

Record of the fourth pre-application consultation meeting between An Bord Pleanála and Galway Harbour Company in relation to the proposed harbour extension at Galway Harbour.

- **Venue:** Offices of An Bord Pleanála
- **Date:** 11th July, 2013 (11 a.m.)

Present: ~~Representative~~ ~~Representative~~

**PRIVATE &
CONFIDENTIAL**

Representing An Bord Pleanála

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

Representing the Prospective Applicant (Galway Harbour Company)

Brendan Rudden – Tobin Consulting Engineers
John Kelly – Tobin Consulting Engineers
Tom Broderick – Galway Harbour Company
Gus McCarthy – McCarthy Keville O'Sullivan
Brendan O'Connor – Aquafact

- The meeting was chaired by Philip Green.

The Board referred to its meeting with Galway City Council of 26th June, 2013 and briefly updated the prospective applicant regarding this meeting. A discussion took place in respect of the railway bridge over the Lough Atalia road – referenced in the record of the Board's meeting with the local authority – and the Board generally advised that proposed works to this be included in the planning application irrespective of which party undertakes these works.

The Board referred to the prospective applicant's email dated the 5th July, 2013 and invited the prospective applicant to address the items listed as part of its proposed agenda. These were as follows:

Review of minutes of 24th April, 2013 meeting:

Page 2 paragraph 4: The Board clarified that the opinion of the European Commission is required where there are adverse impacts on a European Site which contains a Priority Habitat, irrespective of whether or not the adverse impacts are on the Priority Habitat and where the reasons sought include those of an economic or social nature. The Board is the competent authority in this case which makes the decision as to whether IROPI applies and not the applicant.

Page 6 paragraph 1: In respect of timber import/export, the prospective applicant said that timber continues to be produced in county Galway and that the record of the previous meeting had perhaps implied differently.

Page 8 final paragraph: In relation to early identification of compensatory measures, the Board pointed out that the Natura Impact Statement should not outline any such proposed measures as these would only be relevant should the Board itself conclude that IROPI might apply. The NIS might conclude that the proposed development would have adverse effects on the integrity of a European Site but it should not go beyond such a statement. Noting this, the prospective applicant reported that the NIS has been forwarded to the National Parks and Wildlife Service (NPWS) and that its understanding is that the NPWS is satisfied with the approach it has taken. Responding to the prospective applicant's query, the Board said it would be a matter for the Department to decide on the level and extent of public participation should the IROPI process be invoked. It pointed out that should the IROPI process be deemed applicable and once the Board has forwarded its statement of case, its initial remit in this matter is concluded unless further information or requirements are sought by the Minister. It does not have any further input as to public participation other than making the Statement available for public inspection; this is something for the relevant Minister to decide upon. The Board added that the prospective applicant can choose however to take its own legal advice on this particular matter. The Board briefly outlined the IROPI procedures as set out under section 177AA of the Planning and Development Act, 2000, as amended. The Board also pointed out that there is no timescale in respect of receiving an opinion from the European Commission.

In general terms, and although a matter for the prospective applicants the Board said that accompanying planning documents received with the application, and NIS, may wish to make the case as to why the applicant is of the opinion that IROPI should apply and that there are no alternative solutions. In respect of compensatory measures, the Board can receive the prospective applicant's input when it is preparing its statement of case to the Minister, should it be of the view that IROPI should apply.

Responding to the prospective applicant's query, the Board said that the EIS would have to contain a chapter regarding the examination of alternative sites; the document would not be in compliance with EIA requirements if this were not included.

Progress Report:

The prospective applicant reported that a draft copy of the NIS has been submitted to the NPWS; it added that it does not propose to await the comments of this body prior to the lodgement of the formal planning application. It also stated that the Lough Atalia and Renmore Lough Priority Habitat Studies have been completed.

The Board reminded the prospective applicant that the NPWS will be a prescribed body to be notified of the planning application and that it will be open to it to make observations to the Board in writing and also at any oral hearing that may be held.

Alternatives:

The prospective applicant said that the matter of alternatives has been discussed with the Board at length in previous meetings. It noted that the publication of the Ports Policy has made matters clearer. It reported that a new business case is due to be finalised shortly. In respect of examination of alternatives, the prospective applicant stated that, following the publication of the Ports Policy, its approach is to assess ports which have been designated as having a national significance (as opposed to ones designated as having a regional significance) as such ports could fulfil Galway Harbour's role whereas a port of regional significance would not. It referred in particular to Shannon Foynes in this regard. The Board, for its part, recommended that the Port of Sligo be also referenced owing to its proximity. The prospective applicant stated that the business case will be alluded to in the planning application. Noting this, the Board pointed out that the said document might be sought by members of the public, if so referenced, and that the implications of the inclusion of any commercially-sensitive information might wish to be considered.

Pre-application consultations and submission procedures:

The prospective applicant stated that it expects to close consultations with the Board very shortly. The Board advised that a request for such closure must be formally made in writing.

The prospective applicant said that it intends to make the case for IROPI in the planning report it will submit with the application documentation, rather than as part of the NIS.

The Board reminded the prospective applicant that the consultation file will become publicly available following the formal SID determination of the Board.

Procedures:

Procedures in relation to the making of a formal planning application to the Board were given as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- 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, as amended.
- 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, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2011 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 – 3 hard copies and 7 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 this, including confirmation of dates/times could be communicated at that stage. The Board pointed out that the accuracy of the proposed development description is a matter for the prospective applicant. It also said that, in respect of the Seveso status of the site, the Major Accidents Directive must be referenced in the

notice. The lodgement of an NIS must also be referred to and submissions/observations invited in respect of this.

- 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.
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the County 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 be 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 documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, 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 to direct payment of costs or a contribution towards such costs 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.

Prescribed bodies:

The Board undertook to provide the list of prescribed bodies to be notified of the planning application with the record of the instant meeting.

Guidelines for Electronic Copies of Applications (Standalone Website & CD Copies):

Guidelines in respect of the above were provided as follows:

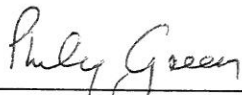
1. Each document/drawing should be clearly labelled:
 - EIS and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
 - Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & * : < > ? / \ { | }.
 - Drawings should be saved with the drawing title and number, not just the drawing number.
 - Large documents to have 'contents' page e.g. EIS and to be paginated appropriately to allow ease of access to its various sections.
2. Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
3. Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
4. Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
5. The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.
6. All photographs/photomontages shall be in colour, not blurred and clearly legible.
7. All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.

Conclusion:

The Board advised the prospective applicant not to seek formal closure of the pre-application process until after it receives the record of this meeting. The prospective applicant indicated generally that it intends to lodge the formal planning application circa end of August, 2013.

The Board enquired as to whether any of the proposed development is located in a Gaeltacht area. The prospective applicant replied that it is not.

The meeting concluded at 12.40 p.m.



Philip Green
Assistant Director of Planning

