not give rise to air quality impacts or any other significant adverse cumulative impacts in relation to air quality. I have considered the applicant's EIS Addendum, and I am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to air quality.

## 10.9. Noise and Vibration

### 10.9.1. Issues raised

There were no issues raised in relation to noise and vibration in the submissions received.

### 10.9.2. Context

EIS Addendum Chapter 10 with associated Appendices (10.1 to 10.15) reviews the original noise and vibration assessment, summarises original and new findings, identifies areas that require update and the validity of the original EIS conclusions.

It concludes that the original EIS findings remain broadly valid, with some updates required, particularly for marine mammal noise thresholds and exclusion zones.

### 10.9.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the EIS are summarised in Table 10.6 below.

<b>Table 10.6: Summary of Potential Effects (Noise and Vibration)</b>
<b>Do Nothing</b>
<ul style="list-style-type: none"><li>• If the Proposed Development were to not go ahead, the temporary noise sources associated with the construction phase would not be introduced into the area. The long-term noise sources associated with the operational phase would continue and no change would accrue to the current acoustic environment.</li></ul>
<b>Construction</b>
<ul style="list-style-type: none"><li>• Construction of the various lagoons.</li><li>• The dredging works, including both suction hopper and backhoe.</li><li>• The key wall construction including pile driving.</li><li>• Construction traffic.</li><li>• Noise impacts are deemed to be acceptable with the exception of nighttime pile driving.</li></ul>

- Underground noise propagation indicates that pile driving will require an exclusion of zone for marine mammals.
- Dredging and blasting will also require exclusion zones.
- Vibration is possible from heavy vehicular traffic and blasting.

#### **Operational Impacts**

- Port related traffic and railway airborne noise are the major contributors to noise generation
- Additional traffic to and from the port as a result of the expansion (negligible)
- Rail noise resulting from new railway spur is likely to give rise to noise levels within acceptable limits.
- Relocation of the port activities to a point further out in the Bay will have an overall positive impact on the nearest noise sensitive locations at Mellows Park and Claddagh Quay.

#### **Decommissioning**

- No decommissioning proposed.

#### **Cumulative Impacts**

- Cumulative impacts are not expected as a result of the construction phases of the Proposed Development due to construction phases not overlapping.
- Construction works will be separated geographically from the dredging activity.
- Traffic levels associated with the construction activities of the port will not significantly contribute to noise levels having regard to existing traffic levels in the city and the fact that traffic is already the significant contributor to ambient noise levels in the area.

#### **10.9.4. Changes to the Baseline**

A number of updates are required, chiefly in relation to guidance documents. The most significant updates relate to marine mammal noise thresholds, as well as categorisation of impacts. The updates to noise guidance are outlined in Appendix 10.1 with well-reasoned conclusions.

Appendix 10.2 references the DoAHG *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* and the Southall *et al* (2007) threshold noise levels relating to PTS, TTS and behavioural changes.

Appendix 3 outlines updated exclusion radii for certain construction activities (impact piling, blasting and dredging) required to avoid TTS in the very high frequency cetacean group (porpoises). It is noted in Appendix 10.6 that bitumen and fuel storage tanks in the GHEP will require appropriate vibration mitigation, including monitoring during blast events.

Overall, a comparison of the data indicates that noise levels measured during the 2024 survey are similar to those measured during previous surveys, and in particular are similar to those measured during the 2013 survey. In relation to underwater noise levels, it is noted that the number of large vessel movements in 2013 and 2023 were reasonably similar, and it follows that ambient underwater noise levels attributable to this source (biggest generator) are unlikely to have changed appreciably since the EIS was submitted.

#### 10.9.5. **Mitigation**

An extensive list of mitigation measures was proposed in relation to underwater blasting but as a result of these updates, a number of mitigation measures require revision. The use of initial trial blasting will be accompanied by monitoring, to allow the blast team to refine blast design and gradually work up to the maximum proposed charge size. Blasting will not be undertaken April-July inclusive. All underwater blasts will now be designed to take into account the updated document *BS British Standard BS 5607:1998 Code of Practice for the Safe Use of Explosives in the Construction Industry*.

Vibration monitoring was proposed at two locations, and it is proposed to discuss an updated monitoring programme with the GHEP. Dredging works will be avoided close to the shore during night-time hours. Pile driving will be confined to 0700-2300 hours and no pile driving will take place, during the period April-July inclusive.

An updated monitoring programme will also be discussed with shellfish operators between Mutton and Hare Islands, in order to take account of any changes in shellfish production areas since 2014.

#### 10.9.6. **Residual Effects**

A beneficial impact will arise due to reduced shipping noise, and elimination of night-time shipping noise in particular at the existing docks area. A minimal increase in noise levels will arise, and new harbour noise emissions will be generally inaudible at Renmore and Southpark

Underwater noise levels in vicinity of new port will be limited in time and geography. No disturbance will arise at sensitive sites.

#### 10.9.7. **The Assessment**

Apart from some minor exceptions, the findings of the EIS remain valid and relevant. For example, marine mammal noise threshold criteria have been revised downward since the original EIS was prepared and, therefore, increased radii will be required for the very high frequency cetacean group during dredging, blasting and impact piling operations. The respective radii are required to be 1,700m, 1,500m and 1,900m at a minimum.

It is clear that mitigation measures and monitoring programs are updated to reflect new guidance and data. On this basis, I am satisfied that the noise and vibration impact assessment remains valid.

#### **10.9.8. Conclusion**

I have considered the applicant's EIS Addendum, and I am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to noise and vibration.

### **10.10. Climatic Factors**

#### **10.10.1. Issues raised**

There were a number of issues raised in relation to climate in the submissions received, primarily by An Taisce. The issues raised related to policy (discussed above in Section 7.2 Principle of Development and Planning Policy), embodied carbon (discussed above in Section 7.3 Climate Targets), and operational stage emissions (also discussed above in Section 7.3 Climate Targets). An Taisce raise further issues in relation to potential sea level rise and storm surges, which are also climate related. I have discussed these two issues in Section 7.5 Flooding of my report above.

In this section of my report, I will be discussing them in the round in the context of carrying out my assessment on Climatic Factors outlined in the EIS Addendum.

#### **10.10.2. Context**

EIS Addendum Chapter 11 with associated Appendices 11.1 Carbon Life Cycle Assessment Report, 11.2 Climate Agreements, and 11.3 Mitigation Measures reviews the original climate assessment, summarises original and new findings, identifies areas that require update and the validity of the original EIS conclusions.

It concludes that the original EIS findings remain broadly valid, with the addendum providing more up to date analysis and information on the potential impact of the GHE.

### 10.10.3. Potential Effects per Original EIS

Likely significant effects of the development, as identified in the original EIS are summarised in Table 10.7 below.

<b>Table 10.7: Summary of Potential Effects (Climatic Factors)</b>	
<b>Do Nothing</b>	
<ul style="list-style-type: none"> <li>• Would result in the transportation of goods by road from Foynes, Cork or Dublin would result in significantly higher CO<sub>2</sub> emissions.</li> </ul>	
<b>Construction</b>	
<ul style="list-style-type: none"> <li>• The use of concrete, aggregates and steel materials in the project will result in significant 'embedded' greenhouse gas emissions.</li> <li>• The dredging activity will result in CO<sub>2</sub> emissions from the equipment used for dredging and a limited release of CH<sub>4</sub> from the dredged material.</li> </ul>	
<b>Operational Impacts</b>	
<ul style="list-style-type: none"> <li>• Result in a reduction of CO<sub>2</sub> emission levels below current levels by enabling larger vessels with lower specific emission levels to access the Port.</li> <li>• Having a regional port with 24-hour marine access and both rail and road links to the region has the potential to significantly reduce CO<sub>2</sub> emissions in the longer term.</li> <li>• The development at the mouth of the River Corrib has the potential to create a small microclimate in the immediate area of the development.</li> </ul>	
<b>Decommissioning</b>	
<ul style="list-style-type: none"> <li>• No decommissioning proposed.</li> </ul>	
<b>Cumulative Impacts</b>	
<ul style="list-style-type: none"> <li>• Cumulative GHG effects are considered to be less than those for the current port operation.</li> </ul>	

### 10.10.4. Changes to the Baseline

A comprehensive review of existing activities and planning permissions within 15km of the GHE was also carried out by the applicant to determine if there were any significant developments in the region that would have a major cumulative impact. During the construction phase of the proposed development and other permitted proposed projects/ existing projects, there will be greenhouse gas emissions arising

from production of construction materials and operation of construction vehicles and plant.

The Galway City Council Climate Action Plan 2024 – 2029 estimated the greenhouse gas emissions for Galway City totalled c.493,503 tonnes of carbon dioxide equivalent in 2018. It is predicted that the emissions from the GHE will be c.380,735 tCO<sub>2</sub>e over a 30-year assessment period.<sup>52</sup>

#### 10.10.5. **Mitigation**

No specific mitigation measures are required.

#### 10.10.6. **Residual Effects**

No significant residual impacts have been identified.

#### 10.10.7. **The Assessment**

The duration of the construction project would be restricted and would not have a significant impact on national emissions. It would have a slight imperceptible negative but short-term impact on climate.

As outlined in Section 7 above, the LACAP states that the GHG emissions for Galway City in 2018 totalled 493,503 tCO<sub>2</sub>e and considering the national level target to achieve 51% reduction in greenhouse gas emissions vs. 2018 by 2030, the 2030 emissions target for Galway City is a reduction to 241,816 tCO<sub>2</sub>e.<sup>53</sup> The 73,060 tCO<sub>2</sub>e of embodied carbon of the proposed development represents 30.21% of the target emissions.

However, I consider that the life of the proposed development could be the equivalent of the existing quays (160 years) or, in a pessimistic scenario, 100 years. Consequently, the embodied carbon can be considered to at least a 100-year output and should be included in any calculations as such.

As stated earlier in this planning report, it is estimated that during the operational stage the average annual emissions of CO<sub>2</sub>e would be c.10,255 tonnes/year and that the operational phase of this proposed development will contribute c.2.1% of

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<sup>52</sup> P.12, Table 3-3: Carbon Footprint Assessment Results from OneClickLCA® Software, Carbon Life Cycle Assessment Report (Tobin Consulting), Appendix 11.1, Volume 2, EIS Addendum

<sup>53</sup> P.20, Section 2.2.1 Sources of Emissions in Galway City, Galway City Council Local Authority Climate Action Plan 2024-2029

Galway City's emissions on an annual basis.<sup>54</sup> This is negligible in the context of current national emissions and also proposed emissions under CAP25.

The 'do-nothing' scenario would result in goods required by the Galway Region being shipped to alternative ports, such as Shannon-Foynes and Dublin Port. The Carbon Life Cycle Assessment Report calculated that greenhouse emissions associated with transporting these goods to the Galway region from these ports would be c.425,000 tCO<sub>2</sub>e. Consequently, the impact from the proposed development was projected to decrease emissions of CO<sub>2</sub> by c.11.5% over the 'do-nothing' scenario.

I consider that climate change risk and resilience has been adequately updated and assessed in the EIS Addendum and climate change will not pose a significant risk to the proposed development.

#### 10.10.8. **Conclusion**

I have considered the applicant's EIS Addendum, and I am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to climate. Furthermore, given that the 'do-nothing' scenario will give rise to 11% higher emissions of CO<sub>2</sub> equivalent, I am satisfied that the proposed development is in line with Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

### 10.11. **Landscape and Visual**

#### 10.11.1. **Issues Raised**

There were no issues raised in relation to landscape and visual impacts in the submissions received.

#### 10.11.2. **Context**

EIS Addendum Chapter 12 reviews the original landscape and visual impact assessment, summarises original and new findings, identifies areas that require update, compares the 2014 findings with the 2024 findings and reviews the validity of the original EIS conclusions.

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<sup>54</sup> P.6, Cumulative Impact Assessment, Chapter 11, EIS Addendum

It concludes that the original EIS findings remain broadly valid, with no clear changes having occurred that would warrant any changes to the outcome of the 2014 LVIA on the potential visual impact of the GHE.

### 10.11.3. **Potential Effects per Original EIS**

Likely significant effects of the development, as identified in the original EIS are summarised in Table 10.8 below.

<b>Table 10.8: Summary of Potential Effects (Landscape and Visual)</b>
<b>Do Nothing</b>
<ul style="list-style-type: none"> <li>• Remain as existing.</li> </ul>
<b>Construction and Operational Impacts</b>
<ul style="list-style-type: none"> <li>• The main visual receptors to be impacted during construction will be residents located around the port site: residents of existing harbour, Long Walk, Claddagh and Renmore.</li> <li>• GHE is larger in scale and protrudes significantly further into the seascape than the existing harbour, which will substantially increase the scale of the existing harbour industrial maritime landscape.</li> <li>• GHE will add visible port structures to the urban waterfront landscape, which will impact on the existing setting (moderate to significant negative).</li> <li>• Slightly negative impact on the undulating coastal and island landscape.</li> <li>• The GHE is not apparent from the majority of the existing urban settlement and, consequently, the proposal will only have a slightly negative impact on the urban settlement landscape.</li> </ul>
<b>Decommissioning</b>
<ul style="list-style-type: none"> <li>• No decommissioning proposed.</li> </ul>
<b>Cumulative Impacts</b>
<ul style="list-style-type: none"> <li>• Significant cumulative landscape or visual impacts are highly unlikely with the identified projects.</li> </ul>

### 10.11.4. **Changes to the Baseline**

Analysis and review of the zoning maps determined that the zoning of the site and local environs has not changed since the 2011-2017 development plan, therefore the plans envisioned for the future landscape and townscape of Galway City have not changed.

The revisited site surveys and subsequent photomontages show two key changes where the recent development of Bonham Quay in Galway Docks and the evolution of the land uses in the industrial port area alter the landscape from that reported in 2014.

### 10.11.5. **Mitigation**

As the design of the proposed development remains the same as that proposed in 2014, the mitigation measures in the form of landscaping<sup>55</sup>, the use of colour, and the use of downlight style cut-off lighting remain valid.

#### 10.11.6. **Residual Effects**

The assessment has found that there would be a slight to moderate visual impact on the landscape as the extent of the proposal will still be visible from visual receptors after mitigation is carried out.

#### 10.11.7. **The Assessment**

No changes are proposed to the development of the GHE since 2014.

However, I note the two key changes where the recent development of Bonham Quay in Galway Docks and the evolution of the land uses in the industrial port area alter the landscape from that reported in 2014.

I have visited the site and its environs and have examined the landscape and visual impact assessment in Chapter 12 of the EIS Addendum and accompanying photomontages. Although the cumulative context of the receiving landscape has evolved since 2014, the cumulative interactions identified are generally very minor and these effects do not fundamentally alter the overall significance of likely landscape and visual effects of the GHE.

#### 10.11.8. **Conclusion**

I have considered the applicant's EIS Addendum, and I am satisfied that all issues have been appropriately addressed and that the visual impact on the surrounding landscape and views towards the site would not have any significant adverse impacts on the landscape or visual amenity.

### 10.12. **Material Assets**

#### 10.12.1. **Issues raised**

The DAU notes that works lowering the carriageway under the railway bridge at Lough Atalia Road have been completed as part of a separate scheme. The DAU

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<sup>55</sup> Figures 1 to 7, Volume 2D Drawings, Main EIS (2014)

also notes the addition of a pre-construction stage mitigation measure in relation to wreck site W17455 and requests that recommended conditions be attached to any approval of the proposed development in order to align the project with statutory obligations and policy objectives for the protection of the State's underwater cultural heritage.

An Taisce contends that the applicant has failed to consider Iarnród Éireann's Rail Freight 2040 Strategy in the EIS Addendum and states that a rail connection to Galway Harbour is not included in Iarnród Éireann's Rail Freight 2040 Strategy.

The Commission for Railway Regulation request consultation to ensure that there is no increased risks associated with railway trespass during or post construction. It also requests that the party undertaking works should consult Iarnród Éireann about road-rail interfaces on access routes that may have increased flow or abnormal loads.

The HSA does not advise against the granting of planning permission on the basis that no Class 1 petroleum products are offloaded at the new jetty while a cruise ship is in the harbour and advises that future development around COMAH establishments has the potential to impact on the expansion of those establishments.

Dr. James McCarthy contends that ship-to-rail transport in the Shannon Estuary is a better solution for the transport of goods in the west of Ireland.

Shane Foran raises a number of concerns primarily in relation to the resultant increase in HGV movements in Galway City during and after construction and the impact this will have on vulnerable road users, particularly for cyclists, cultural heritage and amenity. Mr Foran states that provision should be made to include a coast walking and cycling route into the scheme; any additional works carried out along the railway line should include restoration works to the railway line footpath and suggests that the role of existing archway under the railway embankment should be accounted for in the design proposal as a walking/ cycling link between Renmore/ Mervue/ Wellpark and the city centre. Mr. Foran also contends that GCC, being the roads authority and owner of GHC, can now develop alternative road links to the harbour and considers the provision of an alternative link road serving the harbour to be a prerequisite.

The Commission should note that the majority of these issues have been addressed in the original assessment in 2015 and only the issues in relation to a shipwreck raised by the DAU, the Rail Freight 2040 Strategy raised by An Taisce, and the issue of a change in ownership of GHC raised by Mr. Foran have arisen as a result of the passage of time between the original application and now. Consequently, I include these within my assessment below.

There were no issues raised in relation to architecture and cultural heritage, mobility management, major accidents and disasters, and safety, health and welfare in the submissions received.

**10.12.2. Context**

EIS Addendum Chapter 13 with associated appendices 13.4.1., 13.4.2. (traffic counts), and 13.6.1 (COMAH land use assessment) reviews architectural and cultural heritage, archaeology, rail transport, road traffic and infrastructure, mobility management, risk assessment and safety, health and welfare. The addendum summarises original and new findings in relation to architecture and cultural heritage, archaeology, rail transport, road traffic and infrastructure, mobility management, risk assessment, and safety, health and welfare. It identifies areas that require updates, compares the 2014 findings with the 2024 findings and reviews the validity of the original EIS conclusions.

It concludes that the original EIS findings remain broadly valid, with only the inclusion of an additional mitigation measure for the protection of a shipwreck site in the bay.

**10.12.3. Potential Effects per Original EIS**

Likely significant effects of the development, as identified in the original EIS are summarised in Table 10.9 below.

<b>Table 10.9: Summary of Potential Effects (Material Assets)</b>	
<b>Do Nothing</b>	
<ul style="list-style-type: none"> <li>• There would be no negative effect on the architectural/ cultural heritage.</li> <li>• All of the known recorded and unknown potential underwater archaeology will continue to be preserved in the deep subsea sediment.</li> <li>• Passenger rail services would remain in place.</li> <li>• HGV and other vehicular traffic would likely reduce as the port operations would decline.</li> </ul>	
<b>Construction</b>	

<ul style="list-style-type: none"> <li>• Potential impact of the proposed development on the known recorded and unknown potential terrestrial and underwater archaeology.</li> <li>• Short term minor increase in traffic associated with construction work.</li> <li>• Potential increase in the impact of noise, dust on proximate rural enterprises, residential properties and onto the streets.</li> </ul>
<b>Operational Impacts</b>
<ul style="list-style-type: none"> <li>• Cultural loss to the existing harbour, general environs, city centre and city in general.</li> <li>• No operational effects on any known items of archaeology, architecture or cultural heritage in the application area or the vicinity.</li> <li>• The provision of a rail link with the main Galway to Dublin rail line will facilitate sustainable haulage methods to and from the site.</li> <li>• With the combination of minor network upgrade works and the implementation of an effective mobility management strategy, the proposed harbour will not significantly impact on the surrounding road network.</li> </ul>
<b>Decommissioning</b>
<ul style="list-style-type: none"> <li>• No decommissioning proposed.</li> </ul>
<b>Cumulative Impacts</b>
<ul style="list-style-type: none"> <li>• Some cumulative effects arising on traffic and transport if other construction projects proceed at the same time.</li> </ul>

#### 10.12.4. Changes to the Baseline

The Department of Transport (RoI) and the Department of Infrastructure (NI) completed their All-Island Strategic Rail Review in July 2024. Although the Port of Galway is not specifically referenced for improved rail freight services the Review clearly states that opportunities will be considered to ‘better connect other ports to the railway where it runs close to ports...’. In order to grow the island’s rail freight industry, it is a recommendation (No.24)<sup>56</sup> within the Review to develop a network of inland terminals close to major cities on the rail network. Athenry is earmarked as a potential location for a new terminal for Galway.

An updated Risk Assessment was undertaken from the conclusions of the Land Use Planning<sup>57</sup> assessment, completed following the methodology outlined the *Guidance on Technical Land Use Planning Advice* (HSA, 2023).

<sup>56</sup> P.80, Freight – Recommendations, All-Island Strategic Rail Review (Department of Transport (RoI) and the Department of Infrastructure (NI), July 2024).

<sup>57</sup> COMAH Land Use Planning of Galway Harbour Enterprise Park at Galway Harbour (AWN Consulting Ltd., September 2024), Appendix 13.6.1, Volume 2, EIS Addendum.

The lowering of the road under Lough Atalia Bridge was completed in 2015 by Galway City Council under a Part XI/ Part 8 planning process, which has resulted in a positive impact accessing the port or city centre.

45 additional shipwreck sites for the wider area of Galway Bay have been included in the Wreck Inventory of Ireland Database since 2014 and it is stated in the EIS Addendum that the NMS Wreck Viewer illustrates 3 of these wreck sites in the waters between Mutton Island and Hare Island.

#### 10.12.5. **Mitigation**

As outlined in Section 13.2.4.1 of the EIS Addendum and in line with DAU recommendations, a target test excavation shall be carried out on the wreck W17455 to establish the precise nature and context of the material. Following this and should coherent remains of a historic vessel be uncovered during the archaeological testing, further mitigation measures may be necessary including full excavation of the wreck. If the Commission is minded to grant permission for the proposed development, I recommend that a condition requiring this be attached to a grant of permission.

#### 10.12.6. **Residual Effects**

No significant residual impacts have been identified.

#### 10.12.7. **The Assessment**

The originally submitted Risk Assessment concluded that the risks to the land-based developments such as occupied buildings are tolerable and the societal risks at the jetty are considered to be tolerable. The Land Use Planning assessment concluded that the Risk Assessment conclusions presented in Chapter 13.6 of the original EIS remain valid. The Land Use Planning assessment concludes that there are no constraints posed by the Circle K Galway Terminal Upper Tier COMAH establishment to the development of the GHE.

An Taisce contends that the applicant has failed to consider Iarnród Éireann's Rail Freight 2040 Strategy in the EIS Addendum and states that a rail connection to Galway Harbour is not included in IÉ's Rail Freight 2040 Strategy. In the original EIS, GHC highlighted that Iarnród Éireann had calculated that the existing single line capacity between Galway and Athenry will be exceeded shortly under its own planned increases in commuter services. This would require the existing single line

track from Athenry to Galway to be double tracked. The Commission should note in Section 13.3.5 of the EIS Addendum that GHC have considered the All-Island Strategic Rail Review (2024). Within this, the plans for the potential future railway network on the island of Ireland show a proposed dual tracking between Galway and Athenry.

Although no specific reference is made to the IÉ strategy document, I am satisfied that the GHC proposals align with the strategy and link in with the development of a network of intermodal terminals, referred to as Tactical Rail Freight Terminals (TRFTs). In addition to this, GHC propose the Port of Galway as a rail connected port similar to IÉ's proposals for the ports of Dublin, Cork, Waterford and Foynes. However, it does state that the proposed rail link within the site will await viable freight tonnage and will be constructed and be ready to have linkage commissioned to the main line as soon as viable freight tonnage warrants the expenditure.

I am satisfied that the potential for impacts on archaeology during the construction phase can be mitigated by pre-commencement testing and appropriate measures if archaeological findings occur per the DAU's recommended condition. With additional mitigation advised by the DAU and considered acceptable by the applicant, it can, therefore, be determined that the proposed development will not physically impact upon previously unknown archaeological remains.

The potential impacts associated with the construction and operational phases are not considered significant and the road network has capacity to cater for the increase in traffic volumes for all phases of development. I am satisfied that the additional traffic movements for all phases of development will not give rise to any significant traffic hazards or disruptions along any of the roads or junctions.

#### 10.12.8. **Conclusion**

I have considered the applicant's EIS Addendum, and I am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to material assets, subject to an additional condition in relation to the protection of underwater archaeology. The proposed development will not give rise to any significant residual or cumulative impacts with other developments in the surrounding area.

### 10.13. Cumulative Impacts and Impacts from interactions

- 10.13.1. Chapter 14 of the EIS Addendum evaluates the potential interaction of effects described within the EIS Addendum. The EIS Addendum notes the potential effects arising from interactions and, in preparation of the EIS, were addressed through specific mitigation and monitoring measures detailed within the EIS. No additional mitigation or monitoring measures are required as a result of the interaction of effects. A summary of the interaction of effects is identified in Table 14.2.1 of the EIS Addendum.
- 10.13.2. I note a number of large developments that have been approved and not commenced, under construction or are in planning. These include the mixed use redevelopment of lands at Ceannt Train Station, the inner harbour regeneration project, the Galway flood relief scheme, the Galway City ring road project, and the Sceirde Rocks offshore wind farm project. It is also necessary to include consideration of the cumulative impacts of implementation of the Compensatory Measures Plan that forms part of this current planning application for the GHE.
- 10.13.3. There is no direct surface water connection between Ceannt Train Station or the inner harbour regeneration area and the marine waters at the proposed Harbour site except via the public sewers with the foul and combined sewer being treated at the Mutton Island WWTP. The Galway City ring road project is over 4km upstream of the Galway Harbour and the only potential hydrological impacts on the Harbour potential combined impacts will be associated with water quality during construction and operational road drainage discharges. Stringent controls are proposed in relation to control and treatment of construction site runoff and water quality treatment and attenuation of the road runoff passing it through hydrocarbon interceptor and a retention pond/ wetland for settlement and filtering prior to either on-site infiltration or discharging to watercourses and the public storm sewer. In relation to the Sceirde Rocks wind farm project, the impact of the GHE on the marine environment in respect to coastal processes and water quality has been shown to be very localised, and consequently, will not combine with the offshore wind farm to result in any significant cumulative impact on Galway Bay. There is potential for significant in-combination effects with the Galway flood relief scheme but, as outlined above within this planning report the GHE does not impact the existing coastal and fluvial flood

risk to the Galway City, so any future impact that might occur would be associated with the flood relief scheme itself.

10.13.4. I have considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024 and with suitable conditions. Therefore, I am satisfied that there is nothing to prevent the approval of the development on the grounds of significant environmental effects, or as a result of cumulative effects or effects arising from interactions between environmental factors.

#### 10.14. Reasoned Conclusion on the Significant Effects

10.14.1. Having regard to the previous EIA carried out in 2015 and the examination of environmental information contained above, and in particular to the original EIS 2014, the EIS Addenda-Errata October 2014, the EIS Addendum 2024 and supplementary information provided by the developer, the submission from the planning authority, the submissions from prescribed bodies and observers in the course of the application, it is considered that the main significant direct, indirect or cumulative effects of the proposed development on the environment are, and will be mitigated as follows:

1. Construction activity will give rise to **noise and vibration** emissions, particularly during piling, underwater blasting and dredging activities. The impacts from such activities would be adequately mitigated by:
  - Adherence to identified emission limit values and guidelines for such activities (BS 5607:1998).
  - The short-term nature of the activities and limits on daily blasting activities.
  - The use of marine mammal exclusion zones and marine mammal observers during construction works.
  - Separation from the shoreline and sensitive receptors.

- On-going monitoring.
2. Negative impacts on **biodiversity** arising from construction and operation activities. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final CEMP. Construction of the development will also result in the direct loss of marine environment habitats. These impacts would be adequately mitigated by the implementation of the Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits.
  3. Release of suspended solids and **soil** disturbance into Galway Bay, with associated siltation on seabed. These impacts would be adequately mitigated by:
    - Removal of soils from over rock to curtail soil disturbance from the drilling, blasting and removal of rock.
    - Balance of sediment dredging and re-use as land reclamation.
    - Minimum release of suspended sediments to sea by the implementation of suitable construction methods.
  4. Release of suspended solids into the **water** in Galway Bay, with associated siltation on seabed and the release of contaminants from increased suspended sediment concentrations during dredging. The impacts from such activities would be adequately mitigated by turbidity meters at dredge sites to record and control appropriate working over water to ensure that dredging is controlled.
  5. Adverse impact on **landscape and visual** during construction and on completion of the proposed development. This has been mitigated against at design stage and include a landscaping scheme to reduce the long-term visual impact.
  6. During construction, there will be temporary negative **Traffic and Transport** effect with HGV construction traffic flow generated by the development on the street network. This will be mitigated by the implementation of the detailed Construction Traffic Management Plan (CTMP).

7. Excavation and development of the site will give rise to direct impacts on features of **archaeological** interest and previously unrecorded features. The impacts would be adequately mitigated by:

- Full resolution of all archaeological sites and areas identified during archaeological testing and underwater surveys.
- Compliance with the National Monuments Acts and the CEMP.
- A Method Statement for Archaeological Works will be agreed with the National Monuments Service, with fieldwork and monitoring by a suitably qualified and licensed archaeological contractor.
- Completion of archaeological works prior to commencing enabling works.

10.14.2. In conclusion, having regard to the above identified significant impacts, I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on the environment, subject to the implementation of the mitigation and measures outlined in the original EIS 2014, the EIS Addenda/ Errata 2014, the Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits, the EIS Addendum 2024, and any recommended conditions.

## 11.0 Recommendation

I recommend that planning permission should be granted for the proposed development for the reasons and considerations set out below, and subject to the attached conditions.

## 12.0 Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

In coming to its decision, the Commission had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

### **European Policy/ Legislation:**

- Directive 2011/92/EU (Environmental Impact Assessment Directive) and Directive 2014/52/EU
- Directive 92/43/EEC (Habitats Directive, and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive))

**National Policy and Guidance including:**

- Project Ireland 2040 – National Planning Framework
- National Development Plan (2021-2030)
- National Marine Planning Framework 2020
- National Ports Policy 2013
- The objectives of the National Biodiversity Action Plan 2023-2030
- Climate Action Plans 2024 and 2025
- Long-term Strategy on Greenhouse Gas Emissions Reductions, 2024
- National Energy & Climate Plan 2021-2030

**Regional and Local Policy:**

- Regional Spatial and Economic Strategy for the North Western Region (2019-2031)
- Galway City Development Plan 2023-2029
- Galway County Development Plan 2022-2028

- (b) The location, nature, scale and layout of the proposed development.
- (c) The range of mitigation measures set out in the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024; Natura Impact Statement and NIS Addendum 2024; and Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits,
- (d) The expert reports on marine ecology, marine hydrology and water quality,
- (e) The submissions received in relation to the application by all parties.
- (f) The reports and recommendations of the Inspectors, comprising the original report dated 27<sup>th</sup> day of February 2015, the supplementary report dated 6<sup>th</sup> day of October 2020, and the final addendum report **dated 27<sup>th</sup> day of January 2026**.

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely

effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

### **Appropriate Assessment - Stage 1**

The Commission considered the original Appropriate Assessment and conclusions carried out in 2015 and, having regard to the passage of time since the application was submitted to An Coimisiún Pleanála, the Commission proceeded to carry out a further appropriate assessment screening exercise based on updated and other relevant information, in relation to the potential effects of the proposed development on designated European Sites. The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector.

The Commission agreed with and adopted the updated screening assessment and conclusion carried out in the final Addendum Inspector's report that the Galway Bay Complex SAC (000268), Slieve Tooney/ Tormore Island/ Loughros Beg Bay SAC (000190), Inishbofin and Inishshark SAC (000278), Lough Corrib SAC (000297), Slyne Head Islands SAC (000328), Duvillaun Islands (000495), Inishkea Islands SAC (000507), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034), Kilkieran Bay and Islands SAC (002111), Lower River Shannon SAC (002165), Blasket Islands SAC (002172), West Connacht Coast SAC (002998), Donegal Bay (Murvagh) SAC (000133), St. John's Point SAC (000191), Inishmore Island SAC (000213), Killala Bay/ Moy Estuary SAC (000458), Ballysadare Bay SAC (000622), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625), Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627), Clew Bay Complex SAC (001482), Slyne Head Peninsula SAC (002074), Inner Galway Bay SPA (004031) and Lough Corrib SPA (004042) are the European sites for which there is a likelihood of significant effects.

The Commission concluded that, having regard to the qualifying interests for which all other European Sites were designated and in the absence of viable connections to, and distance between the application site, these could be screened out from further consideration and that the proposed development, individually or in

combination with other plans and projects would not be likely to have significant effects on any other European Sites in view of the sites' conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

### **Appropriate Assessment - Stage 2**

The Commission considered the Natura Impact Statement and NIS Addendum 2024, and carried out an appropriate assessment of the implications of the proposal for the Galway Bay Complex SAC (000268), Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (000190), Inishbofin and Inishshark SAC (000278), Lough Corrib SAC (000297), Slyne Head Islands SAC (000328), Duvillaun Islands (000495), Inishkea Islands SAC (000507), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034), Kilkieran Bay and Islands SAC (002111), Lower River Shannon SAC (002165), Blasket Islands SAC (002172), West Connacht Coast SAC (002998), Donegal Bay (Murvagh) SAC (000133), St. John's Point SAC (000191), Inishmore Island SAC (000213), Killala Bay/ Moy Estuary SAC (000458), Ballysadare Bay SAC (000622), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625), Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627), Clew Bay Complex SAC (001482), Slyne Head Peninsula SAC (002074), Inner Galway Bay SPA (004031) and Lough Corrib SPA (004042) in view of the Sites' Conservation Objectives.

The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the final addendum report of the Inspector and the associated expert report of the marine ecologist. In completing the assessment, the Commission considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's reports and conclusions reached in the final Addendum Inspector's Report in respect of the potential effects of the proposed

development on the aforementioned European Sites, having regard to the Conservation Objectives.

In overall conclusion, the Commission was satisfied that the proposed development, including the mitigation measures, would not adversely affect the integrity of the Slieve Tooley/ Tormore Island/ Loughros Beg Bay SAC (000190), Inishbofin and Inishshark SAC (000278), Lough Corrib SAC (000297), Slyne Head Islands SAC (000328), Duvillaun Islands (000495), Inishkea Islands SAC (000507), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034), Kilkieran Bay and Islands SAC (002111), Lower River Shannon SAC (002165), Blasket Islands SAC (002172), West Connacht Coast SAC (002998), Donegal Bay (Murvagh) SAC (000133), St. John's Point SAC (000191), Inishmore Island SAC (000213), Killala Bay/ Moy Estuary SAC (000458), Ballysadare Bay SAC (000622), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (000625), Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC (000627), Clew Bay Complex SAC (001482), Slyne Head Peninsula SAC (002074), Inner Galway Bay SPA (004031) and Lough Corrib SPA (004042) or any other European Site, with the exception of Galway Bay Complex SAC (000268), in view of the sites' Conservation Objectives.

### **Imperative Reasons of Overriding Public Interest**

The Commission confirmed its original conclusion that the integrity of the Galway Bay Complex SAC (000268) would be adversely affected by the proposed development. Notwithstanding a negative assessment of the implications for the Galway Bay Complex SAC (000268), the Commission considers that consent must nevertheless be given for the proposed development for imperative reasons of overriding public interest, namely the need to ensure the continued operation of Galway as a regional port and the long term social or economic benefits of the proposed development. The imperative reasons of overriding public interest that necessitate the giving of consent for the proposed development are:

- The proposal presents an integrated development that enhances the social, economic and recreational benefits of the port for the wider benefit of the population of Galway and its regional hinterland.

- The enhancement of the port serving the region aligns with European, national and regional policies in favour of balanced spatial and economic development.
- The port and the tradition of maritime trade is fundamental not just to the economy of Galway but also to its culture and identity.
- Failing to address the existing constraints of the port would make the port unviable and lead to the demise of the port in the medium to long term and would fail to address the existing Seveso constraints, would impede tourism and the potential to develop a new urban quarter.
- Alternative proposals within the bay were not feasible and would result in greater impacts on the Conservation Objectives of the Galway Bay Complex SAC.
- Shifting commercial shipping activity away from Galway to Shannon-Foynes would impair the Port of Galway's ability to fulfil its role as a designated Comprehensive Port in the TEN-T Europe-wide network and it may also undermine Galway's development as a an important driver of national growth and key regional centre in the National Planning Framework, and would inhibit marine/Leisure expansion within Galway City.
- The social and economic benefits of the project include positive impacts to tourism, marine research and development, including offshore renewable energy, urban regeneration, and marine leisure opportunities.
- The loss of qualifying interests of the Galway Bay Complex SAC has been weighed against the imperative reasons for the proposed development which are primarily social and economic in nature.

The Commission concluded that there are no feasible alternatives to the extension to Galway Harbour that would result in reduced impacts on the habitats, species and integrity of the Galway Bay Complex SAC.

Under Article 6(4) of the Habitats Directive, the Commission is satisfied, in accordance with the Ministerial Direction issued on 27<sup>th</sup> February 2024, that the proposals for Compensatory Measures for the direct and permanent loss of fucoid-dominated reef habitat [ 1170] and mud and sand flat habitat [1140], and the loss of

perennial vegetation on stony banks [1220] due to sheltering, all in the Galway Bay Complex SAC (000268) are considered to address the impacts on the integrity of the Galway Bay Complex SAC and, with associated Accompanying Measures and Additional Environmental Benefits, will ensure that the overall coherence of the Natura 2000 network is maintained.

## **Environment Impact Assessment**

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024 and associated documentation submitted with the application;
- the submissions received during the course of the application; and
- the Inspectors' report and recommendation, supported by the reports of the Marine Ecologist, Marine Hydrologist and Environmental Scientist.

The Commission considered that the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024, supported by the documentation submitted by the applicant, adequately considers alternatives for the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the final Addendum Inspector's report, of the information contained in the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024 and associated documentation submitted by the applicant, and submissions made in the course of the planning application.

The Commission concluded that, subject to the implementation of mitigation measures proposed, as set out in the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental

Impact Statement Addendum 2024, and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other existing and permitted development in the vicinity would be acceptable. In doing so, the Commission adopted the final Addendum Report and conclusions of the reporting Inspector.

### **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Statement 2014, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024 and supplementary information provided by the applicant, and to the submission from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct, indirect or cumulative impacts on the environment, of the development permitted herein are, and will be mitigated as follows:

1. Construction activity will give rise to **noise and vibration** emissions, particularly during piling, underwater blasting and dredging activities. The impacts from such activities would be adequately mitigated by:
  - Adherence to identified emission limit values and guidelines for such activities (BS 5607:1998).
  - The short-term nature of the activities and limits on daily blasting activities.
  - The use of marine mammal exclusion zones and marine mammal observers during construction works.
  - Separation from the shoreline and sensitive receptors.
  - On-going monitoring.
2. Negative impacts on **biodiversity** arising from construction and operation activities. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final CEMP. Construction of the development will also result in the direct loss of marine

environment habitats. These impacts would be adequately mitigated by the implementation of the Compensatory Measures Plan, Accompanying Measures and Additional Environmental Benefits.

3. Release of suspended solids and **soil** disturbance into Galway Bay, with associated siltation on seabed. These impacts would be adequately mitigated by:
  - Removal of soils from over rock to curtail soil disturbance from the drilling, blasting and removal of rock.
  - Balance of sediment dredging and re-use as land reclamation.
  - Minimum release of suspended sediments to sea by the implementation of suitable construction methods.
4. Release of suspended solids into the **water** in Galway Bay, with associated siltation on seabed and the release of contaminants from increased suspended sediment concentrations during dredging. The impacts from such activities would be adequately mitigated by turbidity meters at dredge sites to record and control appropriate working over water to ensure that dredging is controlled.
5. Adverse impact on **landscape and visual** during construction and on completion of the proposed development. This has been mitigated against at design stage and include a landscaping scheme to reduce the long-term visual impact.
6. During construction, there will be temporary negative **Traffic and Transport** effect with HGV construction traffic flow generated by the development on the street network. This will be mitigated by the implementation of the detailed Construction Traffic Management Plan (CTMP).
7. Excavation and development of the site will give rise to direct impacts on features of **archaeological** interest and previously unrecorded features. The impacts would be adequately mitigated by:
  - Full resolution of all archaeological sites and areas identified during archaeological testing and underwater surveys.
  - Compliance with the National Monuments Acts and the CEMP.

- A Method Statement for Archaeological Works will be agreed with the National Monuments Service, with fieldwork and monitoring by a suitably qualified and licensed archaeological contractor.
- Completion of archaeological works prior to commencing enabling works.

#### Cumulative Impacts and Impacts from interactions:

It is considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed development, and the proposed mitigations measures detailed in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024. There is, therefore, nothing to prevent the approval of the development on the grounds of significant environmental effects, or as a result of cumulative effects or effects arising from interactions between environmental factors.

The Commission was also satisfied that in assessing and granting permission for the proposed development, it has, in so far as practicable, performed its functions in a manner consistent with the applicable climate plans and objectives as required by section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended.

Finally, the Commission concluded that approval of the proposed development is consistent with and would not jeopardise compliance with the requirements of the Water Framework Directive.

#### **Proper Planning and Sustainable Development**

It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with European, National and regional policies and with the provisions of the Galway City Development Plan 2023-2029, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area with the implementation of specified compensatory measures, would be

acceptable in terms of traffic safety and would make a positive contribution towards the social and economic development of Galway City and the northwestern region. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 10<sup>th</sup> day of January 2014, and further information submitted on 17<sup>th</sup> day of October 2014 and 27<sup>th</sup> day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. a) All mitigation and environmental commitments identified in the Natura Impact Statement and the Natura Impact Statement Addendum 2024 shall be implemented in full as part of the proposed development.  
b) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024 shall be implemented in full as part of the proposed development.

**Reason:** To protect the environment and the integrity of European Sites.

3. a) All environmental commitments contained in the Compensatory Measures Plan, Accompanying Measures Plan and Environmental Benefits (Tobin & Aquafact, 2022) shall be carried out in full.

- b) The implementation of the Compensatory Measures (set out in Part 2 of Compensatory Measures Plan, Accompanying Measures Plan and Environmental Benefits (Tobin & Aquafact, 2022)) shall be commenced prior to commencement of development, and the following specific measures outlined in Table 2-2: Compensatory Measures at Mweeloon for Intertidal (Measures 2, 3, 4, 5 and 6) and Table 2.4: Compensatory Measures at Tawin West for Stony Bank (Measures 1, 2, 6, 8 and 9) shall be completed prior to commencement of development.
- c) Prior to commencement of development, the timing for the targets and monitoring methods for the achievement of the compensatory measures, accompanying measures and other environmental benefits shall be agreed in writing with the planning authority (Galway City Council) in consultation with the National Parks and Wildlife Service.

**Reason:** In the interests of ensuring that the overall coherence of the Natura 2000 network is maintained.

- 4. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the nature of the proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

- 5. Dredging activities shall be confined to the outgoing ebbing flow for the proposed navigation channel section to the Docks and Marina on the west side of the harbour.

**Reason:** In order to protect the coastal lagoon priority habitat in Lough Atalia.

- 6. Prior to commencement of development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall

provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed at the Galway Harbour complex and to reduce and regulate the extent of car parking.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

7. a) The noise levels generated during the construction of the development shall not exceed the following limits: 55 dB(A) during daytime, 50 dB(A) during evening time and 45dB(A) during night-time when measured at the nearest occupied house. When measuring the specific noise, the time shall be any one-hour period.
- b) The developer shall implement all noise mitigation measures as set out in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, the Environmental Impact Statement Addendum 2024.

**Reason:** In order to protect the amenities of property in the vicinity.

8. The development shall be operated and managed in accordance with an Environmental Management System (EMS) which shall be submitted by the developer and agreed in writing with the planning authority prior to commencement of development. This shall include the following:
  - (a) Proposal for the suppression of on-site noise and monitoring at sensitive receptors.
  - (b) Proposal for the suppression of dust on site and on the surrounding roads.
  - (c) Proposal for the bunding of fuel, lubrication storage areas and any other substance as required by the planning authority and details of emergency action including warning sign in the event of accidental spillage/leakage.
  - (d) Details of safety measures for the fencing.
  - (e) Specification of limits in relation to the following parameters, NO<sub>x</sub>, SO<sub>2</sub>, CO and PM<sub>10</sub> particulate matter.

(f) Monitoring of ground and surface water quality, levels and discharges.

(g) Details of Site Manager and public information signs at entrance.

**Reason:** In order to safeguard the environment and local amenities.

9. The landscaping scheme shown on Figure numbers 1 to 7, Volume 2D Drawings, Environmental Impact Statement (2014), as submitted to the An Bord Pleanála on the 10<sup>th</sup> day of January 2014 shall be carried out within the first planting season following substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

10. Site development and building works shall be carried out only between the hours of 0730 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all the construction stage mitigation measures outlined in the Natura Impact Statement, Natura Impact Statement Addendum 2024, Environmental Impact Statement and Environmental Impact Statement Addendum 2024 and shall provide details of intended construction practice for the development, including and not limited to:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site if required,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) details of construction lighting,
- (l) details of key construction management personnel to be employed in the development, and
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan and monitoring results as appropriate shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, environmental protection, public health, and safety.

12. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/ mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practise.

**Reason:** To protect the environmental and natural heritage of the area.

13. An experienced Marine Mammal Observer (MMO) shall be engaged for the duration of the pre-construction works in addition to the construction period of the proposed development. The MMO will ensure no works shall proceed if marine mammals are observed within a radial distance of the sound source as follows:

Impact piling -	1,900m
Blasting -	1,500m
Dredging -	1,700 m
2D seismic survey -	1,000m

The developer shall carry out pre-construction and construction works in accordance with *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* (Department of Arts, Heritage and the Gaeltacht, January 2014) or in accordance with any updated version of this NPWS guidance.

**Reason:** To protect the environmental and natural heritage of the area.

14. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

**Reason:** In the interest of environmental protection and public health.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Details of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Details of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

16. All mitigation measures in relation to archaeology as set out in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, and the Environmental Impact Statement Addendum 2024 shall be implemented in full. In advance of the commencement of construction works, the developer shall engage a suitably qualified archaeologist to carry out the following:
- a) An underwater target test excavation shall be carried out on the wreck W17455 to establish the precise nature and context of the material present. This excavation shall be carried out in accordance with Section 13.2.4.2 of the Environmental Impact Statement Addendum 2024 and in line with any recommendations of the Department of Housing, Local Government and Heritage. Following this and should coherent remains of a historic vessel be uncovered during the archaeological testing, further mitigation measures may be necessary, including full excavation of the wreck. Any further archaeological mitigation requirements shall be agreed in writing with the planning authority and the National Monuments Service, Department of Housing, Local Government and Heritage.
  - b) The developer is required to employ a suitably qualified archaeologist (licensed under the National Monuments Acts) to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/ site clearance/ and/or construction works. This shall be in addition to any mitigation measures outlined in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, and the Environmental Impact Statement Addendum 2024.

- i. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/ or monitoring may be required.
  - ii. No site preparation and/ or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.
- c) The Construction and Environmental Plan (CEMP) shall include the location of any and all archaeological constraints relevant to the proposed development as set out in the Environmental Impact Statement, the Environmental Impact Statement Addenda-Errata October 2014, and the Environmental Impact Statement Addendum 2024 and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological heritage environment during all phases of site preparation and construction activity.
- d) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** In order to align the project with statutory obligations and policy objectives for the protection of the State's underwater archaeological heritage and to ensure the continued preservation (either in *situ* or by record) of places, caves, sites, features and other objects of archaeological interest.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Liam Bowe  
Senior Planning Inspector

February 2026