

An
Bord
Pleanála

Memorandum 61.PA0033

To: Mr Chris McGarry, Deputy Chair, Board.
From: Muiriosa Cassells, Senior Administrative Officer
Re: Galway Harbour Extension, Renmore and Townparks townlands, Galway
Date: 6th March 2024

1. An Bord Pleanála received an application for permission under Section 37E of the Planning and Development Act, 2000 as amended on the 10th of January 2014 from Tobin Consulting Engineers on behalf of Galway Harbour Company following pre-application consultation with the Board under reference PC0150 and PC0012. (See memo dated 17th January 2014 from Mr Kieran Doherty).
2. The application was accompanied by an Environmental Impact Statement (now called and EIAR) and a Natura Impact Statement.
3. The applicant stated that the proposed development requires a foreshore licence/lease.

4. The applicant stated that the proposed development requires a waste licence and a wastewater discharge licence.
5. It is also noted that it is a Seveso site.
6. Prescribed bodies including the EPA, the Health and Safety Authority, Irish Water and the Office of Public Works were invited to comment on the file.
7. The Board requested further information from the applicant on the 27th of May 2014. A response was received on the 16th October 2014 and subsequently published.
8. The Board decided to hold an Oral Hearing (OH). Notifications issued to parties/observers with OH arrangements on the 7th of January 2015.
9. The OH was held on the 6th - 23rd of January 2015 (see Inspectors Report dated 27th February 2015 (tabbed pink)).
10. Following the Inspector's Report the case was submitted to the Board for Direction.
11. A Direction issued by the Board on the 25th of September 2015 (tabbed blue) directing that a notice issue to the applicant.
12. A notice issued on the 29th of September, 2015 for further information (compensatory measures) in accordance with Section 37(F)(1) of the Planning and Development Act 2000 (as amended) to the applicant's agent, Tobin Consultants on behalf of Galway Harbour Company inviting

them to confirm if it wished the project to be considered for approval under Article 6(4) of the Habitats Directive.

13. A response from Tobin Consultants regarding compensatory measures, including an 'Aquafact' report was received on the 24th of November 2015.

14. This information was submitted for comment to the National Parks and Wildlife Service (NPWS) on the 2nd of February, 2016 and a response was received on the 27th of May, 2016.

15. Furthermore, a meeting was held on the 28th of June 2016 with An Bord Pleanála and the NPWS (see Record of Meeting dated 28th of June 2016).


16. A tripartite meeting was held on the 13th of December 2016 between An Bord Pleanála, the NPWS and the Port of Galway (see meeting record).

17. The applicant submitted further information setting out their proposals of compensatory measures on the 16th of December 2016'

18. Further tripartite meetings were held on the 27th of July 2017 and 13th of December 2017 (see records of meetings).

19. The applicant submitted copies of the NIS Report (impact on compensatory measures) on the 26th of April 2019.

20. The Board issued a letter to the NPWS on the 26th of April, 2019 and a response was subsequently received on the 27th of August, 2019.

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21. On the 7th of October 2019 a request for further information issued to the applicant.
 22. A response was received on the 23rd of December 2019.
 23. A supplementary Inspector's report was prepared dated 6th of October 2020
 24. A memorandum dated 8th of October 2020 was prepared by Ms R. Kenny, Director of Planning to the Board having regard to the legislative provisions in respect of the IROPI process (tabbed).
 25. The file was submitted to the Board for Direction and a meeting was held on the 15th of December, 2020 (see Direction tabbed blue).
 26. The Board concluded that an appropriate statement of case was to be prepared and submitted to the Minister in accordance with the provisions of Section 177AA(2) of the Planning and Development Act 2000, as amended.
 27. A notice under Section 177AA of the 2000 Act issued to the Minister for Housing, Local Government and Heritage (DHLGH) in accordance with the requirements of Section 177AA(2) of the Act on the 24th of March 2021(tabbed).
 28. A copy of this letter issued to prescribed bodies/observers on the 13th of April 2021.
 29. A response was received from the DHLGH on the 3rd of September, 2021, (tabbed).

30. Following Board's Direction dated 18th of October 2021, the Board decided to circulate the NPWS submission dated the 3rd of September 2021 to the applicant's agent on behalf of Galway Harbour Company.
31. A further response to a request for further information by the Board was received from the applicant on the 10th of October 2022.
32. Following a Board Direction dated the 15th of May 2023, a notice issued by the Board to the Minister of Housing, Local Government and Heritage dated the 26th of May, 2023.
33. The Minister issued a notice on the 27th of February, 2024 under section 177AB(3) formed the opinion that the compensatory measures are sufficient to ensure the overall coherence of the Natura 2000 network is protected.

Comments:

It is noted that Section 177AB(6) states that the competent authority shall make available for inspection by members of the public during office hours at the office of the authority and **may** also publish on the internet a notice issued to the authority under section (3).

I recommend the Board also publish notice on its website, however, this is discretionary and not a mandatory requirement.

File herewith for Decision/Direction.