



An
Bord
Pleanála

Record of Meeting

Galway Harbour Extension

Case Reference	61.PA0033		
Description	Galway Harbour Extension		
Case Type:	Section 37E Application		
Date:	27 th July 2017	Start Time:	2.35 p.m.
Location:	Offices of An Bord Pleanála	End Time:	4.30 p.m.
Chairperson:	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 Bastreri – Marine Ecology Consultant
Representing National Parks and Wildlife Service
Ciaran O'Keeffe - Principal Officer
David Lyons - NPWS
Siobhan Ryan – Compliance and Legal Section

Representing Galway Harbour Company
Éamon Bradshaw - Chief Executive Officer, Port of Galway
Tom Broderick – Galway Harbour Co.
John Kelly – Project Director, Tobin Consulting Engineers
Gus McCarthy – McCarthy, Keville O’Sullivan, Planning & Environmental Consultants
Dr. Brendan O’Connor – Senior Ecologist, Aquafact
Caroline Roche - Aquafact

Introduction

The representatives of An Bord Pleanála welcomed the representatives of NPWS and the Harbour Company and introductions were made.

Project Update

The Harbour Company submitted an opening statement document with regard to the evolving preliminary proposed compensatory measures for habitat loss arising from the Galway Harbour Extension. Although not requested by the Board to do so, the Harbour Co. also proposes to compensate for an earlier loss of habitat (in particular saltmarsh) in relation to works to the Galway Harbour Enterprise Park.

The total compensation proposed is:

- Intertidal habitats (mud and sand flats and reefs) – 14.51 ha
- Stony bank – 0.63 ha
- Salt marsh – 7.39 ha

IROPI precedent cases, where priority habitats were involved, were highlighted:

- Nied TGV, salt meadow reserve.
- Mainport Rotterdam, marine reserve.

In these cases, the EU Commission deemed that management plans were sufficient compensation. It was noted that no priority habitat is effected by the proposed harbour extension.

The Harbour Co. document identified the Tawin headland as an area that could compensate for all three habitat types. It is considered by the Harbour Company that an area, shown as area 1 in the Harbour Co document, would be the most appropriate location for compensation of the referenced habitats as it is not exposed to the prevailing southerly and south-westerly winds. The document contains a detailed list of the components for the management plans for these areas. The proposed management of stony bank and salt marsh in this area of Tawin would improve the condition of these habitats from its current status of unfavourable/inadequate, as stated in a report commissioned by NPWS, to a favourable status.

An additional benefit would be the protection of the marine waters within Tawin, which can be defined as lagoon and therefore could be latter classed as a priority habitat.

The Harbour Co. submitted a set of tables that it proposes to use to quantify and analyse the amount of area for proposed compensation (ie calculating the ratio between the area of habitat lost relative to the new area proposed as part of the compensatory measure).

The Harbour Co. is of the opinion that Phase 1 of identifying the compensation proposals, as set out in the ABP letter of 29th September 2015 which requested preliminary proposals for compensatory measures, is now complete and it would like to move to Phase 2 to carry out qualitative studies to develop the compensatory measures.

ABP comments re. procedures and current status of project

- The NPWS and ABP, through tripartite meetings such as that of 27th July 2017 and the previous meeting of 13th December 2016, provided advice to the applicant as far as was practicable, on how to identify and advance their preliminary proposals for compensation of loss of habitats.
- The advice thus far has been from Inspectorate Management and the ABP ecologist and NPWS.
- The applicant would be required after today's (27/07/17) meeting to formally submit their preliminary proposals for compensatory habitats.
- Following receipt of such proposals the case file would be discharged to the Board and the Board would determine the next steps, i.e whether the file would be returned to Inspectorate for further assessment and addendum report (from Reporting Inspector) or whether the Board considered it had sufficient knowledge and information on file to determine that the preliminary proposals (in response to the Board's initial request of 29/09/15) were such that the applicant could advance to the next stage and submit detailed proposals for assessment.

NPWS Comments/queries

- Will the areas of compensation be in the ownership of the Harbour Co?
- Will physical works be involved?
- Evidence of improvement would need to be provided. It must be shown that the compensatory measures would deliver an outcome that would not otherwise have happened.
- The tables submitted currently read like an action plan. These need to be fully explained.
- The two European examples put forward by the Harbour Co. would need to be examined.

ABP Comments

- The tables need to be robust and transparent with an explanation of each box in relation to specific demonstrable measures.
- The methodology behind any surveys should be agreed between the Harbour Co., NPWS and ABP ecologist.
- Consent for the project cannot be given under Article 6(3). To take the application forward consideration under the derogation requirements of Article 6(4) of the Habitats Directive is necessary.
- The Board of ABP will make a submission in regard to its views on the IROPI status of the case and its considerations on alternatives as part of its Statement of Case to be submitted to the Minister once the issue of compensatory measures had been addressed to its satisfaction.
- The Board of ABP will need assurance that the Harbour Co. will be in control of the lands in question to give certainty to any management proposals. Long term maintenance must be assured. There should be no uncertainty around the compensatory measures and proposals for review of the measures and subsequent amendment should this be necessary should be built in to the measures proposed.
- The report of ABP's ecologist will not be released at this time as it is not as yet a formal ABP document.

Harbour Co. Response

- The land in question is marginal agricultural land and requires significant intervention to obtain any farming benefits.
- The Harbour Co. is confident that the required lands can be purchased and that full control of the lands will be possible. Any land purchase was on hold pending positive feedback from ABP.
- No physical works will be required, just management.
- Improvements to the proposed sites can be effected immediately on purchase of the land.
- Litter referred to in the tables would primarily be from flotsam.
- It is vital to start survey work by the start of August.

- The Harbours Act contains powers of compulsory purchase.
- The Harbour Co. reminded the meeting of the slow progress to date, but welcomed the comments of ABP and NPWS at this meeting and the progress made.

The meeting agreed that the existing stony bank, i.e. the shingle at Renmore, could not be protected without some physical intervention and even then would still be susceptible to further storms. It might also necessitate review of the appropriate assessment already carried out by the Board. It was also conceded that the physical intervention necessary could not replicate nature and its retention in its current natural state, which was cyclical and varied, depended on natural weather conditions.

Survey Work

The meeting noted that:

- A detailed baseline will need to be established.
- Change must be detectable and measurable.
- The monitoring periods would need to be specified.
- ABP and NPWS must be in agreement with the methodology.
- Terrestrial ecologists will be employed by the Harbour Co.
- Intertidal surveys will be carried by Aquafact.
- The number of locations for the sub-tidal work would need to be agreed.
- The work must be future proofed.
- The survey report could be completed by the end of August 2017.

The decision to undertake the survey, which was in effect moving in the next stage of assessment had to be one for the Harbour Company to take, as the Board would not be in a position to formally respond to proposals before the August survey period was past.

The Harbour Company acknowledged this. However, as they considered that the feedback to date was such that other alternatives previously considered had been ruled out by the NPWS (eg designation of new sites, mitigation measures, etc.) and that the possibility of identifying additional as yet undetermined measures was minimal, the current set of proposals which were acceptable in principle were worth pursuing as possible compensation.

Next Steps

- A formal preliminary compensation proposal will be submitted by the Harbour Co. at the end of August 2017.
- The proposal will confirm the preferred areas and habitats, ownership, management measures, and survey material and methodology.
- The three sites at Tawin will be assessed, with the focus on site 1.
- The rationale for site 1 will be addressed.
- The representatives of ABP will brief the Board of ABP at the earliest opportunity.
- ABP, following consideration of the case file by the Board, will formally confirm that the process has reached Phase 2, or advise the applicant of any outstanding issues to be addressed.
- Phase 2 comprises the conclusion of all studies and assessment of the proposed compensatory measures. The Board will be required to determine the next steps after this, i.e. whether and at what stage further public consultation may take place and the nature of such and/or the most appropriate manner and timing of the Statement of Case and associated documentation including proposed compensatory measures being submitted to the Department in accordance with article 6(4) procedures.

Conclusion

The representatives of NPWS stated that the compensatory proposals would appear to be feasible and the representatives of ABP agreed in principal that the Tawin proposals should be developed further and had no objection to survey work beginning. However, the Director of Planning advised that only the Board itself could determine whether the applicant had formally satisfied their requirements and could move to the next stage (and where required advice as to the next stage)

Philip Green
Assistant Director of Planning
August 2017