Our Ref: 61.PA0033

Your Ref: SID-2014-GE-02/2019

An Bord Pleanála

Connor Rooney
Development Application Unit (DAU)
Department of Culture, Heritage and The Gaeltacht
Newtown Road
Wexford

29th August 2019

Re:
Galway Harbour Extension
Renmore and Townparks Townlands, Galway

Dear Sir,

I have been asked by An Bord Pleanála to acknowledge receipt of your letter dated 27th August, 2019.

The contents of which has been noted.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Doherty
Senior Executive Officer

AA03.LTR

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An Roinn Cultúir,
Oidhreachta agus Gaeltachta
Department of Culture,
Heritage and the Gaeltacht

Your Ref: SID-2014-GE-02/2019
(Please quote in all related correspondence)
27 August 2019

PA 0033

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

27 AUG 2019
LTR DATED ______ FROM ______
LDG- ______
ABP- ______

Via email to bord@pleanala.ie

Re: Notification to the Minister for Culture, Heritage and the Gaeltacht under the Planning and Development (Housing) and Residential Tenancies Act 2016; Planning and Development (Strategic Housing Development) Regulations 2017

RE: Proposed SID for Extension to Galway Harbour

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in connection with the above.
Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Nature Conservation

The proponents have examined the feasibility of the compensatory measures according to criteria outlined by the European Commission. Indicators of suitability used included the following:

- Targeted compensation
- Effective compensation
- Technical feasibility
- Extent of compensation
- Location of compensatory measures
- Timing of compensatory measures
- Long term implementation

It is considered by the proponent that the proposed reserve at Tawin Island fulfils and is comparable with the position outlined in Commission guidance on Article 6(4) of the Habitats Directive. They have also reached the conclusion that the impacts from the proposed compensation measures in themselves are considerably beneficial to the designated sites, and that, alone and in combination with other activities, the compensatory measures will avoid any significant, negative effects on the Galway Bay Complex SAC and Inner Galway Bay SPA Natura 2000 sites and their qualifying interests/special conservation interests or conservation objectives. They conclude that the compensatory measures proposed will be sufficient to counteract the previously indicated losses for the SAC that will be caused by the Galway Harbour Extension.

In broad outline, the Department is of the view that creation of new habitat as compensation is not a realistic option and considers that the Port Company has made substantial efforts to provide alternative solutions as compensation. There are some small opportunities to improve these further.

The Department would welcome a clarification from the Board as to the standing of the proponent's documents and whether they will be developed further to incorporate the Department's observations below. The Department would be happy to meet with the Board and the proponent to discuss and finalise any of the matters raised, if that would help to expedite the process.

Perennial vegetation of stony banks (1220) and Salt marsh (1310, 1330, 1410)

General comments:

1220 Perennial vegetation of stony banks is a widespread habitat but is fragmented around the coast of Ireland and is subject to coastal squeeze. Compensatory measures do not therefore need to be very substantial, but in order to secure the integrity of the Natura 2000 network and satisfy the conservation objectives for the site, net loss of habitat should not occur and any compensatory measures should exceed those normally expected according to the Habitats Directive.

Areas of compensation for losses arising since the development of the Port (stony bank: 7.154:1; saltmarsh: 1.585:1) are indicated in the Addendum to the NIS (Page 6 of NIS). No new areas of these habitats will be created as a result of the works proposed by the proponent, and the focus is instead on improved management. Cessation of removal of shingle, restricting tractor access and cessation of supplementary feeding are positive steps which are all welcomed by the Department. These are all within the requirements of the Habitats Directive, in terms of management of the site to reach favourable conservation status. It would be necessary to cease any removal of cobbles in the entire Tawin area, not only within the area of the reserve, to allow the whole SAC to achieve favourable conservation status for this habitat. Reduction of the impact of agrichemicals within the reserve area is also to be welcomed and may be an action above and beyond the requirements of the Habitats Directive.

It is not clear to this Department if precise grazing regimes need to be agreed in advance for the Board to make a decision. Grazing management will be a useful tool for the conservation management of the site. The timing of grazing (i.e. between summer and winter) requires careful further consideration. The placement of gateposts as described will

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lead to a very minor further loss of habitat through the replacement of the shingle substrate with concrete.

Restoration of 1220 (Perennial vegetation of Stony banks) in the Galway Bay SAC through removal of the coastal protections (if feasible) should be considered as this could provide genuine compensation for habitat loss while also improving the structure and functions of the habitat.

The proposed management of salt marsh does not exceed the requirements under the Habitats Directive to maintain 1310 Salicornia and other annuals colonising mud and sand, 1330 Atlantic salt meadows and 1410 Mediterranean salt meadows in good condition. However, the option exists to permit changes in the area influenced by the tide. This could allow the natural processes currently affecting the site (increase in the high tide level within the lagoon) to proceed and returning some agricultural land to salt marsh as a result. Given the hilly nature of the land within the proposed reserve, such gains would be modest, but allow the development of new area of salt marsh as compensation, however small.

The repair of stone walls is positive as they provide shelter and vantage points for wildlife, but it is not clear that erecting or repairing gates will benefit the habitats (the visual impact on the site should be considered less important than the ecological quality of the habitats). The erection or repair of 19 gates seems excessive given the area under consideration (26.079 ha). Concentrating stock in small fields could result in damage to the substrate. The number of gates to be maintained should be based on the proposed management of the site in view of its conservation objectives, and the grazing regime necessary to support those, rather than the number of gates that were put in place during prior management arrangements. In Figure 10, two disused gates appear to have been erected in an area where the stone wall has collapsed as an alternative to rebuilding the stone wall. In this case, rebuilding the wall may be more appropriate than erecting a gate with gateposts.

Annual monitoring is to be welcomed, depending on the competence of the third party tasked with evaluating the monitoring results and the scope of the monitoring. The third party should be a suitably qualified ecological consultant with competency to deal with coastal terrestrial and marine habitats. To be most useful and effective, monitoring should be designed to complement the Department's Article 17 habitat assessments.

Natural movement of substrate due to storm activity should not be assumed to damage the habitats without proper evaluation of the positive and negative implications of the changes.

NPWS data management standards should be followed regarding appropriate data collection and storage methods, and committed to within the proponent's documentation.

Observations and Recommendations on specific proposed compensatory for stony banks and saltmarsh measures

"Measure: Sensitive repair of existing sea defence wall

In order to protect the Lagoon Priority habitat, sensitive repair of the existing sea defence wall to prevent erosion/ingress by the sea as may be required. The ecology and oceanography of the lagoon and its Intertidal habitat and species has the potential of being changed if the Stony Bank habitat is breached. Therefore, in order to protect the lagoon,

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some sensitive repair of the existing sea defence wall, at the north west of Lurgan Island, and as described in Section 17.1 of the CMR will be undertaken if required. Implementation: 3 months after F.G.S.P. Annually and after significant storm events (see Bullet 11 following), GHC will survey the condition of the existing sea defence wall and will sensitively undertake repair, if required."

Maintenance of transitional zones subject to natural processes including erosion and succession is a conservation objective for the Annex I habitat Perennial vegetation of stony banks in Galway Bay SAC and is not compatible with maintenance of coastal defences and prevention of natural movement of the shingle bars.

The likely severity of a breach and any subsequent effect on the lagoon and intertidal habitats have not been demonstrated in the documents provided by the proponent. Given the negative impact of sea defences on coastal terrestrial habitats, a clear threat to the priority Annex I lagoon habitat, if it is confirmed as such (see section on coastal lagoons below), should be demonstrated before a decision to retain or upgrade the sea defences is pursued. As noted above, restoration of 1220 Perennial vegetation of Stony banks in the Galway Bay SAC through removal of the coastal protections should be considered as this would provide genuine compensation for habitat loss while also improving the structure and functions of the habitat by removing coastal protections present at the site. This would need to be explored in an integrated manner with an analysis of the potential for effects to arise on the area of habitat that is being considered as a potential Annex I Coastal lagoon (1550)*.

"Measure: Control flotsam and jetsam.

Regular removal of flotsam and jetsam and other refuse. This is to improve the visual and aesthetic quality of the habitat."

The definition of flotsam and jetsam should be clarified by the proponent, as should the method of its removal. Deposition of organic materials by the tides are an important coastal process. Such materials provide food for invertebrates and act as traps for sand and fine shingle. The use of vehicles to remove materials on the beach is associated with sand compaction that can have a negative impact on beach invertebrates, and it can result in damage to shingle vegetation. Any beach cleaning activities that do take place should not be carried out using a motorised vehicle and should be limited to removal of man-made materials, leaving natural organic deposits in place.

"Measure: Curtail grazing

Curtail grazing levels by horses, cattle, sheep and other grazing stock. This will allow optimal growth and flowering of the vegetation and reduce poaching.

Through ownership and set stocking management, the appropriate stocking density of animals on the land can be ensured, thereby maximising the successful management of the habitat. This will limit light grazing to Summer and Autumn rather than the previous Winter and Spring use which is more damaging. This will facilitate the elimination of the need for supplementary feeding as per (12) below.

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To achieve this, the grazing of the lands will be undertaken within the period from 1st May to 31st October, subject to appropriate weather and ground conditions, with a stocking density of 0.5 - 1 .0 livestock units I ha. Stock density may be adjusted following observations of grazing effects during the first and subsequent years of implementation."

Low-intensity winter grazing (October to March) is a traditional management on coastal sites in Ireland. Summer grazing can depress flowering and fruiting of plants and cause disturbance to breeding and foraging by birds and invertebrates. By managing the number of stock on the land and ensuring that the breed is well-suited to wintering on low productivity land, impacts such as poaching and erosion can be managed within acceptable limits and the necessity for supplementary feeding can be avoided. The Department would welcome an opportunity to discuss this in more detail with the proponent and agree on the most appropriate regime to achieve favourable condition of the habitat.

"Measure: Prevent removal of cobbles

Prevent removal of cobbles. This is an essential element for the protection of Stony Bank habitat. Implementation: Immediately after lands have been purchased."

While the proponent's commitment to preventing removal of cobbles in the land within its proposed management is to be welcomed, it should be noted that this will not be sufficient in itself to improve the habitat quality, as prevention of cobble/gravel removal at Tawin as a whole is required for this stony bank habitat to achieve positive conservation status. This issue has been noted as a problem at Tawin in previous surveys commissioned by the Department.

Intertidal habitats:

With respect to the proposed "fallowing" of the aquaculture licences and the long-term feasibility and effectiveness of the measure, the Department would welcome clarification as to the feasibility of the proponent being able to secure this in perpetuity or in such a manner that would preclude other parties from applying to undertake aquaculture activities in the same area.

Coastal Lagoons 1150*

While exploring the potential for proposed compensatory measures, the applicant has brought the Department's attention to a large area of potential coastal lagoon habitat (1150*) in inner Galway Bay and within the Galway Bay Complex SAC. The proponent is proposing to include this area in the proposed nature reserve. This habitat is already a qualifying interest for the SAC but this particular area of potential lagoon had not previously been identified or considered to be part of this qualifying interest by the Department. It is not anticipated that the proposed expansion of the port will adversely affect the integrity of the SAC with respect to the conservation objectives for lagoons (i.e. to restore them to favourable conservation condition) but the inclusion of the potential lagoon in the proposed nature reserve should in fact be beneficial.

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For the Board's information, the Department has visited the site with the proponent and it does appear to function as a coastal lagoon. The Department is of the view that, in order to confirm that the area identified meets the criteria for classification as the Annex I habitat Coastal lagoons 1150*, and is of sufficient quality to be considered to be contributing to the qualifying interest for the SAC, a more complete survey and sampling regime is required. This will involve winter and summer sampling and includes:

1. Measuring the salinity regime.
2. Confirming the occurrence of Ruppia spp.
3. Investigating the subtidal presence of Zostera.
4. Comparison of tidal state between open sea and Mweeloon lagoon at high and low water.
5. Physico-chemical sampling including nitrogen, phosphorus, oxygen, temperature and turbidity.
6. Biological sampling including phytoplankton and macrophytes.

The Department is planning to commission this work in early 2020. This should not cause any delay to the resolution of the matter of sufficiency of the proposed compensation measures as the Department understands that compensation for the coastal lagoon habitat is not required.

Long-term management of the site:

The proponent refers to the site as a nature reserve and on page 102 of the Engineering Report, it states its intention "to get [such] advice from the Dept in this regard". For the purposes of clarity, the Board is advised that the proponent has not, as yet, sought any such advice from the Department as to whether the site could be declared a nature reserve in accordance with its meaning under the Wildlife Acts.

The proponent also states (p 31 of the NIS) that "all of the proposed surveys and repairs to walls, gates and sea defences will require notification to and permission from the NPWS". The proponent and the Board are advised that this Department may not be the consenting authority for all of the works proposed and, in those instances, the proponent will need to seek permission/consents from the appropriate statutory body.

The Department also requests that it is confirmed that the Annual Report and Independent Audit to be commissioned annually will be undertaken by ecologists with the necessary level and scope of expertise in the specific habitats and coastal processes in question.

Underwater Archaeology

The services of a suitably qualified underwater archaeologist with experience in marine dredging works and underwater archaeological excavation should be engaged to oversee the overall works and advise on and undertake all archaeological elements of the works. Sufficient archaeological personnel, suitably qualified and experienced, shall form part of

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the archaeological monitoring strategy to enable full coverage of all works where required. These shall include:

Archaeological survey and testing of shipwreck:

- The previously discovered wreck to be the subject of underwater archaeological testing, if it cannot be avoided and preserved in situ.
- If in situ preservation by way of avoidance can be implemented, then licensed underwater archaeological diver survey of the wreck shall take place to inform, via visual and probing survey, of an agreed zone of protection around the wreck site. This is to ensure that no works either directly or indirectly (e.g. slumping of slopes, undermining, scouring, plant and machinery, etc.) affect the site during the course of any of the harbour works.
- The results of the underwater inspection and probing survey shall be supplied in report form to the Department for consideration and comment and to inform on an agreed area of protection around the wreck site.
- If the wreck cannot be safely avoided, the underwater archaeological testing shall be carried out under licence and a detailed method statement shall accompany the licence application, specifying the location of trenches, method of testing, archaeological dive team, duration, etc. It should be noted that if the wreck turns out to be substantial and of significance, then full excavation may be required.
- A Finds' Retrieval Strategy and Sampling Strategy shall be included in the testing methodology.
- A detailed report shall be submitted the Department for consideration and further comment in advance of any works proceeding, as further requirements (e.g. avoidance/preservation in situ or archaeological excavation) might be needed at the wreck site.

Archaeological testing of lagoons:

- If the proposed deposition of dredged material is to be within the lagoon areas, then pre-dumping archaeological investigation by way of visual survey, metal detection survey and shovel testing shall take place in advance to recover any previously missed artefactual material within these areas.
- This again to be done by a suitably qualified underwater archaeologist under licence.

Monitoring of dredging works:

- All dredging works to be archaeologically monitored by a suitably qualified underwater archaeologist with experience in marine dredging works.
- This to be done under archaeological licence and a detailed methodology to be submitted with the licence application.

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- Provision shall be made to facilitate the monitoring archaeological onboard all plant and machinery (dredger, etc.) to allow for full monitoring capability and line of sight of dredging works. This to ensure the maximum potential to identify material of archaeological potential should it be impacted as well as to ensure there are no delays to works.
- The methodology for monitoring shall include details of monitoring team, communications to be in place, etc.
- The applicant and/or contractor shall ensure that there are sufficient archaeological personnel in place to monitor all elements of the works – i.e. one archaeologist per machine for both dredging works and dumping works (where dumping is taking place in the lagoons, foreshore or on land).
- All archaeological monitoring personnel shall be suitably qualified and have suitable experience of such marine dredging works.
- The monitoring archaeologist(s) shall have the power to have works suspended in an area/location where potential cultural material is identified. The applicant/contractor shall be prepared to be advised by the monitoring archaeologist in this regard. Works shall remain suspended until the potential archaeology has been assessed and fully resolved.
- The applicant/contractor shall put in place a temporary storage area with water tanks sufficient to house recovered material that requires wet storage and a suitable area to house securely all other artefacts during the course of the dredging programme or other archaeological works for the harbour development project.
- The excavation licence application to cover the monitoring works submitted by the archaeologist shall include a post-excavation overview and address the post-excavation requirements and perceived needs for finds from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.
- Post-excavation analysis should form part of the ongoing archaeological works on site, informed by a post-excavation strategy included in the methodology as submitted by the licence-eligible archaeologist.

Hydrological and vibrational monitoring:

- The applicant/contractor shall put in place from the outset a monitoring strategy to address any hydrological increases and/or vibrational increases that might occur during the course of the works.
- The advice of the contracted underwater archaeologist shall be taken, particularly with regard to all recorded monuments and protected structures within the footprint of any proposed works.
- Potential effects of increased immediate and long-term hydrological volumes shall be addressed and mitigated for.

- A metering system shall be put in place to enable on-going monitoring of vibrations on all cultural heritage (recorded monuments, protected structures and known wreck sites) and mechanisms for mitigating negative vibrations to such structures and sites.

New areas proposed for expansion:

- Where new areas are suggested for expansion, that are revised/different from original application, and which have not been previously archaeologically assessed, then those areas shall be subject to an underwater archaeological impact assessment (UAIA) as per original application.
- The UAIA to be carried out under licence by suitably qualified and suitably experienced archaeological personnel.
- The UAIA report on any new areas to be submitted to the UAU for consideration and comment in advance of any works proceeding.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at **manager.dau@chg.gov.ie** (team monitored); if this is not possible, correspondence may alternatively be sent to:

The Manager
Development Applications Unit (DAU)
Department of Culture, Heritage and the Gaeltacht
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Connor Rooney
Development Applications Unit