

## **APPENDIX 5**

### **PROCEEDINGS OF ORAL HEARING IN REACTION TO GALWAY HARBOUR EXTENSION**

#### **PROCEEDINGS OF PRELIMINARY HEARING**

Due to the number of submissions received by the Board, it was considered appropriate to hold a preliminary hearing with the purpose of (a) preparing a detailed timetable/ agenda for the main hearing and to (b) ascertain whether or not there were any legal or administrative matters that need to be brought to the Boards attention prior to the main hearing.

The preliminary hearing commenced at 10.00am on January 6<sup>th</sup> 2014 in the Connaught Hotel, Dublin Road, Galway. The following parties were in attendance:

The applicants indicated that it was their intention to call upon 17 expert witnesses during the course of the main hearing.

The following proscribed bodies were in attendance and reserved their right to make oral submissions at the hearing;

(1) An Taisce, (2) Inland Fisheries Ireland and the (3) DAHG (NPWS). A representative from the North West Regional Assembly (previously the Western Regional Authority) indicated that they may attend the hearing but would not be making a formal submission.

Galway City Council and Galway County Council were also in attendance. Galway County Council indicated that while it may attend the main hearing it was not its intention to make a formal submission at the hearing. Galway City Council indicated that it would make a formal presentation but only in relation to planning and other issues and not in relation to ecology or marine hydrology issues.

22 third party observers (6 via e-mail) indicated that it was their intention to make formal submissions at the hearing, (the will note from oral hearing timetable attached that a number of other observers also made submissions

The inspector notified all parties present at the preliminary hearing that it was the Board's intention to draw up a detailed agenda on foot of the preliminary hearing. A copy of the agenda is attached to this appendix. Parties would be notified by post and e-mail of the detailed agenda.

No issues of a legal or administrative nature were brought to the Boards attention during the preliminary hearing.

The preliminary hearing was closed at 11.20 am.

**PROCEEDINGS OF ORAL HEARING  
WEEK 1 (MODULE 1 – ECOLOGY AND MARINE BIOLOGY)**

**Day One – January 13<sup>th</sup> 2015**

The Inspector formally opened the proceedings of the Oral Hearing at 10.00am. After a short introduction the Inspector invited the applicant to commence the formal submission.

- **Submission no.1** Mr. Esmonde Keane Counsel on behalf of the applicant requested **Mr. Eamon Waldron of Tobin Consulting Engineers** to set out the introductory and engineering brief of evidence in relation to the proposed application. Mr. Waldron set out a brief history of the harbour company before outlining the existing port constraints associated with the harbour. The elements of the proposed development seek to overcome these constraints were also set out before the development was set out detail. Details of the proposed services (watermain, foul drainage system, storm drainage system etc. set out in the submission). Details of all the facilities to be provided including the commercial quay, the oil/bitumen unloading facilities, the nautical centre, the marina and the various buildings and ancillary buildings associated with the development were also outlined. It is stated that Galway Harbour Company would be the management company for the overall development. Mr. Waldron also set out details of the construction elements and indicated that the full development could take up to 8 years to complete. The construction sequence under four separate stages were set out and it was further stated that regardless of the date of the commencement, no work involving dredging, rock removal, pile driving or back hole dredging will take place between the months of April and July for ecological reasons. The sequencing for the various stages are also set out in the submission. Details of site investigations, the lagoon wall construction, the key wall construction, the commercial port breakwater design and the marina design were also referred to in the submission. Finally the submission sets out the dredging that will be required to be undertaken. It is estimated that the sediment dredging quantities amount to 1.815 million cubic metres for the entire development (including 1.7 million cubic metres from Under Stage 1) and approximately 24,000 cubic metres of rock will also be excavated. The total rock excavation amounts to a mere 1.3% of the overall quantity of material to be excavated. A series of slides accompany the presentation (see Submission 1A).

- **Submission No. 2** The applicant then called **Mr. Anthony Cawley** to present his brief of evidence in relation to **marine hydrology and flooding**. The submission argues that the proposed harbour development meets the requirements of the Flood Risk Management Planning Guidelines; being an appropriate water compatible development for a high flood risk zone and

being designed to meet the Irish Flood Risk Standards of 200 year flood level. The climate change allowance has also been incorporated into the design. It is also stated that the proposal will not result in the coastal erosion of soft vulnerable shoreline areas within the Bay. In terms of the impact on overall coastal processes it is considered that the impact will be localised and not significant in terms of its impact on water quality status, the sediment transport regime, the siltation and hydrodynamics within the Galway Bay nor will the proposal materially impact on the lagoon waters of either Lough Atalia or Renmore Lough both of which are designated as 'priority habitats' under the Habitats Directive. It is considered that changes in salinity may occur to the east of the harbour area due to the reduction in freshwaters associated with the Corrib River. However this impact is deemed to be negligible. In terms of sediment transport and morphology the modelling undertaken indicates that the suspended solids concentration are only significantly elevated above background in the immediate vicinity of the dredging work areas with the plume enjoying good dispersal and dilution with tidal flow. The dredging works therefore will only have a minor local impact. In terms of wave climate it is stated that the wave climate study shows that the Mutton Island Causeway affords greater protection to the proposed development against Atlantic storm waves. And the modelling shows that only slightly higher wave heights, in the order of 0.1 to 0.2 metres, will occur along the western shoreline. In terms of hydrodynamics the modelling also indicates that the impact on sediment transport would be imperceptible and the impact on flow velocities inside of Nimo's Pier (approaches to the docks, Claddagh Basin and Lough Atalia) as a result of the development is predicted to be negligible. Finally the brief of evidence addresses the concerns in relation to hydrology and flooding expressed in the various third party submissions to the Board.

**Submission No. 3** - The applicant then called for the evidence of **Mr. Eugene McKeown** in relation to **noise and vibration**. This submission dealt with both airborne noise and underwater noise. The submission assessed the potential impact of the proposed development in terms of construction noise, traffic noise and railway noise and set out existing background noise levels associated with the area. The main noise generators associated with the construction included the lagoon construction, the trailer suction hopper dredging, the backhoe dredging, the quay wall construction and road traffic noise. In terms of operational noise, the main noise generators were considered to be rail traffic noise and shipping noise. It is stated that the most intense noise will arise from pile driving and the modelling undertaken represents a worst case scenario. Airborne noise is not considered to have a significant impact on terrestrial, ecological receptors including seals and otters and nesting birds.

In terms of underwater noise, it is stated that the marine mammals most likely to be affected in the harbour area are the harbour porpoise and the harbour seal. However the shallow depth of the Bay significantly limits the transition of low frequency sound. The various sources of underwater noise during the construction works include dredging works, pile driving and underwater blasting. During the operational phase large commercial vehicles and fishing boat traffic together with leisure traffic are the main generators of underwater noise. It is also noted that the ship will accommodate larger vessels and by reducing the total number of vessels to and from the facility in taking in larger single loads of cargo the impact of vessel noise will be reduced on a temporal basis. The underwater noise was modelled. The modelling indicates that for pile driving an exclusion zone of 64 metres is required and a zone of up to 120 metres for dredging and 1 kilometre for blasting activities in order to avoid of any possibility of temporary injury to marine fauna; the limiting factor being the impact on seals in all cases. The underwater noise mitigation measures are set out in the submission. No significant adverse effects on terrestrial ecology are anticipated in relation to vibration resulting from the proposed development.

In conclusion it is suggested that in terms of airborne noise, there will be a minimum increase in noise levels at the nearest noise sensitive locations resulting from the harbour expansion. In terms of underwater noise it is stated that the new port will result in localised minor adverse impacts but not on a biologically significant scale. The submission then goes on to specifically address the concerns raised by third party submissions to the Board in relation to noise and vibration.

**Submission no.4 - Mr. Eugene McKeown** was then requested to present his brief of evidence in relation to **air quality and climatic factors**. It states that the impact of construction related dust emissions is classified as negligible to minor. In terms of odour it notes that the surface layer of the seabed material recovered has the potential to generate hydrogen sulphide (H<sub>2</sub>S). A worst case odour dispersion model is presented in Section 9.7.5 of the EIS. It indicates that odours will not be detectable beyond the range of 650 metres. In terms of increases in emissions due to traffic, it is considered that the impact would be negligible to minor. In terms of air emissions from ships reference is made to the ENTEC Report from 2002 and this incorporates more recent data which more accurately reflects the current shipping fleet and provides a standardised methodology for calculating emissions from ships in port. The emissions have been recalculated using this methodology and have found to be less than those presented in the EIS. This is reflected in the addendum to the EIS with updated calculations. It is also suggested that significantly greater emissions would arise if materials were to be transported

by road from Shannon/Foynes, Cork or Dublin. The submission then goes on to address concerns set out in various third party observations submitted to the Board.

**Submission No. 5** - The applicant then called **Dr. Micheline Sheehy Skeffington** to present the brief of evidence in relation to the **impact of the storms in late 2013/early 2014 on the shingle and saltmarsh plant communities at Renmore Lough and the impact on these storms on the perennial stony bank vegetation which is a qualifying interest of the SAC**. It notes that prior to the storms of 2013/2014 a shingle bank formerly c.1 metre in height was located between Renmore Strand and Renmore Lake. However this bank was completely altered as a result of the storms and the shingle has been moved to such an extent that the seaward edge now forms part of the strand line and the vegetation now comprises of species tolerant of tidal submergence. It is stated that a key characteristic of the stony bank was the intermittent disturbance and overtopping of the bank by sea storms which resulted in a unique ecological habitat associated with the shingle. The proposed development is likely to shelter this habitat from intermittent wave overtopping and disturbance and therefore is likely to reduce the extent and occurrence of the habitat and its constituent species. Thus the effect of the proposed development, by decreasing exposure to storms will stabilise the shingle resulting in it being colonised by species from the adjacent grassland. The complex of shingle and strand line vegetation comprises of mosaic of grassland in Annex I habitats including annual vegetation of draft lines and perennial vegetation of stony banks. Approximately 0.18 hectares of this habitat lies within the candidate Special Area of Conservation. It is concluded therefore that the significant effect of the proposed Galway Harbour Extension development will be to stabilise the shingle habitat and thus permanently alter its nature and plant species composition. The proposal however is unlikely to have any impact on the salinity in either Lough Atalia lake or Renmore lake and as such these priority habitats will not be altered as a result of the proposal. When specifically asked by the inspector whether the proposed development was likely to impact on a qualifying interest of the cSAC ms Sheehy Skeffington stated that this was likely to be the case.

**Submission no.6** - The applicant then requested the brief of evidence from **Mr. Tom Gittings** which specifically related to **Birds Species in the Inner Galway Bay**. The submission set out the various data sources available and the conservation objectives and their interpretation in relation to non-breeding bird populations and breeding bird populations. The submission then goes on to analyse the potential habitat loss and degradation and disturbance in relation to both breeding and non-breeding bird populations before finally assessing the in-combination effects. It concludes that it can be stated beyond reasonable scientific doubt that none of the potential impacts arising from the

proposed development would be likely to cause population level consequences to any of the birds of special conservation interest of the Inner Galway SPA. Furthermore it can be stated that it is beyond reasonable scientific doubt that there will be no potential cumulative impacts from habitat loss due to the Galway Harbour Extension development in combination with the historical habitat loss from the development of the Galway Harbour Enterprise Park that could cause population level consequences to any of the birds of special conservation interest in the Galway Bay SPA. Finally it is considered that there will be no significant impact from bottom mussel culture on benthic prey resources for terns.

**Submission No. 7 - Dr. Chris Peppiatt** was then requested to prepare his brief of evidence in relation to **terrestrial habitat mammals and birds**. The submission sets out details of terrestrial habitats within the development sites and outlines the seal survey work undertaken together with otter survey work, bat survey work, visual cetacean and bird surveys. The brief of evidence then set out the predicted impacts and the proposed mitigation measures to be put in place. It states that monthly seal haul-out surveys were carried out between May 2011 and April 2012. While the common seal population of the Inner Bay may amount to c.300 individuals, the usual number of seals using the area which encompasses the site of the proposed development is in the range of 0 to 5. Otter were recorded within the development site on five occasions. No holding sites have been found in the immediate vicinity of the proposed development. All indications from visual surveys in the area are that the site of the proposed development is not heavily used by cetaceans, although porpoises and dolphins are present in the area. Behavioural disturbance is possible for cetaceans during blasting, dredging, pile driving and other construction operations within 1 kilometre of the works. The potential for permanent threshold shift hearing damage will be limited to within 16 to 19 metres of the work site and measures have been put in place to halt works if they are considered to be too close by marine mammal observers. A dusk and dawn bat survey at the site of the proposed development indicated minimum bat activity and it is considered that the proposed development is not optimal for bat usage.

Bird surveys of either 3 or 8 hour durations have been carried out on 40 dates between March 2011 and December 2014. The bird surveys totalled 260 hours. 14 of the 20 species of scientific conservation interest were recorded within the development study area. 6 qualifying interest species have never been recorded within the development site and it is considered that the habitat conditions are unsuitable for these species. Three species were recorded in adjacent areas but only occurred irregularly in small numbers so that any potential disturbance impact are not considered likely to be significant. Details of the various surveys are contained in an appendix to the brief of evidence.

## **Day 2 – Wednesday January 14<sup>th</sup>**

**Submission No. 8** - Finally to conclude the formal submission on behalf of Galway Harbour, the applicant requested the brief of evidence from **Dr. Brendan O'Connor** which related to **marine habitats**. It set out in detail a description of Galway Bay and the inter-tidal habitats and sub-tidal habitats associated with the Bay. Smolt tracking studies and predation studies were also referred to in the submission. Details of the fishers and migratory fish species were also outlined. Dr. O'Connor also stated that he had read the brief of evidence of Dr. Gittings in relation to the impact of the proposal on the SPA and agrees that it can be stated beyond reasonable scientific doubt that none of the potential impacts arising from the proposed development is likely to cause a population consequences to any of the species of conservation interest in the Inner Galway Bay. Dr. O'Connor also agrees with Dr. Peppiatt's brief of evidence that the loss of terrestrial habitats on the site would be mitigated through the proposed native species planting plan and the landscaping scheme and the residual associated impact is therefore considered to be a permanent slight positive impact. While the proposal will result in a temporary loss of c.4.64 hectares of habitat for otter, after two to five years and the incorporation of a new longer coastline associated with the harbour this will result in a permanent gain of approximately 11.14 hectares of prime otter foraging habitat. It is acknowledged however that for some of the qualifying interests of the Galway Complex cSAC and the special conservation interest of the Inner Galway SPA, adopting a precautionary principle and on the basis that it cannot be said without reasonable scientific doubt that these impacts would not be significant. These impacts are considered significant. In conclusion it is considered that the proposed Galway Bay extension was found to have the potential to directly impact on two Natura sites Galway Bay cSAC and SPA. The impacts on the permanent loss of qualifying interests habitats and the potential impact on certain species arising from this loss but the effects are not considered to be significant on either of the Natura 2000 sites. However adopting the precautionary principle on the basis that it cannot be said without reasonable scientific doubt that impacts would not be significant for the purposes of the assessment such habitat loss on species and is therefore being treated as significant. Mr. O'Connor's brief of evidence concluded the formal submission by the applicant in relation to ecology and hydrology issues.

**The planning inspector then requested the commencement of submissions by Prescribed Bodies.**

**Submission No. 11** A submission was made by **Dr. Paddy Gargan** of **Inland Fisheries Ireland**. It stated that the IFI previously expressed concern that the development would encroach in to a zone which is legally an integral part of the Galway Fishery. He notes the response from Galway Harbour Company that the location of the markers has been re-established and the marker will be reinstated. Also the port acknowledges that any monetary loss will be addressed with the IFI. This is deemed to be acceptable to the IFI.

The IFI also raised concerns regarding the possible increase of seal predation on returning salmon due to the more restricted nature of the Corrib River mouth if the proposed extension proceeds. The Corrib SAC is an important SAC for Atlantic Salmon. There is a proposal to monitor seal numbers prior to, during and for a period of years post-construction. If such monitoring results in evidence of increased seal numbers and increased predation on salmon at the Corrib River mouth, the IFI wish to see mitigation measures to address this issue. Increased seal predation on salmon is a potentially long-term effect which will need to be addressed.

The IFI previously expressed concerns regarding the possibility that the proposed harbour extension may restrict or hinder upstream passage of the elver (young eels) into the Corrib River. It is the view of the IFI that the location of the proposed wildlife pass near the seaward end of the proposed harbour extension may not be sufficient to address concerns that elvers may accumulate to the east of the proposed extension and may not have access to move into the river. It is the view of the IFI therefore that an elver monitoring programme be initiated now prior to any development. If it transpires that the proposed development demonstrates an impact, adequate mitigation measures need to be put in place to address same.

**Submissions 12 and 12A** The Planning Authority then requested that **An Taisce** make its formal submission to the Board. **Mr. Ian Lumley** on behalf of An Taisce made reference to the UK Environment Agency documentation entitled "Adapting to Climate Change – Advice for Flood Risk and Coastal Erosion Management Authorities". In a submission Mr. Lumley argued that rising sea levels due to climate change is a significant concern and that to-date, authorities have consistently under-estimated rising sea levels due to global warming. In support of its arguments Mr. Lumley referred to the above document. Furthermore Mr. Lumley contended that all peer-reviewed documents in relation to climate change predicted mounting storm conditions throughout the next century. In this regard it is considered that the applicants predicted sea level rise of 0.5 metres over the next 100 years represented a

very conservative forecast. The prospect of storm surges being funnelled into the Claddagh Basin as a result of the proposed development needs to be properly and independently assessed by the Board according to An Taisce. Mr. Lumney contended that the overriding imperative for human society was reversing the accelerated loss of global biodiversity.

In relation to more general issues, An Taisce wishes in particular to adopt the concerns and issues raised by Birdwatch Ireland. An Taisce set out what it considered to be the Board's obligation under the Habitats Directive and the Environmental Impact Assessment Directive and in this regard made specific reference to the Waddenzee Judgement making particular reference to the issues of "scientific doubt", "scientific certainty" and the "precautionary principle". There is also an obligation on the Board to ensure the adequacy of information from all inputs necessary to properly execute its obligations under Article 6(3) and 6(4) of the Directive. Reference is made to other legal requirements which the Board must carry out in accordance with the requirements of both the above Directives. The Board must satisfy itself that the information on the favourable conservation status of the habitats and species of concern has been adequately and robustly determined and that no deficit arises in relation to same. The Board must also exercise a precautionary approach to the assessment of impacts and cannot conclude with the requisite scientific certainty on the impact of the favourable conservation status of the European Sites. Reference is also made to wider compliance and compatibility considerations including obligations arising from the treaty of the functioning of the EU (TFEU) and in particular Articles 191(1) and 191(2) in relation to environmental protection obligations.

Reference is made to the Sweetman case (C-258-11) and in particular the conclusions contained in the said case. The Board in assessing the application should also have regard to the various EU guidance available on Articles 6(3) and Articles 6(4) of the Habitats Directive. Reference is also made to the public participation obligations arising from Article 6 of the Habitats Directive. It is also brought to the Board's attention that under Case C183-05 the Board cannot rely on conditions relating to post consent assessments.

Reference is also made to the contention that, prior to proceeding to Article 6(4) of the Directive, the requirements in relation to the 'exhaustion of alternatives' must be undertaken and reference is made to Judgement C-239-04 in this regard.

In the event of where the Board arrives at a point where it is considering compensatory measures the consideration in the Commission's Guidelines are highlighted for the Board's attention. IROPI must also consider the public

interest at large and not just in a localised context. Finally reference is made to the more recent case in relation to wind farm developments in Roscommon and the comments of Ms. Justice Finlay Geoghehan regarding the issue of appropriate assessment.

**Submission 13** - the planning inspector at this point considered it appropriate to take a submission from the **Cladonian Mariners Community Boat Club**. The submission by Martin Carrick stated that the boat club had approximately 30 members and includes the majority of boat owners in the Claddagh area. Many members have a lifelong association with the Claddagh, its waters and adjacent areas. The recommendations are based on direct and accurate observation on the sea level tidal movements, water current patterns, wind patterns and conditions. It is stated that they have a good overall comprehension of local climatic patterns. The boat club wish to object in the strongest possible terms to the proposed breakwater on the grounds that rising flood levels have been experienced as never before and this has caused great concern amongst residents. The boat club have observed that since part of the north-western dock area was reclaimed and the causeway to Mutton Island was completed changes have taken place in the oceanography of this water body which has resulted in more vigorous water movements being observed. It is stated that in 2009 3 tides of in excess of 18 feet were recorded however in 2015 29 tides of 18 feet will be recorded. (based on future astronomical tides). It is suggested that the c.24 hectares of infill will further aggravate current problems of flooding and this especially applies to the height and length of the proposed breakwater. The area to the immediate west of the proposed development will be narrower for the deeper channel and this will have significant adverse effect on the operation and safety of variety of small sea craft utilising a working area. The information contained in the EIS (Chapter 8, pages 160 – 164) suggests that the proposed development will result in little change, if any and this is difficult to accept considering the observations made underground. Finally it is stated that IROPI only occurs where no less damaging alternative solutions can be found. The boat club would urge An Bord Pleanála that the overriding public interest in this case is with the residents of the Claddagh and the associated boat club. It is therefore recommended that planning permission for this development be refused.

A short verbal submission was then made by **Senator Hildegard Naughton in favour** of the proposed development. She argued that the port is not currently fit for purpose and that proposed development would be greatly beneficial for tourism and economic development for both Galway City and the wider region. It was argued that there was no potential anywhere else on the western seaboard to facilitate maritime tourism and trade on the scale which Galway has to offer. It was emphasised that joined-up thinking would

be required in order to ensure that all eventualities arising from the proposals are adequately addressed.

**Submission 30 Ms. Siobhan Egan from Birdwatch** Ireland made the following points to the oral hearing. Ms. Siobhan Egan argued that there were significant gaps in the information supplied in relation to the ornithological characteristics and usage within the Galway Bay SPA. It is suggested that while the impact may be small, it could still be significant and could contribute to the overall decline of the conservation status of the Bay. Reference was made to “death by a thousand cuts” in this regard. There was also a need to look at the longer conservation objectives particularly in light of Commission Guidance on this matter. It was suggested that there was no comprehensive analysis of the long-term implications the proposed development could have on bird numbers and bird species using the Inner Bay. There was also a need to look at the wider SPA’s in the area particularly Lough Corrib SPA. The Black Headed Gull uses the Inner Galway Bay SPA. However it is not a qualifying interest of the Inner Galway Bay SPA but is a qualifying interest of the Lough Corrib SPA. The implications for the proposed development on the wider network of SPAs in the area should be evaluated more robustly. It is argued that this has not been done adequately. There is a need to assess and evaluate the cumulative effects arising from the development and there is also a need to assess the potential implication of extreme weather events on bird populations within the SPA. There is a requirement to provide certainty in terms of how the proposed development will impact on the wider network of SPAs and to what extent it could contribute to the biodiversity of the SPA. The disturbance impacts arising from the development are also set out and it is concluded that a more significant body of work needs to be undertaken in relation to assessing the potential impact of the proposed development on the SPA prior to issuing the development consent.

After lunch a number of questions were put on behalf of the applicants by Tom Gittings and George Peppiatt to Birdwatch Ireland. After which the hearing was adjourned until the following day, Thursday 15<sup>th</sup> January.

### **Day 3 Thursday January 15th**

The hearing recommenced at 9.30 the following day with a number of submissions from the NPWS.

**Submission 14** - An introductory statement was made by **Cliona O'Brien – Head of Ecological Assessment for the NPWS**. It summarised some of the key issues raised by the Department's previous correspondence to the Board. It was the Department's view that a number of gaps and uncertainties remain to be resolved in the analysis by the applicant. One of the critical issues of concern was that the analysis often failed to consider the impacts and significance with specific regard to the conservation objectives of the site and the attributes and targets set out in this conservation objectives. It is reiterated that the permanent loss of marine Annex 1 habitats – mudflats and sandflats not covered by sea water at low tide and reefs is not consistent with the conservation objective for the site which is to maintain the favourable conservation conditions. This requires the permanent habitat for these areas would remain stabilising or increasing subject to national processes. The capacity of the Department to furnish an opinion on the sufficiency of any proposed compensatory measures would depend on the quality and completeness of the assessments underpinning the Board's decision. One of the Department's key outstanding concerns is that the conclusion in the documentation provided that the effects are not considered to be significant on either Natura 2000 sites is still not consistent or sufficiently well supported or analysed in view of the number of specific conservation objectives and their attributes for the site including but not only where issues of permanent loss of habitat arises. Ms. O'Brien then requested that a number of colleagues be allowed to present specific submissions to the Board outlining these concerns in more detail.

**Submission 15** Firstly **Dr. David Tierney a Wildlife Inspector with the NPWS** dealt with the issue of birds. The submission highlighted the ornithological importance of the Inner Galway Bay particularly for the Great Northern Diver and Light Bellied Brent Goose but a number of other birds which are listed are also deemed to be of national importance. In particular concerns remains that the displacement impact predicted for the Turnstone could have population level consequences for this species and therefore would undermine attribute no. 1 of the conservation objective for the Turnstone. With regard to attribute no. 2 of the conservation objectives for wintering species this requires that the broad scale distribution of the listed species should remain relatively constant over the long term. The department considers that there is significant uncertainty regarding the cumulative assessment of the effects of the permanent loss of 10.7 hectares of suitable

foraging habitat caused by earlier development in conjunction with the proposed development and this could adversely impact on the conservation objective of the second attribute.

In relation to the Great Northern Diver it is noted that the Inner Galway SPA is the most important wintering site in Ireland for the Greater Northern Diver. Dr. Gittings on behalf of the applicant sets out a predicted displacement due to habitat loss combined with habitat degradation to be about 1%. This assumes complete exclusion of the species from the development site but does not factor in shipping lanes and areas of relatively high recreational boating/sailing disturbance. While it is acknowledged that a certain level of uncertainty with regard to how the population of Great Northern Diver will react with the projected two-fold increase in recreational boating and increases in other boating activities together with the direct disturbance caused by the construction phase mitigation measures and the lack of robust data on how this species is distributed in the middle of the SPA, the conclusion that significant impacts on the conservation objective can be ruled out is not scientifically robust.

**Submission No. 16** from **Oliver O Cadhla NPWS**, welcomed the additional clarification provided by the applicant but questioned whether the proposed wildlife pass now to be incorporated into the development would be a viable impact mitigation measure for seals. A reasonable scientific doubt remains concerning the absence of a barrier effect on the movement of the harbour seal in the area concerned. More detailed data is required on the usage of the Bay by harbour seals. Questions are also raised in relation to the hearing thresholds of mammals and cetaceans. As a result a permanent negative effect cannot be discounted.

**Submission No. 17** from **Julie Fossit (NPWS)** stated that the map or drawing that shows the location, extent and inter-relationships of coastal Annex I habitats in the pre and post storm scenarios is still lacking. A focussed assessment of the likely significant effects of the proposal on coastal Annex I habitats was required, this should be carried out with specific reference to the relevant attributes and targets of the site specific conservation objectives. The potential impacts in this regard are still not clear. In respect of permanent loss of 'perennial vegetation of stony banks' it is not clear how the area of loss of 0.18ha of this habitat was arrived at. Thus the impact on the conservation objectives on Annex I habitats remains unclear.

**Submission No. 18** from **Dr. Yvonne Leahy (NPWS)** stated that, in relation to 'priority habitats' the term no conservation value should be clarified. The conservation objective for this habitat is "to restore the favourable

conservation condition of coastal lagoons in the Galway Bay Complex cSAC". The implications of the development need to be considered in this light.

**Submission No. 19 from David Lyons (NPWS)** It is not contested that the Annex I marine habitat is present in the site, nor is it contested that it will be lost. It is the position of the NPWS that the loss of this habitat (*Mudflat and sandflat not covered by seawater at low tide and reef*) would undermine the conservation objectives for this habitat namely – that the permanent habitat area is stable or increasing, subject to natural processes. The conclusion in the NIS that the effects are not considered significant however based on the precautionary principle and without reasonable scientific doubt, such habitat loss is being treated as significant. It is suggested that the use of this language could be improved and a more concise conclusion reached.

**The applicant has submitted further written responses in relation some of the previous submission by observers and prescribed bodies (many of which were not read in to the public record – see table oral hearing submissions attached). Galway Port also made oral responses to the written submissions from the NPWS.** These are briefly outlined below:

**Submission 28** was received from **Tom Gittings** in response to the oral submission made by Dr. David Tierney of the NPWS (Submission No. 15). It reiterates that in terms of potential displacement, the impact of the proposed development will be effectively zero on the Turnstone. In relation to attribute no. 2 of the conservation objectives for the SPA, it is stated that, in the absence of specific guidance from the NPWS, it is not possible to make an objective assessment of the potential impact of attribute no. 2. It is reiterated however that the inter-tidal habitat which will be removed is small and fragmented. In terms of the wetland conservation objective, it is noted that the qualifying interest of the Inner Galway SPA requires that the wetland habitat should be stable and not significantly less than the area of 13,267 hectares. The keyword is 'significant' in this regard. The actual magnitude of habitat loss is very small, 0.32% of inter-tidal and sub-tidal habitat within the SPA.

In relation to the Greater Northern Diver and the densities of the Great Northern Diver within the Inner Bay it is suggested that on the basis of the applicant's calculations any birds displaced will be able to find adequate alternative habitat within areas covered by the I-WEBS data base. Furthermore the survey methods suggested by Dr. Tierney are not considered to be appropriate survey methods for Great Northern Divers. In terms of disturbance it is not considered that disturbance would be significant as a result of increased boating activity particularly during the winter months.

A further **submission No. 29** was made by **Dr. Chris Peppiatt** in response to Dr. Oliver O’Cadhla submission on behalf of the NPWS (Submission No. 16). It reiterates that the proposed wildlife pass will be a viable mitigation measure for seals thereby alleviating a possible barrier effect from the proposed development. It is also considered that the loss of any habitat involved in the construction of the harbour extension is unlikely to have a significant effect on attribute no. 5 with regard to the harbour seal (i.e. disturbance). However it is not possible to state beyond reasonable scientific doubt that the habitat loss will not affect harbour seal at population level. Those impacts have been treated as significant for the purposes of the assessment. However since it is not possible to state beyond reasonable scientific doubt that the habitat loss will not affect the harbour seal at the population levels those impacts have been treated as significant for the purposes of the assessment. Measures are also set out in the submission to deal with dead or injured seals arising from construction works.

With regard to a number of questions put by the NPWS in relation to otters it is again reiterated that within 6 to 9 years there will be an overall net gain of 11.44 hectares (0.56%) of marine habitat available to otter. A gain of 2.1 hectares (0.8%) of terrestrial habitat will result from the proposed development after 6 to 9 years.

**Submission No. 32** by **Eugene McKeown** addressed a question raised by the NPWS regarding hearing sensitivity and hearing frequency range in cetaceans. It is reiterated that the proposed exclusion zone for blasting and pile driving has been set at a 1,000 metres in the mitigation measures proposed in the EIS. This is in accordance with Departmental guidance and provides for an additional safety factor for marine mammals. Due to the nature of the Inner Bay it is possible for a marine mammal observer (MMO) to observe this area from the construction site or Hare Island or Mutton Island. Further details were provided in relation to odour emissions and treatments. This submission was made on foot of a number of questions put by the inspector to Mr. McKeown (refer to recording in the early afternoon of Day 1 of hearing).

A further submission was made by **Mr. Tom Gettings (Submission No. 31)** specifically in response to the Birdwatch Ireland submission. It is reiterated that the inter-tidal and shallow sub-tidal habitat within the GHE is very small and fragmented and given all the characteristics of the site, it would not be capable of supporting substantially larger numbers of birds than it does at present. Any changes in the usage of the Galway Harbour Extension site by birds species would reflect larger changes in the distribution of their prey (i.e. fish). In terms of cumulative impacts the only reference made by Birdwatch Ireland was the potential changes in nutrient loads. It is stated that this is not

relevant as there are no predicted changes to nutrient loading in the vicinity of the site. The submission also goes on to address some of the concerns raised by Birdwatch Ireland in relation to the Black Headed Gull and it is noted that there is an absence of a significant nocturnal Gull roost in the GHE site. Thus there is no scientific reason to suppose that the GHE development will have negative impacts on nocturnal Black Headed Gull roosts in Inner Galway Bay. With regard to habitat uses it is stated that consideration of habitat use across the SPA in the future would require specification of detailed scenarios of environmental changes that would result in significant changes in habitat availability and/or scenarios of changes in bird populations. With regard to extreme weather events it is stated that it is difficult in the absence of any specific complaint to know precisely what is being suggested here. In terms of disturbances it is reiterated that the assessment found that potential impacts of both habitat loss and disturbance would be very minor so there was no potential for significant cumulative arising from the impacts of habitat loss in combination with disturbance. The final section of Mr. Gittings submission examines the potential use of modelling to examine longer term changes in bird populations in the area.

A further submission was made by **Mr. Anthony Cawley (Submission No. 21)** in direct response to the concerns raised by An Taisce in relation to rising sea levels and climate change allowance. It states that the approach of using a medium range climate change scenario (500 millimetres) agrees with the OPW who are the national agency responsible for flood risk management. A high-end climate change scenario suggests a potential 1 metre rise in sea level with the majority of the increase occurring towards the end of the century. In respect of the project it should be noted that finished floor levels of all proposed structures are set at 5.5 metres OD which potentially provides an additional freeboard of 850 millimetres on top of the 500 millimetres sea level allowance. The quays which are maritime working areas and the internal roads are protected to 5 metres OD which potentially provides 850 millimetres for possible climate change rise. It therefore protects against uncertainty and is in accordance with good flood risk management planning.

Finally the applicant made a submission by **Dr. Brendan O'Connor** (Submission no. 20) which related to other ecological issues. The submission included a habitat map showing the distribution of Annex 1 habitats in response to Ms. Fossett's (NPWS) concerns on the NPWS. Clarification in the form of a map (the same as that submitted by Micheline Sheehy Skeffington in her submission – Submission no. 5), indicates the changes in the shingle shoreline resulting from the storms which occurred in Galway in December and January 2014. The entire area of this habitat amounts to some 0.31 hectares with 0.18 hectares located within the cSAC. Further details in relation to the modelling of the wave climate is also submitted and this

includes Figures 4.4.25 to 4.4.36 as set out in the initial response to the request for further information (October 2013). Finally a figure is submitted which indicates that part of the Bay which would be affected by suspended sediments arising from the capital dredging operation. (Figure on page 25 of submission).

One question was put to the applicant to the NPWS in relation to the quality of the inter-tidal and mud habitats which would be affected by the proposed harbour extension (5.93 hectares).

The inspector then concluded the first module of the oral hearing in relation to ecological and hydrology issues and indicated that the hearing would resume dealing with all other aspects of the development on Tuesday January 20<sup>th</sup> at 10.00 a.m. The inspector then adjourned the hearing at c.1600 hours.

**PROCEEDINGS OF ORAL HEARING  
WEEK 2 - (MODULE 2 – OTHER ISSUES)**

**TUESDAY JANUARY 20TH**

The Planning Inspector commenced the Oral Hearing at 10.00 on Tuesday, January 20<sup>th</sup> and requested a number of public representatives who were present to make their submissions.

Firstly **Deputy Noel Grealish T.D. (Submission No. 33)** made a formal submission to the Board. He stated that he was in full support of the proposal and that the proposal in this instance was about the survival of Galway Port rather than the expansion. He highlighted the fact that the harbour currently could not cater for ships as there was a general move in global shipping towards facilitating and catering for bigger ships. There was a need to accommodate ships of 12 to 20,000 tonnes and this would reduce the carbon footprint associated with the transportation of goods. The proposal would also provide a “shot in the arm” for tourism and cruise ships in particular. He noted that northern Europe was very popular for cruise ships. This year Dublin will accommodate 100 cruise ships and at Cork over 50 cruise ships. Galway can provide a missing link on the western coast as a cruise destination for Ireland. Tourists will be only a 3 minute walk from the beautiful medieval city of Galway. These ships will accommodate up to 500 people each leaving cash injection of €400 to €500 per person in the city. The greater region would benefit including North Clare, Connemara according to Deputy Grealish. The proposal will enable Galway Harbour to facilitate further flagship events such as the Volvo Ocean Race which generated in the region of €55 million for the local economy on the last occasion it visited Galway. The deputy expressed consternation that Shannon Foynes would make an objection to the proposal. He argued that this was anti-competitive and this was the sole reason behind the objection. Finally he pointed out that Galway has a greater maritime tradition dating back to the middle-ages.

**Councillor Pierce Flannery** then made a submission to the hearing (**submission no. 34**). Again the submission was in favour of the proposed development. Councillor Flannery pointed out that he was a business adviser on transport infrastructure and stated that Galway Harbour was the “Port of Connaught” and failure to develop the Port would hold back jobs. No other port on the western seaboard has the capability to expand to the same extent as Galway Port. The current Seveso Directive is inhibiting Galway Harbour and the Port needs to move as the requirements under the Directive is constraining development. The proposal must be judged in the context of the

importance of the “blue economy”. The impact on tourism will be phenomenal. It is acknowledged that there are valid environmental concerns, however reference is made to the Port of Lorient in north-western France which had similar environmental obstacles but these were successfully overcome. It is also stated that the Border Midlands Regional Assembly unanimously expressed support for the proposed development. It is argued that this is an essential piece of infrastructure for the Connaught region. In relation to Shannon Foynes it is stated that that Port company had done little to develop plans for its port development but nonetheless wished to scupper plans and undermine plans for the expansion of the Port of Galway. Finally it is argued that the proposed development is not about the Port itself but about people and future generations which can benefit from the Port development.

A submission was then made by **Deputy Brian Walsh** (no written submission was handed in at the oral hearing). Deputy Walsh stated that he was a former member of the harbour company and wished to speak in favour of the proposed development. It was noted that the port is a very important part of the city’s landscape and existed for over a 1,000 years. The existing Port is being hampered because it is a gated port and is currently not fit for purpose being able to accept ships for only four hours a day. This is hampering its competitiveness. The proposal is very important for regional development, without it business would not continue locate in the area. Reference is again made to the great potential for tourism and that cruise and cruise liners are very impressed with Galway City. Both consistently express concerns about the lack of berthing facilities. It is argued that if the cruise liners could be accommodated, people would spend longer in the city and this would be of great benefit for tourism. Galway Harbour is unique in being so close to Galway City Centre. An opportunity arises where the city can now address the sea as opposed to looking inwards which is currently the case. An opportunity also arises to properly address concerns in relation to the Seveso Directive and the requirements of the Directive which is hampering land uses in and around the Port. Offshore wind development presents a significant opportunity for the Port and Galway Port is able to avail of these opportunities now where Shannon Foynes will not be developed until 2040. While stating that he is by no means an expert, Deputy Walsh suggested that the proposed development will in no way impact on flooding along the coastal area of the city.

**Deputy Sean Kyne** made a formal submission to the hearing (no written submission was presented at the hearing). It stated that the Councillors of Galway City were very supportive of the development in general. Reference again was made to Galway being a gated Port which hampered current expansion. He commended the proposed rail link to serve the development and that when the Galway By-pass is implemented it will significantly improve access to and from the Port. It was also stated that the by-pass is a national

priority in terms of infrastructure development. The deputy went on to highlight the importance of providing a modern facility and the Port would be a prime location for the cruise industry. It would provide great amenities on the doorstep of cruise liners and the cruise line industry can avail of the city's charm. Reference is made to how the cruise line industry has transformed other cities including Barcelona. The proposal will create significant construction employment. The proposal will be funded by the sale of city centre land. The marina would provide a very attractive and important amenity for the citizens of the city. The proposal will provide a building block for future economic expansion and will create jobs, improve tourism and generally improve the city centre as a whole.

The planning inspector then requested that **Mr. John Killeen, Chief Executive of Cold Chon** make a presentation. Cold Chon are an important enterprise located in the docks involved in the importation and distribution of bitumen. Mr. Killeen made reference to the Volvo Ocean Race and to what a great example as to how the harbour can provide a great amenity for the city. This can be built upon with the current proposal. It is stated that the Volvo Ocean Race may never return to Galway because of the existing Port constraints. There is an opportunity to create an inner city working and living environment if the development were to go ahead and this should be seen in very positive terms for Galway as a whole. An opportunity also arises where the dock area could be relocated to make it more amenable to a living city. Again reference is made to how the cruise ship industry transforms cities such as Barcelona and Valencia in Spain. Cruise liners aspire to dock in Port areas so close to the city centre. Reference is made to the fact that in other cities, the Port area has been far removed from the city centre but in Galway the opportunity arises to develop the cruise industry on the city's doorstep. Reference is made to the worldwide growth in sea trade and the fact that ships are becoming larger and less numerous. As a result ships are accommodating very large cargos. Cold Chon can be the wholesaler for bitumen and can transfer bitumen loads throughout Europe from Galway. Loads of up to 40,000 tonnes could be landed at Galway for further distribution to destinations such as Iceland and the UK. Galway is very well located from a transshipment/distribution point of view. It is suggested that the Port of Dublin cannot avail of the same opportunities because of landslide constraints in the Doblin docks area. The Port of Galway has good road infrastructure close to motorways. It is suggested that bitumen would be substantially cheaper if the development were allowed to expand. Mr. Keane (Counsel of behalf of the Port) asked how many people were employed currently by Cold Chon. Mr. Killeen stated that approximately 300 people were employed and this would increase to 350 if the development were to go ahead. Mr Killeen indicated that he had secured planning permission for

additional storage facilities at the port any expansion was however predicated on the port expansion going ahead.

### **Commencement of Formal Submission on behalf of the Applicants**

The planning inspector then invited the applicant to make a formal submission in support of the proposed development.

Firstly the applicants requested that **Eamon Waldron of Tobin Consulting Engineers submit Part 2 of his Engineering Brief of Evidence (submission no 35)**. This submission outlined the background to the proposed development and set out the consultations and scoping that were undertaken as part of the proposed development. The submission then dealt in detail with the safety, health and welfare aspects of the proposed development and in particular Seveso Directive considerations. It concluded that the proposed development would be much more advantageous in terms of compliance with the requirements of the Directive than the practices which are currently undertaken in deploying petroleum at the Quayside at the Inner Dock Area. The submission goes on to outline interactions between the potential environmental impacts before outlining the community benefit and amenities which will arise from the proposed development. The submission concludes that the proposal will address the Seveso II issues associated with handling petroleum products in close proximity to the city centre in terms of residential and commercial properties.

Next **Eamon Bradshaw CEO of the Galway Harbour Company** made an oral submission to the hearing (submission no. 36) which outlined the Port history and the development of the Port principally since the 1920s. The submission also set out Port constraints and the responsibilities of the Harbour Company under the Harbours Act 1996. One of the requirements under the Act is to *“provide such facilities, services, accommodations and lands in its harbour for ships, goods and passenger as it considers necessary”*. The submission goes on to outline the provisions of the National Ports Policy (NPP) (2013) and the specific references to Galway Harbour in the Document. Again reference is made to the importance of the petroleum industry and Galway’s important as a petroleum hub is recognised in the NPP. Reference is again made to the requirement to comply with the Seveso Directive as transposed into Irish law. The submission goes on to outline the rationale for the development of the Port extension and sets out in summary the proposed facilities under the current application. The benefits accruing from the proposed development are set out in terms of developing competition, developing commercial trade and developing the cruise business. It is reiterated that the Inner Dock is no longer fit for purpose and the current Port arrangements results in significant difficulties with granting planning permission for development within a 400 metre exclusion zone which

stretches into the city centre. It is concluded that if the development does not proceed, the reality is that the Port will go into decline and this in turn will have a significant determination as to how a large swathe of the country develops commercially over the next 50 years.

An oral submission was then made by **Captain Brian Sheridan, Harbour Master** of the Galway Harbour Company (Submission No. 37). The submission states that as far back as October 2000, Galway Harbour Company were advised that if it did not relocate and expand from the existing commercial dock, the harbour would go into decline. The existing constraints associated with the Port are set out. Again reference is made to the constraints resulting from the Seveso Directive, the tidal constraints and the gated nature of the Port. The advantages associated with the relocation of the commercial harbour are set out and it is worth noting that it is stated that the Port of Galway is the only Port to have developed both the Ocean Energy and Wave Bob devices. A huge national research maritime industry is evolving in the city and this is closely associated with the Port. Reference is made to national regional growth disparities between Dublin and the West. Reference is made to the existing constraints on ship movement parameters associated with the current Port facilities.

The submission sets out details of fishing operations and the fishing vessel movement and parameters in the new port. Reference is also made to the marina and the marina vessel movement parameters and operations.

The submission also sets out details of the Galway Harbour buildings, extension yards and shipping movements and operations associated with the Port. Finally the submission details navigation and vessel manoeuvring associated with the Port.

The Port of Galway then requested **Raymond Burke** to set out the **Business Case** (submission no. 38) and shipping traffic volumes associated with the harbour extension. The submission outlined the economic importance of the Port sector and notes that Port infrastructure throughout Ireland is beginning to suffer from capacity constraints which is very much influenced by the worldwide trend in increase growth in vessel size. The submission argues that in this regard Galway Port is no longer fit for purpose. The existing Galway Harbour activity and performance including existing throughput is set out in the submission. The various products imported and exported to the Port are set out. Reference is also made to the cruise industry and it is noted that cruise operators are always seeking new destinations for passengers and notwithstanding the number of cruise vessels that come to Galway annually, the port has been unable to capitalise on this lucrative business because of inadequate landing facilities. Reference is made to cruise ships (the

Thompson Spirit) which had to divert to Belfast as weather prevented the cruiser being serviced in Galway. Trade projections are set out and it is suggested that under a low scenario the traffic projections with the development would be 935,000 tonnes annually by 2035 and this could increase to 2.1 million tonnes by 2035 under a high growth scenario. A baseline scenario suggests an increase to 1.932 million tonnes in 2035. Likewise cruise ships could range between 20 and 40 per year in 2035 under a low and high growth scenario respectively.

Failure to develop would see the overall tonnage reduced to 528,000 (from a baseline of 562,000 in 2014) without the proposed development.

The submission goes on to set out many of the submissions that were made in support of the proposed development as well as comment on many of the objections that were received in relation to the proposed development. In relation to the National Ports Policy it is noted that there is nothing in the Ports Policy document that says regional ports cannot compete, expand or develop. It is also suggested that the proposed development is both land led and commercially led. Finally the submission sets out the need for the proposed harbour extension.

The applicants then requested that **Mr. John Lawlor** present his brief of evidence (submission no.39). Mr. Lawlor works for **DKM Economic Consultants** and provided a **Cost Benefit Analysis** in relation to the proposed development. The submission sets out the various options and alternatives available. In terms of Tier 1 and Tier 2 Ports it states that Foynes comes closest to meeting the requirements but is considerably more distant to cater for the requirements of the businesses that currently use Galway Port. The environmental benefits of the Galway Harbour extension in relation to traffic impacts and particularly CO<sub>2</sub> emissions are set out in the brief of evidence. Section 3 of the brief of evidence set out a business case review while Section 4 sets out an economic appraisal of the proposal. The analysis suggests that the project is viable and profitable and thus sustainable from a business point of view. It is therefore highly worthwhile from a socio-economic viewpoint. Most of the wider economic benefits are captured either by the Ports customers or by the tourism sector.

The applicants then requested the brief of evidence to be read into the record by **Gus McCarthy** in relation to **Planning and Policy Context** (Submission No. 40).

The submission set out the European policy context making specific reference to the Marco Polo II Programme and the 2001 white paper on European Transport Policy (Motorways of the Sea) and the EU white paper on European

Transport Policy for 2010: “Time to Decide”. The submission then made reference to the national and regional policy context making specific reference to the National Ports Policy and the Regional Planning Guidelines. Finally the submission makes reference to the local planning policy namely the Galway City Development Plan. The submission concludes that the proposed development is consistent with the relevant policies set out in national strategies, regional strategies and the local Galway City Development Plan. It is concluded that the proposed development is fully supported by the specific objectives including the Regional Planning Guidelines and the City Development Plan. It is also considered that the proposed development is in line with relevant European policy and strategy.

**Mr. Gus McCarthy** then submitted a brief of evidence in relation to **Alternative Solutions** (Submission No. 41). The submission initially sets out the requirements under Article 6(4) of the Habitats Directive in relation to the assessment of alternatives. The submission then sets out a summary of the proposed development together with the objectives associated with the proposal. Section 7 of the submission sets out possible other solutions in relation to alternatives and includes the do nothing scenario before setting out alternative scales and designs for the extension proposal. Section 7.5 of the submission sets out qualifying criteria in terms of assessment and then looks at possible other locations within Galway Bay and notes that Rossaveal is the only other commercial harbour in Galway Bay. However this has been ruled out for a variety of reasons including the imposition of greater cost on customers and the cost of relocating the harbour to such a remote location. It is also noted that there is no potential rail link at a lesser tourism potential at Rossaveal. The submission then went on to assess other ports outside Galway Bay. It notes that Foynes meets most of the criteria but did not meet the criteria of a functional rail connection and furthermore was that the outer limit in terms of maximum proximity was being the desirable limit of 100 kilometres (Foynes is approximately 130 km south of Galway). The submission concludes that the project objectives cannot be met in a “do-nothing” scenario and that alternative locations within Galway Bay are not feasible. It is also suggested that the ecological impact of developing Shannon Foynes is likely to be significant. The Galway Harbour extension therefore represents the least damaging option environmentally in terms of meeting the project objectives including compliance with national policy and supporting the socio-economic well-being of the region.

**Gus McCarthy** then presented his brief of evidence in relation to **Human Beings** (Submission No. 42). Details of the public consultations that were carried as part of the public consultation process were summarised before setting out the socio-economic background to Galway City and environs including details of demographics and economic activities. In terms of

economic activities, reference is made to general employment, tourism and the fishing industry. Section 6 of the submission sets out details in relation to land uses and amenity in the Port and surrounding area.

In terms of potential impact, it is not envisaged that there will be any potential impacts on population. Impacts on economic activity are generally seen to be positive, particularly in relation to tourism. It is also considered that there will be no significant negative impacts on land use or amenity. Other environmental impacts on human beings are set out in other briefs of evidence submitted to the Board. Overall it is considered that the proposal will have a significant positive impact in terms of human beings including economic activity, land use and amenity and thus no mitigation measures are required.

### **Day 6 Wednesday January 20th**

The hearing recommenced on Wednesday morning with the brief of evidence of **Dan Duggan** (submission no. 43) in relation to **soils**. The submission sets out details of site investigations and geology associated with the proposed development. Details in relation to groundwater, sediment quality, details of the proposed land reclamation, lagoonal construction, marina and quay construction, capital dredging and construction monitoring are set out in the submission. It concludes that the above water investigations identified no anomalous or exceptional ground conditions which would preclude or constrain the construction of the development. The results of all geotechnical investigations were incorporated into the design so as reuse the materials and minimise rock excavation. The proposal incorporates the beneficial use of dredged materials which would obviate the need to dump materials at sea or to import new rock material for the construction of the lagoons, walls and quays. All blasting and rock excavation will be carried out in accordance with the noise and vibration limits as detailed in Chapter 10 of the EIS. The working of the soils as proposed will not have a significant impact on receiving waters.

**Mr Tom Cannon** then presented his evidence in relation to **Roads, Traffic and Rail** (submission no. 44). The submission noted that since the publication of the EIS in January 2014, a new validated Galway City base traffic model (under a 2012 year base) has recently been made available to Galway City Council. However it is argued that the 2011 model is still applicable. The submission goes on to outline the existing environment trip generation and sets out the potential impacts on a total of 15 principle junctions (as per the EIS). The analysis demonstrates that 12 of the 15 junctions will not be subject to any significant increase in the level congestion as a result of the proposed Galway Harbour extension. The three junctions closest to the harbour

development along Lough Atalia Road and including Moneenageisha Cross will experience some delay or congestion as a result of the additional traffic generated by the proposed development. The mitigation measures to be employed to reduce the potential traffic impact are set out in Section 3 of the Brief of Evidence. In conclusion therefore it states that the Galway Harbour extension will have a localised impact on junctions in the immediate vicinity of the development. However it will have a negligible impact on the wider network. There will be positive attributes associated with the lowering of the road under Lough Atalia Bridge in terms of efficiently discharging traffic and ensuring that bridge strikes are kept to an absolute minimum. In terms of the rail link, it is stated that the construction of a rail link will be facilitated within an early stage of the development and thus the Port of Galway will be able to avail of a rail link should the demand for rail freight arise from the proposal. Finally the submission sets out further details, primarily in response to the Planning Authority's concerns, in relation to the Mobility Management Framework (MMF). The changes in the MMF are set out in red in the text of the written submission handed in to the Board and have not been read into the record.

**Sean O'Laoire** presented a Brief of Evidence in relation to **Urban Design** approach employed to the Galway Harbour extension<sup>1</sup>. The submission sets out the urban design rationale in the proposed development and outlines the key opportunities in terms of connectivity and public access to the new harbour facility. It also sets out the various character areas along the waterfront and the primary amenity areas along the shoreline. The overall approach to the architectural design of buildings is also set out in the submission. It also notes there is a lack of guidance in respect of European policies to encourage Port developments and protect the environment. Reference is made to Galway's long and rich maritime tradition and the proposals represent a significant opportunity and reflect best practice in the realms of city/port development. The proposed development will succeed in delivering a public realm and amenity area which is robust.

The applicant then requested **Margaret Egan** to submit her brief of evidence in relation to **Landscape and Visual Impact** (Submission No. 46). In terms of the predicted impact, the brief of evidence argues that the visual impact in this instance would be significant and negative. Details of the planting proposals for the main public amenity area and the marina promenade are set out in the submission. More tolerant plant species have been presented that will have a greater probability of establishment within appropriate areas. In terms of

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<sup>1</sup> The design section of the EIS was carried out by Roddy Mannion and Associates, however he was unavailable during the oral hearing.

overall impacts on protected views the overall visual impact would be 'permanent, moderate to significant and negative'. There will be a permanent slight positive visual impact on the Lough Atalia Railway Bridge. Night-time visual impacts will be permanent, moderate and negative from the east of the site and will be permanently moderate and neutral from the Grattan Road area. Visual impacts will change to significant negative impacts when a cruise ship or larger vessel is docked. However these impacts will be temporary. The construction impacts will be significant and negative and these will be experienced over the medium term approximately 8 years.

In terms of **Archaeology**, **Julianna O'Donoghue** was requested to make her submission on behalf of the applicant (Submission No. 47). This submission noted that there are no recorded archaeological monuments within the underwater area of the proposed development. A series of comprehensive archaeological mitigation measures shall be put in place in advance of the construction phase which will appropriately deal with any potential unrecorded archaeological remains concealed in the sediment. It is possible that artefacts from a number of archaeological periods will be recovered from the maritime sediment by the proposed mitigation measures. These will enhance the understanding of the maritime environment of Galway.

Finally the applicant requested **Ann Carey** to submit the **Archaeology and Cultural Heritage** submission on behalf of the applicant (Submission No. 48). The submission outlined the impact of the proposed development on known sites of archaeological, architectural and cultural significance and on the wider physical character of the city. Details of recorded monuments in and around the proposed site are set out and it has been established that there will be no direct physical impact on any recorded monuments in the vicinity of the harbour extension. In terms of impact on protected structures, it is noted that the Lough Atalia bridge is a protected structure. However there will be no intrusive impact on the bridge itself but there will be a slightly negative visual impact arising from the change in the level of the road bridge under the bridge. It is noted however that the integrity of the bridge could be somewhat undermined by bridge strikes which would be a more significant adverse impact. Overall it is concluded that the proposed harbour extension will not damage the relationship between the Port and the existing city, in fact the proposed extension will be a new focal point for on-going interest in the maritime activities which has characterised a relationship of the city with its Port through time.

This formally concluded the formal submission by the applicant to the oral hearing.

After lunch the planning inspector invited Galway City Council to make its formal submission to the hearing. Two separate submissions were made and these are outlined below.

### **Formal Submission from Galway City Council**

The Brief of Evidence by **Caroline Phelan, Senior Planner, Galway City Council** was then presented **to the oral hearing** (submission no. 49). The submission outlined the harbour constraints and in particular made reference to the need to discharge petroleum at the quayside which is considered inappropriate in terms of public risk and general amenities. The importance of the Port in the context of the City and the economic development of the city is acknowledged. The submission goes on to outline development plan policy and makes reference to the various references contained in the development plan to the Port and the harbour area and notes that it is the policy to support the provision of improved access to Galway Airport and Galway Harbour area including the extension of the rail line to the harbour. The City Development Plan also recognises that should industrial uses cease in the inner harbour, there would be opportunities on these lands to establish links with the City Centre and the sea and broaden the range of uses therein including water related leisure uses. The development plan also notes potential impact of the harbour extension on direct loss or fragmentation of habitats associated with Natura 2000 sites. The submission goes on to outline general environmental issues that could arise as a result of the proposed development including issues surrounding construction and operation hours and the Environmental Management Framework Plan which would be necessary to oversee the Port development. The submission also stresses the need for the Board to critically evaluate flood risk issues associated with the development. It is argued that there is also a need to critically evaluate the potential visual impact arising from the proposed development and it is considered that the proposed development will have a more adverse impact particularly from the eastern side of the village than that indicated in the EIS. It is also not clear how the scheme will interface with the existing enterprise park.

In terms of economic issues the economic value of the harbour extension is not in question. However the scale of infrastructure works would be very significant and could have a negative impact on the waterfront particularly through the long period of construction. The Board is also asked to consider the proposed impact arising from the risk of a business failure mid construction and the possibility of abandonment.

The potential impact on fishing facilities and protection for fishing vessels should also be assessed in some detail. The potential impact on the built heritage is also set out and it is noted that the lowering of the road in this

location has been subject of a Part 8 consent under planning legislation. This is likely to be carried out in 2015 subject to Departmental funding (it was confirmed subsequent to the closing of the oral hearing that funding will be made available to undertake these works in 2015). It is also the Planning Authority's view that any conditions associated with a grant of permission should include conditions for substantial community gain and these would include municipal use of facilities provided at the harbour development (including marina facilities etc.) and also recreational use associated with the nautical slipways and promenades etc. Details of further community gain are set out in the submission. Appendix I of the submission sets out possible conditions that could be attached in the event of the Board granting permission for the proposed development.

The City Council then requested that **Mr. Brian Burke, Executive Engineer of the Galway Transportation Unit of Galway City Council** present his brief of evidence (submission no. 50).

In terms of rail it is stated that the City Council are generally in favour of rail being used to transport freight. However consideration should be given to conditioning a minimum volume of goods that must be transferred via rail in order to reduce the number of HGV movements to and from the proposed harbour development. Further details in relation to the mobility management plan are also required (it should be noted that Galway City Council had no time to assess the revised mobility management plan submitted by the applicant earlier that morning). In terms of traffic it is agreed that the Saturn Traffic Model is the most appropriate tool to evaluate the potential impact of the proposal on the road network. This model demonstrates that the proposed development will not have a significant impact on city traffic. However the traffic section relies heavily on the notion that the proposed harbour will not increase existing traffic volumes by more than 5% at most junctions and while this might be correct, does not take into consideration increases in HGV traffic. The increase in the number of HGVs will significantly shorten the lifespan of existing roads, particularly on the College Road/Lough Atalia Road. HGV traffic should also be banned from using Wolfe Tone Bridge as an imminent weight restriction of 26 tonnes will be applied to the bridge. Some concerns are expressed in relation to upgrading the Dock Road access to a signalised junction. However the general conclusion is that the proposed extension to Galway Harbour demonstrates that the expanded port will not have a significant impact on traffic in the wider Galway network. The EIS however fails to take account the impact of HGV generated traffic particularly on the lifespan of the roads. A number of recommendations are attached should An Bord Pleanála consider it appropriate to grant planning permission.

## **Submission from An Taisce (Submission no. 51)**

An Taisce questioned the overall size and scale of the port making particular reference to the submission from Cold Chon which referred to 40,000 tonnes ships transported bitumen to Galway for redistribution elsewhere in Europe. It is argued far from being a regional port, what is proposed in this instance is a larger trans-shipment facility. It is also argued that there was no need for a deep water port on the grounds that the products and services created by Galway's new generation industry and technology are high value, low volume goods. Reference is also made to the issue of climate change and the need for Ireland to move away from the reliance on petroleum products in favour of more sustainable forms of energy and this it is argued also undermines the case for the expansion of Galway. In terms of off-shore energy, it is suggested that the facilitation of off-shore energy does not require a major new port infill and it has not been demonstrated that the current port is not fit for purpose in terms of accommodating wind turbines. Likewise it is argued that the accommodation of cruise line berths does not require such a large scale infill and commercial port service area.

In terms of planning it is argued that the proposed development is contrary to the 2013 National Ports Policy as the Galway Harbour extension is for a Tier 3 Regional Port. It is also stated that the proposal is directly contrary to the 10 key principles set out in the newly published Planning Policy Statement of 2015 issued by the Department of the Environment, Community and Local Government. It is also noted that Galway is not included in a trans-European network transport whereas Dublin, Cork, Shannon/Foynes, Rosslare and Waterford are included. It is noted that the National Ports Policy does endorse Galway Port for marine tourism. However there is no comment on the endorsement of plans to relocate the commercial port activity to a new site on reclaimed land. There is no justification for the port on the scale proposed. In terms of the cost benefit analysis undertaken by the applicant, while it is acknowledged that larger ships means that fuel and other cost of goods transported are significantly reduced, this in turn incentivises the increase of tonnages to be transported which reduces any net carbon reduction to lower carbon emissions per tonne.

In terms of cruise liners it is stated that climate impact arising from a cruise liner is significant. The submission goes on to make some overall points in relation to the need to reduce CO<sub>2</sub> emissions and address the issue of climate change as well as the need to address the climate change implications from increased fossil fuel.

In terms of transport, traffic and rail; questions are asked to the appropriateness of locating a development which is so reliant on a road

network which in turn is centred in Galway City and is located a considerable distance from the national road network. The appropriateness of the development in terms of supporting sustainable land use and transportation planning should be questioned. In this regard reference is made to An Bord Pleanála's decision in relation to the Port of Cork (PA0003). In terms of rail it is noted the rail freight requires a critical mass and regularity of cargo. The National Rail Freight Strategy would need to focus on Tier 1 and Tier 2 ports and would not require capacity expansion at a Tier 3 Galway Port. It is considered that the lack of direct connection to the M6 and other national road networks in the vicinity is sufficient grounds alone to warrant refusal for this application. Concerns are also expressed that the proposed development would have an unacceptable visual impact. This concluded the An Taisce submission.

The inspector closed proceedings for the day.

#### **Day 6: Thursday 22<sup>nd</sup> January**

The inspector re-opened the hearing on Thursday at 10.00 am. He noted that this day had been set aside to hear some of the more general third party observations from the public in relation to the proposed development.

**Councillor Declan O'Donnell** (submission no. 52) made a submission in support of the proposed development. He stated he grew up in the area and, in the 50s and 60s, it was an area of huge employment and the cruise liners which visited the Port brought great excitement. Reference is made to the two Volvo stopovers which were of huge importance in a time of recession. The existing Port is no longer fit for purpose and this is constraining industry across the west region. The Port has the advantage of being in close proximity to a beautiful medieval city which would be good for tourism. The cruise line industry can prove to be very beneficial for Galway. It was suggested that the Port has already lost much cruise liner business because of the inability for cruise liners to dock at the existing Port. Both ocean technology and marine leisure could be greatly enhanced by the proposed development. The proposal would result in a Port which would have 24/7 access to all vessels. An opportunity arises to marry marine research with Port research and development. The proposal would reap great benefits with modest investment and would provide massive job opportunities. It is noted that the Border Midlands Regional Assembly offered unanimous support for the proposed development.

**Councillor Ann Marley** (submission 53) submitted a written statement. She generally argued against the proposed development. Concerns were expressed in relation to flood risk, environmental impact, how the proposed

development will affect other ports such as Rossaveal. It is suggested that the proposed development should not go ahead in the absence of a long-term Development Plan. Concerns were expressed in relation to the disruption which would be caused over such a long period of time during the construction phase and it was questioned whether Galway City Council could cope with such disruption. Notwithstanding these concerns, the Councillor expressed a cautious welcome to the development subject to qualitative safeguards.

**Mr. Vincent Connell of the Galway Bay Inshore Fishermen's Association** (submission 61) spoke against the proposed development. His main concern involved the huge amount of juvenile shrimp fishing grounds immediately beside the proposed area (maps submitted) which would be lost as a result of the proposed development. It is also argued that no stretch of the imagination could lead to the conclusion that this development is a matter of primary infrastructural national importance. It therefore cannot meet the legal "imperative reasons of overriding public interest". It is suggested that cruise ships does not justify the case of the proposed development. Finally concerns are expressed that there was no formal consultation with the Inshore Fishermen's Association in relation to the development. Concerns were also expressed in relation to traffic impacts arising from the proposal. If a deep water pier is considered necessary, then Rossaveal would be the appropriate option.

**Gia Griffiths Howard** (submission no.55) then made a written submission which was read into the record by Derek Hambleton. It expressed concerns that the proposed development would permanently damage and destroy the beauty of Galway Bay and that vistas within the Bay would be destroyed by the size and scale of the proposed development.

The submission from **Derek Hambleton (An Taisce, Galway Branch)**, (submission no. 56) expressed concerns in relation to the proposed development. It stated that he grew up on the Dock Road. It is suggested that the Marine Institute could find a place in the harbour without this development and that there is ample space currently in the existing harbour park to facilitate expansion of the Port. The proposal constitutes an environmentally damaging oversized, over-scaled development and there is no 'Plan B' if the development does not take place. It is suggested that Galway has a massive industry in the pharma-medical sector and this is where potential future growth within the City and its hinterland lies. The proposal has the potential to be a significant white elephant. The Port is not a medieval Port but is a 19<sup>th</sup> century Port which received a significant upgrade in 1964. The history of the Port was outlined. It was also suggested that there was a need for more proper public consultation, as the consultation centred on business interest of

Galway City as opposed to the public interests. It suggested that the proposed development is not feasible due to its large scale visual as well as ecological impacts. The proposed development is not in accordance with national and international policy in relation to climate change. Concerns are expressed that links to the national road network are at best troublesome as this network is some distance away. Reference is made about the rail link as being a PR stunt. The requirement of the Port to accept and facilitate wind farm infrastructure is only necessary in the short-term. It is noted that a previous application (Reg. Ref. 09/24) for a shipping berth to be built outside the dock gates was withdrawn. The existing harbour is well able to cater for marine research ships and the financial benefit derived from the cruise industry is over-estimated. He emphasised that his comments were in no way meant to downgrade Galway Port or the City of Galway but it is his firm belief that the proposed development is not warranted or justified on the scale proposed.

**Aidan O'Neill (Coakley O'Neill, Planning Consultants)** made a submission on behalf of the **Atlantic Fuel Supply Company** (submission 57) against the proposed development. The main thrust of the submission argued that the proposed development was contrary to the provisions of the National Ports Policy. It is noted that the core objective of the National Ports Policy is to facilitate not just a competitive market but also an effective market for maritime transport services. In this regard a clear categorisation of ports is set out in the national policy document. Tier 3 ports are best placed within the regional and local communities to develop in a manner that is mutually beneficial. Ports of regional significance are limited in their future potential as centres of commercial shipping. In terms of alternatives, the business case put forward by the applicant does not test the option of a development on reduced scale. It is inevitable that the proposed extended Galway Harbour will compete with Shannon Foynes, a Tier 1 port of national significance. The proposed expansion can only be realised by displacing traffic from higher order ports, particularly Shannon Foynes and this is expressly contrary to the National Ports Policy. It is also noted that Galway Harbour development is not being subject to a detailed Masterplan to inform planning policy for the area, as is the case with Shannon Foynes. As Galway Port is a Port of regional significance, there can be no imperative reasons of over-riding public interest to permit the development to proceed particularly in light of the potential impacts on Natura 2000 sites.

A number of persons spoke on behalf of the **Claddagh Residents Association** (submission no. 58). The fundamental concern relates to the scale of the actual development and the lack of any flood relief measures included within it. The objection is based on many years of experienced flooding in an around the Claddagh area. Reference is made to a storm "Diane" which created significant flooding in the 1960s. It is suggested that

flooding would be greatly exacerbated in the area if it wasn't for the attenuation properties of South Park which provides a buffer between the sea and the residential dwellings in the Claddagh area. A number of photographs were submitted to the oral hearing indicating the extent of flooding in the past.

**Brendan Brown** also made a submission (submission no. 58A) on behalf of the residents of Frenchville Road, Claddagh which also expressed serious concerns in relation to flooding. He stated that as the purpose of the oral hearing is to elicit additional facts, local knowledge should be incorporated into consideration of any decision by the Board. The Board should consider whether or not the proposed development will alleviate the flooding situation. And it is noted that a Status Red alert was issued by Met Eireann during the period of the oral hearing. Flooding has created a major headache in terms of costs and insurance for the residents of the area, and it is submitted that this is a genuine and fundamental concern. The submission asks what guarantees or assurance can be given to the residents that the proposed development will not impact or exacerbate the flooding situation.

A submission was then made on behalf of **Rossaveal Port by Vincent Crocket of HR Wallingford Consultants** (UK) (submission no.59). Firstly the proposed development suggests that the overall concept associated with Galway Port is somewhat confusing. It is not clear whether the proposal is cruise or commercial business led. No opportunity appears to be taken to develop the existing Inner Dock base. It is suggested that Mutton Island would constitute a more appropriate location for deep water port having natural depths of 10 metres CD. Criticisms were also made in relation to the landing and berthing facilities proposed at the harbour suggesting that the facilities proposed do not constitute the most efficient use of the berthing facilities. It is also suggested some of the larger cruise ships will still be constrained by tidal windows and that passengers will need to transfer to the city centre by shuttle coach. Concerns were expressed that no coach parking is provided. It is argued that Rossaveal has significant positive features including:

- Significantly reduced capital dredging.
- No requirement for breakwater because of the natural shelter.
- Quay development space of up to 700 metres.
- Good natural water depths.
- No complex hydraulic considerations.
- Planning permission for a deep water quay.
- Rossaveal could significantly contribute to the Port capacity in Galway Bay.

It is acknowledged however that road links would need to be improved and developed to facilitate port expansion at Rossaveal.

A submission was then made by **McGraths Limestone (Cong) Limited** (submission no.60). It is stated that presently the quarry employs 55 people directly, and up to 200 people indirectly and exports through Galway Port to Sweden, Estonia and Scotland. It is stated that the quarry is a very important rural community employer in the west of Ireland. Their business requires to export shipping consignments of between 12 and 20,000 tonnes to northern Nordic countries and there are also expressions of interest to ship material to the USA. The applicants have carried out feasibility studies to determine if the limestone products could be exported from other ports including Sligo, Killybegs, Limerick and Foynes and it has been found to be uneconomic to export the material from any Port other than Galway.

**Councillor Catherine Connelly** (submission 54) then made a submission against the proposed development. The submission outlined the background to the proposed development and other projects planned for Galway. Concern were expressed in relation to flooding and reference was made to the fact that the OPW are currently in the process of compiling flood risk assessment maps and it would seem premature to grant planning permission for the development in the absence of more robust and detailed study relating to same. It is also noted that the current ownership/management of the docks company is in the process of changing hands. Reference is made to the Harbours Amendment Bill with regard to the transfer of ownership to the Local Authority. Again the proposal is considered to be premature pending more clarity as to the future ownership of the Port.

Reference is made to problems which will arise in relation to traffic congestion particularly in light of the infrastructural deficit which currently exist in Galway City. It is suggested that the strengthening of Wolfe Tone Bridge is much more urgent than the works proposed to be carried out for Lough Atalia Bridge. Pedestrian facilities and other infrastructural works are in chronic need of renewal and repair prior to any development of this nature going ahead. The fact that Galway Port is designated as a Port of regional significance has serious implications for potential funding and the lack of same from Government. This has implications for whether or not the project can be justified on grounds of imperative reasons of over-riding public interest. Concerns are also expressed in relation to climate change implications arising from the proposed development. Reference is made to the Galway City Council report which notwithstanding the fact that it supports the proposed development in principle, nevertheless highlights some very serious concerns in relation to the proposal. It is suggested that powerful interests are pushing the project over the concerns of individuals.

**An oral submission from Senator Fidelma Healy-Eames** was read into the record, (no written submission). This submission states that the proposal is a

very important development and has been on the table since 2004. The decision has to be made in a timely fashion. This Port can become obsolete if the proposal does not go ahead. Notwithstanding this, concerns in relation to flooding and environmental impact on traffic have to be addressed nevertheless this should not be a missed opportunity. The proposal represents a fantastic opportunity for the city and the region. Consultation is vital for the people and it is important that they raise their concerns. It is suggested that Rossaveal is a designated fishing port and not a commercial port. The Port would represent a vibrant living working Port were the development to go ahead. Many people use the Port and its development would be hugely important for the human economy. If the Port does not develop it is likely to close. Galway is a key City on the west coast and a national port for petroleum.

It is heartening to see cruise liners coming back to the port and while it is understood that the port will not give rise to flooding, this needs to be verified and independently assessed. The livelihood of Inshore Fishermen's Association also needs to be addressed in any report prepared by An Bord Pleanála. An Bord Pleanála have a difficult task ahead reconciling the potential adverse impacts arising from the proposed development while assessing the economic benefits arising from the proposed development and it is essential that the both these issues be addressed.

After lunch the Inspector invited the **Galway Cycling Campaign** (submission 63 and 63A) to make a submission to the Board. The submission outlined the current potential for walking and cycling within the city and noted that Galway is a relatively compact city with ample opportunity to develop these more sustainable forms of transport. Reference is made to the impact of HGV traffic on the safety and the amenity of roads for human beings and it is noted that the port, both during the construction and operational phase, will give rise to significant potential conflict between HGVs and pedestrians. It is suggested that HGVs are not compatible with roads of urban character and they pose a significant threat to pedestrians and cyclists because of the blind spots in rear view mirrors associated with HGVs, particularly in relation to cyclists and the fact that the HGVs, particularly when turning left could cross cycle lanes thereby potentially injuring or killing cyclists. The submission outlines a number of proposed solutions including the provision of a Galway Port Tunnel and the provision of an alternative road serving the harbour. It is suggested that this could be provided along the former designated bus way route which was never developed adjacent to the railway line serving the east of the city. A dedicated route of this nature is necessary in order to ensure the safety and welfare of both cyclists and pedestrians in the city. It is considered that the proposed development is unsustainable and the Board is requested to reject the scheme in its current format.

**Submission from Colm Powell** (no written submission) Mr. Powell stated that he was a former member of An Taisce and notwithstanding the concerns expressed by An Taisce in the current hearing, it is his opinion that the proposed development would be a great benefit for the town and he is therefore fully in agreement with proposed development.

**Sarah Curran** (no written submission – newspaper article submitted) then addressed the oral hearing arguing against the proposed development. It is argued that the proposed development would change the community forever. The scale and size of the proposed extension will destroy her enjoyment of views from South Park across the Bay. She described current views across the Bay as “a jewel” and stated that this view has been praised internationally. Such precious views of the bay will be replaced with an industrial area and these views will be lost forever. She also expressed concerns in relation to noise. While it is stated that “business is business”, it is not appropriate to destroy the most valuable asset that we have namely natural views and it is suggested that visitors and tourists who were informed of the proposal were aghast in relation to the nature and scale of visual impact arising from the proposed development. Concerns were expressed in relation to flooding and reference was made to the old village Claddagh and the fishermen of Claddagh Bay. With regard to the modelling associated with flooding, it is suggested that personal knowledge inherent in fishermen and people who use the Bay is much more important than any wave/flood modelling exercise. The need to attract, support and protect ordinary working fishing vessels is much more important than attracting yachts and leisure. The proposal will transform a beautiful Bay into a grim dockland area. Galway Bay is a gift, particularly for fishermen. Finally, questions are asked as to whether or not the perspectives as indicated in the photomontages submitted with the application, are accurate and offer an realistic view of what the port will look like for the Claddagh Area.

**Mr. P. A. Mannion** (submission no. 64) also addressed the Board and argued against the proposed development. Mr. Mannion stated that ports all over the world are moving away from cities and it is suggested that Galway should do the same. Mr. Mannion also suggested an alternative to the lowering of the road under Lough Atalia Bridge (by providing bypasses around the abutments of the bridge – see photomontages submitted with written submission). It is suggested that this would have no effect on business, would not alter services and is likely to be less expensive. Concerns are also expressed in relation to invasive species that would be encouraged into the Bay area as a result of expansion of the port and this could cost the authority up to €1.7 billion a year in order to address this problem. Concerns were also expressed in relation to flooding resulting from tidal store surges combined with increased flow from

the River Corrib. The applicants have not indicated any clean-up plan in the case of a flooding event.

A submission from **ENWEST** (no written submission) argued in favour of the proposed development and noted that ENWEST is one of the best, safest and most modern oil terminal facilities in the world. It is stated that current configuration of port and the constraints associated with the port will ensure that the port will not be appropriate for future generations. The submission also highlighted the tourist opportunities which will arise if the development goes ahead. In essence it was argued that the future of Galway trade depends on the proposed development.

**Galway City Sailing Club** (no written submission) presented their case to the hearing. It states that it supports the development primarily on the grounds that the improved port facilities would provide excellent recreational facilities which are much needed in the Galway Bay area. It will also bring affordable sailing to the City and will allow a host of new people, particularly kids (including disabled kids) to avail of the fantastic sailing amenities inherent in the Bay. The proposal will allow the Galway City Sailing Club to expand its membership and to teach and provide for new services which will help build self-confidence with the young people of the City. Currently Galway does not have a deep water slipway. The new quay will provide a better sheltered area for sailing and will also provide on-land facilities to park dinghy's and provide storage areas etc. It is suggested that if the development goes ahead, the sailing club could consider hosting regional, national and even international events on the doorstep of the City centre which would have a great economic spinoff. It is suggested that without the development the sailing club which was established in 2011 will not be able to expand.

**Catherina Bleuwitt** was asked to speak on behalf of the **IDA Western Region** (submission no.65) spoke in favour of the proposed development and in her submission, she outlined the role of the IDA in Ireland and the importance of foreign direct investment in the wider economy. The submission indicated that in Galway alone, over 60 IDA supported companies exist employing almost 14,000 people on a permanent or contract basis. Reference is made to the important phenomenon of "the tech hub" and it is noted that cities internationally are vying for this fast growing industry mainly driven by young entrepreneurs. It is argued that the development of Galway Port will strongly enhance the economic infrastructure of the west of Ireland and will help as a counter pull to the eastern side of the country. The current harbour is inhibited by many constraints. The export led economy has been a key driver in Ireland's recent economic revival and ports play a significant role in this regard. The development opportunities arising from the vacation of the inner port area will also assist foreign direct investment in terms of freeing up

office space etc. It is therefore considered that the Galway harbour extension will bring many significant benefits to Galway City and the wider west region.

A submission was then made by a **Galway Metal Company** (submission no. 67) which exports scrap steel sourced in Connaught from its facility in Oranmore, County Galway. It currently employs some 30 people at the plant and export scrap steel to mills in Spain and Portugal. When first started in 1970s, the enterprise was loading a cargo size of 800 – 1,000 tonnes and are now loading 3,000 to 3,500 tonnes ships. However the size of cargo vessels that are now required are in the region of 5,000 – 10,000 tonnes and port constraints at Galway do not permit the accommodation of such large vessels. The company also plans expand to new markets including those of the Far East. The company sees great potential to increase tonnage over the coming years and it is expected over the next decade to double tonnage being exported from the Port. Failure to develop the harbour extension will result in increased road haulage which is not environmentally sustainable and could hinder the expansion plans for the company, thereby jeopardising jobs.

A submission from **John Brennan, IBEC, West Region, Director** (submission no. 68) also endorses the proposed development. It states that IBEC represents some 7,500 member companies nationally and ports have a critical importance to play in the sustainability and economic development of Ireland's Island economy. Nationally merchandise exports and imports were estimated to be worth some €158 billion in 2014, placing a value of almost €100 billion on trade through our ports. Companies currently using Galway Port include McGraths, Topaz, Murray's Timber and Barna Waste and these companies are major employers in the area. The proposed development will help safeguard and expand these jobs. In fact a failure to develop the port places these jobs in jeopardy as alternative ports will have to be used which will add to transport costs and road competitiveness. The National Ports Policy also endorses the potential for Galway Port as a location to service the off-shore energy sector. Reference is also made to tourism and the impact that an expanding cruise industry would have on Galway. For the above reasons, IBEC fully endorse and support the proposed extension.

A submission from **Galway Shipping Company** (submission no. 69) also supports the proposed development. **Mr. Tom McElwain** on behalf of the company stated that he has sailed into many ports worldwide and considers Galway Port one of the more user friendly ports for ship owners. The port limitations were outlined and the importance of Galway Port serving the west of Ireland was also highlighted. It is argued that Galway must be able to supply infrastructure that will allow bigger ships a service at the Port. The needs of shippers and receivers throughout the west of Ireland are dependent on the expansion of Galway Port. Failure to do so could result in the closure of Galway Port. The west of Ireland needs major sea port; figures released by

Dublin Port last week indicated that the throughput for 2014 had increased by 7%. Reference is made to the development of Knock Airport and the fact that it was at one stage considered to be a total non-runner from an economic point of view. However, it had a throughput of over 700,000 in 2014. Most passengers on cruises tend to be elderly and having to use tenders for coming ashore is not very comfortable for them, however they do it nonetheless. It is suggested that if easier berthing facilities were provided, it would be of major economic benefit for the city. It is suggested that the port will demise if this development does not go ahead.

The Board then invited **Sam Field Corbett** to make a submission on behalf of **Heritage Harbour Holdings** (submission no. 70). Mr. Corbett outlined his business interests in developing harbour related heritage projects and harbour based enterprises. He has rescued various sea vessels and turns them into floating bar/restaurants. Reference was made to a number of vessels currently docked at the Grand Canal and outside the National Conference Centre. These have proven to be extremely successful tourist dining barges. It is argued that the dock in Galway provides an excellent opportunity for similar type business concepts. It is suggested that the old dock has the potential to be a serious contender as Galway's finest tourist attraction. Galway Port should be applauded for showing the vision and the creation of a bold plan to capitalise on this untapped business. Reference is made to New York which is investing heavily in river frontage for tourist amenities. Galway needs to develop a world class tourist attraction and Mr. Corbett believes that the expansion of the port presents a great opportunity to bring additional tourists to the city. It is advocated that the continued use of the new dock as a light commercial dock for fishermen, search vessels, naval ships, and small freighters will significantly add to the vitality and vibrancy of the area.

**Mr. Jonathon Preston on behalf of Topaz Energy Limited** (submission no. 71) made a submission in favour of the proposed development and states that Topaz are fully supportive of this very important development which is critically important for the sustainable future of this fuel business. The development is fully in accordance with the National Ports Policy and the County Development Plan.

**Mr. John Ryan on behalf of Murray Timber Group** (submission no.72) also fully endorses the proposed development. He states that he is a Forestry Manager who has plants in Galway and Carlow. He employs some 200 people at the sawmills in Ballygar and is one of the few local employers in the area. He sources timber logs from Scotland which he converts into construction, garden and other timber projects. He requires a greater degree of certainty in his business and larger vessels will allow the business to benefit from economies and will protect jobs and will enable Mr. Ryan to grow

his business. He estimates that with the harbour extension in place he should be able to import 100,000 tonnes of timber logs through Galway.

**David Vinnell on behalf of Galway Bay Sailing Club** (submission no. 73) stated that the club had a very long and productive association with the port of Galway and that the club are pleased to support the proposed harbour extension plans. The club holds many regattas throughout the year and are currently looking for a marina berth for the boats. The sailing club have hosted a number of races and championship. The construction of a wheelchair accessible pontoon would be a very welcome addition to the infrastructure. With the new port development, after the initial stages of development, the inner harbour can be given over to leisure marine activities and instead of having the marine access restricted to four hours a day. The 24-hour access would be invaluable. This would enable the club to bring more world class events to the city and the bay.

A submission from **Trad on the Prom** (submission no.66) stated that this tourist group is fully supportive of the proposed development, particularly the cruise industry. The city is seen as a hidden gem by cruise liners. It is stated that Galway could lose cruisers if the development does not go ahead.

**Mr. Pdraig Noone of Bearna Waste** (no written submission) states that recently Bearna Waste has begun exporting refuse derived fuel (RDF) for overseas incineration in recent times. The expansion of the harbour will allow this enterprise to expand so as more people can be employed. Last year Bearna Waste exported 40,000 tonnes and it is suggested that transferring this tonnage to Limerick could not be a viable option.

**Mr. Eamon O'Cuiv T.D.** (no written submission) also supports the proposed development and considers it to be vital infrastructure for the west region. While IROPI procedures may apply in this instance, it is stated that such necessary infrastructure in the west of Ireland cannot be forsaken because of ecology. The fact that it is considered to be strategic infrastructure, should in itself hold weight as to the importance of the project for the western region. The most important strategic argument is that the west of Ireland is in danger of losing its people. It is argued that the inner harbour is unsuitable for a commercial port. The attraction of more cruise vessels would be brilliant for Galway and that Galway Port can currently not function within a four hour tidal window. The demand is there for the port extension and that we cannot deny the west its right to attract and develop industry and industrial expansion. It is noted that there is a huge gap in the western coast between Foynes and Derry and Galway has the appropriate potential to fill that gap. If the development was not allowed to go ahead, the west would be totally bereft of a commercial port. It is also stated that Foynes is closer to Cork than it is to Galway and in this regard it cannot be considered a viable alternative.

Galway is exporting lime and timber which are very important trades. Galway should be enabled to develop a proper commercial port. The inner dock could be developed into a recreational area and this is needed. The proposal will consolidate the city and would fill up the harbour area for city type uses as opposed to such uses having to be relocated to the periphery of the city. The proposal will be good for foreign direct investment and the proposal should not just be seen as a port extension, but should be seen in the context of wider vision for Galway as a whole. It is acknowledged that Rossaveel needs development, but it is not a viable alternative for a huge commercial port as it is located too far to the west and does not have the benefit of rail head. It is also a designated fisheries port and Deputy O'Cuiv believes that the two ports can be developed in a complementary fashion, each specialising in its own area of expertise. The proposed development is vital not just for the city but for the region.

A submission from **Bow Waves** (no written submission) also argued in favour for the proposed development, stating that marine tourism and tours in the Galway area are fully supportive of the proposed development. It is mandatory that such expansion takes place. The gates are major obstacle for yachts. Reference is made to a yacht from France which could not land because of tidal restrictions last year and therefore had to sail to another port. More access and more facilities are required in order to keep boats and boating activities in the harbour and to provide a viable alternative to Dublin.

Finally a submission was received from **The Galway Chamber of Commerce** (submission no. 74 A-D). The Chamber said it was representing a vast array of businesses in the Galway area, including the Galway City Business Association, the Latin Quarter, the West End Traders, Salthill.com and the Galway Technology Centre.

The first submission outlined the history of the port of Galway which is prepared William Henry but was read in to the record by Mr Declan Dooley. Full details of the history are set out in the submission 74A.

A submission from **Conor O'Dowd, Deputy President of the Galway Chamber** states that the Chamber has been in existence for over 200 years and currently is with 300 members employing approximately 13,000 people. 98% of the Chamber fully endorses the proposed development.

A submission from Maurice O'Gorman, who is a director of the Chamber of Commerce put the need for the development in context. It is noted that while the population of the Dublin Region is now 152% greater than it was at the foundation of the State, in contrast to the population of Connaught is now less than it was in the 1926. 78% of new employment is supported by the IDA in 2014 was basically Dublin and Cork. Other socio-economic indicators

associated with the west are also set out in the submission. The need for safe harbours, interacting with the changing and natural environment, has remained throughout history. If the proposed development is not allowed to succeed, Galway and the region it supports will remain one of the the least economically developed parts of the country. It is noted that there is a requirement import goods and fuel. The cost of doing so from a Port 130 kilometres away (Foynes) will inevitably lead to increased prices and reduce competitiveness nationally. Reference is made to the cruise industry and the need for Galway to capitalise on this industry. While is renowned as a tourist destination the City lacks certain facilities such as a conference/performance centre. The port expansion and the consequential freeing up of space in the inner harbour area could address this. Many companies have not chosen Galway as a place to locate because of the lack of inner city office space. An expanded marina will allow Galway to host additional larger Regattas. Reference is again made to the 2009 and 2012 Volvo Races. The ability for domestic ferries to dock in Galway will strengthen the regions inter-connectedness and promote greater economic opportunities for island communities. Galway could play a greater role in wave energy and fixed off-shore wind industry. Ample opportunities exist to connect the ocean economy with the established ICT industries in Galway and also there is scope to provide greater tourist markets. Should a disaster at sea occur, a naval ship harbour in Galway would be unable to respond due to tidal restrictions. Suspension or termination of the development would have a severe negative impact on the viability of Galway Harbour. Cost for indigenous industries would increase. The area would not benefit from cruise ship tourism. The port would not benefit from the expanding ocean economy and thus the Galway region would lose job opportunities. It is suggested that such an outcome would strongly against the public interest.

A further submission on behalf of the Galway Chamber of Commerce by **Mike Devane** further examines the potential impact which the expansion of the ocean economy could have on foreign direct investment and indigenous industry in Galway. Marine natural resources include food, energy and bio-marine. To date there has been a national inability to capitalise on this resource. It is noted that 90% of the territory of Ireland is currently under water. The economic significance of Ireland's wealth is only now being realised. The government has only recently published "Harnessing our Ocean Wealth". Reference is made to the visions and goals contained in this document. It is noted that Galway has direct access to the Atlantic and has long been an historic gateway of the Atlantic. Sectors including renewable energy and aquaculture would be easily developed and this would have significant economic positive benefits for onshore industries. Reference is made to Galway's existing marine infrastructure of the area of Smart Bay Infrastructure and wave energy testing sites. Sea bed mapping of the Bay

and modelling of wave and currents within the Bay provides a suitable backdrop for testing new technologies and equipment for development of next generation data services. This infrastructure is used by both public and private companies who are engaged in research and innovation programmes. The Smart Ocean programme has successfully refocused research and innovation on the ocean. The development within the Galway Bay area drives research and innovation and investment in Galway with significant dedicated research and innovation capacity at NUIG, GMIT and the Marine Institute. Reference is made to Norwegian maritime clusters which have grown up around the offshore maritime industries in the North Sea. It is the chamber's intention within the region to build research and knowledge hubs to act as a foundry for new marine technology and service enterprise. The region should seize the opportunity to build a new economy and a new port is vital to this vision.

Finally Mr Declan Dooley made some closing comments on behalf of Galway Port and stated that Galway Port has always been the lifeblood of the city and the environs. It is essential that it is not left behind as we move towards the future. The Chamber, and groups it represents, endorse and support the business case for the extension of the port set out by it and also the business case as set out on behalf of the applicant. There is an overwhelming body of evidence that underpins the benefits of the proposed extension to the Port of Galway. It is without doubt the most significant strategically important development for this great city and provides a significant opportunity to harness the ocean wealth and it is stated that the Port of Galway is ready to play its part. It is suggested that the Board has no alternative but to grant planning permission for this development.

The Inspector then adjourned the hearing until Friday, 23<sup>rd</sup> January 2015.

#### **Day 7 Friday January 23<sup>rd</sup>**

Four further submissions were heard on Friday morning, 23<sup>rd</sup> January 2015 and these are briefly outlined.

A submission **Paul O'Donnell** on **Galway Tour Guides** (submission no. 75) expressed his support for the proposed development and argued that the cruise ship industry would be of great benefit to the Tour Guides Association in the city. It is noted that Dun Laoghaire Port welcomed 22 ships last year, while Dublin Port entertained 82 ships. By contrast Galway only accommodated 8 ships last year. It is reiterated that Galway is the only cruise ship destination with the city on its doorstep. The various attractions in and around Galway were highlighted in the submission. Galway offers a wealth of opportunities and unique experience for tourists and for this reason the Galway Tour Guides Association fully endorses the proposed development.

**Mr Stephen Dowds, Planning Consultant** (submission no.76) made the following submission on behalf of **Tynagh Mines**. The submission endorses the proposed development and notes that Tynagh Mines are currently conducting exploration and site investigations with a view to establishing the feasibility of reopening the mine. As part of the feasibility study, Tynagh Mines are investigating the optimum means of transporting ore to a smelter which will involve shipping it abroad as there are no such smelters in Ireland. Ore has an extremely high/weight to value ratio transport distances are a significant consideration in assessing the feasibility of reopening the mines. Galway Port is 58 kilometres from the mine site and involves a journey time of approximately 50-60 minutes. Foynes Port on the other hand is approximately 122 kilometres from the mine and involves a journey time of almost 2 hours. For this reason, Tynagh Mines fully supportive of the proposed development.

The Inspector then requested **Mary Hughes, Planning Consultant** on behalf of **Shannon Foynes Port Company** (Submission no. 77) to make a submission to the hearing. The purpose of the Shannon Foynes submission is simply to ensure that the Shannon Foynes Port Company can continue to function and operate as a designated dual port in accordance with the National Ports Policy and that it can lead the response of the state commercial port sector in terms of future national port capacity requirements. In this regard it should be noted that Tier 1 national status has only been given to Foynes Port, but in fact the status also applies to Limerick Docks and the wider waters of the Shannon Estuary.

Reference is then made to the National Ports Policy and the fact that Galway is designated as a regional Tier 3 Port however in terms of tonnage the current proposal seeks to facilitate a total tonnage of 1.932 million tonnes. This is only slightly less than that associated with Rosslare Port (1.94 million tonnes) and considerably more than that associated with Waterford Port – both designated Tier 2 ports. Reference is made to the fact that regional ports are limited in their future potential as centres of commercial shipping. It is argued that the size and scale of the proposed expansion of Galway Port is not in accordance with national policy. Furthermore the National Ports Policy refers to, in the case of Galway, the relocation as opposed to the expansion of commercial port facilities on a new site on reclaimed land. Shannon Foynes Port is an accessible deep water commercial port that currently operates on a 24 hour basis. In terms of alternatives, it is also noted that the applicant argues that Shannon Foynes does not meet the criteria of a viable alternative on the grounds that there is no viable rail link. It is suggested that the Port of Foynes will have a functional rail connection well in advance of the Galway Harbour proposal. In terms of proximity, a map is contained in the submission which indicates that the destination of imports from Foynes occurs nationwide

which suggests that Foynes has a national catchment area. It is suggested that Foynes currently serves the north-west catchment area.

It should also be noted that Limerick Docks is a significant export facility for scrap metal and currently serves most waste facility operators in the Mid-West Region. The proposed upgrade of the N69 and the motorway from Gort to Limerick makes access to Foynes/Limerick port easier and more accessible.

In terms of the Shannon Foynes Masterplan it is stated that it is imperative to national policy that the vision set out in the Masterplan is implemented to ensure that Foynes remains a port of national significance. Details of the proposed reinstatement of the railway line from Foynes to Limerick are also set out. To suggest that the Port of Foynes can be reasonably discounted on ecological grounds is incorrect. That fact remains that no project level ecological assessment has been undertaken therefore any contention that the Port of Foynes may be equally or more ecologically sensitive when compared with Galway Harbour should be dismissed as these statements are unfounded.

In conclusion it is stated that it has been comprehensively demonstrated that a viable alternative solution does exist and that the capacity of Shannon Foynes can accommodate the projected additional demand associated with the proposed development including servicing the west and north-west catchment areas. It is suggested that the proposed development does not adhere to National Ports Policy as the development seeks to provide for extensive port infrastructure similar in nature and extent to Tier 2 national designated ports and attract ships similar in size and scale to those currently utilising Tier 1 and Tier 2 national ports. The development therefore represents a development led approach to land use planning which is contrary to the National Ports Policy. Further having regard to the Habitats Directive, it is submitted that given that the development is contrary to the National Ports Policy there could be no reason of overriding public interest to permit the proposed development having regard to its potential to either directly or indirectly impact on four Natura 2000 sites.

Finally the Inspector heard a short oral submission from the **Mayor of Galway, Mr. Denis Lyons** (no written submission) speaking in favour of the proposed development. The submission outlined many of the points already made as to why the proposed development would be of great economic, social and amenity benefit to the city of Galway.

## **Questions and Cross-Examinations**

This formally concluded all the oral submissions to the oral hearing. On the commencement of questions and cross examinations a number of questions were put by the applicant to the representatives of Shannon Foynes Port Company particularly in relation to the information contained in the Table of page 2 of the Shannon Foynes brief of evidence. The questions took issue with some of the information contained in this Table including the working quay lengths and maximum draft associated with the various ports listed in the NPP. A number of questions were also put to Shannon Foynes in relation to the issue of dumping of dredge particularly associated with the Limerick Docks and it was suggested that dredging was required to be carried out on a more regular basis than that associated with Galway and this could have environmental implications for the Natura 2000 sites that occupy the Lower Shannon Estuary.

## **Closing Submissions**

Subsequent to the question of cross examination the inspector then requested the various parties to make their closing submissions. Four closing submissions were made.

The initial closing submission by **PA Mannion** who argued against the proposed development, again reiterated that the applicants failed to consider his alternative proposal in providing a slip road around Lough Atalia Bridge as opposed to lowering the road beneath the bridge. It was also reiterated that the proposed development was inappropriate for the city of Galway generally.

**An Taisce** (submission no. 79) made a short closing submission reiterating that the Board is required to assess the information provided in accordance with Article 6(3) of the Habitats Directive. Concerns regarding climate change and sea level rise as well as flood risk were also outlined. Concerns were expressed that the proposed development could be developed as a trans-shipment facility for petroleum products and bitumen products and this must be seen in the context of the environmental designations within the Bay. The local traffic impact is a major concern and the Board must consider whether the proposed constitutes a national infrastructural priority which is incompatible with the government policy to adapt low carbon road maps and is in accordance with the plan led approach set out in the National Ports Policy. Reference again is made to the Planning Policy Statement recently issued by the DOECLG in 2015 particularly in relation to the proposals contribution in reducing the carbon footprint.

**Galway City Council's** closing submissions (submissions no.'s 80 and 81) comprised of two separate statements. The first statement refuted much of the evidence provided by Margaret Egan on behalf of the applicant in relation

to the landscape and visual impacts arising from the proposed development and in particular the extreme difficulty involved in establishing landscaping due to the extremely exposed location of the development. The other submission sets out again justifications in relation to the financial contributions requested by Galway City Council particularly in relation to monies for road surface repairs and upgrades resulting from excessive HGV traffic emanating from the Port.

Finally a more detailed closing submission was provided by **Esmonde Keane Barrister** on behalf of the **Port of Galway** and this is summarised below (submission no.82).

The first Section sets out the legal framework required for the assessment of the proposed development. In relation to impact on European sites, it is stated that the applicant has formed an opinion that there is a requirement of an Appropriate Assessment on the implications of a plan or project required by Article 6.(3) of the Habitats Directive since there is a probability or a risk that the proposed development will have a significant effect on the sites concerned. This was deemed to arise in the present case and accordingly, a full Appropriate Assessment, in addition to the EIS, has been prepared. It is stated that the decision as to whether the possibility for adverse effects on the integrity of a European site in question is a decision for An Bord Pleanála in light of the entire evidence put before it - both in terms of written submissions and the information gleaned at the oral hearing. It is suggested that after a very extensive survey, detailed assessment and monitoring, a high level of certainty has now developed within the assessment that, in the applicants opinion, there has been a wholly comprehensive assessment of impacts both likely and potential.

The submission goes on to set out the relevant features of the Scheme and the deficiency in the present harbour. It is noted that Galway imports some 11% of gasoline, kerosene and gas oil derivatives. It is one of the major distribution centres within the State and this is reflected in the National Ports Policy. Galway Harbour extension is not purporting to become a national port but is to remain a regional port in accordance with the National Ports Policy. There is however an imperative need for local and regional customers for the port to expand in order to facilitate their businesses. For this reason it cannot be argued that Shannon/Foynes or indeed any other port can be considered a viable alternative to Galway. It is stated that the design of the harbour has been specifically tailored for the needs associated with its designated and necessary purpose as a regional port. The dredged depth is only that necessary for a regional port. The applicants are not seeking a port either of the size or depth that would be appropriate for a national port.

Notwithstanding the impact of the proposed development on protected views, it is considered that the development is entirely appropriate to such a coastal location and that the design has been developed through numerous iterations. A number of submissions made at the hearing illustrates that the future expansion of a number of existing businesses is predicated on the development going ahead. The large number of submissions in favour of the development reflects the imperative necessity of the development to secure and feed sustainable development in Galway.

Section 3 of the submission addresses the issue of Appropriate Assessment and Environmental Impact Assessment. The applicant has carried out both these assessments in compliance with all guidance documentation and has adopted the precautionary principle in all cases. With regard to the nature of assessment, the submission makes reference to various EU judgements in relation to what is required in carrying out an assessment. (See paragraph 3.6 of closing submission for details). In particular reference is made to Case C-127/02 (2004) (Waddenzee, Case C-404/09 (2011)) Commission versus Spain and Case C-258/011. In terms of the level of assessment of the ecological impacts on Galway Port, it is stated that the impacts have been shown beyond reasonable scientific doubt to be less than those that were initially found possible. And while there will be a permanent temporary loss of Annex 1 habitat, the integrity of the SPA or cSAC will not be adversely affected by the development while considered both on its own, or in combination with other developments. It is stated however that the final decision on this matter is one for the Board. Nonetheless even if the Board were to find that a reasonable scientific doubt remained, it is entitled to have regard to the low level of any such impact on the integrity, if so found in assessing alternatives. The proposal also incorporates significant mitigation measures in order to avoid, reduce or cancel negative effects on the site. The submission goes on to set out the detailed assessment which was undertaken in relation to ascertaining ecological impacts. It is reiterated that the level of assessment carried out has resulted in a very good degree of scientific certainty in relation to the impacts of the development and certainty beyond reasonable scientific doubt as to the ruling out of adverse effects on integrity. However it may be that the loss of habitats may bring about a finding that such adverse impacts cannot be ruled out. The submission directs the Board to the findings of Dr. Brendan O'Connor in his brief of evidence at the hearing.

It has been determined that there are no viable alternatives. It is contended that transporting products to and from any of the other ports would entail excessive costs as to render the same unsustainable or entirely unaffordable and as such there is no alternative. Furthermore Article 6(4) expressly permits economic considerations of a public nature to result in a decision to proceed. In the present case those public economic reasons include the necessity for

business in the region to have a properly functional and regional port and the necessity to facilitate marine and cruise related tourism.

In terms of Shannon Foynes, it is suggested that the ecological impacts could potentially be far greater and this has been confirmed in the evidence of Dr. Brendan O'Connor in his brief of evidence in the oral hearing. The fact that significant dredging and dumping of dredged material within the Shannon Estuary resulting from the dredging of Limerick Docks needs also to be considered in terms of the ecological impact.

The development of cruise tourism has the capacity to develop as a highly sustainable source of business. The closing submission then goes on to directly respond to a number of observations made arguing against the development. The Board are also requested to note that while An Taisce at a national level seek to ignore the very important positive aspects of the tourism and economic benefits associated with the port development, the Board should also note that the local An Taisce Association (evidence of Mr. Colin Powell) are very much in favour of the development. The closing submission goes on to comment on some of the financial contribution conditions particularly in relation to the cost apportioned to the applicant for the maintenance and upkeep of carriageways facilitating HGV traffic.

Comments are also made in relation to financial contributions associated with junction upgrades (College Road/Lough Atalia Road junction) and the transfer of a site for community gain free of charge to the Council.

The final section of the closing submission deals with the issue of imperative reasons of overriding public interest (IROPI). The economic benefits have already been outlined but it is argued that there are a number of public benefits which directly flow from the development particularly for the tourism industry as well as the marina activities. The importance of being able to host large tourist events and cruise tours cannot be overstated. The proposal would form a pivotal piece of infrastructure along the Wild Atlantic Way and would remove a significant risk associated with the Seveso Directive from the existing port. The important provision of marine infrastructure for recreation in the Bay including sailing cannot be overstated either. Submissions from IBEC, the Galway Chamber of Commercial and the IDA have outlined the overriding economic reasons for granting the proposed development. Again reference is made to the various local industries that rely on the port and it is suggested that the very economic survival in some instances is directly dependant on the Port expansion. The advantages of the Port expansion in terms of supporting and endorsing detailed technological advances research and renewable energy development including the development of the Smart Ocean Programme and the marine renewable energy programme is highlighted. This again it is argued, is wholly in accordance with the National Ports Policy.

The proposed development therefore provides clear social and economic benefits. It is therefore concluded that there is an unanswerable case for the proposed development to proceed.

The inspector thanked all parties for their participation in the oral hearing before formally closing the oral hearing at c.4.00 o'clock.