



Ros an Mhíl Deep Water Quay

Planning Statement

Department of Agriculture, Food and the Marine

October 2025

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1. Introduction

This Planning Statement is prepared to accompany an application for Substitute Consent by the Department of Agriculture, Food and the Marine (DAFM), (the 'Applicant'), to An Coimisiún Pleanála (ACP). The application for Substitute Consent is made under the provisions of section 177E(1) of the Planning and Development Act 2000, as amended (the Planning Act), for retrospective permission in relation to development works undertaken between 11th July 2023 and 20th May 2024 for a new Deep-Water Quay at Ros an Mhíl Fishery Harbour Centre, Ros an Mhíl, Co. Galway. Planning permission for the new Deep-Water Quay was previously granted by Galway County Council under Planning Reg. Ref. 17/967. That permission expired in July 2023 at which point the quay construction was only partially completed. The Substitute Consent application relates to works undertaken after the permission expiration but which were in accordance with the details of the development that had been permitted under Planning Ref 17/967.

A second application under section 37L of the Planning Act, is being made by the Applicant to ACP for Permission to undertake the remaining works to complete the Deep Water Quay development. The detail of the development set out in that application is also in accordance with the detail of the development as previously permitted under Planning Ref 17/967, but also includes some modest additions.

This planning statement outlines the background and reason for this application and addresses the key substantive planning issues for consideration by ACP in respect of the current Substitute Consent application, namely

- (i) application background,
- (ii) the scope of the proposed Substitute Consent application and the second section 37L application
- (iii) the provisions of section 177E of the Planning Act setting out who may make an application for Substitute Consent and the circumstances under which the Commission may consider an application for Substitute Consent.
- (iv) The provisions of section 177K(1A) and (1J) of the Planning Act relating to the 'exceptional circumstances' that would justify the grant of substitute consent by the Commission.
- (v) Other matters relevant to the proper planning and sustainable development of the area and to the consideration of the application by ACP with reference to the provisions of section 177K(2) of the Planning Act

2. Application Background

Planning permission for a new Deep Water Quay development at Ros an Mhíl was granted by Galway County Council (the “Council”) on 2nd April 2018. (Planning Ref 17/967).

The permitted Deep Water Quay Development included the following main elements:

- Construction of a new 200m long quay wall structure, with a concrete slab finish
- Land reclamation area of circa 2.4 hectares behind the quay wall
- Low concrete sea walls and rock armour revetments along the northern and southern boundaries of the development
- Dredging of a 30m wide x 200m long berthing pocket adjacent to the new quay to a depth of -12.0m Chart Datum
- Dredging of a Navigation Channel and 200m diameter Turning Circle to a depth of -8.0m Chart Datum
- Provision of access road, lighting, drainage infrastructure, water & electrical services
- Ancillary security and access arrangements for Quay Facilities including palisade fencing, roadside guard rails, gates and traffic barrier.

The site for the application as depicted in the Planning Ref 17/967 planning drawings is shown in red on Figure 1 below. This included the nearshore area deemed to be within the functional area of the “Council” under section 225 of the Planning Act at the time of the application, and in the specific context of the nature and extent of the development proposed (i.e. development on the foreshore adjoining the functional area of the planning authority or any reclaimed land adjoining such functional area). Works being undertaken in connection with the new quay project within the foreshore area, but not falling within the deemed functional area of the planning authority with reference to the provisions of section 225, are within the area shown hatched Area in Figure 1.

The planning application was accompanied by an Environmental Impact Statement (EIS) and was subject of Environmental Impact Assessment (EIA) by Galway County Council. The application was also accompanied by an Appropriate Assessment (AA) screening report and subject of AA screening by the Council.



Figure 1: Application Boundary for the 2017 Application (Planning Ref 17/967)

Works on the development commenced on 26th January 2023 and were well advanced throughout 2023. The application for permission included a formal request for a specified “appropriate period” of ten years duration. This request was not expressly addressed by the Planning Authority of Galway County Council. That being so, the Department conservatively formed the view that the planning permission was for a 5-year period only. Having regard to sections 251 and 251A of the Planning Act, on this basis, the expiry date was 11th July 2023.

Prior to the assumed expiration date of 11th July 2023, an application was made to the Planning Authority, Galway County Council, on 29th May 2023 to extend the duration of the permission for a further 5-year period. Galway County Council issued a decision to extend the permission on 11th July 2023. (Planning Ref 23/218 refers). (For completeness, two earlier applications to extend the duration of the permission were made, Planning Ref 22/460 was refused and Planning Ref 23/60548 was declared incomplete.)

With the benefit of the grant of the 5-year extension of duration, to 11th July 2028, the DAFM continued the works in the expectation to have same completed within approximately one year.

However, on or about 4th September 2023, legal proceedings were commenced to question the validity of the decision of the Council to extend the duration of the permission: *Wild Ireland Defence CLG v. Galway County Council*, High Court 2023 1007 JR.

On 17th May 2024, the Council wrote to the solicitor representing *Wild Ireland Defence CLG* to state that the Council did not intend to defend the proceedings and would consent to an order quashing the decision to the extend the duration of the planning permission. Subsequently, the DAFM ceased work on the lands on 20th May 2024.

The final order in the *Wild Ireland Defence CLG* proceedings was made on the 29th October 2024 and the decision to extend the duration of the permission was quashed by an order of certiorari of the High Court.

Therefore, the permission for the development under Planning Reg. Ref 17/967 expired on 11th July 2023.

It thus follows that:

- Development up to and including 10th July 2023 was carried out as lawful permitted development under and in accordance with Planning Reg. Ref. 17/967;
- Development carried out from 11th July 2023 to 20th May 2024, which was presumed lawful permitted development under and in accordance with Planning Reg. Ref. 17/967 as extended by Planning Reg. Ref. 23/218, now requires Substitute Consent; and
- Development permitted under Planning Reg. Ref. 17/967, but not yet carried out, now requires new permission.

3. Substitute Consent Application and Section 37L Application

3.1 Application for Substitute Consent

To regularise the unintended ‘unauthorised development’ works undertaken in relation to the Deep Water Quay project between 11th July 2023 and 20th May 2024, DAFM is making this current application for Substitute Consent under Part XA section 177E(1) of the Planning Act.

These works, as they relate to the key elements permitted under Planning Reg. Ref 17/967 and listed in Section 2 above, are as follows:

Development Element as Permitted under Planning Reg. Ref. 17/967	Development / Works Detail Subject of Substitute Consent Application
Construction of a new 200m long quay wall structure, with a concrete slab finish	• Drilling, Blasting and Dredging works • Installation of 48m of quay wall foundations • Temporary protective berm. This is a temporary structure needed for the construction of the quay wall • Drilling and blasting of 85% (18 blast events) of quay wall trench and berthing pocket was completed • Dredging of rock in quay wall trench (50m long)
Land reclamation area of circa 2.4 hectares behind the quay wall	• Reclamation Works continued to place engineering fill material into a remaining small area (0.12ha) within the reclamation lands.
Low concrete sea walls and rock armour revetments along the northern and southern boundaries of the development	• N/A. Completed prior to expiration of the planning permission

Development Element as Permitted under Planning Reg. Ref. 17/967	Development / Works Detail Subject of Substitute Consent Application
Dredging of a 30m wide x 200m long berthing pocket adjacent to the new quay to a depth of -12.0m Chart Datum	Drilling, Blasting and Dredging works
Dredging of a Navigation Channel and Turning Circle to a depth of -8.0m Chart Datum	No works done to date
Provision of access road, lighting, drainage infrastructure, water & electrical services	No works done to date
Ancillary security and access Arrangements for Quay Facilities including palisade fencing, roadside guard rails, gates and traffic barrier.	No works done to date

The application site boundary for the substitute consent application remains the same as that of planning application Planning Reg. Ref. 17/967 as shown in Figure 2 below.



Figure 2 Substitute Consent Planning Boundary

3.2 Section 37L Application for Permission

In order to complete the Deep Water Quay development DAFM intends to make a further application under Section 37L of the Planning Act for the outstanding works necessary to complete the Deep Water Quay development. For clarity those works comprise as follows:

[1] works to complete a Deep Water Quay development as previously permitted by Galway County Council under Planning Ref 17/967 comprising **(i)** completion of a 200m Quay wall construction using precast beams, precast cassions and precast L-wall units to full height of the quay wall; **(ii)** Dredging of a 30m wide x 200m long berthing pocket adjacent to the new quay to a depth of -10.0m CD (previously permitted to -12.0m CD); **(iii)** Dredging for turning circle of 150m diameter (previously permitted at 200m diameter); **(iv)** Backfilling behind the quay wall and raising ground level of reclaimed lands using rockfill up to +7mCD; **(v)** Reinforced concrete deck behind the quay wall; **(vi)** Surfacing of the reclaimed lands; **(vii)** Asphalt roadway connecting the concrete apron at the quayside to the existing road; **(viii)** Install lighting columns, underground ducts, surface water drainage, outfalls, interceptor, foul water drainage system including pumping station; **(ix)** Placement of rock armour for revetments along northern and southern extent of reclaimed land; **(x)** Excavation by dredging and rock blasting (if required) of the navigation channel to provide for a fully dredged navigation channel of -7m CD and minimum width of 100m (previously permitted to -8.0m CD and minimum width of 74m); **(xi)** A temporary site compound for contractor personnel; **(xii)** A temporary concrete batching plant to provide on-site mass concrete for the quay wall construction; **(xiii)** Install palisade fencing, roadside guard rails, gates and traffic barrier around land boundary of quay area; and

[2] Further development comprising: (i) A wastewater pipeline to connect proposed wastewater discharge points along the proposed quay to an existing pumping station for onward discharge to an Údarás na Gaeltachta wastewater treatment network and plant at Ros an Mhíl; and (ii) A new ESB electrical sub-station for dedicated power provision to the new deep-water quay

The development area for the section 37L application is shown in Figure 3 below.

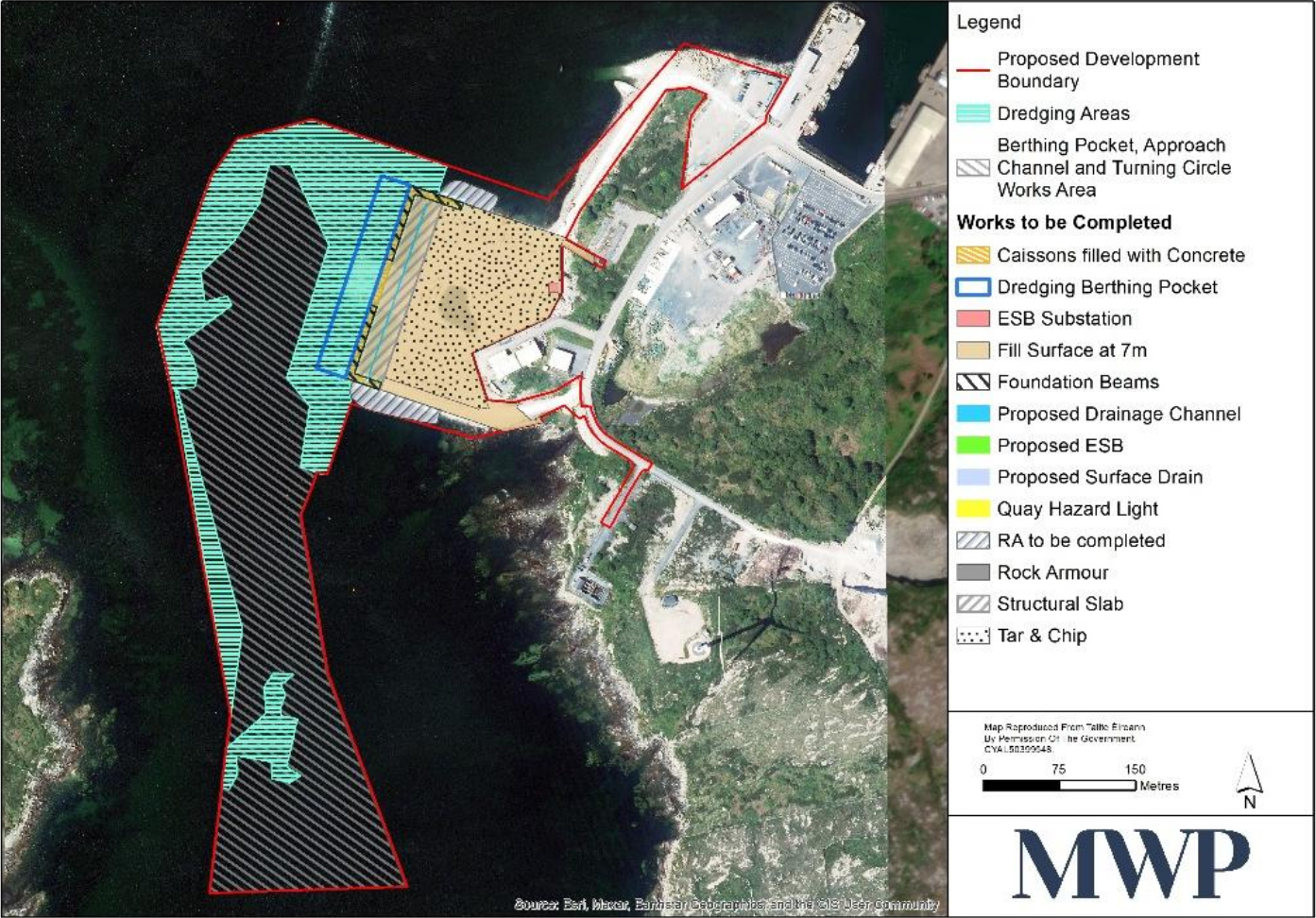


Figure 3 Proposed Development Boundary including the reclamation and quay wall works area and the works areas in the channel (grey hatched shading)

4. Legislative Provisions of Section 177E(1B) and 177E(1C)

4.1 Application for Substitute Consent

The legislative provisions for a valid application for Substitute Consent are contained primarily within Part XA, section 177E of the Planning and Development Act 2000 (as amended), (hereafter referenced as ‘the Act’).

4.2 Applicant for Substitute Consent

4.2.1 Requirements of Section 177E(1B)

Section 177E(1B) sets out who may make an application for Substitute Consent. It states as follows:

“Subject to *subsection (2A)*, an application for substitute consent may be made by—

- (a) a person who has carried out the development referred to in *subsection (1)*, or
- (b) the owner or occupier of the land on which the development has been carried out.”

4.2.2 Applicant Suitability

The applicant for this instant application for Substitute Consent is DAFM, which is the entity which has both carried out the development subject of the application and is also the owner and occupier of the land on which the development has been carried out.

Accordingly, DAFM is an appropriate Applicant.

4.3 Circumstances under which ACP may Consider an Application for Substitute Consent

4.3.1 Requirements of Section 177E(1C)

Section 177E(1C) sets out limited circumstances under which the Commission may consider an application for Substitute Consent. It states as follows:

“the Board shall only consider an application for substitute consent in respect of development of land where—

- a) subject to subsection (1D), the Board is satisfied under section 172 that an environmental impact assessment was required or is required for the development,
- b) subject to subsection (1E), the Board is satisfied under section 177U that an appropriate assessment was required or is required for the development, or
- c) subject to subsections (1D) and (1E), the Board is satisfied under sections 172 and 177U, that both of the assessments referred to at paragraphs (a) and (b) were required or are required for the development.”

4.3.2 Requirement for Environmental Impact Assessment for Subject Development

Part 1 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) (the “Planning Regulations”) lists the project types for which EIA is mandatory, transposing Annex I of the EIA Directive. Part 2 of Schedule 5 of the Planning Regulations lists project types for which EIA is mandatory if a specified threshold is exceeded. For any project of a type listed in Part 2, corresponding to Annex II, but which does not exceed a threshold or for which no threshold is set, a screening analysis and determination of whether the development is likely to have significant effects on the environment is required on a case-by-case basis.

The following development classes in Parts 1 and 2 of Schedule 5 are relevant to the development for which substitute consent is sought:

Development classes specified under Schedule 5 Planning and Development Regulations 2001 (as amended)		Appraisal
Part 1	8. (a) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.	n/a
	8. (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.	Sub-threshold
	22 Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.	Sub-threshold
Part 2	1(g) Reclamation of land from the sea, where the area of reclaimed land would be greater than 10 hectares.	Sub-threshold
	2 (d) Extraction of stone, gravel, sand or clay by marine dredging (other than maintenance dredging), where the area involved would be greater than 5 hectares or, in the case of fluvial dredging (other than maintenance dredging), where the length of river involved would be greater than 500 metres.	Sub-threshold
	10(e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.	Sub-threshold - the area of water enclosed may be assumed to be the berth pocket alongside the quay wall at 0.6 hectares, even though it is not actually enclosed (i.e. does not exceed 20 hectares of enclosed water) - the reclamation is 3.0 hectares adjacent to the shore (i.e. does not exceed 5 hectares of reclamation) - the length of additional quay is 230m in total, comprised of 200m of main berthage and potentially 30m of berthage at the northern return wall (i.e. does not exceed 500 metres of additional quays)
	10 (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and	the length of maritime work along the shore (by construction of the jetty/quay and reclamation) affects linearly 250m of

Development classes specified under Schedule 5 Planning and Development Regulations 2001 (as amended)	Appraisal
other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes.	shoreline (i.e. does not exceed 1 kilometre of coastline)
13 (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.	The application is for retrospective permission for development that was previously authorised. No change or extension of the previously authorised development is proposed.
15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	There is a risk – at least – of significant effects on the environment.

The original application for the proposed Deep-Water Quay was accompanied by an environmental impact statement (“EIS”) (as then titled), and the Council, as competent authority, completed an EIA.

Having regard to the fact the Planning Authority completed an EIA when granting permission, and having regard to the proceedings that questioned the validity of the extension of duration granted by the Council, and having regard to the risk at least of significant effects on the environment, it is accepted that EIA was or is required.

4.3.3 Requirement for Appropriate Assessment for the Proposed Development

Natura 2000 sites within the vicinity of the application area are:

- Connemara Bog Complex SAC (002034)
- Kilkieran Bay and Islands SAC (002111)
- Connemara Bog Complex SPA (004181)
- Inishmore Island SAC (000213)

Under the initial application for the proposed Deep-Water Quay (Planning Reg. Ref. 17/967), the development was considered not to require Stage 2 Appropriate Assessment (AA) by the Applicant and the Planning Authority. An AA screening report however, lodged with the application, did note that monitoring in accordance with NPWS best practice guidance would be undertaken as part of the development during blasting, drilling and dredging activities and that this would ensure minimal impact on protected species within the closest Natura 2000 sites.

Given that the works subject of this Substitute Consent application incorporate drilling, blasting and dredging works, and the potential that the best practice measures could possibly be considered to comprise mitigation measures that may not be considered at Stage 1 screening for AA, it is considered appropriate that Stage 2 remedial AA be undertaken for the Substitute Consent development.

5. Legislative Provisions of Section 177K

5.1 Satisfaction by the Commission that Exceptional Circumstances Exist

Under section 177K (1A) (a), the Commission,

“shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Board.”

More specifically, under section 177K(1J), in considering whether exceptional circumstances exist under subsection (1A)(a) the Commission:

“shall have regard to the following matters:

- a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;
- b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised;
- c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;
- d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;
- e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;
- f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;
- g) such other matters as the Board considers *relevant*.”

5.2 Consideration of Exceptional Circumstances

The table below considers the existence of exceptional circumstances with reference to the matters set out in Section 177K(1J)(a)-(g) of the Act.

Section 177K(1J)	Comments
a) <i>Whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;</i>	The primary purpose of the EIA Directive (Directive 2011/92/EU as amended by 2014/52/EU) is to ensure that public and private projects which are likely to have significant effects on the environment are granted development consent only after an assessment of the likely significant environmental effects of those projects has been carried out i.e. an Environmental Impact Assessment (EIA). The purpose of the Birds and Habitats Directives is to protect the most valuable and threatened biodiversity within the EU. The Habitats Directive aims to protect over a thousand species, including mammals, reptiles, amphibians, fish invertebrates, and plants, and 230 characteristic habitat types. The overall objective is to ensure that these species and habitat types

Section 177K(1J)	Comments
	are maintained, or restored, to a favourable conservation status within the EU. In addition to halting the further decline or disappearance of these species and habitats, the Directive aims to allow them to recover and thrive over the long-term. The regularisation of the development concerned would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive. Although the development requires Substitute Consent, it is for reasons due to the expiration of a valid planning permission (and of which the Applicant was not aware at the time of undertaking the development subject of this Substitute Consent application), and not for reasons based on the development not having been subject of environmental assessment and mitigation measures as appropriate. The original application for the new quay development to Galway County Council under Planning Ref 17/967 was accompanied by an Environmental Impact Statement. Prior to granting permission, the development was in turn subject to EIA by Galway County Council, as competent authority. As set out in Section 3.1 above, the development subject of this Substitute Consent application comprises detailed construction works for the development elements previously permitted (and therefore already subject of EIA) under Planning Ref 17/967. The original application under Planning Ref 17/967 was accompanied by an AA Screening report which concluded that Stage 2 AA was not required. The screening report however did note that monitoring in accordance with NPWS best practice guidance would be undertaken as part of the development during blasting, drilling and dredging activities and that this would ensure minimal impact on protected species within the closest Natura 2000 sites. This best practice guidance was adhered during construction. In addition, the development subject of this Substitute Consent application (along with the rest of the quay construction works) was subject of environmental monitoring during construction, and there are records to demonstrate that it has been undertaken without any significant effects on the environment or adverse effects on the integrity of any European site. Furthermore, this application for Substitute Consent is accompanied by both a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS) for the works subject of this application for Substitute Consent. The purpose of the rEIAR and rNIS is to assist the consenting authority in undertaking Environmental Impact Assessment and Appropriate Assessment of the proposal, in accordance with the requirements of Council EIA and the Birds and Habitats Directives. Having regard to all of the foregoing, it is submitted that this Substitute Consent would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive, as the development has effectively already been subject of assessment by Galway County Council with regard to potential effects on the environment in general and also on Natura 2000 sites in particular. The

Section 177K(1J)	Comments
	works have been carried out in accordance with best practice measures and further identified mitigation which has ensured the protection objectives of the EIA, Birds and Habitats Directives. This is evidenced by the results of monitoring undertaken.
<i>b) Whether the applicant had or could reasonably have had a belief that the development was not unauthorised</i>	The Department had a reasonable and legitimate belief that the development was not unauthorised. The development was carried out under planning permission 17/967, and the extension of duration permission 23/218. The permission 17/967 was valid and subsisting until 11th July 2023. The development completed up to and including 10th July 2023, is permitted development. The development carried out from 11th July 2023 to 20th May 2024 was presumed lawful permitted development under and in accordance with Planning Reg. Ref. 17/967 and the extension of duration permission 23/218. The extension of duration was presumed valid, until quashed by the High Court.
<i>c) Whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an EIA or an AA and to provide for public participation in such an assessment has been substantially impaired</i>	There has not been a substantial impairment to the ability of the competent authority to carry out an assessment of the environmental impacts of the development for the purpose of an EIA or an AA or to provide for public participation in such assessment. The documentation submitted with the application Reg. Ref. 19/967 contained an EIS which provided appropriate information to both the planning authority to undertake EIA and the public to engage with the planning authority in relation to potential effects on the environment. The documentation submitted also included an AA Screening Report which again provided appropriate information to the planning authority to assessment potential impacts on Natura 2000 sites and for the public to be informed of sites in proximity to the works and of best practice measures which would provide protection for qualifying interests. In addition, the works specifically subject of the Substitute Consent are now complete and monitoring undertaken has not revealed any significant impacts on species or habitats of potential concern. The application for permission 17/967 was advertised to the public, and open for public submission, before the Council granted the permission. The application for Substitute Consent will also allow further public participation. On the basis of the foregoing, it is respectfully submitted that the abilities of Galway County Council and / or An Coimisiún Pleanála to carry out environmental impact and appropriate assessment, and the abilities of the public to engage in these assessments, has not been substantially impaired.

Section 177K(1J)	Comments
d) <i>The actual or likely significant effects on the environment or adverse effects on the integrity of a European Site resulting from the carrying out or continuation of the development</i>	A rEIAR and rNIS is included with this application for substitute consent. The conclusions of both are that no likely significant effects on the environment or Natura 2000 sites would reasonably have been expected as a consequence of the works subject of this application and no such effects have arisen.
e) <i>The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated</i>	The development carried out was monitored, and there are records to demonstrate that it has been undertaken without any significant effects on the environment or adverse effects on the integrity of any European site. In this regard, the need for any remediation works is not anticipated.
f) <i>Whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development</i>	The DAFM has not previously carried out an unauthorised development. Furthermore, the DAFM undertook the works subject of this application in the belief that they were authorised by Galway County Council.
g) <i>Such other matters as the Board considers relevant</i>	The DAFM ceased works at the site on 20th May 2024, immediately after it became apparent that the extension of duration permission would be quashed, when the Planning Authority indicated it would not defend a legal challenge that questioned the validity of the extension of duration permission. In addition, the Applicant removed all temporary construction related development in place at the site including construction compound and the storage of construction materials. This shows the commitment of the Applicant to ensure full compliance with planning requirements. Following the legal challenge to the extension of duration permission the DAFM appointed consultants to prepare appropriate documentation for the purposes of a Substitute Consent and s37 L application, so that the important quay development works could be recommenced and completed as soon as possible in accordance with appropriate planning consent. Finally, we note that the deep water quay project, of which development subject of this Substitute Consent application is part, is a project of significance to the local area and to the wider regional and national fisheries industry. Its provision is also otherwise in accordance with the proper planning and sustainable development of the area (for reasons set out in Section 6 of this report).

6. Assessment of the Proposed Development

When considering an application for Substitute Consent, under section 177K(2) ACP must consider the proper planning and sustainable development of the area with regard to a number of matters, which include amongst others, the provisions of the development plan or any local plan for the area, the remedial EIAR and / or remedial NIS submitted, and the significant effects on the environment which have occurred, are occurring or could reasonably be expected to occur.

6.1 Principle of the Development

The objectives of the deep water quay development are to improve the Ros an Mhíl fisheries harbour infrastructure to provide a deep-water quay that would support the continued sustainable operation of Ros an Mhíl Harbour and associated local businesses that are at risk without the addition the new quay infrastructure. This includes providing facilities for larger vessels and more space and facilities for onshore fisheries operational activities.

The 2025 Fisheries Harbour Centre and Coastal Infrastructure Development Programme presents the Government's €27.5 million investment in capital projects in Ireland's publicly owned harbours. This investment proposes to modernise and enhance six state-owned Fishery Harbour Centres and includes funding for local authorities through a marine infrastructure sub-scheme. The Fishery Harbour Centres are located at Killybegs, Ros an Mhíl, An Daingean, Castletownbere, Dunmore East and Howth.

The economic surveys for the fisheries sector in Ros an Mhíl undertaken by Bord Iascaigh Mhara (BIM) in 2016 and 2024 indicate that Ros an Mhíl has an exceptionally high dependency on the fishing sector of over 90% for total turnover and 86% of full-time employment in the community. It notes that while the Ros an Mhíl fishing fleet has remained relatively stable over the years the total number of vessels landing into the port has declined and this decline is mainly in the larger vessel categories (>18m). The report also identifies opportunities to develop the infrastructure of the harbour with the need for a deep-water quay identified by local stakeholders as important elements - "the lack of a deepwater landing facility was cited as a major constraint to [Ros an Mhíl] making it impossible for larger vessels to land into the harbour".

The 2016 report continued by stating that this was a constraint on the economic activities of the harbour and cited the example of it:

"Missing out on species such as blue whiting with its related processing opportunities [...] If blue whiting was landed into [Ros an Mhíl] the processing season would be extended by approximately two months."

It is thus evident that the harbour and associated fish processing business would gain from the development of the deep-water quay as larger deep sea fishing vessels could be accommodated at any time of year, thus broadening the scope for sustained and expanded local employment and output.

6.2 Strategic and Statutory Planning Policy

6.2.1 Strategic Policy

The development is supported in principle by national and regional planning policy.

National Planning Framework:

National Policy Objective 49

Support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and island

Regional Spatial and Economic Strategy (RSES) 2020-2032 – Northern & Western Regional Assembly:

The report states “Although Ros An Mhíl is not identified in the National Ports Policy 2013 as a Port of Regional Significance, it is designated as one of the country’s six Major Fishery Harbour Centres and it is an important ferry port for passengers and goods for the Árann Islands. Therefore, it is another of the Key Ports for the region, which are all supported by a range of ports, harbours and piers that play an important function at a county and local level.

RPO6.4

Support the development and the protection of the fisheries harbours in the context of Brexit and its effect on waters available for Irish trawlers to fish.

6.2.2 Statutory Policy

The Galway County Development Plan 2022 – 2028 contains a number of policies and objectives which support the principle of the development as follows:

Policy Objective PH1

Galway County Council shall continue to recognise the strategic importance of Ros an Mhíl and Galway Harbour and shall promote and facilitate their sustainable development.

Policy Objective PH2

- a) Support the development of Ros an Mhíl Harbour as a deep water port and support and facilitate improvements and maintenance to other harbours, piers and slips throughout the County and consider any new marine infrastructure where appropriate;
- b) Facilitate the safe and convenient access to the water for the purpose of public transport, industry, commerce, sea rescue, tourism, aquaculture and recreation where appropriate and as resources allow.

Policy Objective SMT 1

To support the marine potential of the county’s piers and harbours and related infrastructure and other appropriate marine related development and support the sustainable development of this infrastructure to enable the marine economy to develop.

Policy Objective SMT 2

To support within the lifetime of this plan the potential of Ros an Mhíl as a port of significance and to ensure its development potential is fully realised in accordance with environmental considerations.

Policy Objective AF 1

To support the sustainable development of marine aquaculture and fishing industries, so as to maximise their contribution to jobs and growth in coastal communities where it can be demonstrated that the development will not have significant adverse effects on the environment.

6.3 Likely Effects on the Environment

6.3.1 Key Findings of Remedial EIA

No significant environmental effects are considered to have arisen, or currently occurring, as a result of the development. The mitigation measures identified in the planning documentation of permission Planning Ref. 17/967 (in particular the environmental assessments) were implemented, and only minimal, short-term impacts on the water quality, biodiversity, marine mammals and other sensitive receptors in the vicinity of the site were observed during the construction activities completed to date. As such, the implementation of any additional or remedial mitigation measures is not warranted. Residual effects associated with the completed works are considered to be not significant and of temporary duration.

6.3.2 Key Findings of Remedial NIS

Following a review of the best scientific information available, it is concluded that the works undertaken for the deep water quay development are unlikely to have resulted in, or are presently resulting in, any significant adverse impacts on water quality, habitats, or species through disturbance or displacement within the European sites identified as being within the Zone of Influence (ZOI). These sites include the Connemara Bog Complex SAC, Kilkieran Bay and Islands SAC, Connemara Bog Complex SPA, and Inishmore Island SAC.

Accordingly, the implementation of additional measures—such as further remedial or mitigative interventions—is not considered necessary. The potential for significant adverse residual effects on the conservation objectives of any European site, including those listed above, can be objectively excluded as a result of the activities associated with the deep water quay works, whether considered in isolation or in combination with other plans or projects.

7. Conclusion

In conclusion, we respectfully submit that:

- EIA and AA were required for the development subject of this application and accordingly ACP may consider this application with reference to the provisions of section 177E(1C),
- Exceptional circumstances exist in the case of the subject development (with reference to the matters set out in Section 177K(1J)(a)-(g) of the Planning Act) and accordingly ACP may grant permission for the proposed development with reference to section 177K(1A)(a), and
- The proposed development is in accordance with the proper planning and sustainable development of the area regard being had to the matters set out in section 177K(2) of the Planning Act.

On the basis of the foregoing we submit that ACP may and should grant Substitute Consent for the proposed development in this instance.