

An Bord Pleanála Oral Hearing January 2015

Application under 37E of the Planning and Development Act 2000 as amended to An Bord Pleanála for Galway Harbour Extension Reference 61.PA0033

Brief of Evidence Caroline Phelan Galway City Council

AN BORD PLEANÁLA	
TIME 14.00	BY GALWAY CITY COUNCIL
21.01.15	
LTR-DATED J.M.	FROM
PL PA0033	



Introduction

My name is Caroline Phelan. I am a Senior Planner with Galway City Council. I have been working as a Planner for approximately 25 years, predominantly with local authorities. I have worked with Galway City Council since 1999 and have been in the position of Senior Planner for 11 of these years. My qualifications include a Bachelor's Degree in Social Science UCD, a Master's Degree in Regional and Urban Planning UCD and a Diploma in Archaeology from NUI Galway.

I am making a submission to this oral hearing on behalf of Galway City Council who is a prescribed body for the purposes of applications made under S.37E of the Planning Act 2000 as amended. This brief of evidence incorporates the views of a number of departments within the City Council. The area of Transport and Traffic Management will be included in the brief of evidence of my colleague Brian Burke.

The submission supplements the Manager's report issued to the Board on March 31st 2014 which was accompanied by a record of the observations and recommendations made by the Members of the Planning Authority at the Council Meeting specifically scheduled for that purpose on the 24th of March.

Harbour Constraints

Galway Harbour Co. is currently operating on a site of significant scale within the city boundaries. This includes working docks, quays, Enterprise Park and associated buildings. The existing harbour, an essential element of the business is constrained owing to restrictions in design, tidal and gated nature, shallow approach channel and limitations of quay length and berthing facilities. The need to discharge petroleum at the quayside is not ideal either in the context public risk and general amenities.

The Planning Authority acknowledges that these constraints challenge the future viability of the port within the city with regard to maintaining the existing operations in relation imports and exports and as such limits expansion. The Council are aware that such constraints also inhibit growth into the cruise ship market and the consequent benefits that could accrue to the local economy.

The Planning Authority values the existence of harbour facilities in the city and recognises the significant contribution and advantage such facilities make to the local and indeed the regional economy. The advantage of having harbour facilities is a critical asset to any economy. This is apparent when reviewing statistics regarding cargo movement, employment, commercial fishing and the expanding tourism related activities including recent successes at hosting international events.

The port is also recognised as an important transport facility for the city and supporting its viability reduces the need for road transportation thereby contributing to promotion of more sustainable transport modes.

City Development Plan Policy

The Galway City Development Plan 2011-17 includes for a number of policy statements that support the harbour and acknowledge the proposals for an extended harbour and the potential economic and tourism benefits that this would bring to Galway as a national Gateway. Policy support is also included in both national and regional planning documents.

The specific provisions in the City Plan are important to note these include reference in Chapter 1 – Overall Strategy including Core Strategy in section 1.5. "Re-development of the Galway Port facilities is proposed. This would include for the relocation of the port to a deepwater location and development of the existing facilities as a marina. This would increase the potential to improve linkage for both passengers and freight into the city. The integrated transportation study scheduled by the GTU will look at the strategic implications and opportunities this would afford the city and explore the tie-in with both the rail and road network."

In Section 1.8.1 with respect to the Core Strategy, investment in strategic routes, public transport and initiatives in walking and cycling are deemed to have a high priority. The services of Galway Harbour are also classed in this section as having “significant importance”.

In Chapter 3 which is dedicated to Transportation, Section 3.5 includes that “Galway Harbour is also an important transport facility. The Council will support proposals for the development of new and extended harbour facilities and supporting infrastructure.”

This section also states that it is policy to “Support the provision of improved access to Galway Airport and Galway Harbour area including an extension of the rail line to the Harbour.”

In Chapter 4, Natural Heritage, Recreation and Amenity, there are many policies that place obligations on the proposed development to fit in with the aspirations in the City Plan with respect to the development of a citywide coastal greenway, more specifically the objective to develop a coastal path from Silverstrand to Oranmore and the delivery of recreational infrastructure in line with the Recreational Amenity Needs Study (RANS) adopted by the Council in 2008.

Of relevance also in this chapter is the specific objective included that there is a need to prepare a masterplan for Lough Atalia that would include for the upgrading of the amenity park, ecological areas and the development of sailing activities.

Chapter 4 also has a number of policies that support the protection, conservation and enhancement of nationally and internationally designated sites of natural heritage. These policies are considered very pertinent in view of the location and the scale of the proposed works and the extent of Natura Sites, priority habitats, protected species, and national heritage sites in and adjoining Galway Bay.

The City Plan policies also require confidence that the all developments will ensure the integrity of the coastal environment and the city waterways. This is especially noted in relation to the protection of water quality, maintenance of Blue Flag status, Bathing Water standards and the protection of the River Corrib as a Salmonid River. The City Plan states that proposed developments are considered unacceptable if it is determined that they will have significant adverse impacts that are not capable of satisfactory mitigation.

With respect to protected views, it is noted that the development would be in the frame of 8 of the 19 listed views in the City Plan where the Policy is “to protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city through the control of inappropriate development”.

In the Enterprise and Employment Chapter 5 there are further policy statements that support development of the harbour specifically those included in text in Section 5.2.1 and Policy 5.2. The references generally support the re-location and extension of the Harbour area, including for deep water port facilities and acknowledge the potential to contribute to both tourism and enterprise in the local and regional economy. It is stated that the re-location and extension of the Harbour is supported subject to assessment on economic viability, environmental, visual, transport grounds and in the context of obligations under the EU Habitats Directive.

There is also relevance of policies with regard to protection of structures of heritage importance included in Chapter 7 this is because facilitating works are required in proximity to a protected structure that is the Railway Bridge at Lough Atalia. In addition the City Plan policy requires the potential of impacts on, inter-tidal and sub-tidal environments to be assessed and monitored archaeologically.

Policies relevant to the proposed development in Chapter 8 require that flood impact assessments are carried out and that flood risk minimisation and mitigation measures are applied in the interest of reducing the risk of flooding. This chapter also has objectives to protect the coastal area and foreshore and to avoid development that would cause or escalate coastal erosion.

Chapter 8 also includes for policies on air quality, noise regulation, control of major accident hazards, emergency planning and waste management which are very relevant to the proposal in view of the sensitivity of the site location.

Chapter 11 deals with land use zoning objectives and has application to the proportion of site area subject to an I Industrial zoning and has a specific development objective for the harbour lands. The general requirement of the specific development objective is that development is limited to activities relating to harbour expansion and industries which must be located adjacent to the harbour for a viable existence.

In addition it is pertinent to reference the policies in the City Development Plan relating to the existing "Inner Harbour" area as provided for in chapter 9. The implications of the ceasing of industrial uses in the inner harbour area give context to the long-term vision for the regeneration of this area. The City Development Plan recognises that should industrial uses cease in the inner harbour there would be opportunities on these lands to re-establish links between the city centre and the sea, broaden the range of uses therein including water-related leisure uses. This is seen as particularly important with regard to the adjoining brownfield element of the Ceannt Station site where regeneration is also planned and where maximum advantage of the seafront location can be delivered.

Chapter 9 does caution that in order to achieve the maximum advantage of regeneration harbour expansion should show how a favourable amenity can be secured in the transition area between the inner harbour and the adjoining industrial lands at the Harbour Enterprise Park.

Habitats Directive

The Habitats Directive Assessment (HDA) of the City Development Plan examined all of the policies in the City Plan and established that a number of policies, including policies relating to the Harbour Extension had potential for a direct loss and /or fragmentation of habitats arising from this policy support. It identified the potential threat to qualifying interests, habitats and the integrity of Natura 2000 sites. It also highlighted the potential for contamination from runoff, general disturbance to protected species and disturbance that could impact on sensitive periods – breeding and migratory movement times. All of these were seen as impacts that could arise from specific projects.

The proposed development being such a specific project has established that an Appropriate Assessment is required under the EU Habitats Directive as the proposal has been deemed likely to have the potential for significant impact on Natura 2000 sites. It is acknowledged that An Board Pleanála is the consenting authority with respect to this application and the competent authority to carry out the AA process.

The Planning Authority having examined both the EIS and the NIS that accompanies the application appreciate that the applicants have endeavoured to be comprehensive and systematic in their examination of the likely impacts. It is acknowledged that the scale and nature of the proposal in addition to the complexity of the receiving environment renders the assessment of the proposal very challenging and beyond the expertise of the Planning Authority to comment on detailed ecology aspects.

The submission to the Board in March 2014 however did identify areas where the Planning Authority considered that there were deficits in the submission. The Planning Authority also requested that that the Board avail of the benefit to consult with NPWS and to possibly procure specific ecological expert advice to facilitate their decision making in this area.

It is noted that engagement with both options has resulted in a significant body of additional information and commentary. The Planning Authority is satisfied that this area is being given due regard particularly in view of the natural heritage importance of the site to Galway City as well as the international importance of the area in the context of the Natura 2000 network.

The specific concern raised by the Planning Authority regarding the analysis of the in combination effects with reference to the proposed Galway Eastern Environs WWTW and the functioning of Mutton Is. WWTW has been allayed. This is consequent to the Response to Further Information (RFI) submission. It is also noting that water and wastewater services now lies within the control of Irish Water who is also a prescribed body for the purposes of the application and with whom the Board have an opportunity to consult.

General Environmental Issues

The Planning Authority aims to secure a high quality, clean and healthy environment in the city. This doesn't prohibit development but would require it to be carried out in a sustainable manner. The construction of the harbour extension in particular and the consequent operation period are intense engineering operations that have potential if not managed properly to cause significant negative impacts on the natural environment and also to those who use and enjoy the coastal amenities and those who have commercial interests in the bay.

The EIS detailed the assessment in relation to the release of suspended solids and contaminants into Galway Bay as a result of the dredging. As the dredging works are very extensive and the environmental regime very complex there is a need for the Board to be confident that negative impacts can be mitigated. This includes for disturbance impacting turbidity, suspended sediments and any potential negative impact from chemical or granular composition. This is very important in view of the ecological, recreational and economic value of the waters to the city. In particular the Board should also be satisfied that there is no negative impact on the quality of adjacent beaches and Bathing Waters.

The Board should also include in their consideration the future potential for ongoing maintenance dredging that will be required as a consequence.

Air and water quality, waste management, odour management, noise and vibration need to be allied to best practice for monitoring, for minimising impacts and the use of controlling mechanisms. There is also a requirement to review the specific works regarding hours and types of operations to ensure that there is no unacceptable level of negative amenity impact on residential development and the general functioning of the city.

This should be clarified as far as is possible in advance of any works commencing and a condition should be included permitting the Planning Authority the right to modify or require cessation of work or specific activities in the event of special circumstances or events in the city.

Where restrictions to daylight hours are appropriate, the Planning Authority request that these be interpreted as not beyond 9pm in particular for pile driving and similar noise nuisances. In addition there should be similar restrictions to work using the backhoe dredging method in the vicinity of Mellows Park and the Claddagh in the interests of the residential amenity.

To note Galway City Council is an involved party in The River Basin Management Plan for the Western Basin District. This document classifies the area of Galway Bay, as being of good status both ecologically and chemically. The objective in the management plan and for the Planning authority is to ensure that this status is maintained and that there is no deterioration in the quality of the water. This plan specifically refers to the licensed aquaculture areas and designated shellfish waters. It notes the need to protect these waters in particular from any potential pollution or damaging disturbance.

In general the mitigation measures in the relevant chapters and as summarised in Chapter 15 of the EIS are deemed all necessary should consent be considered. Notwithstanding the mitigation measures an environmental management system is critical to the environmental performance of the construction operation. The environmental management framework (EMF) as included for in the Appendices to the EIS and the consequent need to prepare an Environmental Management Plan (EMP) based on the EMF is appropriate for a project of this scale and timing rather than conventional forms of conditioning. The Planning Authority request that the EMP be subject to City Council and other relevant environmental authority's agreement. This plan should particularly allow for engagement in the establishment of associated protocol for reporting, monitoring, targets, procedures and review.

Flood Risk Issues

The site owing to its nature and location is classified as a High Flood Risk Zone under the national guidelines. This has been acknowledged in the proposed application and a specific Flood Risk Assessment Study has been included in the EIS in Chapter 8 using the methodology and guidance promoted in the national guidelines.

It is noted that the end uses Harbour / Marina /Docks although being located in a Flood Zone A are uses considered compatible within these Flood Zone classifications. The Planning Authority accepts this assessment. The potential impact on the New Harbour itself from tidal/fluvial events has informed the design requirements for the breakwater, wave wall and ground and floor levels of buildings.

The Planning Authority asked queried the adopted figure of 0.5m for anticipated sea level rise in the previously submitted Managers Report. The Planning Authority now note that the OPW in their subsequent comments to the Board appear to have accepted this level as reasonable. In this context the Planning Authority defers to their judgement in this matter as the OPW is the lead agency for flood risk management in Ireland.

The initial flood risk assessment has been further reviewed following specific requests from the Board to re-visit areas of modelling, review of data and assumptions in order to determine conclusively if the proposal is likely to change the flood risk potential associated with the adjoining flood susceptible areas of the Salthill, Spanish Arch, Claddagh Quay, and Frenchville. It is noted that the additional information submitted in response to the Board's requests has concluded that the development will not adversely impact on the flood risk associated with these areas. The Planning Authority notes also that the applicant has also indicated in evidence that the flood risk mapping assumptions adopted by the applicant accords with recent publications of mapping for put on consultation by the OPW in the context of the CFRAM study.

The Planning Authority considers that it is critical that the Board should consult further with the OPW particularly in view of additional information submitted and in view of information clarified at this hearing. The Planning Authority also welcomes that the Board have engaged expertise in the area of hydrodynamics to assist in the assessment of the development as flood risk and management is a critical operational challenge for the city and the Planning Authority need to be confident that new developments will not increase the risk of flood potential anywhere in the city.

Landscape and Visual impact .

The site of the proposal is in an area of open water, which is included in the expanse of Galway Bay. It forms part of the seascape, openly visible from a number of areas in the city. The proposal is of a significant scale consisting of approximately 27ha of reclaimed land, supporting quay walls, breakwaters, docking areas, marina, working yards, supporting built structures, rail line and embankment. It is therefore inevitable that there will be a significant visual impact both during the construction stage (estimated to be

up to 8 years) and the operation stage including the night environment and the anticipated 24 hour operation.

The visual impact will be apparent from a range of views both protected and not protected. The EIS has specifically examined 16 views, 8 of which it is noted are in the frame of protected views. The overall conclusions that the proposal will have a moderate to significant negative impact on the urban waterfront landscape are accepted.

The development is assessed to have a significant negative impact in particular from – South Park, Long Walk and Dock Road – it is accepted that this is the better “face” of the development having the marina however the Board should consider the consequences of this not being fully developed or development being prolonged and anticipate what impact this would have on views.

The conclusion that the development will have a slightly negative impact on the suburban settlement landscape is not accepted. Regarding the latter it is considered that views from the East suburbs particularly Renmore and particularly those from Ballyloughaun Beach and Hawthorn Drive are more impacted than that described in the EIS where it is described as slight and that moderate to significant negative impact is a more appropriate assessment. This adjudication relates to both general visual impacts and also to impacts on protected view no’s – V13, V15, and V17.

It is acknowledged that extensive landscaping is proposed but it is anticipated that this will have a localised site impact. It is also acknowledged that owing to the requirements for high breakwater defences, proofing against potential sea rises that the harbour structures will be high above the water. The Board should ensure that there will be no potential for exposure of raw combiwall or similar industrial facings during tidal variance.

The main building – Port Operations Office has a mix of external finishes and is mainly coloured rust. It is considered that a combination of native stone finish and grey colouring if supplemented with cladding /plaster would be most appropriate and reflect better the local heritage, an image that should be impressed from ship disembarkment. This should be linked in design to the Passenger Terminal Building and finishes co-ordinated. It is considered that the latter building should reflect local heritage both externally and internally – in design, materials, decoration as this would be the first encounter for potential passengers to the West of Ireland and should reflect this experience. The structure should include for use of the Irish language in signage and illustration.

Linked with the visual impact is the visual and amenity quality of the area described as public amenity, which is supported by a landscaping masterplan. The visual and functional quality of the landscape proposals needs to be assessed from a public realm viewpoint. The Board are requested to consider in particular the viability of the planting scheme in a coastal environment with a high degree of climatic exposure.

The detailed specification of the hard landscaping is not apparent. If these areas are to successfully attract pedestrians / cyclists and to link in with the green network for the city the quality of the environment and facilities will have to support this. Quality detailing will have to balance the wide, long and regular nature of the routes flanked by car parking and the likely intimidating scales of the proximate environment coupled with the adjacency of industrial used lands. In this regard attention should be given ensuring the quality of the experience as well as securing a good standard of public realm.

It is not clear also how the scheme will interface with the existing Harbour Enterprise Park. How is this engagement to be ameliorated particularly in the area of “Renmore Promenade”. Strip planting is suggested but this may need to be more thoroughly examined.

High quality public realm and amenity is also an important element when the success of the regeneration of the Inner Harbour is in question. Owing to the lack of detail on address to lands these lands, which is it hoped will be developed into mixed uses including residential. It is uncertain how the impact of the proposal will affect the chances of such development becoming an attractive waterfront. The impacts that need to be addressed relate to visual, noise, traffic flow in addition to air /odour dust management.

Economy Issues

The economic value of the harbour in Galway is not in question and neither are the constraints under which the port is currently functioning. However the proposal includes for hugely ambitious plans with regard to trade expansion in addition to remedying the deficits of deep sea berthing facilities. The scale of infrastructure works would be very significant and would during construction indisputably have a negative impact on the waterfront and with the likely casualties to the image of the city. If built out and developed in a manner and time as indicated in the EIS there may be justification carrying these negative impacts.

Although the EIS makes references to the likely impact of non-development it doesn't give any comfort regarding how insurance against the probability of a more prolonged construction scenario than envisioned can be avoided or consideration of the risk of a business failure mid – construction with the possibility of abandonment, or non completion of works or delivery of the non-profit amenity elements. It is considered that the Board should give this deficit in the business case serious consideration and examine how this situation can be proofed against. The Planning Authority is raising these issues in the interests of prudence and in the knowledge of the risks associated with speculative economies, keen competition between ports and the irreversible impacts failure would have on the Galway City.

With respect to other commercial interests the Planning Authority request the Board to examine the proposed fishing facilities to ensure that they are viable and afford sufficient protection for fishing vessels in the context of pier design and wind patterns at these location. The impact also on shrimp breeding and fishing areas should also be definitively clarified noting in order to ensure sustainability of this local economy.

Built Heritage

The proposal requires the lowering of the road under Lough Atalia Railway Bridge which is a protected structure. The lowering of the road at this location has been the subject of Part VIII consent under planning legislation in 2014 having been brought forward in the interests of public safety and the traffic flow maintenance following a series of bridge strikes. All aspects associated with preserving the integrity of the protected structure and associated archaeology has been assessed and appropriately conditioned into this consent. It is most likely this work will be carried out before any development for the harbour extension should a consent issue.

Although not directly impacted it would be important that Mutton Is. Lighthouse, a protected structure, is given specific consideration particularly with regard to the impact on the contextual setting and the extent of available public views of this structure.

With respect to archaeology the potential for the discovery of submerged ancient landscapes should be considered, noting the recent discovery in this regard at nearby locations. Archaeology may merit additional focused survey and desktop study work in advance of any works and may require additional mitigation measures also.

Possible Conditions

The Planning Authority in the Manager's report issued to the Board in March 2014 listed 38 possible conditions which are considered critical should a decision to grant permission be considered. It is still felt that these should be given consideration.

As you are aware they cover a number of areas including Mitigation Measures; Environment; Ecology; Development Contributions, Financial Bonds and securities, Site Access; Public Access; Waste Management; Protection of Residential Amenity; Transportation; Mobility Management Landscaping and Planting; Community Gain: Architecture; Archaeology; Emergency Planning;

Potential for including Gain to the Community

It is the opinion of the Planning Authority that there should be conditions included for substantial gain to the community in the event of a consent issuing. This would be reasonable in view of the impact of the proposal, which includes for significant encroachment into an area traditionally open and public by nature and for the fact that there would be significant disruption in this area caused by 8 years of construction. It would also be essential that these measures are brought forward and developed to a high standard as early as possible in the development process.

The proposal itself does incorporate beneficial facilities that will be available for the general public and for visitors. These include the marina facilities, promenades, landscaped parklands, nautical slipways and a sheltered area at the eastern end of the extension, which is designed to accommodate water-based activities. These are welcome. In particular the Planning Authority requests the following proposals to be considered in their entirety.–

(a) This proposal is allied to the recreational and amenity facilities being proposed. It is requested that it be ensured that the qualitative standards of such areas and facilities are high and designed for maximum usage. In this regard details of how this could be achieved in design are needed to be clarified in addition to how the long-term maintenance is to be managed and financed. It is noted that there is a proposal for management company control of the overall area by the Harbour Board but this references the proposed landlord type relationships and doesn't refer to how public amenity areas will be managed.

It should be qualified how much resources will be dedicated to maintenance and re-investment in the long term. This perhaps could be set as a percentage of dividends /profit if feasible. There may also be an argument to reserve part of the marina for municipal use so that this facility is not totally private/club controlled.

To render the promenade areas suitable, additional facilities are needed, as the promenades are quite long and removed from the city centre facilities. These include basic facilities such as seating, shelters, public toilets, small café/kiosk facilities. In addition it should be included that access to plaza points /areas will be made available for community group/ event usage subject to the limitations imposed under the Seveso II Directive.

It is noted that the ownership of the applicant extends as far as part of the gravel shore at Renmore Beach. The Board should investigate the extension of the landscape plan and consequently public access to this area in view of the attractive nature of this area noting however the need also to protect the adjacent habitats and species.

(b) The proposal includes for nautical slipways, and a sheltered bay area designed to accommodate water-based activities. It is not clear how these will ultimately be secured and developed. The option of the applicant providing the site and funding the design, application for permission and construction of facilities

to support the proposed nautical centre should also be considered as a potential community gain. The facilities should at a minimum allow for storage for boats, aqua sport club facilities; associated compounds; boat repair area; modern standard of changing/showering/ locker facilities, vehicle parking areas and provide for a community building to be made available for clubs usage.

These should be completed and available for use within one year of commencement of full operation of the extended harbour. In default of this a financial contribution of equal value determined through independent valuation should be made to the Planning Authority conditional on the Planning Authority or a designated party providing a similar level of facilities on the lands as dedicated.

(c) In view of the potential for regeneration of the inner harbour as a consequence of development and the obligations to require a public cultural type facility on the lands as obliged under the City Plan a site within these lands should be reserved and made available at no cost. The site should be able to sustain a building of a minimum size of 2000 Sq.m and ancillary requirements (on not more than three floors) suitably located to provide for a use accessible to the public. This site would be ringfenced for public/community/cultural/civic purposes only.

(d) The status of Lough Atalia has been deemed of "low conservation value" in recent studies. Notwithstanding this it is considered that Lough Atalia and Renmore Lough are valuable Habitats and amenity areas. The Planning Authority consider that there is greater amenity potential than is currently enjoyed both for passive and water-based recreational in particular for training on small sailing craft and kayaks. This is manifest in the City Development Plan where it is an objective to prepare a masterplan for Lough Atalia to include the upgrading of the amenity park, ecological areas and development of sailing activities is included in Section 4.10 of the City Development Plan.

As a community gain and also and to accord with the conservation objective for the site that is "*To restore the favourable conservation condition of Coastal lagoons in Galway Bay Complex SAC*" the carrying out of this plan is suggested as a community gain. The Planning Authority would request that such plans are prepared and financed for both the rehabilitation to a greater ecological status and also to provide for works and infrastructure to increase recreational potential compatible with the ecological designation. The implications of amenity and recreational improvements would need to be considered in view of this conservation objective.

Development Contributions

It is considered that the proposed development if granted would attract development contributions under the current Development Contribution Scheme. The current development contribution scheme is under revision and a new draft scheme is anticipated for public display and City Council consideration early this year. It is also considered that payment of special contributions would apply also. The nature and justification for these special contributions have been referenced in the Mangers report as submitted to the Board and will also be discussed in the evidence given with respect to Transportation.

There is also reference made in the recommended conditions for the developer to support costs incurred by the Planning Authority in relation to the carrying out any necessary monitoring, checks, inspections, or environmental audits which would require the authority to engage specific expertise.

10



Appendix 1 Planning authority view on conditions, which should be attached in the event of the Board deciding to grant permission. (

The planning authority considers that any grant of permission should include for strict conditions based on the points made hereunder.

1.The EIS includes the main mitigation measures and monitoring proposals that are recommended. These are summarised in Chapter 15 of the EIS. It is considered that where applicable these should be included as specific conditions attached to any permission in addition to any other mitigation measures that are appropriate following the assessment of the NIS.

2.The proposal requires a specific *Environmental Management Plan* based on the *Environmental Management Framework* referenced in Appendix 4.2 of the EIS. This plan will encompass a wide range of details associated with the programming, standards guidelines, policies and procedures required to prevent, control and or mitigate the adverse impacts on the environment and the associated risks.

3.The EMF and EMP contents should be subject to agreement in writing with the planning authority and all other appropriate regulatory authorities. It should include for review owing to any changing circumstances /regulation and should identify the specific responsible personnel. Reporting of breaches should be included for in addition to remedial action.

The EMP should at a minimum be required to include for

- Management and Reporting Structure
- Schedule of Environmental Objectives and Targets, including objectives for the minimization of suspended solids movement to surface water systems, and effective management of all silt and settlement pond flow discharges during periods of high precipitation.
- An Environmental Management Programme.
- Corrective Action Procedures
- Awareness and Training Programme
- Communications Programme

4.The EMF should also be conditioned to be the subject of an annual review by the planning authority, following consultation with the Project Monitoring Committee. The developer should be required by condition also to modify the EMF in accordance with any reasonable requirement of the planning authority at any stage. On written request by the planning authority, the developer should be required to submit a report on any specific environmental matter on an environmental audit.

5.Monitoring results should be conditioned with respect to the protection of habitats, flora and fauna; these should be submitted to the planning authority and any other relevant regulatory authority at an agreed interval specified by the planning authority (following consultation with the Project Monitoring Committee). All results should be required to be made available for public inspection within a reasonable period from reporting.

6.The developer should be required to appoint a suitably qualified and experienced Environmental Officer for the period of the construction of the Harbour Extension. As part of his/her duties, the Environmental Officer should be required to liaise with the Project Monitoring Committee in relation to implementation of the required environmental monitoring, and should be required to be responsible for reporting to that committee and the planning authority

- any malfunction of any environmental system
- any occurrence with the potential for environmental pollution
- any emergency

which could reasonably be expected to give rise to pollution of air, waters, including deterioration of bathing water quality, have an unacceptable level of impact on flora /fauna. The Environmental Officer should be required to maintain a record of any such occurrences and action taken; this record should be available for public inspection at a designated office location and on a specifically designed website.

7.Short term monitoring post construction as proposed in the EIS with respect to Salmon smolts, Seals, Otter holts, certain birds, salinity levels etc should be agreed to the satisfaction of the appropriate state agencies prior to ceasing of monitoring

8.Any mitigation measures deemed necessary to support the protection of the swan colonies in the Galway city area during both construction and operation should be included by condition.

9. A protocol for complaint procedures should be required to be submitted to the local authority for agreement prior to the commencement of any development.

10.Conditions associated specifically with Air quality – dust emissions, odour emissions, surface water should be required. A comprehensive dust monitoring and odour monitoring and minimisation plan for the construction and operational phase should be included for and submitted to the planning authority for agreement prior to the commencement of any development.

11.Details of right of access to Galway City Council appointed staff to carry out environmental monitoring checks as required, or as requested by the Project Monitoring Committee. Costs incurred by the planning authority in carrying out any necessary monitoring, monitoring checks, inspections and environmental audits, should be required to be reimbursed by the developer.

12. A formal Project Construction and Demolition Waste Management Plan should be submitted to the planning authority for agreement, to address all wastes that may be generated by the development, and the appropriate treatment of such during the construction phase.

13. A Waste Management Plan for the operational phase should be submitted to the planning authority for agreement prior to the commencement of any development, to provide for the appropriate management of all wastes in accordance with waste legislation.

14. For the purposes of drilling, pile driving, and backhoe dredging daylight hours should be interpreted as not exceeding 9pm.

15. In addition to the conditions regarding Drilling, Blasting and Pile Driving as outlined in the mitigation measure in Chapter 15 of the EIS the following should be included. Backhoe dredging should be restricted to daylight hours in the areas close to residential developments namely the Claddagh and Mellows Park; a restriction based on 24-hour operations of dredging should be defined for clarity.

16. The developer should be required to appoint a Mobility Manager during the construction phase, with a view to ensuring that the Mobility Management Plan is embedded in the development.

17. An annual report to the planning authority on the progress of the Mobility Management Plan should be a requirement.

18. The planning authority should have of a number of personnel represented on the Mobility Management Plan steering group.

19. The developer should include for a bike rental station within the development for both staff and visitors.

20. The developer should include for charge points for electric vehicles within the development for both staff and visitors.

21. VMS signs (linked to the UTMC) should be installed at key exit points from the harbour to assist with City Traffic Management.

(b) Revisions required to junction design at Bothar na Long should be submitted to the planning authority for agreement.

22. The developer should be required to agree the Haul Routes in advance with the planning authority and any restrictions or variances required by the planning authority during construction and operation should be required to be complied with by the developer. This should be included for in the Mobility Management Plan and should be binding on all operators. Restrictions on use of the road network during peak hour periods should apply as proposed in the EIS during both the construction and operation period.

22A The Construction Management Plan and the Traffic/Mobility Management Plan should specifically provide for a clause that allows for modification /cessation of works and or activities in the event of special circumstances or events occurring in the city, the definition of such circumstances should be at the discretion of Galway City Council or their designates.

23. ~~The maximum number of HGV movements along the haul route should be conditioned~~ not to exceed that estimated in the Traffic Management Plan and any amendments to that plan. The developer should be obliged to keep a record of all traffic movements into and out of the sites, and a copy of this should be made available for inspection by the planning authority and the Project Monitoring Committee on request.

24. There should be provision made by condition to cover any additional costs incurred by the planning authority if the event should arise that costs in engaging transportation/environment personnel are required to monitor the Traffic Management Plan and any associated facilities and /or to monitor implementation of the Environmental Management Framework . This is considered reasonable in view of the scale and complexity of the project.

25. Any amendment to the permitted scheme which relates to the control or impact of major accident hazards (as defined by Seveso II Directive), but which does not materially alter the permitted development, shall be subject to notification and agreement of the planning authority, following consultation with the Health and Safety Authority. This is in view of the location of the development adjoining two sites subject to such control.

26. An obligation to pay Development Contributions in accordance with the prevailing scheme should be placed on the development. (See section 26)

27. Special Contribution conditions as outlined in section 26 should be included as conditions. (See section 26)

28. Conditions regarding Financial Bonds should be required to ensure that construction and landscaping / amenity facilities are developed to a high standard.

28 aThe Developer should be required to enter into an insurance arrangement that has sufficient security to ensure against any probability of a more prolonged construction scenario than envisioned and against the risk of non-completion of construction of works including the delivery of all of the public amenity elements

29. Consideration should also be given to requiring that an agreement under section 47 of the Planning and Development Act between the developer and the planning authority be required to be entered into as a legally binding arrangement to ensure delivery of and public access to the proposed amenity areas.

30. Conditions should also include for

(a) All hard landscaping specifications to be agreed and required to be of a nature appropriate to achieve a high standard of public realm.

(b) On completion of the landscaping scheme a requirement for the developer to submit to the Planning Authority a certificate of completion from a suitably qualified Landscape

Designer (or similar professional) confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping scheme.

- (c) The satisfactory maintenance and/or replacement of new planting, in accordance with the Landscape Proposals as included in the EIS.
- (d) Proposals to support an art trail along the marine promenades should be included for in view of the City Development policy 6.8.
- (e) The amenity area in particular adjoining the Marina area should be made available for a number of public community /cultural events on reasonable demand and free of charge for events of a scale deemed acceptable under the Seveso II Directive.
- (f) Provision of public toilet facilities, shelters, seating bike stands and retail kiosk/similar should be provided in conjunction with development of the promenades.
- (g) On going maintenance plan

29 (A) The extent of lands described as gravel shore /Renmore Beach in the ownership of the applicant should be included in the landscape/amenity plan and public access to this area should be secured as part of the overall public amenity area and should include for protective measures for the adjoining wetland /lagoon area.

31. The details of the design and specification of the proposed signage should be agreed in writing with the Planning Authority and use of the Irish language/bilingual signage should be required to be incorporated within the development.

32. Details regarding revisions to the external finish and design of the two main structures proposed should be included by condition in accordance with points raised in no. 17. It might also be appropriate to require a design scheme, which controls certain design aspects of future developments such as external finishes and signage regimes and for all street furniture in the publicly accessible areas.

33. All mitigation measures associated with archaeology as defined in Chapter 15 referenced above should be included by condition and also mitigation measures associated with archaeological finds as highlighted in Section 13.2.8 (3). In addition specific conditions should be included with respect to the requirements for potential discovery of drowned or submerged ancient landscapes. Specific notification of the planning authority should apply in advance of relevant works and in the event of finds.

34. Initial monitoring of blast impacts to ensure no structural damage should be carried out at a number of points which should include for large structures in the Enterprise Park and on Mutton Island. Details should be agreed in advance with the planning authority.

35. The suggested community gain options as highlighted in No 24 of report should be included as a condition in any grant.

36. A condition should be required regarding The Emergency Plan for the Harbour, which should include for consultation with appropriate bodies including Galway City Council and should be required to co-ordinate with prevailing Galway City Major Emergency Plan and Galway County Major Emergency Plan.

37. The requirement of Irish Water /IWTO with respect to specific arrangements for water and waste water should be included for in conditions and linked to the nature of specific supply /treatment for visiting vessels and marina usage.

38. All conditions included in the Part 8 Ref LA 7 2013 approval for works to lower the road level at Lough Atalia under the Railway Bridge a protected structure, including the associated requirements regarding

Appendix 2 Resolutions Agreed By Elected Members of Galway City Council

The following resolutions were agreed by the Elected Members to be submitted to An Bórd Pleanála with the Manager's Report at a Council Meeting held on Monday 24th March 2014.

Resolution 1:

Galway City Council supports the development of the city a regional hub and welcomes the proposal from Galway Harbour Company to develop and future-proof the port to support Galway's growth and expansion.

Galway City Council wants to see Galway harbour as a vital, active and working port serving the industrial, marine and commercial life of Galway city.

Galway City Council, conscious of the need for proper planning, full transparency, openness and public participation in a project of such scale and impact, calls on An Bord Pleanála, in considering this application, to investigate concerns put forward by Galway residents and stakeholders, namely:

- That the business plan put forward by Galway Harbour Company is credible, realistic and externally validated, and that on a national level an expanded Galway Port has the ability to compete with existing deep water ports.
- That the proposed modular development of the port through phases will not lead to an unfinished/ partial development of the port.
- That environmental issues affecting sea stocks (including potential damage to a rare shrimp nursery), Natura concerns and SAC impacts have been adequately and properly studied and considered.
- That the road and transport infrastructure of Galway City has the capacity to absorb additional traffic and road congestion generated by the port development both during and after construction.
- That there will be no significant increase in flooding threats to Galway City from the port development, nor safety concerns for fisherman in the Claddagh region through the creation of a rough water channel in that area, taking into account the CFRAM report.
- That sufficient public knowledge exists and consultation has occurred on the potential negative visual and tourism amenity impact from key vantage points including Renmore, Ballyloughane, the City Centre, South Park and Salthill.
- The handing-over of the port to Galway City

Resolution 2:

"That Galway City Council recommend that a rail line --- run from the Harbour to Ceannt Station /Eyre Square to facilitate the mass transportation of passengers from cruise ships and also that the passenger terminal operates to facilitate tour bus operators as a set down and pick-up point".



Resolution 3:

“That this Council calls on An Bord Pleanála to hold an Oral Hearing in Galway in relation to the application currently before the Board re: the proposed extension of Galway Harbour given the significance and scale of the proposed development”.

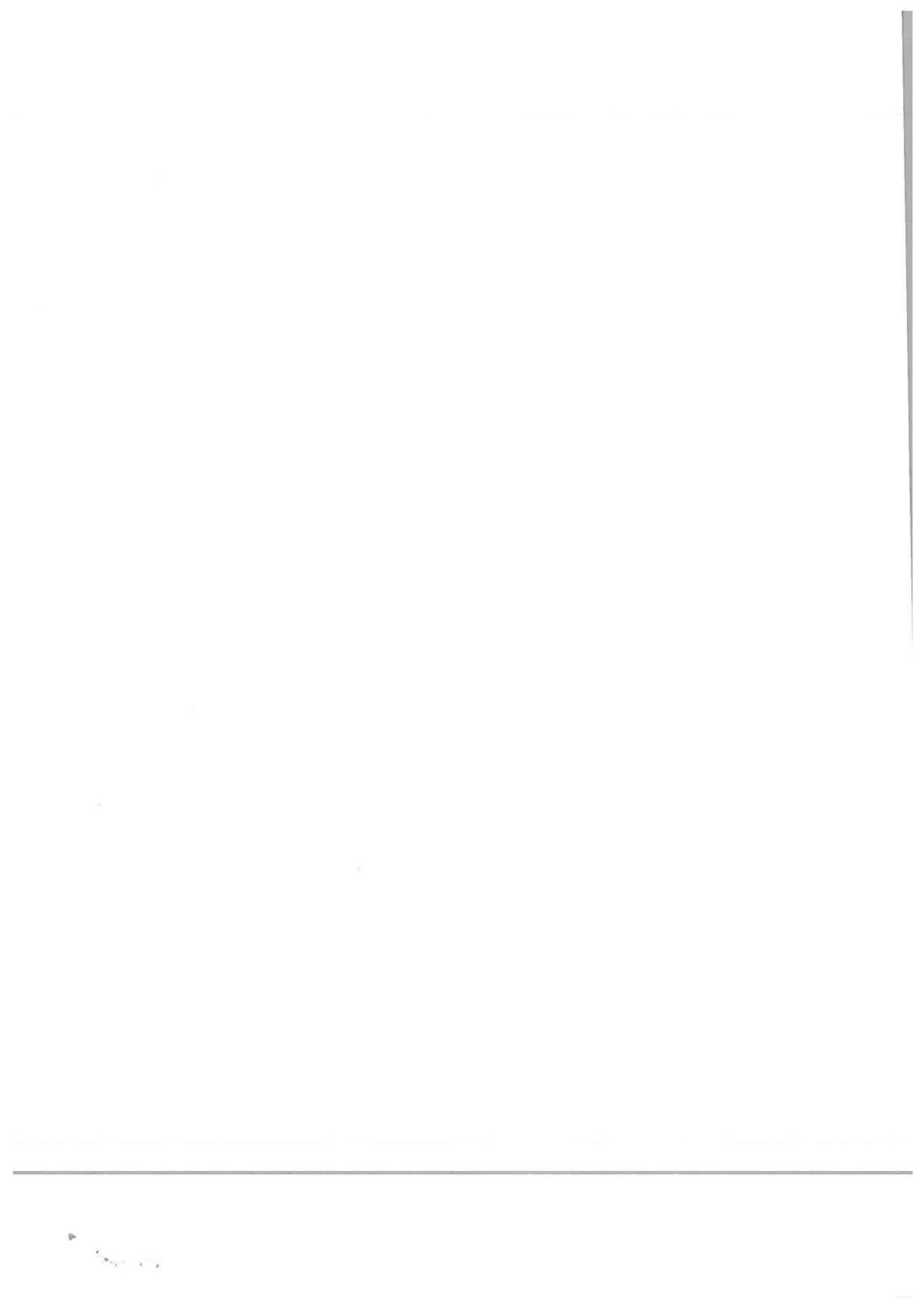
Resolution 4:

“That the applicant make a significant financial contribution towards:

- (a) The required upgrading of the Lough Atalia/College Road junction
- (b) The main roads/routes into and out of the development
- (c) The construction of a new bridge to replace the existing Wolfe Tone Bridge”

Resolution 5:

“In the event of planning being granted to the Harbour development, that prior to a Commencement Notice being issued that the Local Authority be provided with the specific details of compliance with “Prior to Commencement Conditions” in writing and that they be circulated also to Elected Members”



Galway Transportation Unit Brief of Evidence to An Bord Pleanála- Oral Hearing for Proposed Galway Harbour Extension [PL.61.PA0033]

My name is Brian Burke and I am an Executive Engineer in the Galway Transportation Unit of Galway City Council. I have held this position in excess of 6 years. I hold a degree in Civil Engineering from NUI Galway. I have over 11 years post-graduate experience working primarily in the field of traffic and transportation engineering.

On behalf of the Galway Transportation Unit (GTU), I would like to make the following submission to the Inspector in relation to Rail, Mobility Management and Traffic:

Rail

The GTU are generally in favour of Rail being used to transport freight out of Galway City. However, the suggestion that freight could be transferred at night could have noise implications for residential properties in close proximity to the rail line.

The EIS references a proposed depot at Athenry but no details of this are provided.

The EIS states that rail will only be used to transfer goods when it becomes commercially viable. 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.

Mobility Management

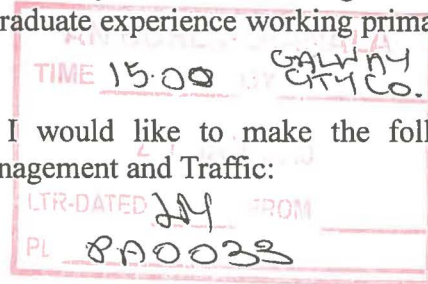
The GTU accepts the general thrust of the Mobility Management Plan, however greater detail is required on how the plan is to be implemented and the targets for modal shift should be in line with the GTU's 2020 targets. The EIS requires to be up-dated, in particular where it relates to upgrades of the transport network and it should have reference to "Green" transport options such as electric vehicles.

The GTU supports the inclusion of a Steering Group and Mobility Manager for the Mobility Management Plan, but would like to see a defined role for Galway City Council.

Traffic

The impact of traffic generated by the proposed development was assessed using Galway City Councils SATURN traffic model. This was the most appropriate tool. Galway City Council in conjunction with the NTA, NRA and Galway County Council are currently upgrading this model in order to take into account recent changes to the road network and to use this tool in the proposals for the N6 Galway City Transport Project (formerly Galway City Outer Bypass project). However, at this time, the upgraded model has not been finalised and the version used by the Galway Harbour Company is the most up to date version available to the developer. In general SATURN is used to compare different options and is not used as an outright representation of a road network. In this instance, the model is good for assessing the implications of harbour generated traffic on the network as a whole but not necessarily for the assessment of individual junction performance. The SATURN model demonstrates that the proposed development will not have a significant impact on city traffic.

However, the traffic section of the EIS relies heavily on the notion that the proposed harbour will not increase existing traffic volumes by more than 5% at most junctions. While this may be correct



for general traffic, it does not take into account the increase in HGV traffic. Traffic generation for the development when operational are only provided for the AM and PM peak hours, so a comparison throughout the whole day could not be carried out.

Galway City Council carried out a traffic count on the Lough Atalia Road / College Road junction and along the Lough Atalia Road in November 2012. It was found that on an average weekday there are 376 HGV movements on Lough Atalia Road. During the AM peak hour there were 41 HGV movements through the Lough Atalia / College Road junction and during the PM peak hour there were 15 HGV movements. During the operation of the development it is expected that there will be 40 HGV movements generated during the AM peak hour and 22 HGV movements during the PM peak hour. This equates to an increase of HGV movements of 102% and 147% during the AM and PM peak hours respectively. This increase in the number of HGVs will result in the significant shortening of the lifespan of existing roads which is generally measured in the number of million standard axles (MSA) of HGVs.

The EIS did state that during Phase 1 of construction 305 HGV movements would be generated per day.

This increase in the number of HGV movements through the College Road / Lough Atalia Road junction could have a significant effect on the junction. All vehicles travelling outbound on Lough Atalia road and turning right at the junction have to turn through a relatively tight "S" shaped turn. Slow moving, laden HGVs turning can cause considerable wear on the road surface. As part of the proposed development the Harbour Company should consider upgrading this junction to realign it in order to ease HGV movements through the junction. This could be achieved by altering the junction so that vehicles exiting from Lough Atalia road are aligned with College Road towards the Moneenageisha junction. This would provide additional capacity between the Lough Atalia / College Road junction and the Moneenageisha Junction.

The EIS identified a number of Operational Traffic Haul Routes (Drawing 2139-2180). One of these routes identifies the R336 via Wolfe Tone Bridge as the haul route to Bearna and Moycullen.

Galway City Council recently commissioned 2 no. reports on this bridge from Consultancy firm AECOM. The recommendations from these reports, following a structural assessment of the bridge, were that a weight restriction of 26 tonnes should be applied to the bridge in the immediate term and that the bridge should be replaced in the long term.

Galway City Council intend to implement this weight restriction in the short term.

This weight restriction will have an impact on the haul route identified in the EIS and will result in all HGVs in excess of 26T generated by the Harbour to use an alternative route. When this bridge is replaced in the future, Galway Harbour Company should make a contribution to its construction.

The proposed development includes the upgrade of the existing site access junction to a signalised junction. Galway City Council have some concerns regarding the design of this junction relating to private development access, the provision of cycle lanes and the swept path of HGVs potentially encroaching onto advanced cycle boxes. We recommend, that should the development be granted permission, Galway Harbour Company and Its agents agree the design of this junction with Galway City Council prior to commencement of development.

The proposals include an access path from the development to Renmore beach. This should include the provision of a cycle track.

The proposal also includes the lowering of the road under Lough Atalia Bridge. The GTU are supportive of this as we recently received planning permission for the same proposal via a Part 8 application . The GTU have a detailed design of this project and requested tenders from works contractors to complete this work. It is the intention of Galway City Council to award this contract upon receipt of confirmation of funding.

In conclusion, the EIS submitted for the proposed extension to Galway Harbour demonstrates that the development would not have a significant impact on traffic on the wider Galway network, but that the network will be saturated anyway.

The EIS fails to take account of the impact HGV traffic generated by the development will have on the lifespan of pavements on the public road network and the impact on the College Road / Lough Atalia Road junction. The EIS did not take into account the imminent weight restriction that will be applied to the Wolfe Tone Bridge.

Should An Bord Pleanala decide to grant planning permission to this development, the GTU would like to make the following recommendations:

- The final design of the site access junction to be agreed with Galway City Council prior to commencement of the development.
- Galway Harbour Company be required to upgrade and realign the existing Lough Atalia / College Road junction.
- Galway Harbour Company to make a financial contribution to Galway City Council for a road strengthening programme.
- Galway Harbour Company to make a financial contribution to Galway City Council in order to connect the proposed site access junction to the Galway City Council Urban Traffic Management Centre (UTMC), ALSO VMS SIGNS
- Galway Harbour Company to make a financial contribution to Galway City Council towards the provision of a new Wolfe Tone Bridge.

Signed: _____
Brian Burke,
Galway Transportation Unit.

20th January, 2015.

