

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

5<sup>th</sup> December, 2014



Dear Sir/Madam

**RE: GALWAY HARBOUR EXTENSION, RENMORE AND TOWNPARKS TOWNLANDS, GALWAY.**

**Applicant: Galway Harbour Company**

**An Bord Pleanála reference: PL 61.PA0033**

**Submission in response to the Board's Section 37(F)(1) letter dated 27<sup>th</sup> May, 2014**

We, Coakley O'Neill Town Planning Ltd, Building 1000, City Gate, Mahon, Cork, have been instructed by Atlantic Fuel Supply Company Ltd (AFSC), River House, Blackpool Park, Blackpool, Cork to make a submission on the response of Galway Harbour Company to the Board's Section 37(F)(1) letter dated 27<sup>th</sup> May, 2014 on the application for Strategic Infrastructure Development (SID) for the Galway Harbour Extension at Renmore and Townparks Townlands, Galway.

Having reviewed the response to the Board's letter, we remain of the opinion that the proposed development is of excessive scale which is not supported by national ports policy, and which prejudices the designated Shannon Foynes Tier 1 Port of National Significance.

In addition, there are no Imperative Reasons of Overriding Public Interest for the proposed development, having regard to clear alternatives such as Shannon Foynes Tier 1 Port of National Significance.

The key aspects of the request from the Board centred around additional information on the alternatives selected, specifically the Shannon Foynes Port Company Vision 2041 Natura Impact Report as part of the evaluation of alternative sites and particularly in light of the EU Commissions Policy (Integrating Biodiversity and Nature protection into Port Development 2011) which requires the evaluation of alternative solutions with less or no adverse effects.



In response to this, the applicant essentially concludes that the Shannon Foynes Port Company (SFPC) Vision 2041 NIR cannot be compared with the outcome of the NIS for the proposed Extension to Galway Harbour, principally because the SFPC NIR is an Appropriate Assessment (AA) of a high level non-statutory Vision document which is based primarily on desk study information, with little information regarding engineering design or construction methods.

The applicant states that the conclusion of the SFPC Vision 2041 NIR cannot be compared with the outcome of the NIS for the proposed extension to Galway Harbour.

Conversely, the applicant contends that the Natura Impact Statement (NIS) for the Galway Harbour Extension project, which is a proposed project, is based on a significant amount of field data from detailed field surveys and detailed engineering and construction information.

According to the applicant, the proposed expansion of facilities in the Shannon Estuary is considered to have greater ecological impacts than the planned Galway Harbour Extension project. The applicant contends that, based on the precautionary principle, the level of impact of the proposed expansion of shipping in the Shannon Estuary must be considered as being significant.

In relation to alternatives, the applicant dismisses 'Do Nothing' 'Do Minimum' and 'Do Something' options on the basis of their not delivering on the objectives of the project. The assessment of alternatives is predicated on an 'all or nothing' approach, in that the only alternative given much consideration is the actual project for which permission is sought. It is our submission that the reasons for ruling out certain options, such as cost, disruption and impact on Natura 2000 sites, also apply to the application before the Board for permission. It is also abundantly clear that the application is primarily commercially-led, not plan-led, the objective being to maximise the return for the applicant. This approach has resulted in a project that is far in excess of what is required to ensure the sustainability of a Tier 3 Port of Regional Significance.

In assessing alternative locations, firstly the applicant seeks to compare Galway Harbour to Tier 1 Ports which is entirely inappropriate.

Notwithstanding this, the applicant, by its own admission, concludes that, based on an analysis of its own set of criteria, the Port of Foynes comes closest to satisfying the requirements of the project.

That said, the applicant then states that while Foynes meets the proximity criterion, it does not do so by a great margin, and for businesses based in the northern section of Galway's hinterland the distance to Foynes will be considerably longer, and may be outside the proximity criterion. There is a significant distance to Foynes port from Galway (130km), and customers using Galway have indicated that attempting to use ports other than Galway would impose significant increased land transport costs.

However, this conclusion has little regard to the improvements planned for the N69 and the completion of the Gort-Tuam motorway. In these circumstances, the

business case for Galway Harbour Extension is seriously undermined. The applicant admits that the planned upgrades to the N18 road will make Foynes Port more accessible from Galway, but dismisses this as a viable alternative on grounds of environmental impact particularly from CO<sub>2</sub> emissions. This conclusion also fails to acknowledge the potential for a rail connection to Foynes Port.

Furthermore, the applicant states that a failure to extend Galway does not guarantee that any business will be transferred to other ports. By the same token, there is no guarantee that customers with this potential 2million tonnes of cargo will use the expanded Galway Harbour. This is exacerbated by the applicant's own admission in the Economic Appraisal which accompanied the application, where reference is made to a sharing of risk and reward between applicant, its main customers and the local business community, through for instance capital contributions or guarantees from customers and Fáilte Ireland or local or central Government to minimise the vulnerability of the project.

The key question remains about the propriety of the proposed development relative to the Port's status and the vulnerability of the proposal to issues such as upfront capital investment and some instances whereby future business fails to materialise.

We further submit that, relative to the existing cargo level of 500,000T, the only way to generate the proposed increase to 2million tonnes is to take it from other ports, in particular Tier 1 Ports such as Shannon Foynes.

In this context, there are clearly no Imperative Reasons of Overriding Public Interest for the proposed development.

Absurdly, the applicant states that all the potential alternatives - Foynes, Dublin and Cork – are potentially problematic from a Natura 2000 perspective, and one cannot conclude beyond reasonable doubt that there is an alternative that causes less damage to Natura 2000 sites. This is stated in the context of the potential for significant direct or indirect impacts on four Natura sites arising from the expansion of Galway Harbour, a mere Tier 3 Port of Regional Significance.

It is our submission that, based on the precautionary principle, the Galway Harbour Extension should not proceed.

Further confirmation that the project should not proceed is evidenced in the applicant's response to the Board's letter on cumulative impacts, which specifies that there is a possibility for significant cumulative impacts from habitat loss due to the Galway Harbour development in-combination with impacts from mussel bottom culture to the Common Tern breeding population of the Inner Galway Bay SPA.

The applicant's declaration of how Imperative Reasons of Overriding Public Interest (IROPI) are satisfied are not unique, and can, in reality, be applied to any port development, and as a consequence do not serve to justify the potential for significant direct or indirect impacts on four Natura sites arising from the expansion of Galway Harbour.

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LITIGATED _____ FROM _____	
PL _____	

In this regard, we remain of the opinion that the proposed development is of excessive scale which is not supported by national ports policy, and which prejudices the designated Shannon Foynes Tier 1 Port of National Significance.

In addition, there are no imperative reasons of overriding public interest for the proposed development, having regard to the potential for alternatives such as Shannon Foynes Tier 1 Port of National Significance, which suitability is readily acknowledged by the applicant.

We therefore invite the Board to refuse permission for the proposed development.

As the Atlantic Fuel Supply Company Ltd has already made a valid written submission regarding the application, no statutory fee applies.

Please direct all correspondence to Aiden O'Neill, Coakley O'Neill Town Planning Ltd, Building 1000, City Gate, Mahon, Cork.

Yours faithfully



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Aiden O'Neill  
Director,  
Coakley O'Neill Town Planning Ltd

## Kieran Doherty

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**From:** Aiden O'Neill <aiden@coakleyoneill.ie>  
**Sent:** 05 December 2014 10:58  
**To:** Bord  
**Cc:** Kieran Doherty; Chris O'Callaghan  
**Subject:** PL 61.PA0033 GALWAY HARBOUR EXTENSION, RENMORE AND TOWNPARKS TOWNLANDS, GALWAY  
**Attachments:** FINAL PL 61.PA0033 Galway Harbour Extension submission\_05122014.pdf  
**Importance:** High

Dear Sir/Madam

Please find attached submission on the response of Galway Harbour Company to the Board's Section 37(F)(1) letter dated 27<sup>th</sup> May, 2014 on behalf of Atlantic Fuel Supply Company Ltd (AFSC), River House, Blackpool Park, Blackpool, Cork c/o Aiden O'Neill, Coakley O'Neill Town Planning Ltd, Building 1000, City Gate, Mahon, Cork.

As the Atlantic Fuel Supply Company Ltd has already made a valid written submission regarding the application, no statutory fee applies.

Please issue an acknowledgement of this submission in due course.

Kind regards

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**Coakley O'Neill Town Planning Ltd**  
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