3 Hartstonge Street,
Limerick
Tel: 061 435000
Fax: 061 415555
www.hraplanning.ie
info@hraplanning.ie

HRA | PLANNING
chartered town planning consultants

AN BORD PLEANÁLA
TIME _____ BY _____
05 DEC 2014
LTR-DATED _____ FROM _____
PL _____

Administrative Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

05th December 2014

Re: Further Information Response Galway Harbour Extension Renmore and Townparks
Ref: 61.PA0033

Dear Sir / Madam

HRA | Planning with input from RPS has been retained by Shannon Foynes Port Company (SFPC) to respond to the further information submitted by Galway Port Company on the 6th October 2014.

This submission solely focuses on the comparative analysis undertaken by the applicant on the Shannon Foynes Port Company Vision 2041 Natura Impact Report as part of the evaluation of alternative sites. Specifically this submission focuses on the response to item 1 of the further information request and on the addendum to Chapter 3 of the Environmental Impact Statement (EIS).

SFPC do not warrant it necessary to defend the position of the findings of the Shannon Foynes Port Company Vision 2041 Natura Impact Report (NIR) which has been undertaken and prepared in accordance with best practice for the purpose of satisfying the transposition of the EU Habitats Directive 92/43EEC into Irish landuse planning legislation. SFPC refute the statement that the NIR has in anyway *'a lack of information'*. The Board should note that the preparation of the NIR was undertaken in consultation with and to the satisfaction of statutory bodies including the NPWS and the EPA. All of their recommendations were duly taken into consideration in the finalisation of the report.

SFPC understands the Board's request in seeking clarification from the applicant with regard to the absence of alternative solutions with *'less or no adverse effects'* in relation to Article 6 of the Habitats Directive. However such a request presents inherent complexities and difficulties. Firstly the question arises as to whether it is practical for the Board to seek a comparison between a Natura

Impact Report (NIR) and a Natura Impact Statement (NIS) for the purpose of informing their decision under S177AA(1) of the Planning & Development Act 2000 as amended (the Act). These two different reports have been prepared and completed to two very distinct levels of detail relative to each of their projects. The NIR for Vision 2041 was prepared for the purpose of a 'plan' pursuant to the definition set out in S177T(1)(a) of the Act. The NIS for Galway Harbour was prepared for the purpose of a 'project' pursuant to the definition set out in S177T(1)(b) of the Act. Therefore there will of course be variances in terms of the technical assessment undertaken between both studies. The NIS for the Galway 'project' was undertaken to a more thorough site specific ecological evaluation with the benefit of project specific details. The NIR on the other hand is a strategic assessment of the potential effects which the type of development outlined in Vision 2041 may have on Natura 2000 sites. This is both best and accepted practice.

It is submitted that the variances between these assessments cannot be considered by the Board and cannot be interpreted by the applicant as the *'absence of a viable alternative'*. If it is a case that an equitable evaluation is required for the purpose of assessment of alternatives then it is respectfully submitted that it is for the applicant to conduct and report on such further in-depth site specific ecological evaluation in support of their project. It is not adequate nor should it be acceptable to base an assessment of alternative sites on a critical interpretation of the findings of a NIR prepared in support of a strategic document Vision 2041. Therefore in considering the information presented by the applicant, the Board must be mindful that they are not comparing like with like. It is submitted that an independent assessment and determination cannot be based on the expressed conclusions by the applicant that *"an environmental comparison with Foynes shows the Shannon Estuary to be more environmentally sensitive than Galway Bay"* (Errata Chapter 4 EIS).

It should further be noted by the Board that Vision 2041 and its associated NIR have been informed and guided by the findings of the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary. The SIFP has identified key Strategic Sites and Areas of Opportunity within the Shannon Estuary through an evidenced based approach and assessment of environmental, scientific, technical and economic information to identify those sites within the Shannon Estuary which are deemed to be the least sensitive in terms of environmental impact and the most feasible in terms of development. It is noted that the applicant has not referenced or considered the findings of this document and it's NIR in the consideration of alternative sites and its definitive and concluding statement that *"the Shannon Estuary is more environmentally sensitive than Galway Bay"*.

The NIR (section 6.4) provides a description of the potential effects emanating from the implementation of Vision 2041 at project level together with an assessment of the magnitude and significance of these effects in so far as it is possible given the lack of project specific detail. The finding in the NIR of 'no significant impacts' is based on all mitigation being applied and this approach is in accordance with standard and best practice. It therefore cannot be stated in conclusion by the applicant that *"the proposed expansion of facilities in the Shannon Estuary is therefore considered to have greater ecological impacts than the planned Galway Harbour Extension project"*. The applicant's conclusions (section 2.11 of RFI) which have regard to the *'ecological issues arrived at based on the NIR'* have not been assessed at project level, are unfounded and are presented in the

absence of any scientific evaluation or data. The facts of the ecological issues detailed in the NIR and highlighted by the applicant are as follows:

1. The NIR does outline how there is potential for greater disturbance to Bottlenose Dolphins however this greatly depends on the extent of future development. Given this unknown factor the NIR has allowed for mitigation measures to ensure no significant effects to this qualifying interest. Similarly, in relation to physical damage (collision) the potential may exist should certain types of expansion or development take place however there has never been a recorded collision in the estuary and it is highly unlikely that this would ever happen. Therefore in the absence of further study it cannot be categorically concluded by the applicant that the bottle nosed dolphin could be impacted by increased shipping through greater disturbance.
2. The extent, layout, design or exact location of any proposed development within the strategic sites is not known at this point and therefore it cannot be stated with certainty that the proposed expansion of port facilities will require the destruction of habitats that are qualifying interests for the Natura Sites.
3. Operational maintenance of the ports in the Shannon Estuary requires intermittent dredging which gives rise to temporary increases of levels of suspended sediments in the water column as is outlined in the NIR and not regular dredging with permanent increases as concluded by the applicant.

SFPC submit that the Board must satisfy themselves regarding the suitability of Galway Bay to accommodate the project with specific consideration given to the integrity and function of those Natura 2000 designations (Galway Bay SPA 004031 and Galway Bay Complex SAC 0000268) and maintaining or enhancing the status of those qualifying features pursuant to the Habitats Directive and the Environment (Miscellaneous Provisions) Act 2011.

Yours sincerely,

Mary Hughes MIPI
HRA | Planning

AN BORD PLEANÁLA
TIME _____ BY _____
05 DEC 2014
LTR-DATED _____ FROM _____
PL _____

Kieran Doherty

From: SIDS
Sent: 05 December 2014 17:14
To: Kieran Doherty
Subject: FW: HRA Planning Submission - Ref:61.PA0033
Attachments: Submission 61.PA0033.pdf

From: Bord
Sent: 05 December 2014 13:34
To: SIDS
Subject: FW: HRA Planning Submission - Ref:61.PA0033

From: Mary Hughes [mailto:mary.hughes@hraplanning.ie]
Sent: 05 December 2014 10:25
To: Bord
Subject: HRA Planning Submission - Ref:61.PA0033

Dear Sir / Madam

Please find attached a submission in response to further information received on planning file 61.PA0033, application for the extension of Galway Harbour.

I look forward to receiving a receipt in respect of the submission made.

Yours sincerely,

Mary Hughes MIPI
HRA | PLANNING
Town Planning & Environmental Consultants
3 Hartstonge Street
Limerick
Tel. 061 435000
Fax. 061 405555
www.hraplanning.ie