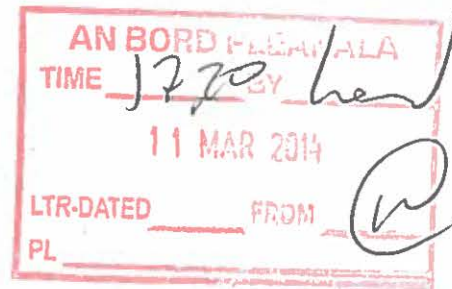


20140228-ABP-PA0033

Strategic Infrastructure Division
An Bord Pleanála
64 Marlborough Street
Dublin 1



11.03.14

**Re: Galway Harbour Extension; 27 ha infill of Galway Bay candidate Special Area of Conservation and Special Protection Area to accommodate new cruise liners, oil tanker and other commercial shipping berthage
Renmore and Townparks Townlands, Galway**

Ref: PL61.PA0033

Dear Sir/Madam,

Galway Harbour Company notified this office of the above project, advising that all comments should be made in writing to the offices of An Bord Pleanála. An Taisce requests an oral hearing to be held on the above scheme. It is wished to raise the following:

1.0 Preliminary Legal Obligation under Article 6.3 of the Habitats Directive

This current application is by a State Port Company for port expansion and involves the infilling of 27 ha of a significant area of both cSAC and SPA sites under the Habitats Directive, as well as impact on a larger area by dredging and ship turning and berthing movement, in a location adjoining the mouth of the River Corrib and existing Galway Port.

It is submitted that the Board should secure the advice of an appropriate independent ecological expert to assist the inspector appointed to assess this application.

It should be noted that An Bord Pleanála refused the Dublin Port infill of 21ha in the Dublin Bay SPA in 2010 (Ref PL29N.PA0007).

Accordingly there is a preliminary requirement to determine the extent to which the provisions of Article 6.3 and the first paragraph 6.4 of the Habitats Directive apply:

6.3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the

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provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

6. 4. (First Paragraph) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Volume 1C of the application particulars is a Natura Impact Statement.

Section 3.7 'Conclusion' on Page 214 states that the impact on Galway Bay cSAC under a number of considerations is 'indeterminate'. With regard to Galway Bay SPA it states on Page 215: 'The level of impact of wetland and sub tidal SPA habitat due to the proposed Galway Harbour Extension on the 20 SCI bird species is uncertain. Based on the precautionary principle there the impact is deemed to be significant'.

The final paragraph of the section marked Galway Bay SPA inexplicably contains a general statement applicable both to the cSAC and SPA. It argues that '*while there is not deemed to be any significant or adverse effect on the integrity of the designated sites there is the irreversible and permanent area take of 26.93ha arising from the footprint of the development. This has an impact on of loss of areas for both Qualifying Interest species of the cSAC and SPA that use the site and the loss of Qualifying interest Habitats of the CSAC that occur in there*'.

This assessment is limited to the construction area of new sea wall and wharf construction. It does not address the area of up to 50 ha affected by dredging to maintain the new port facility or area affective by berthage and turning movements of vessels and the new marina area. It is submitted that this constitutes a significant deficiency in the NIS.

Furthermore the conclusion in the NIS must be reconciled with the EIS. Section 7.4 of the Non Technical Summary of the EIS summarises the Flora and Fauna findings of the EIS in stating

Despite the mitigation measures as outlined above permanent loss of habitat within the cSAC and SPA will arise, which is considered a significant negative impact on the conservation objectives for both Natura 200 sites

Accordingly Appropriate Assessment is now required by the Board to determine that the application will '*not adversely affect the integrity of the site concerned*' (i.e. both the cSAC and SPA including the marine area affected by dredging and vessel berthage and turning movements).

If the Board's Assessment concludes that the proposed development would '*adversely affect the integrity of the site concerned*' as defined in Article 6.3 of the Habitats Directive then the first paragraph of 6.4 applies in:

1. Requiring consideration of alternative solutions;

2. Demonstrating imperative reasons of overriding public interest, including those of a social or economic nature;
3. Taking all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected;
4. Informing the European Commission.

Accordingly, the application of Articles 6.3 and 6.4 needs to be determined as a preliminary matter.

2.0 Inadequate Consideration of Alternatives

Evaluation of alternatives first requires consideration of alternative investment strategies obviating the need for the development. It is submitted that all future infrastructure investment in Ireland needs to provide for the mitigation, that is reduction, of climate emissions both national and transboundary. Climate mitigation required the most expeditious decarbonisation of energy and transport in all sectors. Secondary to this is the issue of adaptation to the climate impact of a warming world. This includes protecting urban centers from increasing flood impact, including Cork Galway and Limerick, as well as the need to protect coastal settlements and infrastructure generally. The storms of early 2014 have highlighted the scale of investment needed to protect coastal settlements and tourist centres such as Salthill and Lahinch.

The storms during early 2014 also confirm climate models that warming atmospheric and ocean temperatures will generate storm events with greater frequency. In February 2014 the highest ever wave height at 25m was recorded off Kinsale.

Government Departments are currently carrying out the consultation process for sectoral "Roadmaps" for a low carbon future by 2050 as provided in the heads of the proposed Climate Bill. Action on climate mitigation will require much higher targets after 2020 than are currently in place. Current public investment and borrowing capacity is limited so that it is important that any current State or State supported expenditure meets the overriding need for climate mitigation and that the meeting of post 2020 targets is not prejudiced by wasteful investment.

The EIS unjustifiably and uncritically takes port expansion on the west coast as a given requirement and the only serious alternative to expansion in Galway is Foynes, The only real argument made against the Foynes is additional road traffic generation for oil currently coming into Galway to the Connacht region and Donegal. If Irish west coast port expansion is justified on social and economic grounds, has the alternative of expanding Foynes Port been adequately assessed?

3.0 Climate Emissions

It is not tenable that any State body should lodge an infrastructure application predicated on increased fossil fuel and resource consumption both national and transboundary. The same consideration should apply to any members of professional body in this case the employees of Tobin Consulting Engineers who have been commissioned to support the project. Chapter 11 of the EIS purports to deal with climate. It fails entirely to do so and does not address the increased trade and shipping tonnages the project would generate.

4.0 Social and Economic Justification

While there is a national Ports policy published by the Department of Transport in 2013 it does not set any national targets for shipping tonnages or any specific objective for Galway. The application is based on a statement of '*economic justification and business case*' justifying the need for expanding oil and bitumen import and other commercial shipping berthage for new trade in biofuels, animal feeds, cars and fishmeal, and to accommodate the 'significant growth' of the 'lucrative business' of accommodating cruise liners and serve renewable energy.

The major expansion of Galway Port for commercial shipping is not justified by national policy. The National Ports Policy 2013 defines ports as having national or regional status. Galway is defined as one of fourteen regional ports and one of the five in state ownership. While Galway Harbour is identified as regional hub for petroleum import, storage and distribution, current Irish transport and energy policy as well as the scientific importance of mitigating climate impacts means that Irish petroleum use will have to be progressively reduced in the shortest achievable timeframe.

The compatibility of the stated objective of the applicant with the national and international action required to reduce green house gas generation and reverse biodiversity loss and resource consumption exceeding sustainable global footprint capacity has not been addressed. The continued export of crushed stone for glass making does not require expansion of the scale proposed. The creation of cruise liner berthage does not require the scale of development of the configuration proposed. Alternative options for a cruise liner jetty require assessment. The argument is also made that the proposed port development would support renewable energy development. However, this does not justify the scale of berthage and infill proposed.

5.0 Climate Proofing and Flood Impact

The global rise in atmospheric and ocean temperatures will expose Ireland to increased storm exposure and rainfall variability. Sea level rise projections for the coming century need to be factored.

Has the proposal adequately modelled the increasing risk of convergence of high rainfall in the Corrib catchment, high tides and Atlantic storms? If the project is deemed worthy of consideration in the location proposed is the data used by its supporting professional consultants in the Environmental Impact Statement (EIS) that there will be no adverse flood or tidal impact on Galway justified?

The early 2014 storm events had major impact on nearby Salthill promenade, car parks and buildings, and in other places along the west coast. The combination of further storms of increased level and frequency combined with high rainfall in the Corrib catchment creates serious flood risk for Galway city.

The impact of the major infill and consequent change in tidal and current movement at the mouth of the Corrib needs to be assessed. Unlike the adjacent Mutton Island access causeway, which is designed to allow 'wave overtopping' in poor weather conditions, without the sewer under it sustaining damage, the proposed port construction will be well above the design height of the Mutton island causeway, to allow the safe berthing of large ocean going vessels. It is contended that, in certain weather conditions, and depending on wind direction, the solid pier could direct

wave action towards the city. The impact of this development on tidal movement and sedimentation within the Bay also needs to be assessed. Changes in 'longshore drift' caused by this development will potentially cause changes in sedimentation patterns behind, and in front of the pier

6.0 Traffic

It is inappropriate to expand a commercial port and generate additional traffic into an urban centre which has no direct connection for HGVs from the port entrance to the Motorway and national primary road system. The proposal would generate significant port traffic to the M6 and N17 and N18.

The Board needs to address the consideration on which the proposal by the Port of Cork Company for a container terminal at Ringaskiddy was refused permission by An Bord Pleanála in 2008 on grounds that it would *'result in much of the port related traffic traversing the city road network which would adversely affect the carrying capacity of the strategic road network in and around Cork city'* (Ref PL04.PA0003).

While there is a current Part 8, planning application just submitted by Galway City Council under LA 7/2013, which is for the development of new road improvements on the Lough Atalia Road which will allow the enhanced movement of large vehicles under the Lough Atalia rail bridge to facilitate easier access to the proposed port development, this does not resolve the issue of lack of suitable connection to the Motorway or national road system.

While the proposed Port plan makes provision for extending the existing freight line into the new port the reality is, the existing port use for oil bitumen or fertilizer on stone export does not use rail and of the projected new port traffic would be likely to use the rail link.

7.0 Conclusions

There are significant issues raised by this application which need to be assessed on a sequential basis at an Oral Hearing at which we wish to make detailed representation.

Please acknowledge receipt of this submission and advise us of any further consultation.

Yours sincerely,



Ian Lumley
Built Environment & Heritage Officer
builtenvironment@antaisce.org

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TIME
11 MAR 2014
LTR-DATED
PL FROM