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Oral Hearing Submissions -Galway

Further to my written submission dated the 7th March 2014 wherein given the extent and nature of the proposed development and the serious concerns of local residents re flooding and the scale of the development amongst other concerns and my request therein for an Oral Hearing- I wish to thank the Board for having the requested Oral Hearing and allowing further oral/written submissions.

I wish to preface what I am about to say by confirming that as a Galwegian and a Public Representative since June 1999, I fully recognize the importance of the port to Galway City and the region and the importance of forward planning to ensure that the port/port activities will be an integral part of Galway's development.

However the proposed extension must be sustainable and viable and of benefit to the maximum number of people given that the land and water in question is public land and public amenity with specific and very special protective designations and because the application is seeking approval based on Imperative Reasons of Overriding Public Interest.

More particularly the history of this particular project since it first made the local media headlines in 2006 has led me to have concerns and indeed the local free paper which came out yesterday with its full supplement on the port development with accompanying advertisements of best wishes etc from parties who will directly benefit from the proposed development in addition to the solicitors advising the applicant in the current application in addition to one of the executive officers of the said paper who is also representing the many business at this hearing completes as it were my circle of concern and is a point I will come back to later.

By way of more specific background, I first learned that a planning application for a proposed 2 billion Euro development was imminent from the local paper in August/September 2006 notwithstanding that the land in question was public land and I was an elected member of the City Council. Indeed following a motion tabled by myself and unanimously accepted by all City Councillors, a delegation from the Harbour Company/Board subsequently made a presentation(s) to the elected members including a confirmation by the City Council that the designation of the inner docklands as an SDZ would be sought in due course.

In December of that year I commented publicly on the unseemly war between two Galway West Constituency TDs in relation to a turf battle as to whether Galway Port or Ros a Mhíl should be developed and significantly Ros a Mhíl does not form any part of the applicant's submission..

In addition the atmosphere at the time was that any constructive criticisms given and/or questions posed were categorized as negative.

I make these comments not just by way of constructive criticism but to place in context how a plan in the sum of 2 billion euro at that time in relation to public lands in 2006/2007 was described as almost ready for submission to the local authority planning department without public discussion and/or without an overall masterplan/framework plan for the area including the approximately 15 acres of public land at Ceannt Station in the heart of the City.

Also shortly after the floatation of the Docks 2 billion plan, CIE/Ceannt Station announced in the local press that they had secured their preferred developer who was then free to promote his plans all of course done without a single recourse to the local authority elected members as a Council.

Thankfully neither of these two unsustainable very costly plans came to fruition but the piecemeal and developer led development approach and the continued failure to have a proper overall plan for both the Ceannt Station and the Dockland area together notwithstanding that both sites are adjacent to each other and that paragraph 9.2.2 of the City Development Plan sets out amongst other very positive objectives that 'The regeneration plans for Ceannt Station on the adjoining site will have to be a parallel consideration in any redevelopment on the Inner Harbour in order to maximize the benefits to the city in both land use amenity and urban design' highlights in the most acute way why the ordinary person might have concerns at the scale of what is proposed and concerns as to the driving force behind the scale of the development.

More specifically then I will outline my further concerns as follows:

1. The potential risk of increased flooding particularly locally in the Claddagh/Grattan Rd/Spanish Arch areas. The consultants on behalf of the applicant have taken great effort to reassure that there will be no additional flood risk as a result of the proposed development and particularly the large new quay wall. I am not an expert but given my own experience in the Claddagh where I live and more importantly the experience of residents who have suffered from flooding I cannot say I am reassured. I say this particularly in the context of the most recent scientific evidence re climate change confirming that we are in an area of uncharted waters (forgive the pun) which make predictions based on previous climate events and anticipated future ones unpredictable- I refer in particular but not exclusively to the book 'Five Minute to Midnight? Ireland and Climate Change (2008), to 'This Changes Everything' Maomi Klein P(2014) and the most recent report from the Intergovernmental Panel on Climate Change which among other conclusions notes that 'Climate Change is on its way to causing severe, pervasive and irreversible damage to the world's peoples, cultures, ecosystems and economies'.
2. Related to point one, the OPW is in the process of compiling flood risk assessment maps and flood risk management maps and designated Galway for a reassessment given Galway's serious history of flooding. In these circumstances it would seem more than premature to allow for the proposed development without the benefit of the OPW analysis of existing and future flood risk and their management plans which will not be available before the end of this year.
3. Ownership of the Docks-the Dockland is currently vested in the Harbour Board Company for the benefit of the people of Galway. The current ownership/management is in the process of change. In this regard in June of last year City Councillors were presented with a written report on the proposed changes/Harbours (Amendment) Bill 2014 and we were asked for our observations in relation to the proposed transfer of ownership to the Local Authority. On the basis of what was outlined by Councillors at that meeting the CM undertook to write to the appropriate department outlining our concerns including a request that prior to any handing over of ownership of the docks to the City Council a due diligence process be carried out in relation to the Ports financial situation. Moreover there were a number options in

the draft/bill in relation to the nature of the actual transfer of ownership and we also sought clarity on this. We are still awaiting a follow up on that meeting and a response to our concerns and just to clarify no due diligence report has come back either. In these circumstances it would seem most premature for the proposed extension/move to go ahead with consequent financial implications for the Local Authority and/or serious implications in relation to the assets in the inner dock given the basis of the business plan by the Applicants which includes the selling off of non-core asset to partly fund this proposal.

4. Re Traffic congestion and infrastructural deficits: I wish to make a number of points: Firstly in the context of a submission to the then Draft/National Development Plan 2007-2013 a former City Manager commented in the executive summary on page 10 that 'the road network in Galway is currently close to saturation and cannot cope with current and future private transport demands'. Secondly, since then in some respects matters have actually further deteriorated i.e .
 - (i) Notwithstanding specific objectives in our City Development Plan for Park and Ride facilities on both the West and East Side of the City since February 2005 neither of these objectives have been implemented.
 - (ii) The proposal for the OCBP and the specific route chosen was pushed by both local authorities and the joint business community as the one and only solution to the traffic problem in Galway with consequent and serious neglect of the development of any other alternative. After many years and the use of a substantial amount of public funds, it is now back at the consultation stage with the specific purpose of looking at **all alternatives** to the traffic problems pursuant to a combination of Bord Pleanála and Supreme Court decisions as well as EU involvement. Indeed the planning department in the City Council has just undergone a tortuous process of removing any and all references to the OCBY and replacing it with more general language to allow for a consideration of all possible solutions and the matter will go through a further consultation process.
 - (iii) The Wolfe Tone Bridge has been examined by Consultants on behalf of the City Council and the strong recommendation from their reports was that an immediate weight restriction of 26 tonnes should be applied to the

- bridge-for some reason or another this restriction has not been imposed yet although we have alternatively been informed that a. that such a weight restriction is imminent and b. that a decision for better or worse has been made not to impose a restriction for the moment but to push ahead with the Lough Atalia project which brings me to point (iv).
- (iv) The Lough Atalia Bridge. The repair/upgrading of this bridge in contrast to the urgency of the Wolfe Tone Bridge was not included as an urgent project on any of the quarterly transport reports given to Councillors . Significantly we learned about this project only when members of the public and businesses in the area alerted us to the advertisement in the paper on the 18th December 2013 and many Councillors subsequently indicated their annoyance at learning about the proposed works in this manner. In any event the project was brought before the elected members in March/April 2014 by way of a planners report dated the 19th March 2014 as part of the Part 8 Process. The recommendation that the project go ahead because of the danger posed to the bridge by large trucks was accepted by the majority of Councillors in April 2014 although all had concerns in relation to the necessity of giving a time frame and sticking to it and the disruption of traffic/business by the proposed works. Having been passed by Council it was expected that the works would be completed in a matter of six weeks and before the end of late October 2014. The initial time frame could not be met due to procurement issues and by written report to Councillors dated the 3rd September 2014 it was confirmed that works would now begin in January 2015 with scheduled completion in March 2015. This time frame could not be complied with either because of the subsequent discovery of extensive hydrocarbon contamination amongst other issues and by written report to Councillors dated the 2nd December 2015 it was confirmed that there would also be a new cost estimated to be 2.071 million Euro including VAT and works cannot now commence until the additional costs can be funded. It is my belief and I am strengthened in that belief by the above background facts that the Lough Atalia Bridge project became of urgent importance only in the context of remedying one of the major obstacles faced by

the proposed port development in terms of egress and exit for the HGVs and that there was pressure to push the matter through with the inevitable delays and complexities that ensued.. Although the officials have denied this, the comment in the first paragraph on page 15 of the report dated 24th March 2014 to the effect that the works on the bridge ‘are not being expedited solely in the interests of the current application’ strengthens my belief. It is further my believe that notwithstanding the urgent need for a weight restriction on the Wolfe Tone Bridge, a decision was made to upgrade Lough Atalia Bridge first to facilitate the planning application before the board and therefore imposing a weight restriction on the main road artery on the Western side of the City would cause serious problems for any HGVs over a certain size. As it stands both decisions are in abeyance!

- (v) The other two bridges, the Salmon Weir and O’Briens are now on the works program for investigation as per the information in our latest quarterly transport report.
- (vi) The pedestrian inner city roads are in my opinion in a very bad state and in need of major refurbishment. In response to a question submitted by myself as to when etc the necessary repairs would be carried out, it was clarified that this is now a matter for Uisce Eireann as the problematic sewer works are below the pedestrian area and major investment will be required.
- (vii) Silver Strand Conservation Works are of urgent necessity given that planning permission was given in 2007. To date no work has been carried out and the current position is that we are awaiting a foreshore licence.
- (viii) The costly and substantial works (including repair/installation of rock armour in the Claddagh)in related to the damage caused by the Floods in early 2014 are still ongoing

4(a) I make the above points simply to highlight some of the challenges and major infrastructural deficits/difficulties facing the City as is together with the added difficulties of delays in proposed projects without the added challenge of having to deal with increased traffic and particularly HGVs and the significant impact that such traffic would have on our

roads and pavements-also in addition to the ongoing works arising from last year's flooding there is also the huge challenge of coastal erosion in Silver Strand.

- 5. Port of Regional Significance. The designation of Galway Port as one of Regional Significance has serious implications in my opinion for potential funding and or the lack of same from government. In this regard it is noted in the application that funding will be dependent on the Company's own funds, loans, private investments and the sell- off of non-core assets in the inner dock area. I am not sure how the Board deals with this aspect and/or the business plan. On the one hand I understand that the application will proceed on planning grounds but at the same time the Board will be assessing whether the application can be justified on Imperative Grounds of Overriding Public Interest- in this context it seems to me that the independent assessment of the Business Plan vis a vis the interest of and gains for the common good assumes great significance and also its proofing vis a vis government policies on sustainable development and climate change. Indeed the Business Plan appears to rely to a very great extent on imports of goods including fossil fuels-and to act as a distribution centre for Europe etc this point amongst others has been well made in the submission from An Taisce and I fully support their submissions in this regard and the points made by them particularly under the ten key principles set out in the recent Government Planning Policy Statmen6t 2015. Further I would have a serious concern that if planning permission is granted then the inner dock property will be become a vital component in the funding of the harbor extension leading to serious restrictions on what we as a City might decide to do in relation to the use of public property and space.. A further concern is that the proposed rail link while a very welcome development is at the same time side- lined with the comment that it will only be used to transfer goods when it becomes commercially viable
- 6. Fishermen-The applicants refer to providing for the local fishermen and fishing industry in the new development and refer to full consultation taking place. As I understand the situation this is not quite the position on the ground but as this group are making their own submission I will make no further comment.
- 7. Ros a Mhíl-The only reference I see to Ros a Mhíl in all of the documentation produced is in the City Planner/City Manager's report to the Board dated the 24th March 2014 wherein the County Council

Development Plan 2009-2015 paragraph 3.4 RT33 is quoted as follows: Galway Ports and Harbour Policies states that the Council will support the expansion of Galway Sea Port and Ros a Mhíl (and potential benefits that can be delivered to the County through the development of rail distribution facilities at appropriate locations in the county) Other than that I see no reference to it in any of the Applicant's documentation not even looking at Ros a Mhíl in the context of a collaborative development which would benefit the City, County and region-I believe this omission is unacceptable in the context of sustainable planning for the City and County.

8. Finally the report prepared by the planners dated the 24th March 2014 is a very comprehensive document and whilst positive in relation to the proposed development it highlights a number of very serious concerns which the Board should give serious consideration to and also the 41 conditions together with the planning authority's view on what may be appropriate by way of community gain. . In this regard I am not going to repeat these concerns but do wish to highlight a number of them including 1.The Flooding Risk 2. Impact on visual amenity of the proposed quay wall from both the Renmore side and the South Park side. 3. Implications for Nimmos Pier. 4. The worrying scenarios concerning failure to complete the different stages of the project and/or the failure to ensure the delivery of public gain along with the vital issue of insurance 5. The time length for the project and implications for the city and residential areas during construction. 6. The impact of traffic and in particular the HGVs on the City's paths and roads, 7. The imminent weight restriction to be applied to Wolfe Tone Bridge and the implication of same for the City 8. The vitally important issue of public gain and 9.The concerns raised by the Senior Executive Parks Superintendent in relation to a number of matters including a reference to a previous failure re applying mitigation measures .

In conclusion, just two points: I mentioned at the outset that I would come back to the port supplement in yesterday's free paper. Quite clearly powerful interests are pushing this project which they are perfectly entitled to do but in doing so in the manner they are -highlights in the most acute way the difficulty for any concerned individual to come forward and make their concerns known and also lack of balance in that we have a City Council who has seen its work force cut by more than 20% do their best to

carry out a very comprehensive report with the common good to the fore and a Harbour Board where resources /advice and publicity appear to pose no difficulty and then of course we have the ordinary citizen with no assistance whatsoever.

Secondly, I wish to reiterate that all of the above points are made in the spirit of constructive criticism and in the unfortunate knowledge that Climate Change so long denied is now a fact of life which has to be dealt with.

I'll finish by quoting directly from the recent report from the IPCC

‘ Further warming will continue if emissions of greenhouse gas continues and moreover

‘Global mean sea level will continue to rise at a rate very likely to exceed the rate of the last four decades and ‘surface temperature will be largely determined by cumulative CO₂ which means climate change will continue ever if CO₂ emissions are stopped’

And Mary Robinson, Special UN Envoy on Climate Change commented as follows on the same report:

In welcoming the launch of the report on 2nd November 2014 she said ‘The significance of the document lies in its stark findings which have the endorsement of 195 governments. It states unequivocally that the climate is changing, that human activity is the primary cause of these changes and that if we do not take action urgently we will irreparably damage the natural systems on which life depends’

I wish the Inspector and his team and Bord Pleanála all the best in their deliberations on behalf of the common good.