

Written record of fourth pre-application consultation between An Bord Pleanála and the prospective applicant (Galway Harbour Company) in relation to a proposed Harbour Extension at Galway Harbour, Galway.

An Bord Pleanála reference number: PC.61.PC0012

- **Venue:** An Bord Pleanála, Conference Room
- **Date:** 18th August, 2010

**PRIVATE &
CONFIDENTIAL**

In Attendance:

Representing An Bord Pleanála

Philip Jones, Assistant Director of Planning
Philip Green, Assistant Director of Planning
Marcella Doyle, Senior Executive Officer
Kieran Somers, Executive Officer

Prospective Applicant

The Galway Harbour Company

Eamon Bradshaw, Chief Executive Officer, Galway Harbour Company
Tom Broderick, Project Co-ordinator, Galway Harbour Company
John Kelly, Director, Tobin Consulting Engineers
Gus McCarthy, Director, McCarthy Keville O'Sullivan Ltd
Brendan O'Connor, Director, Aquafact International Services Ltd
Brendan Rudden, Project Engineer, Tobin Consulting Engineers

The meeting was chaired by Philip Jones and commenced at 11.10 a.m.

Introduction and update by the prospective applicant:

The prospective applicant furnished the Board with a document entitled "Phased Development of Proposed New Harbour" (copy attached herein) and provided an update on the proposed development. It stated that an economic review of the proposed development has been undertaken which constitutes an evolution of the planned project and it added that it considered it has reached a conclusion in respect of this phase. The principal factors determining amendments to the proposed development it said were the retention of existing business/commercial activities (which it identified as an absolute pre-requisite) and the general affordability of the entire project. It stated that a phased development was planned over a ten year period in terms of the formal planning application with future extension beyond this time period being provided for in the overall Masterplan. It added that the original Masterplan footprint would be retained. It also stated that multifunctional quays would cater for commercial and cruise liner requirements and that the Class 1 oil storage facility would not now be included in the planning application; it was indicated that this would be provided for in the future (as per the Masterplan).

The prospective applicant stated that the amendments had been made as a result of a cost review and were predicated on the proposed development being completed within budget and to provide facilities, as required, whilst retaining existing facilities. In terms of these amendments, the following were alluded to by the prospective applicant:

61.PC0012

- Cruise liner berth is to be moved out into the commercial element of the port
- Breakwater for the marina reverts to being just a breakwater
- Storage facilities in the enterprise centre will remain; the only site with Seveso designation will be the end West terminal
- Total land take to be reduced from 31 hectares to 24.95 hectares
- Twinning uses of berths which would also involve the reduction of berths on the western face; a cost saving was identified here in terms of the reduction in number of these deep water berths and a consequent lesser amount of dredging.
- Fisherman's port to be reduced to a fisherman's pier
- Nautical centre now to be provided for in the future (as per the Masterplan)

The prospective applicant stated that in general terms the new amendments would result in a relief on the constraints which had been discussed in the course of its previous meeting with the Board. It was stated that the constituent facilities would be tailored in respect of businesses/commercial activities the prospective applicant expects the proposed development to generate.

Development Phasing:

In terms of construction, the prospective applicant set out the revised phasing programme which is to consist of four stages. The constituent elements of each of these stages was set out in the document entitled "Phased Development of Proposed New Harbour". The prospective applicant acknowledged that the overriding factor in amending the stages of the proposed development was to prioritise access to and from the commercial quays and that the phasing, as now presented, has a marked emphasis on commercial development.

In response to the Board's query, the prospective applicant confirmed that a working port would be in place upon the conclusion of Stage 1 of the phasing. The Board enquired as to whether there would be any significant traffic implications in respect of commercial/operational traffic potentially integrating with construction traffic. The prospective applicant acknowledged that there would be more initial development up front than previously planned as a result of the amended phasing regime (particularly in respect of Stage 1) but that commercial tonnage would remain as per the existing facilities. It said that the protection of existing businesses/commercial interests was a critical consideration determining this approach. It was indicated that Stage 1 would be of a two year duration approximately in terms of construction. In response to the Board's query, the prospective applicant stated that the land in Lagoon 1 would be available for use by the time that Stage 3 is under construction, as a period of settlement and consolidation of dredged material located in the Lagoon would be required before it could be capped and put into use.

The Board commented that a key issue in its discussions with the local authority had been in relation to the full completion and capping of each stage of the proposed development. In a scenario whereby the four stages might not be completed within the lifetime of the permission, the Board related the local authority's concerns in respect of the visual impacts of unfinished stages. The Board expressed its belief that a contingency plan should be in

place in this regard should the proposed development not proceed beyond a certain point for economic or other reasons. The Board suggested that each stage of the phasing may have to be shown as a finished product. The prospective applicant said that the concerns of the Board and the local authority would be addressed in any formal planning application. It added that a stop gap arrangement might be required between each phase.

Traffic/Transport Infrastructure:

The Board expressed concerns in respect of Stage 1 consisting of intense upfront development and the implications this approach might have on transport/traffic. The Board said its perception was that this new Stage 1 would require that revisions/upgrading of transport infrastructure should be more than merely cosmetic in nature and extent. It added that a fundamental consideration of traffic implications would be necessitated as a result of the amended approach (Stage 1). The prospective applicant responded that the traffic report, as part of the planning application, would address such matters. The Board enquired as to how much of the construction material would be brought in by land and how much by sea; it suggested that a preferable approach in this respect would be to transport large quantities of materials by sea so as to lessen effects on road traffic. This would apply in particular in respect of rock armour and other similar large loads. In this regard, the Board referred to the already congested conditions which exist in Galway City and which would be affected by both construction and operational traffic. It advised that a detailed “materials balance” schedule should be clearly indicated in the application.

The prospective applicant advised the Board of its meeting with the local authority on the previous day (16th August, 2010) and stated it was confident that it could address the Board’s and the local authority’s concerns on this point. The prospective applicant agreed that the onus is on it in any formal planning application to robustly demonstrate that the proposed development would not have an adverse impact in respect of traffic. The Board advised the prospective applicant generally that this was a matter which could potentially be a major issue in respect of the proposed development. Furthermore, it added that the prospective applicant would need to demonstrate that the necessary infrastructure to service the proposed development would be in place. In addition the Board commented that any potential modelling exercises being carried out would need to be particularly robust in terms of any conclusions in respect of reduced traffic flows as a result of potential public transport and associated infrastructure proposals within the Galway area. The prospective applicant accepted this point.

Other issues:

The prospective applicant remarked that phasing of the proposed development, as now proposed, was based on a ‘who pays and who sustains’ rationale. In response to the Board’s query, it stated that Stages 3 and 4 would take approximately one year each to develop. In respect of commercial tonnage, and in reference to the Board’s query on rail freight, the prospective applicant stated that the main increase in this respect over the ten year period would be as a result of oil followed by bitumen and cruise liners. It said that these products would not be dependant on a rail link.

The prospective applicant confirmed to the Board that the construction of ancillary buildings on the land would be the subject of future planning applications to the local authority. The Board for its part referred to the new definition for port installations in the recent Planning Act and reminded the prospective applicant that this definition does not

provide for manufacturing or warehousing generally. The prospective applicant stated that the intended planning application would be in respect of the provision of lands, the generation of quays and provision of additional lands for port use. It accepted that such lands in the future would involve the construction of structures/buildings associated with the port though which might not be formally classified as directly relating to the port installation. The Board minded the prospective applicant that it would be important for clarity to be achieved in relation to this matter in respect of what would constitute strategic infrastructure development and what would be appropriate for an application to the local authority in the first instance. In this respect, it noted the general distinction in the Planning Act between buildings/structures directly related to port activities as opposed to buildings/structures for other industrial and commercial development.

The prospective applicant enquired as to what approach might be taken by it in respect of visual presentations of the proposed development in respect of the instant application (the ten year permission) and future development (as set out in the Masterplan). The Board advised that visual presentations/images could be produced in respect of the proposed development with and without buildings/structures. It said that at the very least, the prospective applicant should provide drawings and illustrations in respect of what is being applied for in the instant permission and that integral elements of the proposed development would have to be incorporated in these. The prospective applicant acknowledged that a balanced visual approach would be required on its part. In general terms, and from a visual perspective, it advised the Board that permanent cranes would not be proposed in the instant application and that existing mobile cranes would be utilised to accord with the now scaled back nature of the proposed development.

The Board advised the prospective applicant that the EIS accompanying any formal planning application would be in respect of the instant project and would not have to relate to elements earmarked for the future as part of the overall Masterplan (such future developments would require separate planning applications). It was agreed that the EIS would be in respect of the ten year planning permission sought and not in respect of the overall Masterplan. The Board said that it was open to the prospective applicant to include a statement as to future plans beyond the parameters of the instant application; it said that such a statement however would need to clearly delineate between what the instant planning application related to and what the Masterplan would provide for in the future.

Application Procedures:

In respect of prescribed bodies to be notified of the planning application, the Board undertook to provide the prospective applicant with a list of these in due course. In respect of forthcoming scoping, the prospective applicant confirmed that it would be formally requesting such scoping from the Board. The Board for its part informed the prospective applicant that such a request can only be made following formal determination of the case and that once scoping was complete the formal planning application could then be submitted to it.

In terms of procedures generally, the Board advised the prospective applicant as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37(4) (a) of the Planning and Development Act, 2000.

- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2006 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
 - Planning Authority – 5 hard copies and 2 electronic copies.
 - An Bord Pleanála – 5 hard copies and 5 electronic copies.

The Board also requires the prospective applicant to provide a stand alone website containing all of the application documentation. The address of this website is to be included in the public notice.

- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies is attached).
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the City Manager and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should b

provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application should include a list of the persons served with the application, the date of such service, a sample copy of the notice of service and copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

The sequencing of the making of the application was summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

In terms of Seveso designation, the prospective applicant stated that the off-loading of oil on site would probably necessitate its inclusion in the public notice. The Board for its part also referred to the recently published Public Participation Regulations and requirement therein in relation to advice on judicial review. It said it would revert to the prospective applicant in the future as regards advice on the wording in relation to this. It also advised the prospective applicant that the notice should clearly state that a ten year permission is being sought.

Conclusion:

The Board reminded the prospective applicant that standard drawing scales apply in respect of the drawings for buildings (1:100) accompanying any formal planning application.

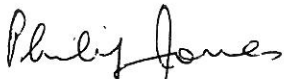
The Board also advised the prospective applicant that the holding of an oral hearing in respect of the proposed development would be likely given its nature and extent. It advised the prospective applicant that consultations with the NPWS would be desirable in respect of issues relating to ecology (particularly in relation to the SAC and SPA), as the Board would have regard to the views of the NPWS in relation to appropriate assessment.

In response to the prospective applicant's query, the Board said that a further meeting in its opinion would not be warranted; it was therefore agreed that this would be the final pre-application consultation meeting. The Board advised the prospective applicant to write to it

requesting formal closure of the process and determination as to the SID status of the proposed development. It was agreed that the prospective applicant would do so following receipt of the record of this meeting from the Board.

Lastly, the Board advised the prospective applicant that the file in relation to pre-application consultations would be available for public display three days after its formal determination of the case.

The meeting concluded at 1.25 pm.

A handwritten signature in cursive script, reading "Philip Jones".

Philip Jones,
Assistant Director of Planning
19/8/10