



An  
Bord  
Pleanála

## Record of Meeting

### Galway Harbour Extension

<b>Case Reference</b>	61.PA0033		
<b>Description</b>	Galway Harbour Extension		
<b>Case Type:</b>	Section 37E Application		
<b>Date:</b>	3 <sup>rd</sup> April 2017	<b>Start Time:</b>	11.20 a.m.
<b>Location:</b>	Offices of ABP	<b>End Time:</b>	12.50 p.m.
<b>Chairperson:</b>	Rachel Kenny Director of Planning		

#### Attendees:

##### Representing An Bord Pleanála

Rachel Kenny – Director of Planning

Philip Green – Assistant Director of Planning

Kieran Doherty – Senior Executive Officer

Daniel Basteri – Marine Ecology Consultant

##### Representing National Parks and Wildlife Service

Ciaran O'Keeffe - Principal Officer

David Lyons - NPWS

## **Introduction**

The representatives of An Bord Pleanála welcomed the representatives of the National Parks and Wildlife Service and stated that the purpose of the meeting was to update the NPWS on a report by ABP's marine ecologist, "Galway Harbour extension: assessment of compensatory measures (Strategic Infrastructure Case 61.PA0033)" dated March 2017.

## **Marine Ecology 'Preliminary' Report**

The NPWS were advised that Daniel Bastrari was engaged by ABP to review preliminary proposals submitted to ABP by the applicant in respect of potential compensatory proposals, and to have regard to additional related correspondence submitted by the applicant in respect of any preliminary compensatory proposals as well as feedback from the NPWS.

The Report considered and discussed by ABP and NPWS at this meeting is a draft working report to assist in advising ABP Inspectors as to next steps in the process.

The report provides an initial review of the preliminary compensatory measures proposed by the Galway Harbour Company for the loss of Annex I habitats within Galway Bay Complex SAC. The Harbour Company had identified potential replacement habitats for the intertidal habitat, including fucoid-dominated reef and sand/mud flats, and stony bank habitat supporting perennial vegetation, as per documents received on 9<sup>th</sup> December 2016 and 28<sup>th</sup> February 2017.

It was noted that the report (which is a working draft) considered the scientific perspective rather than any legal requirements.

The marine ecology preliminary report notes the following:

- The Harbour Company identified an area of coast between Silverstrand and Barna which includes intertidal-dominated reef and sandflat and mudflat habitats and that these are similar to those that would be lost due to the proposed development. Designation of this part of the coast is proposed by the Harbour Company as part of the Galway Bay Complex SAC as part of this preliminary compensatory measure being considered. ABP ecologist found that these habitats appeared very similar to those affected by the proposed development but have a thicker seaweed cover and more abundant and diverse associated macro fauna.
- Intertidal-dominated reef communities are common and widespread around the coast of Ireland.
- The designation of these habitats as part of the Galway Bay Complex SAC, or the modification of the existing boundaries of the SAC to include these

intertidal areas could potentially meet the requirements of the EU Guidance on Article 6(4) of the Habitats Directive.

- The proposal to manage habitats around Tawin Island and two aquaculture sites, Parknahalla and Shanmullen, and the adjacent stony bank and saltmarsh habitats to improve their condition, could lead to an improvement to the function of the ecosystem. Further surveys should be carried out to inform a decision on the matter if this proposal was to be further advanced and considered.
- The development of a management plan for parts of the Tawin area where stony bank, salt marsh and intertidal complexes of fucoid-dominated reef, sand and mud flats occur, to bring about the improvement of these habitats could potentially offer an improvement of the function of the ecosystem. The marine ecologist's report noted that this area contains the same communities, same habitats, same species and same coverage as the habitat to be lost, but is less affected by human presence, and could potentially be an appropriate compensatory measure.
- A management plan for the existing stony bank at Renmore Lough to include annual low-level reworking of the seaward strip of cobbles, removal of invasive species, and spraying the cobbles with sea water, had previously been proposed by the Harbour Company. The ecologist considered this is to be a relatively simple and low cost measure to avoid the loss of this habitat. However, this could generally be considered a mitigation measure rather than compensation, and was not without complications in terms of its implementation in the medium or longer term.
- The proposed management plan for the existing saltmarshes in the Tawin peninsula could potentially be an appropriate compensatory measure for the loss of saltmarsh habitat during the construction of the Galway Harbour Enterprise Park.

### **Report Preliminary/ Provisional Findings:**

1. The extension of the Galway Bay Complex SAC to the north west, to include intertidal habitats in the area between Barna and the SAC had the potential to be an appropriate measure to compensate for the losses associated to the construction of the proposed harbour extension, subject to further detailed ecological assessment and feasibility assessment in terms of its practical implementation.
2. The management of areas of intertidal habitats currently within the SAC is less likely to result in appropriate compensation for this loss. This could be established with more confidence once evidence on the status of these habitats is obtained by undertaking qualitative and quantitative surveys and acquiring data, all of which would be required if this option were to be pursued.

3. The extension of the Galway Bay Complex SAC to the north west, to include stony bank habitats in the area between Barna and the SAC could potentially be an appropriate measure to compensate for any losses associated to the construction of the proposed harbour extension, subject to further detailed ecological assessment and feasibility assessment in terms of its practical implementation.
4. Adequate, targeted management to improve and protect the existing stony bank habitat that would be adversely affected by the proposed development would appear to be a reasonable alternative to maintain the integrity of the SAC, subject to further detailed ecological assessment and feasibility assessment in terms of its practical implementation.
5. Appropriate management to improve and protect the existing saltmarsh habitats within the SAC would appear to be a reasonable option to compensate for the losses of this habitat caused by the construction of the GHEP in the past, subject to further detailed ecological assessment and feasibility assessment in terms of its practical implementation.

### **Process of Designating European Sites**

The meeting discussed the uncertainty of the designation process and the following was noted:

- There is always uncertainty as to the ultimate success of a designation process (and that at this stage a proposed designation could not be guaranteed)
- The process and any associated appeals can be lengthy.
- Proposed designations can be opposed and challenged during the process and potentially not adopted or if successfully judicially reviewed.
- The applicant is not required to contribute to the process and it is outside of the applicant's control.
- Further designations may not be considered by the Minister.
- The Dublin Port Tunnel case is a potential precedent for a designation in a different part of the country from where the development is proposed although it was noted that circumstances in that case were materially different.

The meeting therefore noted, although not ruling out the possibility, the difficulties around designating new areas as European Site may preclude this as a possible option for compensation. It was considered that the management of sites such as at Tawin may potentially achieve, subject to further analysis, assessment and detailed proposals by the applicant the necessary compensatory measures in a timelier and more certain manner as they would be within the applicant's control. Ownership and management by the applicant would also allow for any proposed measures to be

evaluated and monitored and could potentially create a tangible change to the chosen site and its environment.

The management of the saltmarsh (although noting that this was not a habitat for which compensatory measures were sought by the Board) would provide an immediate improvement through the removal of invasive species, foreign matter, and humans. Tawin has the advantages of being remote and mostly used for agriculture.

The representatives of the NPWS agreed to provide ABP with information and clarity in relation to the process of designation of European sites so that this can be considered by the Board of ABP when considering its marine ecologist's report.

### **Other Issues**

The applicant's plan to establish a marine reserve was not clear and would need to be clarified and then considered by ABP.

### **Conclusion**

Further evidence to support the proposals is required from the applicant. It was agreed that the NPWS would discuss with the applicant the methodology of proposed survey work and be satisfied as to its effectiveness, and ABP ecologist would consider and advise in relation to appropriate methodologies and surveys required.

Separately, the NPWS would also provide further information in regard to the process behind the designation of European Sites and any potential issues that may arise from this in the context of this project. Once this had been received the matter would be brought to the Board's attention to consider the ecologist's interim report which highlights the different indicative preliminary compensatory measures being presented by the applicant and his recommendations along with the views expressed by the NPWS at the meeting. The approach to compensatory measures was still considered to be in Phase 1 and the Board's input would be sought prior to moving to identifying a final preferred option for compensation to be further assessed in detail by the applicants (Phase 2).

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**Rachel Kenny**  
**Director of Planning**

**May 2017**